

Committee: Strategic Development	Date: 18 th July 2013	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Applications
Case Officer: Robert Lancaster	Ref No: PA/13/00218 AND PA/13/00219
	Ward: Whitechapel

1. APPLICATION DETAILS

Location: Aldgate Place Land Bounded By Whitechapel High Street, Leman Street, Buckle Street & Commercial Rd, London, E1

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

AND

Conservation Area Consent for demolition of building at 35 Whitechapel High Street in connection with the comprehensive redevelopment of entire site (address as described above) to create a mixed use development.

Drwg Nos. for approval: 707_07_001 P1; 707_07_002 P1; 707_07_003 P1;

707_07_098 P1; 707_07_099 P1; 707_07_100 P2; 707_07_101 P1; 707_07_102 P2; 707_07_103 P2; 707_07_104 P2; 707_07_105 P2; 707_07_106 P2; 707_07_107 P2; 707_07_108 P2; 707_07_109 P2; 707_07_110 P2; 707_07_111 P2; 707_07_112 P1; 707_07_113 P1; 707_07_114 P1; 707_07_115 P1; 707_07_116 P1; 707_07_117 P1;

707_07_118 P1; 707_07_119 P1; 707_07_120 P1; 707_07_121 P1; 707_07_122 P1; 707_07_123 P1; 707_07_124 P1; 707_07_125 P1; 707_07_126 P1; 707_07_127 P1;

707_07_148 P1; 707_07_149 P1; 707_07_150 P1; 707_07_151 P1; 707_07_152 P1; 707_07_153 P1; 707_07_154 P1; 707_07_155 P1; 707_07_156 P1; 707_07_157 P1; 707_07_158 P1; 707_07_159 P1; 707_07_160 P1; 707_07_161 P1; 707_07_162 P1; 707_07_163 P1; 707_07_164 P1; 707_07_165 P1; 707_07_166 P1; 707_07_167 P1; 707_07_168 P1; 707_07_169 P1; 707_07_170 P1; 707_07_171 P1; 707_07_172 P1; 707_07_173 P1; 707_07_174 P1; 707_07_175 P1; 707_07_176 P1;

707_07_200 P1; 707_07_201 P2; 707_07_202 P1; 707_07_203 P1; 707_07_204 P2; 707_07_205 P2; 707_07_206 P1;

707_07_210 P1; 707_07_211 P1; 707_07_212 P2; 707_07_213 P2; 707_07_214 P1; 707_07_215 P1; 707_07_216 P1;

707_07_300 P1; 707_07_301 P1; 707_07_302 P1;

707_07_400 P1; 707_07_401 P1; 707_07_402 P1;

707_07_700 P1; 707_07_701 P1; 707_07_702 P1; 707_07_703 P1; 707_07_704 P1; 707_07_705 P1; 707_07_706 P1; 707_07_707 P1; 707_07_708 P1; 707_07_709 P1; 707_07_710 P1; 707_07_711 P1; 707_07_712 P1;

707_07_900 P1; 707_07_901 P1; 707_07_902 P1; 707_07_903 P1; 707_07_904 P1; 707_07_904 P1; 707_07_706 P1.

AND

707_07_001 P1; 707_07_002 P1; 707_07_003 P1.

Supporting Documents: Design and Access Statement dated Feb 2013; Planning Statement dated Feb 2013; Environmental Statement Vol I, II and III dated Feb 2013; Environmental Statement – Non Technical Summary dated Feb 2013; S106 Heads of Terms and Mayoral CIL dated Feb

2013; Affordable Housing Statement dated Feb 2013; Internal Daylight and Sunlight Report dated Feb 2013; Landscaping Strategy undated; Statement of Community Involvement dated Feb 2013; Sustainability Statement dated Feb 2013; Justification for Demolition report dated Feb 2013; Strategy for Local Employment, Procurement and Engagement dated Feb 2013; Technical Note from SKM dated 10 May 2013; Response to Environmental Statement Interim Review Report and Other Consultations dated May 2013; Aldgate Place TCVIA response to LUC Review request for clarification of 2 issues dated 31 May 2013.

Applicant: Aldgate Place (GP) Limited
Listed Building: N/A
Conservation Area: Whitechapel Conservation Area

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application in light of the Development Plan and relevant guidance including the National Planning Policy Framework, and has found that:
- 2.2 Having regard to up-to-date evidence and market signals, there is not sufficient authoritative evidence to demonstrate sustained or future demand for office-led redevelopment at this particular site. The site-specific evidence supports a departure from the Development Plan in respect of Core Strategy policies relating to the Aldgate Preferred Office Location, particularly when weighed in the balance with the public benefits of the scheme. The proposal does not undermine Strategic Objectives 15 and 16 of the Core Strategy (2010) despite the departure from policy SP06 of the Core Strategy and policy DM16 of the Managing Development Document (2013).
- 2.3 Through the provision of a mixed use development, the scheme will optimise the use of previously developed land, and will make a significant contribution towards creating a sustainable mixed use environment that contributes to the objectives of the Central Activities Zone and City Fringe Opportunity Area, in accordance with the Development Plan including policies 2.10, 2.11, 2.13, 4.2, 4.3 and 4.5 of the London Plan (2011), policies SP01 and LAP 3 & 4 of the Core Strategy (2010) as well as the London Mayor's Draft City Fringe Opportunity Area Planning Framework.
- 2.4 The scheme will make an important contribution towards delivering new homes to meet and exceed projected demand over the plan periods in accordance with Development Plan policies including policies 2.13, 3.3 and 3.4 of the London Plan (2011), LAP 3 & 4 of the Core Strategy, Policies SP02 of Core Strategy (2010) and Policy DM3 of Managing Development Document (2013).
- 2.5 The development provides a mix of housing which contributes to the creation of socially balanced and inclusive communities and reflects the identified housing needs of the Borough having regard to its central location and maximises affordable housing provision in accordance with the Development

Plan, in particular policies 3.8, 3.10 and 3.12 of the London Plan (2011), policy SP02 of the Core Strategy (2010) and policies DM3 and DM4 of the Managing Development Document (2013).

- 2.6 The proposed residential development, having regard to its space standards, levels of internal daylight and sunlight, privacy, outlook, air quality, noise and vibration levels and layout would provide a satisfactory quality of accommodation that meets the varying needs of the future occupiers in accordance with the Development Plan, in particular policy 3.5 of the London Plan, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document (2013).
- 2.7 The development would be a positive addition to London's skyline, without causing detriment to local or strategic views including the Tower of London World Heritage Site, in accordance the Development Plan in particular policy 7.8 of the London Plan (2011), policy SP10 of the Core Strategy (2010) and DM26 and DM28 of the Managing Development Document (2013) which seek to ensure tall buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance designated strategic and local views.
- 2.8 The development would preserve the character and appearance of Whitechapel High Street Conservation Area and would preserve the setting of other nearby conservation areas and designated and non-designated heritage assets including nearby Listed Buildings in accordance with the Development Plan including policies SP10 of the Core Strategy (2010) and DM27 of the Managing Development Document (2013).
- 2.9 The urban design, layout, height, scale and detailed design of the proposal would result in a high-quality development, consistent with Chapter 7 of the London Plan (2011), policies SP10 and SP12 of the Core Strategy (2010) and Policies DM23, DM24, DM26 and DM27 of the Managing Development Document (2013) which seek to ensure buildings and places are of a high quality of design, suitably located and sensitive to the locality.
- 2.10 The development would not have an undue impact on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure having regard to the grain of development in this city fringe locality. As such the proposal is consistent with the Development Plan, in particular policy SP10 of the Core Strategy (2010) and policy DM25 of the Managing Development Document (2013) which seek to ensure development does not have an adverse impact on neighbouring amenity.
- 2.11 The quantity and quality of private amenity space, communal space, child play space and open space are acceptable given the urban nature of the site and accords with policy 3.6 of the London Plan (2011), policy SP02 of the Core Strategy (2010), policy DM4 of the Managing Development Document (2013) which seek to improve amenity and liveability for residents.
- 2.12 The development, having regard to its arrangements for parking, servicing and access will not have a significant detrimental effect on the capacity or safety of the transport network and suitably promotes sustainable transport options. The proposal is in accordance with the Development Plan, in particular policies 6.1, 6.3, 6.9, 6.10 and 6.13 of the London Plan (2011), policy SP09 of

the Core Strategy (2010) and policies DM20 and DM22 of the Managing Development Document (2013).

- 2.13 The development makes an appropriate contribution towards reducing Carbon Dioxide emissions within the Borough. The proposal is consistent with the Development Plan, in particular policies 5.2 and 5.7 of the London Plan (2011), policy SP11 of the Core Strategy (2010), policy DM29 of the Managing Development (2013).
- 2.14 The proposed development will appropriately mitigate its impact on local services and infrastructure through financial and non-financial contributions towards the provision of health facilities, open space, highway and sustainable transport improvements, street-scene and public realm, education, leisure and community facilities along with local enterprise and employment opportunities for local residents and businesses, in line with the NPPF, policy SP12 of the Core Strategy 2010 and the Council's Planning Obligations SPD (Adopted 2012) which seek to secure contributions toward infrastructure and services required to facilitate the proposed development.

3. RECOMMENDATION

- 3.1 That the Strategic Development Committee resolve to **GRANT** planning permission subject to:

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

3.2 Financial Obligations

- a) A contribution of £202,856 towards enterprise & employment.
- b) A contribution of £124,978 towards community facilities.
- c) A contribution of £466,200 towards leisure facilities.
- d) A contribution of £1,396,468 towards education facilities.
- e) A contribution of £633,756 towards primary health care facilities.
- f) A contribution of £13,980 towards sustainable transport.
- g) A contribution of £341,640 towards streetscene improvements.
- h) A contribution of £154,000 for TfL's cycle super highway.
- i) A contribution of £863,392 towards public open space.
- j) A contribution of £241,100 towards public realm improvements in Aldgate.
- k) A contribution of £132,670 towards 2% Planning Obligation monitoring fee.

l) A “top-up” Crossrail contribution of approximately £1,005,479

Total: £5,576,519

3.3 London Mayoral CIL

a) Estimated CIL of £1,189,654.

Overall total: £6,766,173

3.4 Non-Financial Obligations

a) 35% affordable housing by habitable room

- 105 Affordable rent (22 x 1-beds and, 52 x 2-beds at Tower Hamlets preferred ‘POD’ rent levels and 31 x 3-beds at below Tower Hamlets preferred ‘POD’ rent levels); and
- 45 shared ownership units (11 x 1-beds, 21 x 2-beds and 13 x 3-beds).

b) Enterprise, Employment, Apprentice, Training and End User Engagement Strategy

c) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)

d) Parking Permit-free development

e) Travel Plan

f) Construction Traffic and Environmental Management Plan / Construction Logistic Plan

g) On-site Barclays Cycle Hire Docking Station

h) Safeguard and maintenance of on-site public realm

i) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

3.5 That the Corporate Director Development & Renewal and the Assistant Chief Executive (Legal Services) are delegated power to negotiate and complete the legal agreement indicated above acting within normal delegated authority.

3.6 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

CONDITIONS & INFORMATIVES

3.7 ‘Prior to Commencement’ conditions:

- 1 Demolition management plans
- 2 Piling method plans with TW
- 3 Archaeology

- 4 Phasing Plans
- 5 Contaminated Land
- 6 Impact studies of existing water supply with TW

3.8 'Prior to works above ground level' conditions:

- 7 Construction Management Plan including details of noise, dust fumes, construction vehicle routing and times, crane heights, construction methodology with LCY and waste management strategy
- 8 All external finishing materials including balconies
- 9 Shop front design and signage strategy
- 10 Sustainable urban drainage strategy
- 11 Refuse and recycling
- 12 Noise and vibration details (including groundbourne noise and vibration and residential façade mitigation measures)
- 13 Landscaping (including gating and boundary enclosures)
- 14 Play space and communal amenity space strategy (including wind mitigation measures for roof terraces)
- 15 Visitor cycle parking provision
- 16 Details of external lighting
- 17 Air quality façade mitigation details
- 18 PV panel location details
- 19 Green roof details
- 20 Details of roof top structures (flues plant etc.)
- 21 Office light-spill mitigation strategy
- 22 Mitigation of hotel windows overlooking strategy

3.9 'Prior to Occupation' conditions:

- 23 Contaminated land – verification report
- 24 Car parking management plan (including scheme for 'blue badge' holders)
- 25 Delivery and servicing plan
- 26 Code for sustainable homes
- 27 BREEAM certification
- 28 CCTV and lighting plan
- 29 Plant noise and vibration levels
- 30 Ventilation details for café units
- 31 Retail signage and shop front strategy
- 32 Electric Vehicle Charging Points
- 33 On-site public art
- 34 Commercial ventilation/extraction
- 35 Commercial operating hours
- 36 Archaeology investigation
- 37 Lifts in place
- 38 Refuse collection areas in place
- 39 Secure by design
- 40 Mitigation of electronic interference (TV reception)
- 41 Proposed sub-division of basement cycle stores

3.10 'Compliance' conditions:

- 42 Permission valid for 3yrs
- 43 Development in accordance with approved plans
- 44 Energy

- 45 Electric vehicle charging points
- 46 Cycle parking minimum provision
- 47 Vehicular parking maximum provision and disabled parking space provision
- 48 Lifetime homes
- 49 10% Wheelchair housing
- 50 10% Wheelchair accessible hotel rooms
- 51 Use Class restrictions for Class A uses
- 52 Code of Construction Practice
- 53 Site working hours

Any other conditions(s) considered necessary by the Corporate Director Development & Renewal

3.11 Informatives:

- S106 planning obligation provided
- Consent under s57 of the Town and Country Planning Act 1990.
- Advertisement consent required for signage
- Details regarding how to discharge surface water drainage condition.
- Requirement for an s278 agreement.
- No bus stops to be moved without prior consent from TfL.
- Positive working with applicant

Any other informative(s) considered necessary by the Corporate Director Development & Renewal

3.12 That, if within 3 months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

3.13 That the Strategic Development Committee resolves to **GRANT** the Conservation Area Consent subject to the following conditions:

1. Time limit – 3 years
2. Development to be carried out in accordance with the approved drawings
3. Contract for replacement scheme in place before demolition of the existing building(s) occurs.

4 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

4.1 The application site is located within the Aldgate City Fringe area, towards the western Borough boundary and immediately to the east of the City of London. It is bounded to the north by Whitechapel Road, to the east by Commercial Road, to the west by Lemn Street and to the south by Buckle Street. The site is largely unoccupied, following the clearance of previous buildings in the late 1990s, with the exception of a multi-storey car park to the south and former bank office building on the Whitechapel High Street frontage serving as a marketing suite for Barratt's 'Altitude Towers' scheme on the southern side of Buckle Street.

4.2 To the north of the site are four and five storey buildings along Whitechapel Road. To the north-west of the site, a mixed use 23-storey residential and

office scheme is currently being constructed at 1 Commercial Street. To the west, across Leman Street is the recently commenced 'Aldgate Tower' office scheme. To the south-west is the 10-storey Maersk House office building. To the south are six-storey residential and office buildings on Buckle Street adjacent to the 23 storey 'Altitude Towers' development. To the south-east are four storey buildings along Commercial Road. To the east is a six-storey building occupied by the London Metropolitan University. The nearest publically accessible open space includes the Braham Street Park adjacent to the west and the Altab Ali Park on Whitechapel Road, 140m walking distance from the north-east boundary of the site.

- 4.3 The site is located within the Aldgate Preferred Office Location and is within the Central Activities Zone and City Fringe Opportunity Area. The site is also within an Archaeological Priority Area, the London View Management Framework 'viewing corridor' to the World Heritage Site at the Tower of London and partially within the Whitechapel High Street Conservation Area.
- 4.4 The nearest listed buildings include the Grade II listed 32-34 Commercial Road, the Grade II* Listed German Lutheran Church and Vestry on Alie Street, the Grade II Listed building at 19a Leman Street, the Grade II listed buildings at 55-59 Alie Street, the Grade II* Whitechapel Art Gallery and the Grade II Whitechapel Library.
- 4.5 The site has a Public Transport Accessibility Level of 6b which is 'excellent'. It is adjacent to the Aldgate East underground station, with entrances on both sides of Whitechapel High Street and is served by the District and Hammersmith and City lines. The immediate area is served by ten bus routes which pass along Whitechapel Road. Whitechapel Road, Commercial Road and Leman Street to the north, east and west of the site respectively are part of the Transport for London Road Network.

Proposal

- 4.6 The application proposes the demolition of existing buildings and creation of a mixed use development, comprising three towers of 22, 25 and 26 storeys and a series of lower buildings ranging from 6 to 9 storeys. Provision of 463 private and affordable residential dwellings (use class C3), together with office (use class B1), hotel (use class C1), retail including restaurants, cafes and drinking establishments (use classes A1-A4) and various associated facilities and spaces.
- 4.7 The residential offer includes 105 affordable rented units, 45 shared ownership units and 313 private units. There would be 1,334sqm of retail (and associated Class A space) space at grade level and within a single storey basement area on the northern section of the site, 2,687sqm of office floorspace within Block A and a 160-bed 4* hotel comprising 7,980sqm (Gross Internal Area). The development provides for 76 vehicular parking spaces, including 12 disabled spaces accessed through a car lift from Buckle Street and 854 cycle spaces accessed from a dedicated cycle lift all provided at basement levels.
- 4.8 A two-level basement to the southern half of the site is would contain the car parking spaces, motorcycle spaces, cycle parking, associated plant, storage and bulky refuse facilities.

- 4.9 The development would have four main built components. In the centre is a stone clad hotel, Building E, 10 storeys in height. Surrounding this central component are three residential towers with plans shaped in the form of “kites” to the north, south-east and west, Blocks B, D and F respectively. These buildings are up to 95.8m in height. There are smaller blocks, A and G, ranging between 6 and 9 stories in height attached to blocks B and F respectively.
- 4.10 The built form and site layout would provide a range of publically accessible areas through the development, comprising over 2,800sqm of new public open space. On blocks A, E and G, there are also garden roof terraces.

5 RELEVANT PLANNING HISTORY

Application site

- 5.1 Permission was given on the site for a large floorplate office development. The permission (PA/08/00290) was granted on 26th June 2009. The summary description for this permission is “Demolition of the existing buildings and erection of a part 19-storey, part 21-storey building comprising office floor space (Use Class B1) and retail floor space (Use Class A1-A4) at ground floor level, together with underground parking, associated plant.” It provided 1,130 sq m (GEA) of retail and approximately 66,000 sq m (NIA) of office floorspace along with provision for 40 basement car parking spaces.
- 5.2 There is a ‘saved’ consent for an office-led development granted in outline on 10 July 2007 (reference PA/06/00510) for the demolition of the existing buildings and the redevelopment of Aldgate Union 3 and 4 (now known as 1 and 2 Aldgate Place). This scheme comprised 109,674 sq m GEA arranged across three buildings ranging from 4 to 22 storeys, together providing a total of 83,328 sq m of offices and 2,772 sq m of retail. This permission also included the proposals for the closure of the southern section of the former Aldgate Gyratory (one way system), re-configuration of the road system and provision of new open space. This element has now been implemented and the open space is known as Braham Street Park.

Neighbouring sites

- 5.3 There is a current proposal (PA/13/00305) for the demolition of an existing office building and construction of a 23 storey mixed-use development comprising 1,940sqm of retail /commercial space (Class A1 - A5 use) at ground floor and 1st floor level with residential accommodation to provide 291 flats (Class C3 use) at the Former Beagle House now known As Maersk House on Braham Street, London, E1
- 5.4 At a site addressed 61-75 Alie Street, and 16-17 Plough Street and 20 Buckle Street, London, E1 there is a permission (PA/07/01201 dated 14/03/2008) which is currently being constructed for the erection of two buildings of 7 and 28 storeys to provide 235 residential units, A1/A3 (retail/restaurant/cafe) floor space and B1(business), space. This development is known as ‘Altitude Towers’.
- 5.5 At 15-17 Leman Street and 1A Buckle Street, London, E1 there is permission (PA/11/03693 dated 14/06/2012) for the construction of a 23 storey 251-bed

hotel. This permission has not been commenced. It is referred in this report as the 'Leman Street Hotel'.

6. POLICY FRAMEWORK

6.1 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:

6.2 Core Strategy Development Plan Document 2010 (CS)

Policies:

- SP01 Refocusing on our town centres
- SP02 Urban living for everyone
- SP03 Creating healthy and liveable neighbourhoods
- SP04 Creating a green and blue grid
- SP05 Dealing with waste
- SP06 Delivering successful employment hubs
- SP07 Improving education and skills
- SP08 Making connected places
- SP09 Creating attractive and safe streets and spaces
- SP10 Creating distinct and durable places
- SP11 Working towards a zero-carbon borough
- SP12 Delivering Placemaking
- SP13 Planning Obligations

Annexe 9: LAP 3 & 4: Aldgate

6.3 Managing Development Document (2013)

Policies:

- DM1 Town Centre Hierarchy
- DM3 Delivering Homes
- DM4 Housing Standards and amenity space
- DM7 Short Stay Accommodation
- DM8 Community Infrastructure
- DM9 Improving Air Quality
- DM10 Delivering Open space
- DM11 Living Buildings and Biodiversity
- DM13 Sustainable Drainage
- DM14 Managing Waste
- DM15 Local Job Creation and Investment
- DM16 Office Locations
- DM20 Supporting a Sustainable Transport Network
- DM21 Sustainable Transport of Freight
- DM22 Parking
- DM23 Streets and Public Realm
- DM24 Place Sensitive Design
- DM25 Amenity
- DM26 Building Heights
- DM27 Heritage and Historic Environment
- DM28 World Heritage Sites
- DM29 Zero-Carbon & Climate Change
- DM30 Contaminated Land

6.4 Supplementary Planning Guidance/Documents

Planning Obligations SPD 2012
Draft Affordable Housing Supplementary Planning Document
(public consultation period ended on the 2nd July 2013)

6.5 Spatial Development Strategy for Greater London (London Plan 2011)

- 1.1 Delivering Strategic vision and objectives London
- 2.1 London
- 2.9 Inner London
- 2.10 Central Activity Zone
- 2.11 Central Activity Zone - strategic
- 2.12 Central Activities Zone - local
- 2.13 Opportunity Areas
- 2.14 Areas for Regeneration
- 2.18 Green infrastructure
- 3.1 Ensuring Equal Life Chances for All
- 3.2 Improving Health and Addressing Health Inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People's Play and Informal Recreation Facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 3.16 Protection and Enhancement of Social Infrastructure
- 4.1 Developing London's Economy
- 4.2 Offices
- 4.3 Mixed-use developments and offices
- 4.5 London's visitor infrastructure
- 4.12 Improving Opportunities for All
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.21 Contaminated Land
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.5 Funding Crossrail

- 6.9 Cycling
- 6.10 Walking
- 6.11 Congestion and traffic flow
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings
- 7.8 Heritage Assets and archaeology
- 7.9 Access to Nature and Biodiversity
- 7.10 World Heritage Sites
- 7.11 London View Management Framework (LVMF)
- 7.12 Implementing the LVMF
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.18 Open space
- 7.19 Biodiversity and Access to Nature

6.6 London Plan Supplementary Planning Guidance/Documents

Housing Supplementary Planning Guidance Nov 2012
 London View Management Framework 2012
 Sustainable Design & Construction 2006
 Shaping Neighbourhoods: Children and Young People's Play
 And Informal Recreation 2012
 London World Heritage Sites – Guidance on Settings 2012
 Draft City Fringe Opportunity Area Planning Framework – Feb
 2008

6.7 Government Planning Policy Guidance/Statements

The National Planning Policy Framework 2012 (NPPF)
 Technical Guide to NPPF

7. CONSULTATION RESPONSE

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

7.2 The following were consulted and made comments regarding the application:

LBTH Biodiversity Officer

7.3 The Biodiversity Officer confirms that the site is currently of no significant biodiversity value. The proposed development includes soft landscaping including trees, low shrubs and green roofs which will provide wildlife opportunities. In summary the Biodiversity Officer raises no objections subject to a condition requiring approval of the details of the green roofs.

(OFFICER COMMENT: A condition relating to green roofs is included on the draft decision notice.)

LBTH Waste Management Team

- 7.4 The waste management plan as described within Volume 1, Chapter 6 of the Environmental Statement is satisfactory.

LBTH Environmental Health

Contaminated Land

- 7.5 LBTH Environmental Health raises no objections subject to the inclusion of appropriate conditions.

(OFFICER COMMENT: The recommended conditions are included on the draft decision notice.)

Noise and vibration

- 7.6 LBTH Environmental Health raise no objections in respect of noise and vibration subject to conditions relating to noise mitigation measures for the buildings' envelope, limiting plant noise to 10dB below background levels, mitigation measures relating to both vibration and structural-borne noise relating to the nearby London Underground railway system and acoustic ventilation.

(OFFICER COMMENT: The recommended conditions are included on the draft decision notice.)

Air Quality

- 7.7 LBTH Environmental Health raise no objections subject to a condition requiring details of mitigation along all residential facades exceeding the NO₂ objective as indicated in the submitted Air Quality Assessment.

(OFFICER COMMENT: A condition relating to NO₂ façade mitigation is included on the draft decision notice.)

LBTH Communities Leisure and Culture

- 7.8 Communities, Localities and Culture note that the increase in population as a result of the proposed development will increase demand on the Borough's open spaces, sports and leisure facilities and on idea stores and libraries and archive facilities. The increase in population will also have an impact on sustainable travel within the borough. They request, therefore, financial contributions towards these facilities in accordance with the Council's Planning Obligations SPD.

(OFFICER COMMENT: Planning obligations have been negotiated in response to these comments).

LBTH Housing

- 7.9 Housing notes the scheme proposes to deliver a 35% quantum of affordable housing, that this meets the Council's minimum policy requirement and is acceptable.

7.10 Housing also note that the tenure split within the affordable is 70:30 in favour of rented, that this matches the Council's policy target and is acceptable.

7.11 Housing comments that the unit mix within the affordable rented is 21% one bed against a target of 30%, 50% two bed against a target of 25%, and a 30% provision of three beds against a target of 30%. Therefore, there is an under provision of one beds, an overprovision of two beds and under provision of family sized units in the rented element of the scheme against policy.

7.12 The Housing team's further comment on the affordable unit mix is: 'there is an under provision of family sized accommodation, however the applicant has worked with the Council to modify their offer so that 20 of the 3 bed 4 person units are now 5 person units.'

(OFFICER COMMENT: Whilst it is recognised that the proportion of family accommodation in the affordable rented sector is below the Policy target, given the central location of this site and its high density nature along with the negotiated increase of 20 units from 3 bed 4 person units to 3 bed 5 person units, the proposed mix is appropriate. It is also noteworthy that the Registered Provider, Gallion's Housing Association, has confirmed in writing, that in their opinion, the family sized units have been maximised for this type of high density, high rise scheme).

7.13 Housing comment that the unit mix within the intermediate tenure is 24% one beds against a target of 25%, a 47% provision of two beds against 50% target and a 29% provision of 3 beds against a target of 25%. The intermediate mix is broadly in line with policy targets and is therefore acceptable.

7.14 Housing seek rent levels for 1 and 2 beds at POD levels and 'It is hoped that the rental levels for the 3 beds would come in lower than the Council's Pod guidance; however this is subject to the viability exercise that is currently taking place.'

(Officers can confirm that negotiations have reduced the 1 and 2 bed rent levels to POD levels and the 3 bed rent levels to a level below POD such that it is effectively the equivalent of social target rents plus service charge).

7.15 Housing seeks a 10% requirement for wheelchair accessible units will be met and that the Council's occupational therapists do not have concerns with the unit layouts.

(OFFICER COMMENT: It is confirmed that the 10% wheelchair accessible requirement has been met and secured through condition. Moreover, the unit layout will be secured in accordance with the London Plan's recommended wheelchair housing design guide).

7.16 The Housing team's conclusions are that 'overall we would be supportive of this application.'

(OFFICER COMMENT: Planning officers consider the affordable housing offer is a strong element of the scheme).

LBTH Energy Efficiency

- 7.17 The submitted Energy Statement (January 2013), appropriately follows the Mayor's energy hierarchy as detailed above. The development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean). The integration of communal heating schemes, incorporating a Combined Heat and Power (CHP) engine to provide hot water and space heating requirements for all of the site's uses is in accordance with policy 5.6 of the London Plan. The proposed scheme is designed to link to the Alie Street development (PA/11/01569) and the sizing of the CHP includes capacity to supply all of the residential units within that development. The anticipated CO2 emission reductions from the CHP system (Be Clean) are 32.66% for Aldgate Place.
- 7.18 The current proposals for delivering the space heating and hotwater are considered acceptable; however an appropriately worded condition should be applied to any permission to ensure the development includes a CHP ~10kWe and connects to the adjacent Alie Street Development (PA/11/01569), upon completion and prior to occupation of the development.
- 7.19 A ~30kWp photovoltaic array is proposed to provide a source of on-site renewable energy (Be Green). The technologies employed would result in a 2% carbon savings over the regulated energy baseline. Through the maximisation of the communal system to deliver space heating and hot water it is acknowledged that achieving a 20% reduction in CO2 emissions through renewable energy technologies is technically challenging and not feasible for all developments.
- 7.20 Whilst the proposed development is not meeting Core Strategy Policy SP11, the Sustainable Development Team support the application as the applicant has demonstrated that the design has followed the energy hierarchy and sought to integrate renewable energy technologies where feasible.
- 7.21 The total anticipated CO2 savings from the developments are ~36%, through a combination of energy efficiency measures, a CHP power system and renewable energy technologies. The CO2 savings are in accordance with Policy DM29 requirements and are supported by the sustainable development team. It is recommended that the energy strategy is secured by Condition and delivered in accordance with the submitted Energy Statement.
- 7.22 In terms of sustainability, the submitted information commits to achieving a Code for Sustainable Homes Level 4 rating and BREEAM 'Excellent' rating and pre-assessments have been submitted to demonstrate how these levels are deliverable. It is recommended that these are secured by condition.

(OFFICER COMMENT: The application does not fully comply with the 'be green' limb of the Mayor's hierarchy due to the difficulties of incorporating renewable technology into the building. Photovoltaic panels have been provided where possible. The carbon dioxide emission reduction from the development exceeds the London Plan and meets the Managing Development DM29 policy and is therefore acceptable. All the recommended conditions are included on the draft decision notice).

LBTH Employment and Enterprise

- 7.23 Employment and Enterprise seek planning obligations in respect of local employment and contracts during both the construction and end-user phases

of the development. Apprentice opportunities in both the construction and occupation phases are requested, as are an end-user engagement strategy and arrangements for future commercial occupiers to enter into Social Compacts to deliver training, employment and skills benefits to local residents.

(OFFICER COMMENT: These obligations have been negotiated as part of the s106 agreement).

LBTH Highways

Land-use principles

- 7.24 The previous planning permission sustainably located large scale employment uses near to public transport hubs and there are reservations as to the loss of a high density employment site close to the Aldgate transport hub.

(OFFICER RESPONSE: The issue of land-use is addressed in paragraphs 9.2-9.30 of this report. This mixed-use high-density development is appropriate to its location within the City Fringe Opportunity Area and Central Activities Zone).

Trip generation, modal split and generation

- 7.25 The applicant's approach to the prediction of trip generation is not agreed. As a consequence, the total predicted number of trips and movements during peak servicing times in Buckle Street is not accepted and the impact on pedestrians and cyclists cannot be fully determined.

(OFFICER RESPONSE: Whilst it is noted that the Highways Department has some concern with the methodology regarding trip prediction, TfL support the principles underlying the applicant's methodology with regard to predicting servicing, pedestrian and cycle trips. TfL also support the principle of servicing strategy in that the majority of the servicing will take place on Buckle Street and some from Commercial Road. In any case, the servicing of the development is controlled by way of condition).

Vehicular Parking Standards

- 7.26 The combined vehicular parking provision for the development should be a maximum of 71 car parking spaces and 10 motorcycle parking spaces. Of these 71 spaces seven should be laid out as disabled parking bays. 20% of the total car parking provision should be actively provided for electric charging and 20% passive provision. The proposed development exceeds the maximum standard by five car parking spaces. Therefore, there is an objection with this over-provision.

(OFFICER RESPONSE: The small over-provision is considered a minor deviation from policy standards in the context of the scale of the scheme. It is noteworthy that the loss of parking spaces (valued at £50,000 per space) would detrimentally affect the viability of the scheme and have implications for the affordable housing offer. Officers recommend that the balance weighs in favour of retaining these additional spaces. The 20% active and passive electric charging provision is controlled through condition).

Cycle Parking Standards

- 7.27 The level of cycle parking exceeds minimum standards and this is welcomed. However, the layout and position of cycle parking is a concern. The cycle parking should be located within each element of the development so as to be conveniently accessed. However, it is all located within the basement levels under Block G. The location of cycle parking is unsatisfactory and objectionable.
- 7.28 There are further concerns relating to the capacity of the lift to enable access and to handle peak demand to the cycle parking location.

(OFFICER RESPONSE: The underground utilities that run in a direction along former Drum Street and Braham Street militate against the provision of basements under each block. The provision of basements under each block, solely for cycle parking, would increase construction costs which would have implications for the viability of the scheme and the affordable housing offer).

Servicing, Waste and Refuse – Commercial Road

- 7.29 The MDD (2013) provides guidance as to the facilities that should be in place to cater for the demand of large developments. The following is in addition to the servicing, waste and refuse requirements for the large residential development: -

- An office development of the scale proposed warrants an off-street service bay dedicated to the development;
- A 160 room hotel warrants a coach parking bay; and,
- A retail development of a total of 1287 m2 warrants an off-street service bay dedicated to the development.

- 7.30 An on-street service bay will be provided in Commercial Road however this service bay will be available to anyone making deliveries to any development or unit in the area on a first-come/first-served basis and will not be exclusively for the proposed development under consideration. Further, the position of the proposed service bay means that it is only accessible to vehicles travelling north-westwards along Commercial Road.

- 7.31 The proposed service bay on Commercial Road may satisfy the need for a coach parking facility given that these vehicles often arrive outside of the times of peak deliveries or waste and refuse collection however it is otherwise of limited benefit and cannot be considered to satisfy the needs for the quantum of development proposed.

(OFFICER RESPONSE: The proposed servicing strategy appropriately minimises the effect of servicing on the highway network and potential for conflicts between various highway users. It is supported by TfL and the Tower Hamlets' Planning team. The alternative 'solution' of using former Drum Street as a vehicular servicing corridor is not acceptable in urban design or place-making terms.)

Demands on Buckle Street

- 7.32 Buckle Street is a natural location for servicing and deliveries as well as a route for waste and refuse collection. There is already however heavy

demands placed on Buckle Street by way of the permitted development to the south.

- 7.33 Buckle Street provides the access to both the underground car and cycle parking for the proposed development and also the access to the permitted development to the south. During times of peak servicing there will a conflict between delivery and waste vehicles as well as cars and taxis. This conflict is likely to be detrimental to cyclists and pedestrians and there is significant potential for Buckle Street to fail to meet the demands placed upon it.

(OFFICER RESPONSE: The existing multi-storey car park has 150 spaces and its sole access/egress is from Buckle Street. It generates approximately 200 two-way vehicular movements over a 12 hour period including 31 two-way movements in the AM peak and 21 two-way movements in the PM peak. The vehicular parking at the proposed development is predicted to generate 17 two-way movements in the AM peak and 16 two-way movements in the PM peak. Clearly, the removal of the multi-storey car park is welcome and reduces the demands placed on Buckle Street. Condition will provide control over vehicular servicing. The approval of the details pursuant to this condition will only be forthcoming where the strategy has due regard to the other demands on the highway network and will seek to focus servicing outside of peak hours).

Demands upon the Transport for London Road Network

- 7.34 Commercial Road, Whitechapel Road and Leman Street adjacent to the proposed development site are designated as being under the jurisdiction of Transport for London as they are an important part of the London road network. The proposed development site is opposite the significant transport hub of Aldgate East Station and at the convergence of locally and strategically important roads. Of course, these roads are also vitally important to the local transport network as they provide walking and cycling corridors as well as carrying locally important bus routes and providing access to the Underground system.
- 7.35 As considered earlier, the proposals do not properly address the servicing, waste and refuse demands of the development. Shortfalls in the available servicing facilities will lead to deliveries being made from the kerbside of Whitechapel Road or Leman Street, to the detriment of vehicle movements, the relocated pedestrian crossing and pedestrian movements more generally. The proposed waste and refuse collection is from a series of points surrounding the development on the public footway. This aspect of the proposals has a detrimental impact on the use of the footways and therefore local transport.

(OFFICER RESPONSE: The hotel and residential uses (comprising 93% of the development by floorspace) are serviced from the bays on Commercial Road and Buckle Street to be provided as part of the development. The offices and retail (comprising 7% of the development by floorspace) are serviced from a series of points on the footway in precisely the same way as the retail units along Commercial Road and Whitechapel High Street are serviced. These roads are part of TfL's Strategic Road Network and they do not object to this approach).

Former Drum Street

- 7.36 The land that was formerly Drum Street is proposed to be open space. This could instead be a servicing corridor and this could service the commercial and retail element of the proposal. As a consequence the proposal does not adequately address servicing, refuse and deliveries and is likely to result in servicing over spilling onto the public footway to the detriment of the public realm, travelling public and local transportation.

(OFFICER RESPONSE: This proposed alternative approach to servicing, i.e. a vehicular servicing corridor through the heart of the proposed development and public realm is not an acceptable solution in urban design or place-making terms).

Obligations and Conditions

- 7.37 Should permission be granted then the following conditions and obligations are recommended:

- Street scene and built environment contributions
- Travel planning contributions
- Permit free agreement
- A Servicing Management Strategy
- A travel plan
- A condition requiring the developer to enter into an s278 agreement
- A condition requiring a Construction Management Plan

(OFFICER RESPONSE: All of the proposed s106 clauses and conditions are included as part of the recommended decision).

LBTH Arboricultural Officer

- 7.38 The extensive nature of the build and its increased albedo / heat island effect means that a substantial public realm improvement by way of tree planting in streets and nearby public open spaces is essential. In this instance a ratio of one new tree per three residential units would be satisfactory.

(OFFICER COMMENT: Given the density of the development within a central location one tree per three additional units is not a reasonable request. Appropriate landscaping can be secured through a landscaping condition).

Tower Hamlets NHS

- 7.39 Tower Hamlets NHS have confirmed the HUDU model requires:
- | | |
|---------------------------------|------------|
| A Capital Planning Contribution | £633,756 |
| A Revenue Planning Contribution | £3,143,940 |

(OFFICER COMMENT: Planning obligations have been negotiated which meets the request for capital contributions. The Council's Legal Department advise that as revenue contributions are obtained by Central Government it is not considered that revenue contributions meet the planning contributions test).

London Fire and Emergency Planning Authority (LFEPA)

- 7.40 LFEPA raise no objections to the proposal.

National Grid

- 7.41 National Grid raises no objections to the proposal.

National Air Traffic Services Ltd (NATS)

- 7.42 NATS raise no objections to the proposal.

Environment Agency (EA)

- 7.43 EA makes no comment on the proposal and refers the Council to its Flood Risk Standing Advice. They confirm that surface water run-off and drainage are the main issues at this site and the development should be in accordance with policy 5.13 of the London Plan in this respect.

(OFFICER COMMENT: The development restricts surface water runoff to 50% of brownfield flows having regard to the impact of climate change. Surface water flows will be reduced from a computed 101.3 litres per second in a 1:100 storm event to 52 litres per second in a 1 in 100 year storm event post development. The sub-soils are not conducive to infiltration. Therefore, on-site attenuation of storm flows is provided by two cellular storage tanks. The tanks are located underground to the north of Building A and underground between Building F and G).

English Heritage

- 7.44 The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

(OFFICER COMMENT: The application has been assessed by the Council's Conservation and Urban Design team. The development would not harm views of, or from, the Tower of London World Heritage Site. The development preserves the character and appearance of Whitechapel High Street Conservation Area. The development safeguards the setting and special historic and architectural interest of nearby listed buildings. The development has appropriate regard for designated and non-designated heritage assets in accordance with the National Planning Policy Framework).

Archaeology

- 7.45 English Heritage Archaeological division raise no objections subject to a condition and an informative.

Greater London Authority (GLA)

- 7.46 The GLA have provided a stage I response. Their summary analysis of the scheme is as follows:

Principle of the development

- 7.47 The principle of a tall building and residential-led mixed use development in the CAZ and City Fringe Opportunity Area is in accordance with strategic objectives and is supported. The site is within a LVMF viewing corridor and the scheme has been designed to limit the extent of impact on the World Heritage

Site and upon other strategic views. The architecture, form and scale of the development are acceptable.

7.48 Affordable Housing is proposed a site, with a range of tenure and rent levels proposed. The viability appraisal is still the subject of discussion and negotiation in order to demonstrate compliance with London Plan requirements to maximise provision. The overall residential quality is in accordance with the Mayor's standards and the high density nature of the scheme is acceptable, subject to confirmation of the net residential density. The scheme proposes mix of unit sizes, but it still needs to be demonstrated that the Council's local housing needs are met.

7.49 The principles of the scheme in terms of inclusive design, children's play space and climate change are acceptable. The GLA encourage a 'car-free' development in this location. Further discussion regarding parking and transport impact, and any necessary section 106 contributions is also required to ensure that the scheme fully accords with [the] London Plan.

(OFFICER COMMENT: It is confirmed that the affordable housing offer is maximised and the housing mix reflects the identified needs of the Borough given the site context. The proposed residential parking provision is not in full accordance with the standards contained within Tower Hamlet's MDD (2013). 76 spaces are proposed which exceeds the MDD's parking standard by 5 spaces (i.e. the parking standard would be for 71 spaces). This is a minor deviation from policy in the context of the scale of scheme and assists in improving the viability of the development and consequently maximising the affordable housing officer. The applicant is appropriately mitigating the impact of the development on local infrastructure and facilities in accordance with the Council's Planning Obligations SPD).

Natural England

7.50 Natural England confirms that this proposal does not appear to affect any statutorily protected sites or landscapes, or have significant impacts on the conservation of soils. Otherwise, Natural England refers the Local Planning Authority to its Standing Advice.

(OFFICER COMMENT The Council's Biodiversity Officer confirms the site is of low ecological value. Ecological diversity improvements are sought through condition requiring further details of the green roofs and landscaping.)

Historic Royal Palaces (HRP)

7.51 HRP raises no objections to the proposal.

Transport for London (TfL)

Car Parking

7.52 TfL would recommend that this development should be car free apart from disabled spaces.

7.53 20% active provision of the electric vehicle charging points and 20% passive provision should be provided and secured through condition.

Trip Rates & Impact

- 7.54 Based on the submitted information available, TfL does not expect that the proposed development will have a significant impact on the highway and public transport networks.

Cycle and Walking

- 7.55 The proposed 854 cycle parking spaces for residential, hotel and commercial uses comply with the London Plan Policy 6.9 "Cycling" standards, and are therefore welcome. A condition is recommended in respect of a minimum of 12 residential visitor spaces.
- 7.56 For a scheme of this nature, TfL usually expects the proposals to be accompanied by a Pedestrian Environmental Review System (PERS) survey to assess the condition of the pedestrian environment in relation to the nearest public transport nodes and other places of interest. This should be undertaken for these proposals and accordingly any potential improvements should be secured through s106 and delivered through s278 with TfL or the local highway authority.
- 7.57 The proposed realignment of the Puffin crossing on Leman Street east of Braham Street Park to respond to the pedestrian desire line from this development is accepted in principle, but would need to be assessed, agreed and delivered through an s278 agreement with TfL.

Travel Plans

- 7.58 Travel Plans for the various uses should be secured through an s106 agreement.

(OFFICER COMMENT: Secured through the s106 agreement).

Deliveries and Construction

- 7.59 TfL recommends that a Framework Delivery and Servicing Plan (DSP) and Construction Logistic Plan (CLP) should be secured by condition.

(OFFICER COMMENT: Conditions are recommended to secure the above).

Crossrail and Community Infrastructure Levy

- 7.60 Contributions are applicable.

(OFFICER COMMENT: All conditions requested above have been included within the recommendation. A PERS audit will be secured through condition to inform the potential improvements to be secured through the s106 agreement).

Metropolitan Police

- 7.61 Recessed residential entrances possibly leaving areas vulnerable to gathering and ASB.

(OFFICER RESPONSE: The recessed entries help define the entrance to buildings and mitigate any adverse microclimate effects from tall buildings. The entrances are overlooked which provides good natural surveillance. A CCTV strategy is part of recommended conditions and it is expected that all entrances will be covered by CCTV's).

- 7.62 Undercroft area beneath/between Blocks F & G could be another gathering point and may need to look at gates here for night time security.

(OFFICER RESPONSE: The gating strategy is the subject of a condition).

- 7.63 Large single basement cycle store may be a significant theft risk.

(OFFICER RESPONSE: The applicant has confirmed they are willing to make this amendment to break up the cycle storage area into smaller rooms. This will be secured by condition).

- 7.64 Concierge has almost no external view from desk/office and will need CCTV cameras.

(OFFICER RESPONSE: CCTV strategy is subject to a condition).

- 7.65 Access control of individual floors should be incorporated.

(OFFICER RESPONSE: This is a site management issue for the management company. Insofar as this comment relates to the affordable housing cores, access from stairs and lifts lobbies will be agreed with the Registered Provider).

Thames Water

- 7.66 The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Therefore, Thames Water recommend that a condition be imposed requesting an impact study of the existing water supply infrastructure which would determine the magnitude of any new additional capacity required and a suitable connection point.

- 7.67 A piling method statement is also requested via condition to ensure there is no damage to subsurface water infrastructure.

(OFFICER COMMENT: The requested conditions have been attached as well as an informative relating to the drainage strategy).

London Underground Limited (LUL)

- 7.68 LUL raises no objections to the proposal.

Design Council, Commission for Architecture and the Built Environment

- 7.69 The Design Council has reviewed the scheme at both pre-application and application stage.

There is a compelling story to the evolution of this scheme which has the potential to create a successful place. The masterplan, comprising residential

towers arranged at the four corners of the site with the hotel in the centre, could deliver a scheme with a clear identity.

We like the kite plan of the residential buildings, the architectural approach and the different character areas in the landscape plan. We support the principle of development, however we think that further refinement is needed in the detailed design.” They suggest the following refinements to the scheme:

Landscaping

- A unified landscape plan to knit the different character areas together.
- Gating the spaces adjacent to the hotel could reduce pedestrian permeability.
- Consider moving hotel further to one side to create larger space.
- The design of ‘Drum Street’ should better identify the hotel entrance.
- Consider projection to hotel to oversail ‘Drum Street’ to create visual relief and interest
- The design of boundary treatment to playspace at Block D needs great care.
- Play areas need not be so clearly defined but could be integrated across the site with the public realm.

(OFFICER RESPONSE: The details of the public realm and landscaping will be subject to condition requiring the submission and approval of further details. It is understood that the applicant wishes to hold a design competition in respect of the landscaping with the ‘winning’ design submitted to the Local Planning Authority as part of the condition. The landscaping refinements suggested by the Design Council can be addressed as part of the condition).

Hotel

- Suggest that finishing colour is white to increase reflectivity of light to improve daylight to neighbouring properties.
- Ground floor of hotel could provide a shared public space.

(OFFICER RESPONSE: The finishing materials and colour are recommended to be controlled via condition. It is not necessary for the ground floor of hotel to be formal public space to make the application acceptable in planning terms).

Residential building

- Variations in architectural language across the site are ‘perhaps too subtle’.
- Concerned with the number of single aspect apartments and consequent levels of daylight and sunlight as well as potential for some units to be overlooked.

(OFFICER RESPONSE: Officers consider that the architectural variations are appropriately nuanced and provide a coherent appearance across the site. The overall quality of accommodation provided including daylight and sunlight levels play are satisfactory. The development has no north facing single aspect flats and no single aspect family flats. The levels of daylight and sunlight are appropriate given the Central London location of the site. Having regard to its Central London location the development would not be unduly overlooked).

London City Airport (LCY)

- 7.70 LCY has no safeguarding objection subject to limitation on crane heights to 150m AOD, details of a construction programme to be approved in consultation with LCY and medium intensity red-light obstacle lighting to be placed at the top of all cranes as well as on the furthest point along the jib.

(OFFICER COMMENT: All of these requirements are addressed in the recommended conditions).

- 7.71 The following external organisations did not respond to the consultation:

Crossrail, EDF, BBC – reception, City of London Corporation and the London Borough of Southwark.

- 7.72 The following internal departments did not respond to the consultation:

Building Control, Education, Sustainability, Horticulture and Strategic and Transport and Development Implementation.

8. LOCAL REPRESENTATION

- 8.1 Neighbouring properties have been notified about the application and invited to comment. The application has also been publicised in East End Life and public notices have been placed around the site.

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

No of individual responses: 3 Objecting: 2 Supporting: 0 Comment: 1

- 8.3 The objections were raised by a local business owner and local landowner and can be summarised as follows:

- The site is over-developed with social and environmental consequences
- The buildings have little architectural merit
- Limited community space for residents and visitors
- The strategy for the collection of waste is ill-conceived.
- There will be traffic congestion on Buckle Street as a result of the development
- Demolition and construction including noise and dust will affect the business at a nearby property and the health of the occupants
- A local Place of Worship made comments on the scheme in respect to:
- the site provides opportunities for 'wayfinding' signage to improve accessibility in the area

- Buckle Street is still a cul-de-sac and potential attracts anti-social behaviour
- The location and timings of pedestrian crossings in the Aldgate area are not pedestrian friendly.

(OFFICER RESPONSE: The objections and comments received have been carefully considered in the assessment of the application and are addressed in Section 9 of this report (Material Planning Considerations)).

9.0 MATERIAL PLANNING CONSIDERATIONS

9.1 The main planning issues that the committee are requested to consider are:

- Land-use Principles;
- Design and effect on heritage assets;
- Housing;
- Amenity;
- Transport;
- Energy and Sustainability; and,
- Environmental considerations.

Land-use Principles

9.2 At National level, the National Planning Policy Framework (NPPF - 2012) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to maximise development potential, in particular for new housing. Local authorities are also expected boost significantly the supply of housing and applications should be considered in the context of the presumption in favour of sustainable development.

Preferred Office Location

9.3 Policy SP06 of the Core Strategy (2010) designates the Aldgate area as a Preferred Office Location (POL) and seeks to focus larger floor-plate offices and intensify floorspace in this area. The Policy states that POL's are not appropriate for residential development. Managing Development Document (MDD) policies provide more detail on how to implement the Core Strategy policies. Policy DM16 of the MDD (2013) states that development resulting in the net loss of office floorspace in Preferred Office Locations will not be supported.

9.4 In relation to employment land designations (such as the Core Strategy POL's), paragraphs 18 to 22 of the NPPF are particularly relevant.

9.5 Paragraphs 18 to 21 confirm the importance of the planning system in building a strong competitive economy with the requirement for local authorities to plan positively to meet the needs of business.

- 9.6 Paragraph 22 however states that planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.
- 9.7 After 27 March 2013, the NPPF required that due weight to be given to relevant policies in existing plans is according to their degree of consistency with the NPPF. The closer the policies in the plan are to the policies in the NPPF, the greater the weight that can be given to those policies. Since the MDD was found sound by an Inspector and adopted in April this year it has not been necessary to review this document. However, a 'consistency' review of the Core Strategy (2010) has been undertaken since it was adopted prior to the publication of the NPPF.
- 9.8 In respect of policy SP06, the published statement of conformity states that the policy is in full compliance with the NPPF. However, the Statement comments that: [the] Council will consider planning applications for vacant employment sites in Preferred Office Locations on an individual basis, taking into account the suite of policies (including Core Strategy SP06.2, NPPF paragraphs 18-22, Managing Development Document policy DM16), in order to effectively assess the prospect of an employment use coming forward on that site.
- 9.9 The site is vacant with the exception of late 20th Century building in the north-east corner which currently serves as a marketing suite for Barratt's nearby Altitude scheme and a multi-storey car park to the south. Its current uses are not commensurate with its prominent location within the Aldgate area and are not assisting in achieving the Development Plan's objectives.
- 9.10 The proposal is for a residential-led mixed-use development with retail uses at ground floor along with offices and a hotel. Consequently it is a *departure* from the Development Plan in respect of Core Strategy policy SP06, in particular by failing to deliver large floor-plate offices in this location and by providing a significant residential component.
- 9.11 The applicant has put forward a case that there is no reasonable prospect of the site being developed for large floorplate offices. The applicant argues that there is currently an oversupply of office floorspace at a London, Borough and local (Aldgate) level and, in any case, that the site constraints of utility corridors along the former Drum Street and Braham Street (both now stopped-up) compromises large floorplate office layouts. The applicant has provided marketing information, which showed that all previous attempts to market the two large floorplate office consents were unsuccessful. They argue this further supports the argument that there is no reasonable prospect of office-led redevelopment and hence the Council must have regard to the relationship of the Core Strategy policy SP06 on POL's and the NPPF approach to employment land designations.
- 9.12 The Council commissioned Jones Lang LaSalle (JLL) to appraise the evidence submitted by the applicant. The brief asked four specific questions:

- 1) To review the robustness of the marketing information submitted by the Aldgate Place developer, in particular whether the marketed rent levels are realistic (having regard to the minimum viable rent to enable the development to be built out along with the site specific constraints), the thoroughness of the marketing strategy, the flexibility of the offer etc.;
- 2) A review of the supply of (including the pipeline) and demand for office floorspace within the Aldgate area in the short-term and over the Development Plan period (up to 2025).
- 3) In light of 1) and 2) to conclude as to whether there is a reasonable prospect of office-led development in the short-term and over the Development Plan period (up to 2025).
- 4) If it is concluded in 3) that is no reasonable prospect of large floorplate office-led schemes on these sites, to assess the maximum viable office provision on these sites in light of 2), with particular regard to meeting the floorspace demand for small and medium enterprises such as those requiring units of less than 250 and 100 squares metres of floorspace (net internal area).

9.13 JLL's Report concluded in answer to the first question that the marketing of the scheme was robust and there was little interest from potential office occupiers to pre-let floorspace and that pre-let floorspace is essential in order to gain development finance from lending institutions (e.g. banks). In response to the second question, JLL identify a significant over-supply of office floorspace in the Aldgate area and concluded in response to question 3 that *'the least likely and therefore slowest way to regenerate Aldgate is to hold out for major office-led development in the [Aldgate] POL.'*

9.14 In response to question 4, JLL confirmed that the area has a plentiful supply of office floorspace for small and medium enterprises and office floorspace in itself is not a viable land use in this location. It can only be provided by cross-subsidising it from more profitable uses. Therefore, any additional office floorspace would detrimentally affect viability of the scheme and have implications for the affordable housing offer.

9.15 The evidence before the Council indicates not only an oversupply of office floorspace in Aldgate but, crucially, site specific constraints which militate against a large floorplate office scheme coming forward on this site. This analysis is supported by the fact that, despite extensive and prolonged marketing of the site from 2001 to 2011, it was not possible to attract sufficient pre-lets to enable an office scheme to get off the ground.

Strategic Land-Use Policies

9.16 The site is identified in the London Plan (2011) as falling within the City Fringe Opportunity Area (CFOA). Policy 2.13 of the London Plan (LP) is relevant to the CFOA and seeks to optimise residential and non-residential output and is identified as being capable of delivering up to 7,000 new homes within the plan period (2011-2031). The site is also within the Central Activities Zone (CAZ). Policies 2.10 and 2.11 of the LP promote a mix of local and strategic uses in the CAZ. The London Plan identifies that there is a pressing need for more homes in London and sets out housing targets which each borough is

expected to meet and exceed (policy 3.3). Overall Tower Hamlets is expected to deliver 2,885 new homes per year.

- 9.17 At the local level, SP01 and DM1 seek the continued enhancement and promotion of the CAZ will be supported, subject to Preferred Office Location (POL) designations. Core Strategy policy SP06 promotes the CAZ and CFOA for a mix of uses including employment uses such as hotels (subject to the POL issue discussed above).
- 9.18 The proposal is for a residential-led mixed-use development with active retail uses at ground floor along with offices and a hotel. The development seeks to optimise densities for this prominent site with three tall buildings surrounding a centrepiece hotel building and public realm. The application seeks permission for comprehensive development that would provide a mix of uses that sits comfortably with the strategic objectives of the CAZ and CFOA and is supported in principle by the Greater London Authority.

Principle of Hotel

- 9.19 Policy 4.5 of the London Plan and policy SP06(4) of the Core Strategy seek to ensure that new hotel developments are sited in appropriate locations within the Borough, including the CAZ and CFOA and benefit from good access to public transport. In addition, the Policy requires a minimum of 10% of guest bedrooms to be wheelchair accessible. Policy 4.5 of the London Plan (2011) also includes London Mayor's target for the delivery of new hotel accommodation within London, which is set at 40,000 net additional hotel bedrooms by 2031.
- 9.20 Policy DM7(1) of the Council's MDD provides further detailed policy guidance for hotel developments, requiring hotels to be appropriate in size relative to their location, to serve a need for such accommodation, not to compromise the supply of land for new homes, not to create an over-concentration of hotels in a given area or harm residential amenity and to benefit from adequate access for servicing, coach parking and vehicle setting down and picking up movements. The Inspector's Report into the MDDPD Examination In Public which took place in 2012, recognised Tower Hamlet's role in providing for London's strategic supply of over-night guest accommodation.
- 9.21 The GLA Hotel Demand Study (2006) forecasted a requirement for a further 2,800 hotel rooms to be provided in Tower Hamlets (2007-26). At that time, Tower Hamlets had some 2,200 overnight guest bedrooms (2% of the London total). Between 2007 and 2011, evidence indicates that a further 675 guest bedrooms were provided within the Borough and there is clear continuing development interest in locating new hotels in the Aldgate and the City Fringe area, due to their central and accessible locations.
- 9.22 The pipeline hotels highlighted above (Goodman's Fields, Tower House and Buckle Street), assuming they all come forward, would deliver a further 871 additional overnight guest bedrooms in the immediate vicinity and the current Aldgate Place application proposes a further 160 guest bedrooms. With other hotels recently completed in Tower Hamlets, including the Holiday Inn Express in Commercial Road, a range of hotel schemes coming forward/potentially coming forward on the Isle of Dogs and the general rate of increase of guest bedrooms being delivered year on year, it is probable that the Borough will exceed forecast requirements by 2026, accommodating a

range of overnight accommodation (budget through to high-end hotel rooms). However, existing occupancy rates and the growth forecasts in terms of tourism and corporate demand for overnight guest accommodation suggests that the targets outlined in the GLA Hotel Demand Study should be considered alongside other indicators.

- 9.23 The principle of the hotel use would be acceptable and in accordance with the requirements of policy 4.5 of the London Plan, policy SP 06(4) of the Core Strategy and policy DM 7(1) of the MDD.

Offices

- 9.24 The site contains an isolated building on the north side of the mainly vacant site, which has approximately 1,070 sq m. It was a former Lloyds TSB Bank (Use Class A2: Financial and Professional Services) and is currently in use as a sales and marketing office by Barratt's for the 'Altitude Towers' scheme.
- 9.25 The proposal includes 2,687sq m of Class B1(a): Business floorspace in a building fronting Whitechapel High Street, which would make a welcome contribution to overall supply in Aldgate, particularly as the smaller floor plates may be attractive to small and medium enterprises. The provision of B1 floorspace is supported at national, regional and local levels in this location. However, it is only 6% of the development by floorspace and the evidence provided by JLL indicates that office accommodation would be a 'loss leader' in terms of development viability. Consequently, the Council asked the applicant to carry out 'sensitivity testing' to determine what effect increasing office floorspace would have on the balance of land uses and affordable housing offer within the scheme, without amending the size or heights of the buildings. Their results were reviewed independently by the Council's viability advisors.
- 9.26 The scenario tested included 'converting' the hotel, the residential space in block G and floors 1-8 of Block A to offices. It showed that increasing the office floorspace from 2687sqm to 9,500sqm would reduce the total number of residential units from 463 to 391 and the numbers of affordable units (assuming the same mix, tenure split and rent levels) from 150 to 88 (a loss of 62 units). In percentage terms, the affordable housing provided would be 22.5% by unit numbers under the revised scenario compared to 32.4% by unit numbers under the proposed scheme (i.e. a fall of over 30%) for a gain of just 6,800sqm of office floorspace.
- 9.27 Clearly, for a relatively small increase in office floorspace there is a very significant loss of affordable housing. The pressing need for affordable housing in Tower Hamlets is undisputed. On the other hand, the evidence suggests that demand for office floorspace in Aldgate is muted. In the opinion of officers, the balance lies in favour of maximising affordable housing provision.

Conclusion

- 9.28 In conclusion, it has been demonstrated that there is no reasonable prospect of office-led redevelopment at Aldgate Place for the foreseeable future that is vacant, yet is well located and critical to delivering the overall Core Strategy place-making vision for Aldgate. On the other hand, if permission were to

being granted this proposal would be deliverable on a vacant and prominent site.

- 9.29 The proposed mixed-use components would assist in achieving the strategic CAZ and CFOA regeneration objectives. It is predicted to create 275 construction jobs over a five year period and, once operational, a predicted 347 jobs on site and the increase in spending power in the locality would create a predicted further 312 jobs in the local area. Moreover, it would provide 463 residential units making an important contribution to the Council's overall housing targets. Of those 463 units, 105 would be affordable-rented units with rents at or below the Council's recommended 'POD' levels and 45 would be in 'shared ownership' tenure.
- 9.30 The planning obligations offer includes almost £7m of financial contributions to mitigate its effects on local infrastructure and services which meets the Council's standard planning obligation charges including an additional £250k contribution towards public realm improvements to unlock the potential of Aldgate for a range of uses along with additional non-financial obligations around enterprise and employment. The public benefits of the development clearly outweigh holding out for large office floorplate office redevelopment which the evidences indicates is unlikely to occur in the plan period and on balance mixed use development is appropriate on this site, in accordance with the NPPF, London Plan, Core Strategy (including the Consistency Review) and Managing Development Document.

Design

Design policies

- 9.31 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 9.32 CABE's guidance "By Design (Urban Design in the Planning System: Towards Better Practice) (2000)" lists seven criteria by which to assess urban design principles (character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability and diversity).
- 9.33 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimising the potential of the site.
- 9.34 Core Strategy Policy SP10 and Policy DM23 and DM24 of the MDD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds. The Core Strategy identifies Aldgate as one of two locations in Tower Hamlets where clusters of tall buildings will be supported.
- 9.35 Policy DM26 supports the principle of tall buildings in the Aldgate area subject to high design quality.

9.36 Specific guidance is given in the London Plan and Managing Development Document in relation to tall buildings. The criteria set out by both documents can be summarised as follows:

- Be limited to areas in the CAZ, opportunity areas, intensification areas and within access to good public transport;
- Relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including waterspaces) and improve the legibility of the areas;
- Should incorporate the highest standards of design and architectural quality, making a positive contribution to the skyline when perceived from all angles during both the day and night. Developments should also assist in consolidating existing clusters;
- Should not adversely impact upon heritage assets or strategic and local views;
- Present a human scale at street level and enhance permeability of the site where possible;
- Provide high quality private and communal amenity spaces for residents;
- Provide public access to the upper floors where possible; and,
- Not adversely affect biodiversity or microclimates.

9.37 The Aldgate Masterplan supported the principle of tall buildings focussed in and adjacent to the former gyratory system. The Masterplan principles were taken forward in the Place Making Annex to the Core Strategy.

9.38 In summary, London Plan, Core Strategy, MDD and Aldgate Masterplan policies all support the principle of tall buildings in this location.

Place making

9.39 The site is a strategic node fronting onto Whitechapel Road and Commercial Road and is instrumental in proving key links through the site to Aldgate East Station and to the wider Aldgate Master Plan area. The site is also an important part of the planned transformation in the Aldgate area by virtue of its location and proximity to the transport hub, open space, access to key routes and attractions in the area. Part of the northern section of the site is within Whitechapel High Street Conservation Area. This sets the scene for developing proposals that takes into account all of the above aspects that inform the design and layout of the site within the wider context.

9.40 The extant permission (PA/08/2690) is for a part 19 part 21 storey glazed block up to 102.5m AOD that would have had a broadly square footprint, with a diagonal south-east to north-west route through the centre of the site, passing beneath a wide undercroft. The building would have occupied much of the site. It would have provided large floorplate office accommodation.

- 9.41 The proposed development comprises three towers of 22, 25 and 26 storeys (maximum 96m AOD) and a series of lower buildings ranging from 6 to 9 storeys, pinwheeling around the centrepiece 10-storey hotel building. The development would create new pedestrianised streets, public open spaces, children's play spaces.
- 9.42 The development has been designed as a series of buildings and spaces, designed to improve permeability through the site and beyond and would create a strong sense of place in Aldgate. The three residential towers would be sited to the north-east, west and south-east corners of the site, designed in a "kite shaped" form which would relate to the adjoining road network and the main diagonal pedestrian route through the site, acting as an extension of the alignment of Commercial Road towards Aldgate Underground Station.
- 9.43 The proposed layout would align the uses on site in a manner that would integrate with the emerging proposals in the area and attempt to create a sympathetic relationship with the existing townscape and emerging schemes.
- 9.44 The scheme would deliver 2,855 sqm of publicly accessible open space in addition to private amenity space, communal amenity space and excluding areas dedicated to servicing and pedestrian movement around the site perimeter.
- 9.45 The proposal would assist in achieving many of the place-making elements within the Aldgate Masterplan and MDD place-making policies, in particular improving connectivity and permeability. Its active ground floor, mix of uses and high quality public realm would create a vibrant destination which would have the potential to be a successful place.
- 9.46 The three slender towers and associated smaller buildings would share the same architectural vocabulary and material palette, namely a frame of substantial masonry piers of a dusty grey brick in triple height pattern, whilst the centrepiece hotel would be finished with light stone panels.
- 9.47 The architectural appearance of the seven-storey office building fronting Whitechapel High Street would be subtly different from the residential towers to reflect its different use. The horizontal terracotta bands would be emphasised on the office building whilst they would be recessive on the residential towers. Due to the commercial nature of this building it has no balconies. The residential apartments would typically have inset balconies, apart from Blocks D and G which would have projecting balconies facing outwards from the site on to Buckle Street and Leman Street respectively. The ground floors of the towers and adjoining smaller buildings would be 'double height' and along with their proposed retail and 'A' Class uses would assist in animating the buildings at ground level. The buildings' 'top', 'middle' and 'bottom' would be readily perceived, emblematic of good design.
- 9.48 The hotel's facades would be finished in a textured light-coloured stone frame, modular in nature and with 'slip-stones' to subtly conceal the joints. Within the stone façade a pattern of punched apertures run across the façade responding to the regular arrangement of rooms and spaces behind. Each window would be lined with a polished stone reveal on one side, alternating from floor to floor which would result in a diagonal pattern through the facades; adding visual interest. Window frames would be concealed behind deep

reveals, with simple metal sloping eaves projecting beyond the façade line. Windows and doors to the ground and 1st floor levels would be combined to form 2-storey high elements which would emphasize the base of the building and its relationship with the public realm.

- 9.49 The design of the development would have the effect of creating two distinct areas of public realm. To the north would be a busy thoroughfare along the route of the former Drum Street. To the south would be quieter areas, including play space for younger children. The link through to Braham Street Park would be through a generous undercroft, 9m high and over 10m wide under Block F/G.
- 9.50 The proposed scheme with the layout, scale and massing proposed would create a strong presence along key streets – Whitechapel High Street, Leman Street and Commercial Road. Furthermore, the proposed links and open spaces would provide an opportunity for well-designed public realm that would bring together different uses and activities. The proposed links would integrate a range of soft and hard landscape treatment that will be enjoyed by people from the development on site and from the wider area creating a space that is truly public.
- 9.51 The proposed mix of uses, high quality design and scale of buildings, together with the design and quality of the routes and open spaces proposed would create a very distinct place, which would help to deliver the Core Strategy vision and Aldgate Masterplan objectives. The distribution of massing within the site would respond to the street frontage with opportunities both visually and physically to integrate with the proposed open space. Furthermore, the location of the hotel at the centre, with a massing considerably lower than the buildings around and with a material distinct from the brick facades of the surrounding buildings, would create a distinct sense of identity for the hotel and would introduce significant visual interest along the routes through the site.
- 9.52 The overall result of the design evolution is a well-conceived development that would successfully integrate the range of different uses throughout the site. The proposal would have a strong emphasis on high quality public realm and active ground floor uses which together would create a destination in their own right as well as improving permeability and connectivity to surrounding areas including Braham Street Park. The heights, detailed design and finishes to the towers sensitively respond to the surrounding urban grain and context.

Strategic Views

- 9.53 The height of the scheme would be lower than that in the previous consents, which extended to a maximum of 102.5m AOD. The heights of the buildings are naturally limited by their relationship within the backdrop of views of the Tower of London from Queen's Walk as defined in the London View Management Framework.
- 9.54 Assessment point 25A of the London View Management Framework is relevant to the application (relating to the view from Queens Walk to the Tower of London World Heritage Site). The submitted townscape and visual assessment shows that only the tops of the proposed buildings would appear in this view and is separated from the White Tower by other tall buildings that appear in the existing setting. The scheme would not have a significant

detrimental impact on any of the relevant views and will not undermine the viewer's ability to recognise and appreciate the strategically important landmarks, notably the Tower of London. The development would not impact upon the Outstanding Universal Value of the Tower of London World Heritage Site.

- 9.55 The proposed development would be visible within the backdrop but there would be no significant impact on the setting of the view or the Outstanding Universal Value of the World Heritage Site. The GLA and Historic Royal Palaces do not raise any objections in this respect.

Heritage & Conservation

- 9.56 The NPPF sets out the Government's objectives in respect of conserving and enhancing heritage assets.
- 9.57 Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan (2011) and the draft London World Heritage Sites – Guidance on Settings SPG (2011) policies SP10 and SP12 of the CS and policies DM24, DM26, DM27 and DM28 of the MDD seek to protect the character, appearance and setting of heritage assets and the historic environment, including World Heritage Sites.
- 9.58 London Plan (2011) policies 7.11 and 7.12, policy SP10 of the Core Strategy Development Plan Document (2010) and policies DM26 and DM28 of the Managing Development Document seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- 9.59 The building at 35 Whitechapel High Street is within the Whitechapel Conservation Area. It is a four-storey late 20th Century building of no particular architectural merit and does not make a positive contribution to the conservation area. Its demolition, subject to an appropriate replacement, would preserve or enhance the conservation area. The principle of demolition has been set through the granting of a previous conservation area consent related to the extant Aldgate Union office permission.
- 9.60 Aldgate is identified as a location for tall buildings. Moreover, there are a number of existing consented schemes for tall buildings on neighbouring sites that are currently built out and an extant tall large floorplate office scheme on this site which remains a material consideration for assessing the scheme. In this context, and having particular regard to the verified views within the submitted Visual Impact Assessment, the impact on the views and settings of nearby listed buildings and conservation areas are acceptable. Indeed in many of the views the current proposals are an improvement over the consented office scheme. The development will safeguard the setting of nearby listed buildings and preserve the character and appearance of Whitechapel Conservation Area and the setting of nearby conservation areas.

Microclimate

- 9.61 Tall buildings can have an impact upon the microclimate, particularly in relation to wind. Where strong winds occur as a result of a tall building it can have detrimental impacts upon the comfort and safety of pedestrians and cyclists. It can also render landscaped areas unsuitable for their intended purpose.

- 9.62 The environmental statement accompanying the planning application has carried out wind tunnel testing in accordance with the widely accepted Lawson Comfort Criteria. The criteria reflects the fact that sedentary activities such as sitting requires a low wind speed for a reasonably level of comfort whereas for more transient activities such as walking pedestrians can tolerate stronger winds. The testing has considered 'stand-alone' and 'cumulative' scenarios. In the former it is assumed only this development will proceed, in the later it is assumed that all extant permissions in the local area will be built out.
- 9.63 Two scenarios have been assessed, a 'stand-alone' scenario and a 'cumulative' scenario. The former scenario assumes only this development proceeds and all the consented schemes are not constructed, whilst the latter assumes both this development and all other consented schemes in the surrounding area are developed out.
- 9.64 In the 'stand-alone' scenario, the proposal on the whole has negligible or beneficial effects with the exception of a *minor adverse* effect at the entrance to a retail unit within the block F/G undercroft and some roof terrace locations.
- 9.65 In the 'cumulative' scenario, wind conditions are generally calmer; again the only entrance to be adversely affected is the entrance under the block F/G undercroft.
- 9.66 The proposed mitigation to the entrance could be a 1.5m deep recessed entrance or screening 1.5m deep and 2m tall. However, this proposed mitigation measures would adversely affect the urban design quality of this generous undercroft area and/or be undesirable from a *secure by design* point of view. Given that the entrance is to a retail store and the effect is only *minor adverse*, on balance it is not considered appropriate to mitigate this minor wind speed increase.
- 9.67 The proposed mitigation to the roof terraces includes raising the heights of the parapets to 2m and landscaping and vertical screens. These are secured through condition.

Secure by Design.

- 9.68 Policy 7.3 of the London Plan seeks to ensure that developments are designed in such a way as to minimise opportunities for crime and anti-social behaviour. The built form should deter criminal opportunism and provide residents with an increased sense of security.
- 9.69 The proposed layout, mix of uses and proposed provision of clear, legible routes through the development would help to minimise crime and anti-social behaviour through significant natural surveillance and by creating opportunities for activity through different times of the day and into the evening, with much greater permeability and connectivity with the surroundings than is afforded at present or would be if the site was developed with a lesser mix of uses. The scheme minimises non-overlooked secluded areas and subject to the detailed design of landscaping and lighting would offer an inviting and safe environment for future residents, commercial occupiers and visitors.

- 9.70 The Metropolitan Police Crime Prevention Design Advisor has reviewed the proposal and has made some additional suggestions to improve the scheme from a *secured by design* aspect. These include smaller cycle stores rooms in the basement, CCTV and gating. All of these will be secured through condition. Some concern has been raised with regard to recessed entrances, however these help define the entrance areas to the buildings and mitigate any adverse microclimate effects. On balance, the recessed entrances are appropriate
- 9.71 A condition has been attached requiring the scheme to demonstrate full secure by design accreditation.

Housing

Principles and Density

- 9.72 The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that "... housing applications should be considered in the context of the presumption in favour of sustainable development" Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 9.73 The London Plan (2011) seeks to introduce an annual average of 32,210 new homes across the Capital (Policy 3.3) with a minimum ten year target for Tower Hamlets of 28,850 to 2021 and an annual monitoring target of 2,885.
- 9.74 Policies 3.4 of the London Plan (2011) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.
- 9.75 The site has an "excellent" public transport accessibility level (PTAL 6b). For central locations with a PTAL of 6, both London Plan (Policy 3.4, Table 3.2) and LBTH Core Strategy seek residential densities up to 1,100 habitable rooms per hectare. The proposed density is 1,760 habitable rooms per hectare (or approximately 609 units per hectare). This, of course, does not take account of the commercial elements of the scheme which accounts for approximately 23% of the scheme by floorspace. Clearly, it is a high-density scheme. However, the intent of the London Plan and Council's Core Strategy and MDD is to optimise the intensity of use compatible with local context, good design principles and public transport capacity. This is particularly apposite in the context of the site's designation within a Central Activities Zone and City Fringe Opportunity Area as well as MDD's designation of this site being part of an area appropriate for tall buildings.
- 9.76 The site is approximately 7,600sqm in size. The developed part of the site is circa 3,300sqm, leaving some 4,300sqm of land not built upon, with circa 2,800sqm of that space being high quality public open space and child play space. There is further rooftop communal amenity and child play space. Moreover, the offer is supported by a comprehensive range of planning obligations towards public open space, public realm, transport infrastructure and streetscene improvements all of which serve to mitigate the impact of the development.

9.77 Further advice on the proper application of residential densities can be found in the London Plan Supplementary Planning Guidance entitled “Housing” (November 2012). There is a useful quote in the SPG which reads as follows:

“On the other hand, the actual density calculation of an acceptable development (in terms of units or habitable rooms per hectare) is a product of all the relevant design and management factors; if they are all met, the resultant figure is what it is and is arguably irrelevant. Anyone grappling with the thorny issue of density tends to go round in circles – moving between these two extreme positions”.

9.78 The SPG advises that development outside these ranges will require particularly clear demonstration of exceptional circumstances (taking account of relevant London Plan policies) and it states that unless significant reasons to justify exceeding the top of the appropriate range can be demonstrated rigorously, they should normally be resisted and it recognises that making decisions on housing density requires making a sensitive balance which takes account of a wide range of complex factors.

9.79 The SPG outlines the different aspects which should be rigorously tested, these include the proposed dwelling mix, design and quality, physical access to services, long term management of communal areas and the wider context of the proposal including its contribution to local “place shaping”. It also refers to the need to take account of its impact in terms of design (exemplary), massing, scale and character in relation to nearby uses whilst requiring an assessment of the capacity of existing local amenities, infrastructure and services to support the development.

9.80 The issues set out above are discussed elsewhere in report. However in summary, the scheme is fully compliant with communal amenity space and child amenity space standards as well as providing a significant portion of public open space on site. The scheme also complies with the London Plan’s Housing Supplementary Planning Guidance in terms of unit sizes and private amenity space and quality of internal layouts. The applicant has met all the ‘standard’ S.106 planning obligations required by the Planning Obligations SPD and a further £154,000 towards the cycle superhighway along Whitechapel High Street and a further £241,000 towards additional public realm improvements. In conclusion, officers consider that the proposed density would be acceptable for his form of development within a highly accessible City Fringe location.

Affordable Housing

9.81 The London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and that there should be no segregation of London’s population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period which can be expressed in absolute terms or as a percentage.

9.82 Policy 3.12 is considered to be of particular relevance as it provides guidance on negotiating affordable housing provision on individual sites. The policy

requires that the maximum reasonable amount should be secured on sites, having regard to:

- Current and future requirements for affordable housing at local and regional levels;
- Affordable housing targets;
- The need to encourage rather than restrain development;
- The need to promote mixed and balanced communities;
- The size and type of affordable housing needed in particular locations; and,
- The specific circumstances of the site.

- 9.83 The supporting text to the policy encourages developers to engage with an affordable housing provider to progress a scheme. Boroughs should take a reasonable and flexible approach to affordable housing delivery as overall, residential development should be encouraged rather than restrained. The GLA development control toolkit is an acceptable way of evaluating whether a scheme is providing the maximum reasonable amount of affordable housing.
- 9.84 The policy requires a minimum of 35% affordable housing to be provided. This however is subject to viability as set out in part 3a of the Core Strategy. The London Plan and NPPF also emphasise that development should not be constrained by planning obligations.
- 9.85 Paragraph 173 of the NPPF states that “the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.” Policy 3.12 of the London Plan is clear that viability is a consideration when negotiating affordable housing “negotiations on sites should take account of their individual circumstances including development viability” and the need to encourage rather than restrain development.
- 9.86 The affordable housing is being offered at a 70:30 split between affordable-rented units and shared ownership units, in accordance with policy. Whilst the proposed mix would not meet the London Plan ratio of 60:40 it would accord with the TH Core Strategy.
- 9.87 Following further negotiations the 1 and 2 bed affordable rented units are offered at the Council’s preferred ‘POD’ rent levels. The 3 bed family units are offered at a rent effectively equivalent to social target rents plus service charge. Therefore, 1-bed flats would be £207.12 per week and 2-bed flats at £220.54 per week, inclusive of service charges. For 3-bed flats the pod rent is £250.14, however to ensure these flats at an affordable rate they have been negotiated to a level of £197.12 inclusive of service charge. Whilst these rent levels have had an effect on development viability, they ensure that rent levels are affordable to potential occupants in this city fringe location.
- 9.88 The affordable housing offer of 35% is made in conjunction with an enhanced package of planning obligations in accordance with the Council’s SPD. A viability toolkit has been submitted with the scheme and this has been independently reviewed by the Council’s financial viability consultants. The review of the toolkit concluded that the site could viably provide a maximum of 35% affordable housing by habitable room. Officers are now satisfied that the offer is the maximum that could be achieved without making the development unviable.

Housing Mix

- 9.89 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type.
- 9.90 Policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus) including 45% of new rented homes to be for families.
- 9.91 Policy DM3 (part 7) of the MDD requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Councils most up to date Strategic Housing Market Assessment (2009).
- 9.92 This development represents a mix of tenure in terms of providing some 105 affordable rented units, 45 shared ownership units and 313 private units with the residential section of the scheme.
- 9.93 The proposed breakdown of the mix is set out in table 1 below:

Table 1: Proposed residential tenure split and accommodation mix

Ownership	Type	Units	%	Hab rooms	%
Private	Studio	21	7	21	2.5
	1 bed	111	35	222	26
	2 bed	112	37	336	39
	3 bed	67	21	268	31
	4 bed	2	<1	10	1
Total new sale		313	100	857	65
Affordable Rented	studio	0	0	0	0
	1 bed	22	20	44	14
	2 bed	52	50	156	48
	3 bed	31	30	124	38
Total affordable rent		105	100	324	24.6
Intermediate	Studio	0	0.0	0	0
	1 bed	11	24	22	16
	2 bed	21	47	63	46
	3 bed	13	29	52	38
Total intermediate		45	100	137	10.4
Total new affordable		150	32.4%	1318	35
Total new build		463			

- 9.94 Policy DM3 seeks for market sector housing a mix of 50% 1-beds, 30% 2-beds and 20% 3+ bed units. The proposal is 42% studios and 1-beds, 37% 2-beds and 21% 3-beds. The offer is broadly in line with policy and is not objectionable.

- 9.95 Policy DM3 seeks for intermediate sector housing a mix of 25% 1-beds, 50% 2-beds and 25% 3 bed units. The proposal is 24% 1-beds, 47% 2-beds and 29% 3-beds. The offer is broadly in line with this policy.
- 9.96 Policy DM3 seeks for the affordable/social rented sector housing a mix of 30% 1-beds, 25% 2-beds, 30% 3 beds and 15% 4-bed units. The proposal is 20% 1-beds, 50% 2-beds and 30% 3-beds. The one and three bed offer is broadly in line with policy. However, the proposal does not provide any 4-bed units and a higher percentage of 2-beds. The provision of 4-bed flats within a high-density, high-rise city fringe London location is not always possible or desirable. The policy sets out a mix to be achieved across the Borough and across the plan period. It is recognised that not all sites are appropriate for a policy compliant mix and other sites in the Borough have a better capacity to make up the shortfall.
- 9.97 Moreover, since submission officers have negotiated an alteration of the mix so that 20 3-bed 4-person units are now bigger units so that they are appropriate for 5 persons. The overall offer of 30% family units in the affordable rented sector is a good offer and is appropriate to the capacity of this particular site for family units.

Table 2: Proposed residential mix vs. policy requirements

Ownership	Type	Policy requirement (%)	Proposed mix
Private	Studio	0	7
	1 bed	30	35
	2 bed	50	37
	3 bed	20	21
	4 bed	0	<1
Affordable Rented	studio	0	0
	1 bed	30	30
	2 bed	25	50
	3 bed	30	30
	4 bed	15	0
Intermediate	Studio	0	0
	1 bed	25	24
	2 bed	50	47
	3 bed	25	29
	4 bed	0	0

- 9.98 The overall mix of unit sizes and tenures makes a positive contribution to a mixed and balanced community in this location as well as reflecting the needs of the Borough as identified in the Council's Strategic Housing Market Assessment. The amended housing mix is supported by the Council's Housing officers.

Quality of Accommodation

- 9.99 The GLA produced a supplementary planning guidance note on housing in November 2012. Part 2 of the document provides advice on the quality expected from new housing developments with the aim of ensuring it is “fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime”. The document reflects the policies within the London Plan but provides more specific advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.
- 9.100 The MDD requires new development to meet the London Plan internal space standards. Each of the units meets or exceeds the London Plan internal space standards and is therefore acceptable in this respect. The slender kite design of the towers lends themselves to maximising the number of dual aspect flats and ensuring there are no north facing single aspect flats. Overall, the development achieves 69% dual aspect flats. The larger flats are generally at the ‘ends’ of the blocks so that all of the family units are dual aspect. Moreover, the units have been organised in such a way to ensure that they are no north facing single aspect flats.
- 9.101 Each flat has its own private amenity space in the form of a recessed or projecting balcony. All of these balconies measure between 5sqm and 9sqm, in accordance London Plan and MDD policy (see table 3 below).
- 9.102 Given the fairly dense urban location, the development would not be unduly overlooked by existing or future neighbouring occupants. Further consideration is necessary however of overlooking within the development. The three towers (B, D and F) and the two smaller blocks (A and G) are comfortably spaced as they pin-wheel around the site. However, the centrepiece Hotel (E) faces towards the western façade of Block D and the eastern facades of Blocks F and G with separation distances of ten metres. From a privacy point of view this is quite a tight relationship and therefore, mitigation is required. The proposal includes a perforated metal cover to the windows of the hotel. These will effectively mitigate overlooking whilst still allowing light into the hotel rooms. This is an appropriate solution and is secured by condition. The hotel and Block B are separated by 19m, in excess of the distance suggested in the MDD.

Wheelchair accessible housing and lifetime homes

- 9.103 London Plan and Core Strategy polices require that 10% of all new housing should be wheelchair accessible. This includes incorporating a variety of measures such as wider corridors, turning circles within living rooms and access to two different lifts. A total of 46 wheelchair accessible homes would be provided and these are spread appropriately across tenures and unit sizes to reflect the housing need in the borough. These will be secured by condition and will ensure they are built to the London Plan’s preferred standard contained within the ‘Habinteg’ guide.
- 9.104 All of the flats are designed to lifetime homes standard and a condition would be placed on any approval to ensure that this remains the case.

Daylight and Sunlight

- 9.105 DM25 of the MDD seeks to ensure that new development optimises the level of daylight and sunlight for the future occupants of new developments.
- 9.106 The Building Research Establishment (BRE) Handbook 'Site Layout Planning for Daylight and Sunlight 2011: A Guide to Good Practice' (hereinafter called the 'BRE Handbook') provides guidance on the daylight and sunlight matters.
- 9.107 For calculating daylight to new developments, the BRE Handbook advises that average daylight factor is the most appropriate method of assessment. British Standard 8206 recommends Average Daylight Factor (ADF) values for new residential dwellings, these being:
- >2% for kitchens;
 - >1.5% for living rooms; and
 - >1% for bedrooms.
- 9.108 The ADF assessment can be complemented by the No Skyline (NSL) test, which is a measurement of sky visibility. It can be the case that even where a flat has relatively low levels of illuminance as measured by the ADF test, where it has a good NSL score, occupants' perception of the light to the room as a result of that good sky visibility may be positive.
- 9.109 The application is supported by a Daylight and Sunlight Assessment (DSA). Two scenarios have been assessed, a 'stand-alone' scenario and a 'cumulative' scenario. The former scenario assumes only this development proceeds and all the consented schemes are not constructed, whilst the latter assumes both this development and all other consented schemes in the surrounding area are developed out. The robustness of the methodology and conclusions has been appraised by the Council's independent daylight and sunlight consultants.
- 9.110 Initial concerns with some particular effects on daylight and sunlight resulted in some amendments to the layout of the scheme, in particular to Block D and F/G. These changes were supported by an addendum to the DSA. The revised information has also been reviewed by the Council's consultants.

Standalone Scenario

Daylight

- 9.111 The assessment has been undertaken at levels 1, 5 and 10. If level 10 shows substantial compliance with the sunlight standards, then further analysis at higher levels would not be needed. Under this scenario, the total number and proportion of rooms that pass the ADF test are 1239 out of 1318 rooms or 94%. Moreover, there are only six flats which have no habitable rooms which pass the test.
- 9.112 The amendments have improved the daylight that would be available to the new flats in Block D. This has the result that whilst bedrooms on lower floors do not have the required 1% level of ADF, in general those flats with more than one bedroom have at least one that meets that standard.
- 9.113 At Block FG, the results are noticeably better with the amendments. There are two 2 bed flats on the south-east facing elevation at levels 3 and 4 which have

relatively low levels of internal illuminance. This however is mitigated by very good no-sky line results, which means there would be a perception of open outlook that will mitigate the relatively low levels of internal light as experienced by the future occupants.

- 9.114 On balance, whilst there are rooms, particularly bedrooms, that still do not meet the required standard, the revised flat layouts do provide better amenity than the previous version of the scheme, particularly in providing better external outlook from the flats.

Sunlight

- 9.115 The assessment has been undertaken at levels 1, 5 and 10. If level 10 shows substantial compliance with the sunlight standards, then further analysis at higher levels would not be needed.
- 9.116 As a summary, the nature of this development is such that a number of flats in blocks B and FG at 5th floor and below, will not meet the BRE standard, although it will be difficult to meet that standard in any event, to elevations that face predominantly to east or west, unless set back a considerable distance away from other properties. The absence of sunlight to the flats which do not pass is not 'arbitrary' rather it is a consequence of the densely built urban context (including recent consents).

Cumulative Scenario

Daylight

- 9.117 Under this scenario, the total number and proportion of rooms that pass the ADF test are 1093 out of 1318 or 83%. Moreover, there are only 10 flats which have no habitable rooms which pass the test. The light on Block B is generally good. The light to Block D a series of five 1-bed flats will have ADF below the recommended levels for the living from up to level 5. Elsewhere however the light is generally good particularly for living rooms. At Block FG there are a higher proportion of failings up to level 5 and the west facing flats up to level 9. However, the worst affected rooms do have generally good levels of NSL which will mean that the flats will have a perception of better light as a result of that sky visibility. In general, the results reflect either projecting or recessed balconies in conjunction with the proximity of proposed neighbouring buildings.
- 9.118 The Council's consultant summarises that 'for the flats to be created within the new development, the changes that have been made are a significant improvement. For example, where rooms will have fairly low levels of ADF, but good levels of sky visibility on the working plane (as assessed by the NSL), then there will be a perception of available daylight even if the actual daylight is not of the required standard.'
- 9.119 It is noteworthy, that the flats failing in F/G are in significant part due to the obstruction of the consented hotel building at 15-17 Leman Street. In this sense the development is not unduly self-inflicted rather it is as a consequence of the nature of the tall buildings (built or consented in the area).

Sunlight

- 9.120 Flats on the 10th floor and above will meet the standards set out in the BRE Handbook. There are also some flats on floors below 10 which also meet the

standard, in particular Block D. Full compliance with this standard at levels 9 and below will be difficult to meet, in any event, to elevations that face predominantly to east or west, unless set back a considerable distance away from other properties. The principal obstructions are buildings to the south, including the proposed Beagle House development along with the consented 'Leman Street Hotel' scheme. These results are considered to be reasonable in the context of optimising the site in area with policy support for the tall buildings and high-densities.

Shadow analysis of proposed amenity areas

- 9.121 The 2011 BRE Handbook advises the overshadowing assessment is run on the Spring Equinox (March 21st) and that the amenity area should, where possible, receive two hours or more of sunlight on at least 50% of the amenity area.
- 9.122 Under the 'standalone' scenario, the ground level spaces in the centre of the development are substantially shaded on 21 March, and will see little if any sunlight at all during the winter months. However, the southern part of the site, and the north east corner, will see 2 hours of sunlight on 21 March and will be pleasant spaces, particularly during the summer months. Whilst less than half of the total amenity areas will be able to see 2 hours sunlight, the areas that will be well lit are such that the development will provide suitable and adequate sunlight for such an urban location. The roof terraces, as would be expected, have very good levels of sunlight, and will be suitably pleasant sunlit amenity spaces for the residents.
- 9.123 Under the 'cumulative' scenario, the ground level spaces are substantially shaded on 21 March and will see little if any sunlight at all during the winter months. The shadowing is caused by neighbouring buildings to the south, in the cumulative assessment, as well as by buildings within the development itself. In the summer months, amenity areas will be likely to receive only transitory sunlight, although the main north-south axis to either side of the hotel building should receive good levels of sunlight during the lunchtime period in the summer. This is due, in part, to existing and consented schemes to the south of the development site. Whilst the grade level amenity areas will only receive transitory light, given MDD policy DM26 support for tall buildings in the area, on balance, that this element is acceptable and the light conditions for these areas have been optimised.

Light

- 9.124 Light pollution may be defined as any light emitting from artificial sources into spaces where this light would be unwanted. The potential for light trespass within the development has been assessed by the applicant through the Environmental Statement. It has assessed two scenarios, a 'stand-alone' scenario and a 'cumulative' scenario. The former assumes only this development proceeds and all the consented schemes are not constructed, whilst the latter assumes both this development and all other consented schemes in the surrounding area are developed out.
- 9.125 The assessment concludes under both scenarios that the effects of light trespass would be negligible and there would be no instances of light trespass that would exceed the recommendations of the Institute of Lighting Engineers with the exception of the potential for light trespass from the Block A (the office

block) to the residential flats on the eastern façade of Block G after 11pm which would have a major adverse effect if left unmitigated. A condition is recommended to secure a lighting strategy for the office block that may include roller blinds, light fittings with sensors which switch on or off according to office occupancy and reduced luminaires from light fittings close to the façade.

- 9.126 The robustness of this assessment has been reviewed by the Council's independent daylight and sunlight consultants who confirm that they agree with the assessment methodology and raise no concerns with the conclusions reached. The development will not result in a light trespass nuisance to potential occupants subject to the recommended condition.

Amenity space and Public Open Space

- 9.127 For all major developments, there are four forms of amenity space required: private amenity space, communal amenity space, child amenity space and public open space. The 'Children and Young People's play and information recreation SPG provide guidance on acceptable levels and quality of children's play space and advises that where appropriate child play space can have a dual purpose and serve as other form amenity space. This is particularly apt for very young children's play space as it is unlikely that they would be unaccompanied.
- 9.128 Private amenity space is a set figure which is determined by the size of the dwelling. Policy DM4 of the MDD sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. If in the form of balconies they should have a minimum width of 1500mm.
- 9.129 Communal open space is calculated by the number of dwellings. 50sqm is required for the first 10 units with an additional 1sqm required for each additional unit. For this scheme this produces a communal amenity space requirement of 503sqm.
- 9.130 Public open space is determined by the number of residents, employees and hotel occupants anticipated from the development, the planning obligations SPD sets out that 12sqm of public open space should be provided per person (whilst making appropriate reductions for employees). Where the public open space requirement cannot fully be met on site, the SPD states that a financial contribution towards the provision of new space or the enhancement of existing spaces is appropriate. The total public open space requirement is 15,766sqm.
- 9.131 Play space for children is also required for all major developments, the quantum of which is determined by the child yield of the development. Policy 3.6 of the London Plan as well as the 'Children and Young People's play and information recreation SPG provide guidance on acceptable levels and quality of children's play space. Having regard to the predicted child yield of this development, 1620sqm of child play space is required. This is split 680sqm for ages 0-3, 650sqm for ages 4-10 and 290sqm for 11-15 year olds.
- 9.132 The private amenity space is provided in the form of recessed or projecting balconies with a minimum width of 1500mm and is met in full for all the residential units. This would accord with Policy DM4 of the MDD.

- 9.133 The communal amenity space is provided on the roof of Block A (320sqm), the roof of Block E (290sqm) and on the roof of Block G (250sqm). This gives a total communal amenity space requirement of 860sqm which comfortably exceeds the communal amenity space requirement (see table 3 below).
- 9.134 These roof spaces also 'double up' as child playspace. The roof level child play space is aimed at younger children between 0 and 10. This is considered an appropriate approach as it is likely that parents will accompany their young children in these spaces and it is appropriate that the spaces are designed to meet this dual purpose.
- 9.135 There is a further 220sqm of young children's play space at grade level on the quieter southern side of the site near Blocks E and G. The space is described as the 'triangle' and benefits from natural surveillance. Another young children's play space of 250sqm is provided adjacent to Block D on the southern side of the site which provides part of this space as partially enclosed.
- 9.136 Another 290sqm of child play space is provided along 'Drum Street' aimed at 11-15 year olds, which meets the required play space for 11-15 year olds (see table 3 below).
- 9.137 This provides a total of 1,330sqm of child play space for 0-10 year olds, which meets policy requirements fully and on-site. They are provided in a variety of different areas and split between roof tops and at grade level. The space at grade benefits from natural surveillance. These have the potential to be high quality spaces. A 'play space and communal amenity space strategy' condition is recommended to ensure that these spaces are high quality and maintained as such.

Public Open Space

- 9.138 The development provides 2,855sqm of high quality public open space. The layout would improve connectivity through the site to the wider surrounds including Braham Street Park. However, the space will also serve as a destination in its own right along with the retail and café uses on the ground floor which include opportunities for al fresco dining. The public open space has been appropriately maximised on-site. The 'shortfall' to the guidance set out in the Planning Obligations SPD has been mitigated in full with financial contribution of £863,392 towards providing new public open space and improving existing spaces. The table below sets out the proposed open space provision versus the policy requirement for each category.

Table 3: Proposed amenity and open space vs. policy requirements

Type	Policy Requirement	Application Proposal
Private amenity space	3,003	3,003 (excluding larger balconies)
Communal amenity space	503	860
Child play space	1,620	1,620
Public open space	15,766	2,855

Neighbouring amenity

- 9.139 Policy DM25 of MDD requires development to protect, and where possible improve, the amenity of surrounding existing and future residents as well as the amenity of the surrounding public realm. The policy states that this should be way of protecting privacy, avoiding an unacceptable increase in sense of enclosure, avoiding a loss of unacceptable outlook, not resulting in an unacceptable material deterioration of sunlighting and daylighting conditions or overshadowing to surrounding open space and not creating unacceptable levels of noise, vibration, light pollution or reductions in air quality during construction or operational phase of the development.
- 9.140 The effects on microclimate, noise and air quality are assessed elsewhere in this report. However, the cumulative impacts of all these potential effects on neighbouring amenity are considered in the conclusion of this section.

Privacy

- 9.141 In the preamble to MDD Policy DM25, the document advises that a distance of 18m is normally sufficient to mitigate any significant loss of privacy between habitable facing windows.
- 9.142 The proposed development is separated by at least 20 metres from existing and consented development to the west, north and east by the substantial highways on Leman Street, Whitechapel High Street and Commercial Road. It is however closer to development on Buckle Street and the south side of Commercial Road.
- 9.143 The nearest building to the site on the south side of Commercial Road is at No. 30b. It is a four-storey building in commercial use on the ground floor with residential above. It abuts the back edge of the pavement on Commercial Road and extends through to the back edge of Buckle Street. Currently the 4-storey multi-storey car park on the application site adjoins 30b Commercial Road and they share a common front and rear building line. Block D of the proposed development will sit adjacent to 30b Commercial Road and they will share a common front and rear building line. As a consequence, the development will not increase levels of overlooking and the privacy of residents at 30b Commercial Road will be safeguarded.
- 9.144 On the opposite (south) side of Buckle Street is the 'Altitude' development, a residential development up to 28 stories in height with 235 flats, which is currently being constructed. At its closest point the developments will be facing each other with a 12m separation distance. This relationship across a highway is not an unusual one, particularly in a central London location and will not result in a level of privacy for either development below that which would be expected.
- 9.145 The building to the west of Altitude is 'Enterprise House' an office block and it adjoins a residential development on the corner of Leman Street and Buckle Street. Both of these developments are further away from proposed facing windows than the 'Altitude' development would be. In a similar way therefore, these developments would not be unduly overlooked.
- 9.146 In summary, the development would not unduly overlook existing and potential neighbouring sites and would protect the privacy of existing and potential neighbouring residential occupants. The development accords with MDD policy DM25 in this respect.

Outlook / sense of enclosure

- 9.147 The assessment of sense of enclosure or the impact upon outlook is not a definable measure and the impact is a matter of judgement. If there are significant failures in daylight and sunlight or infringements of privacy it can be an indicator that the proposal would also be overbearing and create an unacceptable sense of enclosure. As explained above, there is not considered to be significant detrimental impact in terms of a loss of light or privacy in the context of this location.
- 9.148 Moreover, the proposed development should be considered in context of the extant scheme. The extant scheme is not only higher, but essentially a single large block from almost site edge to site edge. On the hand, this proposal is for a more slender design which provides views through the development. It is also a more aesthetically pleasing development on which a neighbouring resident may look at upon. Consequently, outlook and sense of enclosure for neighbouring residents would be significantly improved.

Effect on daylight and sunlight of neighbouring dwellings

- 9.149 DM25 of the MDD and SP10 of the CS seek to ensure that existing and potential neighbouring dwellings are safeguarded from an unacceptable material deterioration of sunlight and daylight conditions.
- 9.150 For calculating daylight to neighbouring properties, affected by a proposed development, the primary assessment is the vertical sky component (VSC) together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. The 2011 BRE guide emphasises the VSC assessment as the primary method of assessment.
- 9.151 The VSC is a quantified measurement of the amount of skylight falling on a vertical wall or window. The BRE handbook suggests a window should retain at 27% VSC or retain at least 80% of the pre-development VSC value.
- 9.152 The NSL is a measurement of the proportion of the room which receives direct sky light through the window i.e. it measures daylight distribution within a room. The BRE Handbook states that if an area of a room that receives direct daylight is reduced to less than 0.8 times its former value the effects will be noticeable to its occupants.
- 9.153 Where the assessment considers neighbouring properties yet to be built then Average Daylight Factor (ADF) may be an appropriate method to supplement VSC and NSL.
- 9.154 For calculating sunlight the BRE guidelines state that sunlight tests should be applied to all main habitable rooms which have a window which faces within 90 degrees of due south.
- 9.155 The application is supported by a Daylight and Sunlight Assessment (DSA). Two scenarios have been assessed, a 'stand-alone' scenario and a 'cumulative' scenario. The former scenario assumes only this development proceeds and all the consented schemes are not constructed, whilst the latter assumes both this development and all other consented schemes in the surrounding area are developed out. The robustness of the methodology and

conclusions has been appraised by the Council's independent daylight and sunlight consultants. The following properties were assessed:

- 32-34 Commercial Road;
- Riga Mews;
- 55-57 Alie Street;
- St. George's German Lutheran Church;
- 24-26 Buckle Street;
- 92-93 Whitechapel High Street;
- 91 Whitechapel High Street;
- 90 Whitechapel High Street;
- 89 Whitechapel High Street;
- 1 Commercial Street; and,
- Altitude.

9.156 It is noteworthy that there is an extant permission for a substantial large scale office development on the site and this is a material consideration to the assessment of this element of the scheme.

Stand-alone scenario

Daylight

9.157 There are 502 rooms which have been assessed. The numbers of rooms which pass both the VSC and NSL test are 381; 121 do not. 91 of these failures are in the Altitude development, 26 at 24-26 Buckle Street and two at both 89 and 91 Whitechapel High Street. In relation to the four rooms failing at 89 and 91 Whitechapel High Street, they all only just fail both tests. On that basis it is considered to be only a minor adverse effect. In relation to the failures at 24/26 Buckle Street, our consultants have advised that the proposed development will have no materially greater impact than the existing consented scheme.

9.158 In terms of the effect on Altitude our consultant advises that the effects are more significant than the effects under the consented office scheme. However, it must be noted that the Altitude development currently looks over a largely vacant site. As a result the level of VSC to the upper Altitude is much higher than one might expect in this sort of location. As a consequence of this, and noting that the VSC tests uses a percentage reduction measure as part of its methodology (see paragraph 9.151), it is inevitable that significant reductions in the VSC standards would occur from a development which optimises the site. Rigid application of the BRE standard in this case may have the effect of sterilising the development potential of significant portion of Aldgate Place site. This would limit its potential to make an optimal contribution to the Tower Hamlets Development Plan's objectives. On this basis, this element of the scheme can be considered acceptable.

Sunlight

9.159 There are 272 windows that need to be assessed under BRE guidance in the developments listed above. 265 pass the BRE 'sunlight' test. There are seven failures. One at 32-34 Commercial Road, one at Altitude and five at 1 Commercial Street 'the Redrow Development'. Considering the small number

of rooms affected, the need for tall developments that optimise the site and the existing consent, this should be considered to be acceptable.

Cumulative scenario

Daylight

- 9.160 A cumulative assessment takes account of additional proposed developments around the application site and as these are for tall buildings they do generally have the effect of reducing sky visibility. Therefore, the results for daylight show a generally greater loss of light than for the application scheme alone. In 24-26 Buckle Street, 32 rooms meet neither standard and in the Altitude Tower, 112 rooms do not meet this standard. In addition, at 1 Commercial Street there will be 13 rooms not meeting the required standard, 3 in 89 Whitechapel High Street, 2 in 91 Whitechapel High Street and 1 in both Goodman's Fields and 55-57 Alie Street. This is a total 164 rooms failing both daylight tests from 609 rooms that have been assessed.
- 9.161 When comparing this proposal with the extant large floorplate office consent, the effect on 1 Commercial Street is no worse and, in fact, the effect on daylight to the Altitude development is generally better. The Council's consultant advises that in the long term the current application is likely to have a less adverse impact than the extant scheme. On this basis, whilst the development will have an impact on neighbouring amenity in terms of daylight under the cumulative scenario it can be considered to be acceptable, particularly given the need for tall developments that optimise the site's development potential.

Sunlight

- 9.162 There are 303 'qualifying' windows in the developments listed above. 256 pass the BRE 'sunlight' test. There are 47 failures, 40 of which are at 1 Commercial Street.
- 9.163 The impact on 1 Commercial Street is spread around the building, principally affecting bedrooms and it is relevant that the main influence on sunlight to this property is the proposed building at Aldgate Tower. In the context of the Aldgate Tower development the effect of the Aldgate Place application site is relatively minor.
- 9.164 Considering the relatively small number of rooms affected, the need for tall developments that optimise the site and the existing consent, this should be considered to be acceptable.

Light

- 9.165 The assessment concludes under both the stand alone and cumulative scenarios that the effects of light trespass would be negligible and there would be no instances of light trespass that would exceed the recommendations of the Institute of Lighting Engineers. The robustness of this assessment has been reviewed by the Council's independent daylight and sunlight consultants who confirm that they agree with the assessment methodology and raise no concerns with the conclusions reached. The development will not result in a light trespass nuisance to existing and potential neighbouring occupants.

Shadow analysis of nearby public realm

- 9.166 The two nearest amenity areas are the space referred to as 'Braham Street Park', a significant strategic open space and the internal courtyard to the German Lutheran Church on Alie Street. Two scenarios have been assessed, a 'stand-alone' scenario and a 'cumulative' scenario against the guidelines set out in the 2011 BRE Handbook.
- 9.167 The 2011 BRE Handbook advises the overshadowing assessment is run on the Spring Equinox (March 21st) and that the amenity area should, where possible, receive two hours or more of sunlight on at least 50% of the amenity area.
- 9.168 The analysis shows under the 'stand-alone' and cumulative scenarios that the amenity space at Braham Street will be left with most of its area seeing at least two hours of sunlight on March 21st and therefore, the standard in the 2011 BRE Handbook is met. In relation to the courtyard at the German Lutheran Church due to its internal configuration it is already high overshadowed and does not see 2 hours at present on 21 March and there will therefore be no change in that assessment.
- 9.169 In summary, the development's effect on shadowing of surrounding amenity areas meets the guidance within the 2011 BRE Handbook and will not have an undue adverse effect on the ambience and overall appearance of these amenity areas.

Conclusion to effects on neighbouring amenity

- 9.170 Having regard to the above analysis along with the assessment in paragraphs 9.205-9.209 of air quality, noise and vibration both during the construction and operational phase of the development, the proposal will not unduly impact on neighbouring amenity and is in accordance with MDD policy DM25.

Transport, Connectivity and Accessibility

- 9.171 The NPPF and Policy 6.1 of the London Plan 2011 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 9.172 Core Strategy policies SP08 and SP09, together with policy DM20 of the MDD seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts, also seeks to prioritise and encourage improvements to the pedestrian environment and focus development within areas such as the Central Activities Zone.
- 9.173 As detailed earlier in this report, the site has a good public transport accessibility level (PTAL) of 6b (1 being poor and 6b being excellent). The site is adjacent to Aldgate East Underground Station which connects to the District and Hammersmith & City lines, Circle and Metropolitan lines. Reflecting its location in the heart of Aldgate, it is well served by ten bus routes from Whitechapel High Street. Fenchurch Street mainline station (C2C services to Essex) and Tower Gateway station (Docklands Light Railway) are both within walking distance. Commercial Road, Whitechapel Road and Leman Street all bounded the site and are designated as being under the jurisdiction of Transport for London as they are an important part of the London road

network (TLRN). Buckle Street which bounds the site to the south is not designated as part of the TLRN.

Trip rates and Impact

- 9.174 TfL confirms the methodology for the trip rates assessment is in line with London Plan Policy 6.3 and is therefore welcomed. However, TfL advised that the mode share analysis should use the recently available 2011 census data and that the employment density calculations for the office should be compared with TRAVL database. TfL confirmed that they do not expect the proposed development will have a significant impact on the highway and public transport networks subject to concerns regarding the mode share analysis being satisfied.
- 9.175 Subsequent to TfL's comments an addendum to the Transport Assessment (TA) was submitted. It assesses the original assumptions in the TA against both the 2011 census for the residential modal split and the TRAVL database for the office modal split, as per TfL's advice. This additional analysis confirms that the original assumptions were robust. Accordingly, it is not expected that the proposed development will have a significant impact on the highway and public transport networks.
- 9.176 In relation to the impact on public transport, the development will be required to make a contribution of around £2,195,132.50 towards the Mayor of London's Community Infrastructure Levy (CIL) and Crossrail 'top-up' fund which pools funds to help meet the cost of delivering Crossrail across London. Moreover, it will make a £154,000 contribution to TfL's Cycle Superhighway on Whitechapel High Street as well as provide increase pavement widths on the footways adjoining the development.

Car Parking

- 9.177 Policy SP09 of the CS and Policy DM22 of the MDD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision. The MDD standards set parking levels for this site should be less than 0.1 for one and two bedroom units and 0.2 for three bedrooms or larger and 1 spaces per 15 bedrooms for the hotel. It also states that 5 motorcycle spaces are the equivalent of 1 car parking space. This results in a combined maximum parking standard of 67 spaces and 10 motorcycle spaces.
- 9.178 The development proposes 74 residential parking spaces, 10 motorcycle spaces and 2 disabled parking spaces for the hotel. The residential parking provision equates to circa 1 space per 6 units (0.16 spaces per unit). The development exceeds the MDD combined standard by 7 spaces. For this scale of development, this is a minor deviation from policy. It is also noteworthy that each space is valued at £50,000. Clearly, a reduction in parking spaces would harm the viability of the development and have the consequent effect of reducing the affordable housing offer. In the opinion of officers, the balance lies in favour of maximising affordable housing against the minor deviation against parking standards.
- 9.179 10% of these spaces will be provided as compliant disabled parking bays and for use by blue badge holders. 20% of the car parking provision is actively

provided for electric charging and 20% for passive provision. These are to be secured by conditions and are compliant with policy.

- 9.180 The parking spaces are provided at basement levels and access and egress is provided by way of two car lifts. The on-site entrance road provides a reservoir of space for up to four cars to ensure that any queuing does not back up on to the highway.
- 9.181 The development would be secured as a permit free development, meaning that none of the residents would be able to apply for a parking permit for the surrounding streets.

Cycle and Walking

- 9.182 The proposed cycle parking spaces for 854 residential, hotel and commercial uses comply with the London Plan Policy 6.9 "Cycling" standards, and are therefore welcome. These cycle spaces along with twelve visitor spaces will be secured through by way of condition. The lift serving the basement bicycle store has capacity for two bicycles and could be used 120 times per hour. Therefore, its hourly capacity in this period would be 240. The peak hour residential/office cycle trips estimated in the transport assessment are as follows:
- AM Peak: 24 in total, 8 in and 16 out;
 - PM Peak: 23 in total, 14 in and 9 out.
- 9.183 The highest movement is in AM peak with 24 movements. Even if a successful Travel Plan were to treble the peak usage the proposed cycle lift will still have sufficient capacity to accommodate the increase in cycle trips. It is therefore considered that cycle lift has sufficient capacity to accommodate the anticipated peak hour trips.
- 9.184 The pedestrian movements are however likely to be significant with an additional 454 pedestrian movements in the am peak and 469 in the pm peak. The s106 agreement will secure a Pedestrian Environmental Review System (PERS) survey to assess the condition of the pedestrian environment in relation to the nearest public transport nodes and other places of interest. The potential improvements will also be secured through the s106 and delivered through the s278 agreement. It is also noteworthy that the development will provide significant improvements in pavement widths on all four adjoining footways.
- 9.185 The proposed realignment of the Puffin crossing on Lemn Street east of Braham Street Park to respond to the pedestrian desire line from this development is supported in principle by TfL with the detailed assessment of delivery secured through the s278 agreement with TfL.
- 9.186 Whilst there are some concerns with the indicative travel plans submitted with the application, revised and improved travel plans will be appropriately secured through the s106 to encourage residents, employees and patrons of the hotel to use sustainable methods of transport.

Servicing and construction

- 9.187 The development proposes two servicing areas, a layby on Commercial Road to serve the residential block fronting Whitechapel High Street and a layby on Buckle Street to serve the two other residential blocks. The hotel will also be served from Buckle Street. The retail and office units will be serviced directly off the highway in a similar manner to the existing retail units along Whitechapel High Street and Commercial Road.
- 9.188 The transport assessment predicts up to 38 servicing and delivery vehicles to serve the development, including two collections a week for residential refuse. Spread over a 13 hour period, the number of servicing vehicles would be less than three an hour and will be split across the two proposed servicing areas.
- 9.189 In relation to the proposed lay-by on Commercial Road, part of Transport for London's Road Network, TfL confirm that the loading bay is acceptable subject to minor detailed amendments to ensure the safety of pedestrians. TfL confirm that these minor amendments can be secured through the s278 agreement.
- 9.190 In relation to the use of Buckle Street, LBTH Highways Department describe Buckle Street as 'a natural location for servicing and deliveries as well as a route for waste and refuse collection.' Planning officers agree with this assessment. Nevertheless, Highways are concerned regarding the cumulative demands on Buckle Street from this and other consented developments.
- 9.191 However, Buckle Street is the sole access/egress to the existing 150 space multi-storey car park. It generates approximately 200 two-way vehicular movements over a 12 hour period including 31 two-way movements in the AM peak and 21 two-way movements in the PM peak. The vehicular parking at the proposed development is predicted to generate 17 two-way movements in the AM peak and 16 two-way movements in the PM peak. Clearly, the removal of the multi-storey car park is welcome and reduces the demands placed on Buckle Street. A Servicing Plan, to be secured though condition, will ensure that servicing is limited during peak hours, that it is staggered across the day and servicing and delivery times are co-ordinated with the other developments that will rely on Buckle Street. The Plan will also ensure an appropriate division of the servicing demands between the Commercial Road and Buckle Street lay-bys.
- 9.192 A Construction Method Plan is to be secured by condition to mitigate the temporary effects of the movement of construction traffic on the free flow and safety of highway traffic as required by London Plan policy 6.14.

Inclusive Access

- 9.193 Policy 7.2 of the London Plan (2011) Policy SP10 of the CS and Policy DM23 of the MDD seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.
- 9.194 A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. The proposed development has been designed with the principles of inclusive design in mind.

9.195 The use of tactile paving assists with visually impaired people when walking across the shared drop-off space and delineating where the pavement finishes and highway begins. Appropriate detailed design and finishes will be secured via condition.

Energy & Sustainability

9.196 At a National level, the NPPF encourage developments to incorporate renewable energy and to promote energy efficiency.

9.197 The London Plan sets out the Mayor of London's energy hierarchy which is to:

- Use Less Energy (Be Lean);
- Supply Energy Efficiently (Be Clean); and
- Use Renewable Energy (Be Green)

9.198 The London Plan 2011 also includes the target to achieve a minimum 25% reduction in CO² emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).

9.199 Policy SO3 of the Core Strategy (2010) seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. The London Borough of Tower Hamlets Core Strategy Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.

9.200 Policy DM29 within the Managing Development Document requires developments to achieve a minimum 35% reduction in CO² emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. Policy DM29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential development to achieve Code for Sustainable Homes Level 4 and the commercial elements to achieve a BREEAM rating of 'excellent'.

9.201 The Energy Statement follows the Mayor's energy hierarchy as detailed above. The development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean). The integration of communal heating schemes, incorporating a Combined Heat and Power (CHP) engine to provide hot water and space heating requirements for all of the site uses is in accordance with policy 5.6 of the London Plan. The proposed scheme is designed to link to the Alie Street development (PA/11/01569) and the sizing of the CHP includes capacity to supply all of the residential units within that development. The anticipated CO² emission reductions from the CHP system (Be Clean) are 32.66% for Aldgate Place. The current proposals for delivering the space heating and hot water are acceptable.

9.202 A ~30kWp photovoltaic array is proposed to provide a source of on-site renewable energy (Be Green). The technologies employed would result in a 2% carbon savings over the regulated energy baseline. Through the maximisation of the communal system to deliver space heating and hot water it is acknowledged that achieving a 20% reduction in CO² emissions through

renewable energy technologies is technically challenging and not feasible for all developments. Whilst the proposed development is not meeting Core Strategy Policy SP11, it has been demonstrated that the design has followed the energy hierarchy and sought to integrate renewable energy technologies where feasible.

- 9.203 The total anticipated CO² savings from the developments are ~36%, through a combination of energy efficiency measures, a CHP power system and renewable energy technologies. The CO² savings are in accordance with Policy DM29 requirements and are supported by the sustainable development team. It is recommended that the energy strategy is secured by condition and delivered in accordance with the submitted Energy Statement.
- 9.204 In terms of sustainability, the submitted information commits to achieving a Code for Sustainable Homes Level 4 rating and a pre-assessment has been submitted to demonstrate how this level is deliverable for the residential units. The submitted pre-assessments show that achieving 'Excellent' ratings in accordance with Policy DM29 is deliverable and a condition will ensure this is the case.

Environmental Considerations

Air quality

- 9.205 Policy SP03 of the Core Strategy suggests air quality improvements will be addressed by continuing to promote the use of public transport and reduce reliance on private motor vehicles and introducing a 'clear zone' in the borough. Policy DM9 also seeks to improve air quality within the Borough, and outlines that a number of measures would contribute to this such as reducing vehicles traffic levels, controlling how construction is carried out, reducing carbon emissions and greening the public realm.
- 9.206 In this case, the development provides a low level of car parking, placing a reliance on more sustainable methods of transport. The use of a decentralised energy centre helps to reduce carbon emissions and the soft landscaping around the site including the amenity pavilion roof would assist with urban greening.
- 9.207 Subject to a condition to ensure that mitigation measures for nitrous dioxide are in place along the residential facades the scheme, once complete, is not objectionable in air quality terms.
- 9.208 It should also be noted that measures to control dust from the site during construction will be addressed through a construction management plan.

Noise and vibration

- 9.209 LBTH Environmental Health raise no objections in respect of noise and vibration subject to conditions relating to noise mitigation measures for the residential facades, limiting plant noise to 10dB below background levels along with mitigation measures relating to both vibration and structural-borne noise relating to the nearby London Underground railway system.

Contaminated Land

- 9.210 In accordance with the requirements of the NPPF and policy DM30 of the MDD, the application has been accompanied by an Environmental Statement which assesses the likely contamination of the site.
- 9.211 The Council's Environmental Health Officer has reviewed the documentation, and advises that subject to conditions to ensure that appropriate mitigation measures are in place there are no objections on the grounds of contaminated land issues.

Flood Risk

- 9.212 The NPPF, policy 5.12 of the London Plan, and policy SP04 of CS relate to the need to consider flood risk at all stages in the planning process. Policy 5.13 seeks the appropriate mitigation of surface water run-off.
- 9.213 The site is located in Flood Zone 1 and therefore at low risk from fluvial and tidal flooding. The area of development is less than 1 hectare. Groundwater flood risk is also considered to be low, as supported by Phase II intrusive investigations. A Flood Risk Assessment (FRA) has therefore not been carried out. The key issue is the management of surface water runoff.
- 9.214 The development restricts surface water runoff to 50% of brownfield flows having regard to the impact of climate change. Surface water flows will be reduced from a computed 101.3 litres per second in a 1:100 storm event to 52 litres per second in a 1 in 100 year storm event post development. The sub-soils are not conducive to infiltration. Therefore, on-site attenuation of storm flows is provided by two cellular storage tanks. The tanks are located underground to the north of Building A and underground between Building F and G.
- 9.215 Subject to the inclusion of conditions to secure the above, the proposed development complies with the NPPF, Policies 5.12 and 5.13 of the London Plan and Policy SP04 of the CS.

Biodiversity

- 9.216 The London Biodiversity Action Plan (2008), policy 7.19 of the London Plan, policy SP04 CS and policy DM11 of the MDD seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity. Policy DM11 of the MDD also requires elements of living buildings.
- 9.217 Through the provision of a landscaping scheme that includes native planting at ground level and green areas on the roofs of Blocks A, E and G. the proposed Development provides an ecological enhancement to the local area.
- 9.218 The existing site is of limited biodiversity and ecology value and the proposed development will make modest enhancements to biodiversity in accordance with the above mentioned policies.

Health Considerations

- 9.219 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as

a mechanism for ensuring that new developments promote public health within the borough.

9.220 Policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.

9.221 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:

- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
- Providing high-quality walking and cycling routes.
- Providing excellent access to leisure and recreation facilities.
- Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
- Promoting and supporting local food-growing and urban agriculture.

9.222 The applicant has agreed to a financial contribution of £633,756 to be pooled to allow for expenditure on health care provision within the Borough.

9.223 The application will also propose open spaces within the site which are to be delivered. This will also contribute to facilitating healthy and active lifestyles for the future occupiers of the development and existing residents nearby.

9.224 It is therefore considered that the financial contribution towards healthcare and new open space will meet the objectives of London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy which seek the provision of health facilities and opportunities for healthy and active lifestyles.

Impact upon local infrastructure / facilities

9.225 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's 'Planning Obligations' SPD sets out in more detail how these impacts can be assessed and appropriate mitigation.

9.226 Planning Obligations Section 106 Head of Terms for the proposed development at the City Pride site, based on the priorities set out in the adopted Tower Hamlets Planning Obligations SPD (January 2012).

9.227 The NPPF requires that planning obligations must be:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Are fairly and reasonably related in scale and kind to the development.

9.228 Regulation 122 of CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.

9.229 Securing appropriate planning contributions is further supported policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

9.230 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:

- Affordable Housing
- Employment, Skills, Training and Enterprise
- Community Facilities
- Education

9.231 The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

9.232 The development is predicted to have a population yield of 932, 159 of whom will be aged between 0-15 and are predicted to generate a demand for 110 school places. The development is also predicted to generate 347 on-site jobs once the development is complete. Therefore, the development will place significant additional demands on local infrastructure and facilities, including local schools, health facilities, idea stores and libraries, leisure and sport facilities, transport facilities, public open space and the public realm and streetscene.

9.233 The public open space contribution is worthy of further comment. The Council's Planning Obligations SPD contains a formula to calculate the public open space required for a development. It has regard to the net increase in residential occupation rates along with employees and hotel guests. Where the open space requirements cannot reasonably be met on site, the SPD allows a commuted sum to be paid to offset the shortfall. The development generates a need for 15,766 sq. m. of public open space and provides 2855sq. m. of high-quality open space on site. The on-site provision has been maximised, nevertheless the shortfall is 12,912sq. m. A commuted sum of £863,392 appropriately mitigates this shortfall and this contribution is offered in full by the applicant.

9.234 In relation to Enterprise and Employment Skills and Training, the developer has offered to commit themselves through the S106 agreement to use reasonable endeavours to meet at least 20% local procurement of goods and services, 20% local labour in construction and 20% end phase local jobs. In addition, the developer has offered apprentice places during the full construction period as well as end-user phases. To maximise opportunities the apprentices are not solely in relation to on-site construction trades but also to back-office opportunities at this and other Barratt and British Land sites.

9.235 In relation to the office space, the developer has offered as part of the s106 agreement to work with Tower Hamlets Council and other local organisations

to identify and engage with local SME's and they will promote the space at meet the buyer events which will be targeted at local start-ups and SME's.

- 9.236 The s106 also will include an end-user engagement strategy so that the developer will work with end-users to ensure that appropriate commitments are in place to promote employment, enterprise and training opportunities.
- 9.237 Paragraph 5.7 of the Council's Planning Obligations SPD (page 16) identifies that major development schemes will have wide ranging impacts which may require significant mitigation in addition to the standard charges. In this case, it is noteworthy that the proposal is a departure from Development Plan in that the scheme is residential rather than office led. The reason for this departure is due, in part, to the poor quality public realm in the immediate vicinity of the site that serve as a disincentive to the type of investment that would meet the aspirations of the Development Plan. Therefore, it is considered appropriate that this development makes a contribution towards mitigating these disincentives so that it assists in 'unlocking' barriers to investment on other sites in Aldgate that would more closely accord with the Development Plan. The Aldgate Connections Study identifies areas on which investment should be focussed. Three areas in close proximity to the site are of particular relevance. These are shown in the table below:

Table 4

Focus Area	Measured sq.m	Cost per sq.m (based on uplift figure within the Streetscene section of the Planning Obligations SPD)	Total figure
Goulston Street	2041 sq.m	£66	134,706
Old Castle Street	539 sq.m	£66	35,574
Gunthorpe Street	1073 sq.m	£66	70, 818
Total Uplift Figure in accordance with Section 106 SPD:			£241,100

- 9.238 Accordingly, a further contribution of £241,100 has been negotiated with and subsequently offered by the application.
- 9.239 In order to ensure that the proposed development was deliverable and viable, a financial appraisal was submitted by the applicants. This was independently assessed on behalf of the Council, and through the course of negotiations the proportion of affordable housing has been secured at 35% affordable housing by habitable room with a 70:30 split between affordable rented and shared ownership. The independent advice concluded that affordable housing has been maximised on this site for this development.
- 9.240 Officers are satisfied that the scheme viability has been appropriately and robustly tested. It is therefore considered that affordable housing and financial obligations have been maximised in accordance with London Plan (2011), Core Strategy (2010), Managing Development Document (2013) and Planning Obligations SPD (2012).

9.241 The development is making financial contributions in accordance with the planning obligations SPD, of £4,571,040.

9.242 The applicant is able to meet the Planning Obligation SPD and other requests for financial contributions as set out below:

- a) A contribution of £202,856 towards enterprise & employment.
- b) A contribution of £124,978 towards community facilities.
- c) A contribution of £466,200 towards leisure facilities.
- d) A contribution of £1,396,468 towards educational facilities.
- e) A contribution of £633,756 towards health facilities.
- f) A contribution of £13,980 towards sustainable transport.
- g) A contribution of £341,640 towards streetscene improvements.
- h) A contribution of £154,000 for TfL's cycle super highway.
- i) A contribution of £863,392 towards public open space.
- j) A contribution of £241,100 towards public realm improvements.
- k) A contribution of £132,670 towards 2% S106 monitoring fee.

Total: £ 4,571,040

9.243 London Mayoral CIL and Crossrail

- a) A "top-up" crossrail contribution of approximately £1,005,479.
- b) Estimated CIL of £1,189,654.

Total: £2,195,133

Overall total: £ 6,766,173

9.244 In addition to the financial contributions described above, the following non-financial contributions have been offered and are in accordance with the Council's 'Planning Obligations' SPD:

- a) 35% affordable housing by habitable room
 - 105 Affordable rent (22 1-beds, 52 2-beds at 'POD' rent levels and 31 3-beds at below 'POD' rent levels); and
 - 45 shared ownership units (11 1-beds, 21 2-beds and 13 3-beds).
- b) Employment, Apprentice, Training and End User Engagement Strategy
- c) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)

- d) Parking Permit-free development
- e) Travel Plan
- f) Construction Traffic and Environmental Management Plan / Construction Logistic Plan
- g) On-site Barclays Cycle Hire Docking Station
- h) Safeguard and maintenance of on-site public realm

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

9.245 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:

- a) The provisions of the development plan, so far as material to the application;
- b) Any local finance considerations, so far as material to the application; and,
- c) Any other material consideration.

9.246 Section 70(4) defines “local finance consideration” as:

- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

9.247 In this context “grants” might include:

- a) New Homes Bonus.

9.248 These issues treated as material planning considerations when determining planning applications or planning appeals.

9.249 Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. As regards local finance considerations, the proposed S.106 package has been detailed in full which complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.

9.250 As regards Community Infrastructure Levy considerations, following the publication of the Inspector’s Report into the Examination in Public in respect of the London Mayor’s Community Infrastructure Levy, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and will be payable on this scheme. The likely CIL payment associated with this development would be in the region of £1,189,654. The Crossrail ‘top-up’ is £1,005,479.

9.251 With regards to the New Home Bonus. The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local

authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.

9.252 Using the DCLG's New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments and all of the units will be within Council Tax Band G, this development may generate £1,151,137 in the first year and a total payment of £6,906,822 over 6 years. There is no policy or legislative requirement to discount the new homes bonus against the s.106 contributions, and therefore this initiative does not affect the financial viability of the scheme.

Human Rights Considerations

9.253 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-

9.254 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and,
- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

9.255 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

9.256 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.

- 9.257 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 9.258 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.259 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 9.260 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement to be entered into.

Equalities Act Considerations

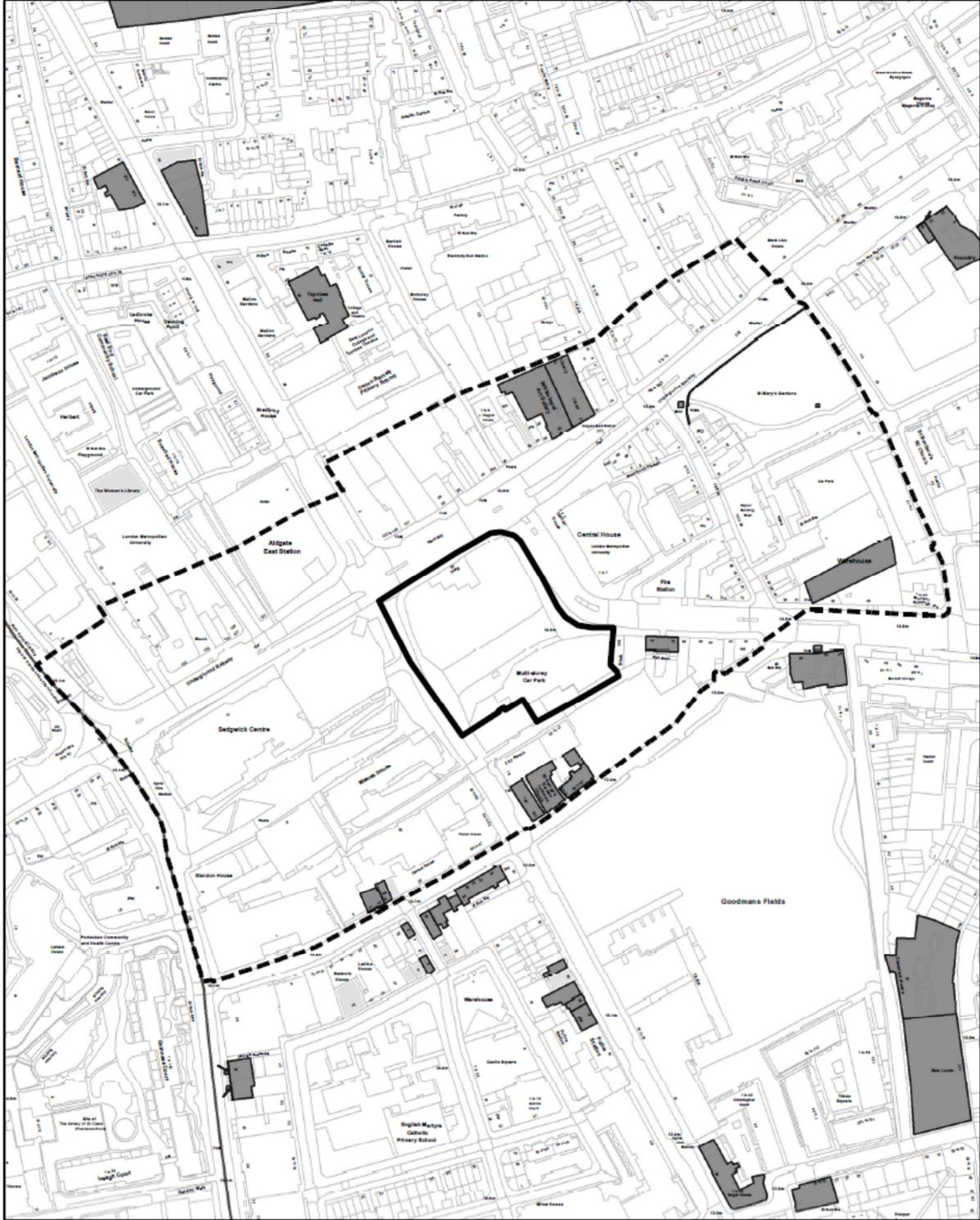
- 9.261 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty, inter alia, when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
 3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.262 The contributions towards various community assets/improvements and infrastructure improvements addresses, in the short and medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support community wellbeing and social cohesion.
- 9.263 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 9.264 The community related contributions mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.

- 9.265 The contributions to affordable housing support community wellbeing and social cohesion.

Conclusions

- 9.266 It has been demonstrated that there is no reasonable prospect of office-led redevelopment at Aldgate Place and consequently a departure from the Development Plan is justified, particularly in light of the site specific circumstances and guidance within the National Planning Policy Framework. The proposed development would form a high quality mixed-use development that would contribute to the strategic objectives of the Central Activities Zone and City Fringe Opportunity Area. The principle of tall buildings in Aldgate is explicitly supported in policy and the design is exemplary. The development would include much needed market and affordable housing. Its effect on heritage assets is acceptable. It provides high quality open space and makes an important contribution to permeability in the wider area. The development would appropriately mitigate its impacts on services and infrastructure through financial and non-financial obligations.
- 9.267 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 PA/13/00218



 Planning Application Site Boundary

 Locally Listed Buildings

 Statutory Listed Buildings

0 30 m




1:3,000

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.

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