

Committee: Strategic Development Committee	Date: 24 th August 2016	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Application for Planning Permission
Case Officer: Adam Williams	Ref No: PA/16/00757
	Ward: Whitechapel

1. APPLICATION DETAILS

Location:	99 Mansell Street & 31-33 Prescott Street, London E1
Existing Uses:	Cleared site under construction for a consented mixed use (B1 office and C1 serviced apartment) development
Proposal:	Mixed-use development in a part 6, part 8 and part 11 storeys block with lower ground floor comprising 67 serviced apartments (Use Class C1) on the upper floors and 1,115sqm of office floorspace (Use Class B1) at basement, ground and first floor and a 103 sqm of flexible retail/financial services/restaurant/cafe/drinking establishment floorspace (Use Class A1, A2, A3, A4 and A5) at ground floor level.
Drawing and documents:	<p><u>Drawings:</u> 2060-PA-10 A; 2060-PA-11 A; 2060-PA-12 A; 2060-PA-13 A; 2060-PA-14 A; 2060-PA-15 A; 2060-PA-16 A; 2060-PA-17 A; 2060-PA-18 A; 2060-PA-19 A; 2060-PA-20 A; 2060-PA-21 A; 2060-PA-23 A; 2060-PA-27; 2060-PA-40.</p> <p><u>Documents:</u> Design & Access Statement, prepared by Marldon; Planning Statement, prepared by Maddox Associates, dated March 2016; Archaeological Desk Based Assessment, prepared by L-P: Archaeology, dated October 2015; BREEAM: Ecology Report, prepared by QUANTS</p>

Environmental, dated February 2016;
 Heritage Statement, prepared by Heritage Collective, dated March 2016;
 Air Quality Assessment, prepared by REC, dated 17 February 2016;
 Acoustic Consultancy Report, prepared by LCP, dated 9 March 2016;
 Daylight & Sunlight Report, prepared by the Chancery Group, dated 28 January 2016;
 Energy Statement and BREEAM Pre-assessment, prepared by eb7 Sustainability, dated 29 February 2016;
 Transport Statement, Report 01, prepared by Crowd Dynamics, dated February 2015;
 Construction Management & Logistics Plan, prepared by Marldon;
 Phase I Desk Study and Phase II Environmental Site Investigation, prepared by Pam Brown Associates, dated February 2016;
 Flood Risk Assessment, prepared by Herrington Consulting Limited, dated February 2016;
 Flood Risk Assessment and Surface Water Run-off Calculations, prepared by Herrington Consulting Limited, dated February 2016;
 Statement of Community Involvement, prepared by Maddox Associates, dated 24 March 2016;
 Technical Note, prepared by Paul Mew Associates, dated June 2016;
 View Location 25A.1.

Applicant:	Marldon
Ownership:	Marldon
Historic Building:	None
Conservation Area:	Site adjoins the western boundary wall of the Grade II listed building at 30 Prescott Street

2. EXECUTIVE SUMMARY

Officers have considered the particular circumstances of this application against the Council's Development Plan policies in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (2015) and the relevant Government Planning Policy Guidance including National Planning Policy Framework and National Planning Practice Guidance and has found that:

- 2.1. The current application effectively incorporates the consented part 6, part 8 storey development at 31-33 Prescott Street (reference: PA/14/03553), with minor design modifications, together with a new 11 storey building on the adjoining site at 99 Mansell Street to provide additional office (Use Class B1) and serviced apartment (Use Class C1) accommodation, together with a new flexible use (Use Class A1/A2/A3/A4/A5) commercial unit. Within the context of the consented development, the current proposals would provide an additional 678sqm of office accommodation, an additional 39 serviced apartments, together with a new 103sqm flexible use (A1-A5) commercial unit at ground

floor level. The proposed mix and quantum of land uses accords with adopted policies, which generally seek to direct such uses to the Central Activities Zone, within which the site is located.

- 2.2. The development includes an 11 storey building on the corner of Mansell Street and Prescott Street, which is considered to be a tall building in the context of Local Plan policy. The proposals have been assessed against the detailed policy criteria for tall buildings within the London Plan and the Council's Managing Development Document and is it considered that the development is sited in a suitable location for a building of such height and meets all of the relevant design requirements for tall buildings.
- 2.3. It is further considered that the proposed design approach is sympathetic to the scale, form, character and materiality of the surrounding built form, with nearby buildings generally ranging between 4 and 9 storeys in height, and up to 16 storeys at the Grange Tower Hill Hotel, and being predominantly faced in brick. In particular, it is considered that the stepping down in height of the buildings towards the 4 storey listed building at 30 Prescott Street provides a suitable and proportionate transition in scale from the tall building on the corner of the site to the nearby lower-rise buildings on south side of Prescott Street. In addition, the clean, simple design of the scheme and use of brick as a facing material relates well to the character and appearance of the surrounding built form.
- 2.4. The acceptability in principle of the visual relationship between the proposed part 6, part 8 storey building and the adjacent listed buildings at 30 Prescott Street and the Church of the English Martyrs is established by the previous planning permission. This acceptability is principally the result of the articulation in building heights, which step down towards the listed building, together with the well-executed design of the buildings and use of brick as a facing material, which reflects the materiality of the listed Georgian house. With regard to the proposed 11 storey building, given the building's narrow frontage onto Prescott Street and its location at the western end of the site, away from the listed house and church, together with the high architectural quality of the development, it is considered that the proposals would not appear unduly overbearing within the setting of the listed buildings and would preserve their special historic and architectural interest.
- 2.5. Ten percent of the serviced apartments would be wheelchair accessible, which accords with adopted policy requirements. In addition, a condition would be included to require the development to achieve Secure by Design accreditation so as to ensure that the building provides a safe and secure environment for future occupants.
- 2.6. The proposed development would result in some reductions to the daylight and sunlight levels within neighbouring residential properties at 30 Prescott Street and within Londinium Tower at 87 Mansell Street. However, these impacts are predominantly negligible or minor in nature and on balance are considered to be acceptable. In addition, the proposed development would not result in any significant loss of privacy to neighbouring residents through overlook and would not result in an unacceptable degree of enclosure to neighbouring habitable room windows.
- 2.7. The development would be 'car free', which is supported given the site's high Public Transport Accessibility Level (PTAL) of 6b. In addition, adequate provisions have been made for cycle parking and the storage and collection of waste. Conditions would be included to secure a Delivery and Service Plan, and Construction Management Plan and a Construction Logistics Plan to ensure that any adverse impacts on the local transport network during both the construction and end-user phases are appropriately mitigated.

3. RECOMMENDATION

3.1. That the Committee resolve to GRANT planning permission subject to:

3.2. The prior completion of a **legal agreement** to secure the following planning obligations:

Financial Obligations:

- a) A contribution of £9,705.59 towards construction phase employment, skills, training and enterprise
 - b) A contribution of £33,468 towards end user phase employment, skills and training
 - c) A contribution of £23,724 towards carbon offsetting
 - d) A contribution of £137,799 towards Crossrail (off-set against Mayoral CIL)
 - e) £500 per clause towards monitoring
- Total financial contributions (excluding monitoring) = £194,995

Non-financial contributions

- f) 20% local employment during the construction and operational phases
- g) 20% of procurement from local business during the construction phase
- h) 4 apprenticeships during construction phase
- i) Car and Permit Free Agreement
- j) Travel Plan
- k) Compliance with the Code of Construction Practice
- l) TV reception surveys and mitigation

3.3. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.

3.4. That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:

3.5. **Conditions**

- 1. Time limit
- 2. Development in accordance with plans
- 3. Serviced apartment letting restriction (less than 90 days)
- 4. 7no. (10%) wheelchair accessible serviced apartments
- 5. Details and samples of facing materials and detailed drawings
- 6. Secure by Design certification
- 7. Noise insulation between commercial units and serviced apartments
- 8. Internal ambient noise levels for serviced apartments
- 9. Plant noise limit
- 10. Contaminated land scheme
- 11. Cycle parking in accordance with approved details
- 12. Construction Environmental Management Plan (TfL & DLR)
- 13. Construction Logistics Plan (TfL & DLR)
- 14. Delivery and Service Plan (TfL)
- 15. Disabled Parking Plan
- 16. Scheme of Highways Improvement Works (TfL)
- 17. Archaeological Written Scheme of Investigation (GLAAS)
- 18. Crane / Lifting Management Plan (DLR)
- 19. Surface Water Drainage Scheme
- 20. Biodiversity enhancement measures
- 21. Details of mechanical ventilation with high level intake
- 22. Detailed specification of photovoltaic array

23. Delivery of Energy Strategy
24. Details of photovoltaic array
25. BREEAM 'Excellent' rating

3.6. **Informatives**

1. Subject to s106 agreement
2. Subject to s278 agreement
3. CIL liable

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

3.8. 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 consent.

4. PROPOSAL, LOCATION DETAILS and DESIGNATIONS

Proposal

4.1. The proposals are for the demolition of the existing buildings and erection of a new part 6, part 8 and part 11 storey block plus basement comprising 67 serviced apartments (Use Class C1) on the upper floors, 1,115sqm of office floorspace (Use Class B1) at basement, ground and first floor level, and a 103 sqm of flexible retail/financial services/restaurant/cafe/drinking establishment/hot food takeaway floorspace (Use Class A1, A2, A3, A4 and A5) at ground floor level.

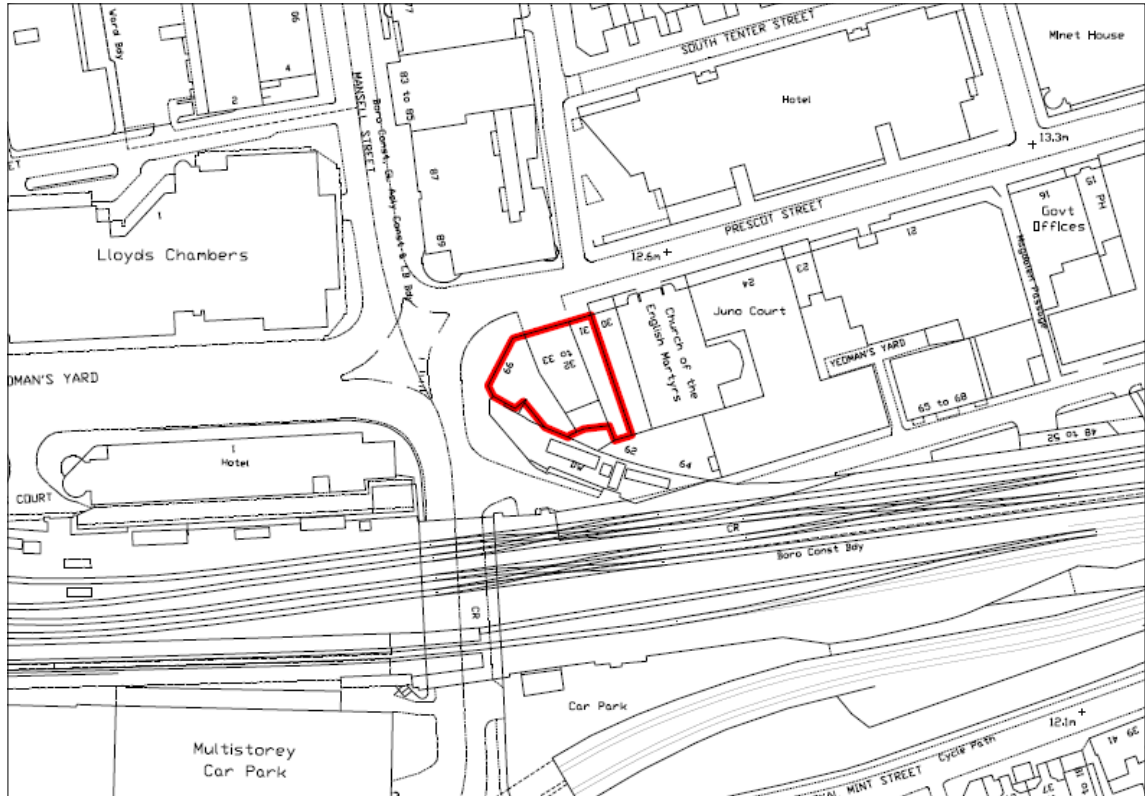
Site and Surroundings

4.2. The application site covers an area of 0.05 hectares and comprises land at 99 Mansell Street and 31-33 Prescott Street, which previously included commercial buildings ranging from 3 to 6 storeys in height, although the site has subsequently been cleared as part of the consented redevelopment of 31-33 Prescott Street (see the 'Relevant Planning History' section of this report).

4.3. The site is located on the corner of Mansell Street and Prescott Street and is bounded by the public highway on Prescott Street to the north, by the adjoining Grade II listed 4 storey Georgian terraced house at 30 Prescott Street to the east, by an area of open land used for advertising and the rear of 62-64 Chamber Street to the south and by the public highway on Mansell Street to the west. The site lies immediately to the north of a railway viaduct and immediately to the east of the borough boundary shared with the City of London, which runs up the centre of Mansell Street.

4.4. The surrounding area is mixed use in character, with Mansell Street and Prescott Street predominantly comprising commercial buildings, whilst the area to the north of Prescott Street, including South Tenter Street and St Marks Street, includes residential properties in the form of terraced housing and flatted development, together with a primary school. The site also lies 280 metres to the north-east of the Tower of London UNESCO World Heritage Site.

Site Location Plan



- 4.5. The scale and height of the surrounding built form is varied, ranging from the 4 storey Grade II listed house at 30 Prescott Street to the east of the site, to the 8 storey block of flats known as Londinium Tower to the north of the site, to the 9 storey office block within the City of London to the west of the site, up to the 16 storey Grange Tower Bridge Hotel on the north side of Prescott Street.
- 4.6. The application site benefits from excellent access to public transport, being located 170 metres to the north-east of Tower Gateway Docklands Light Rail (DLR) Station and 290 metres to the north-east of Tower Hill Underground Station. In addition, there are a wide number of bus routes operating on the surrounding streets, including Mansell Street. As a result the site has the highest possible Public Transport Accessibility Level (PTAL) of 6b, on a scale from 1a to 6b where 6b is excellent.

Designations

- 4.7. The application site lies within both the Central Activities Zone and the City Fringe Opportunity Area, as designated in the London Plan (2016).
- 4.8. The site lies within the Aldgate Preferred Office Location, as designated in the Council's Managing Development Document (2013).
- 4.9. The site, as with the whole Borough, is within Air Quality Management Area.
- 4.10. The site lies within the 'Central London' Crossrail Charging Zone.
- 4.11. The four storey building at 30 Prescott Street, which adjoins the eastern boundary of the application site, is Grade II listed. The Roman Catholic Church of the English Martyrs, which adjoins the eastern boundary of 30 Prescott Street, is also Grade II listed.

- 4.12. The site lies within an Archaeological Priority Area, as designated in the Council's Managing Development Document (2013).
- 4.13. The application site is not located within a Conservation Area.
- 4.14. The majority of the site lies within the protected viewing corridor of London View Management Framework (LVMF) View 25A.1 – The Queen's Walk to Tower of London.

Relevant Planning History

99 Mansell Street:

PA/00/01485

- 4.15. On 17th January 2001 planning permission was granted for change of use from office (B1) to restaurant (A3) at basement and ground floor levels.

PA/15/03004

- 4.16. On 23rd November 2015 prior approval was granted for the demolition of the 6 storey block building.

31-33 Prescott Street:

PA/14/02706

- 4.17. On 28th October 2014 prior approval was granted for the demolition of the buildings.

PA/14/03553

- 4.18. On 6th November 2015 planning permission was granted for the redevelopment of the site to create a mixed-use development comprising the erection of a part 6 and part 8 storey building providing 28 serviced apartments (Use Class C1) on the upper levels and 437 sqm of office floorspace (Use Class B1) on lower ground and ground floor levels.

PA/15/03232

- 4.19. On 16th December 2015 the Council granted consent for a non-material amendment to planning permission dated 06/11/2015, ref: PA/14/03553, including the relocation of lift core and lift overrun; variation to window pattern on front elevation; removal of windows on rear elevation where lift core is proposed, and; installation of PV panels on roof.

PA/15/03263

- 4.20. On 7th March 2016 the Council granted consent for the discharge of Conditions 3 (Samples), 5A (Archaeological Investigation) and 9 (Contaminated Land) of planning permission dated 06/11/2015, ref: PA/14/03553.

PA/15/03397

- 4.21. On 15th February 2016 the Council granted consent for the discharge of Condition 7 (Delivery and Servicing Plan) of planning application reference number PA/14/03553, dated 06/11/2015

PA/16/00442

- 4.22. On 10th May 2016 the Council granted consent for the discharge of Condition 8 (Construction Logistics Plan) of planning permission ref: PA/14/03553, dated 06/11/2015.

- PA/16/00455
- 4.23. On 22nd April 2016 the Council granted consent for the discharge of Condition 11 (Highway Improvement Works) of planning permission dated 06/11/2015, ref: PA/14/03553.

5. POLICY FRAMEWORK

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of this application must be made in accordance with the plan unless material considerations indicate otherwise.
- 5.2. **Government Planning Policy Guidance/Statements**
National Planning Policy Framework (2012) (NPPF)
Planning Policy Guidance (Online)
- 5.3. **London Plan - incorporating the Minor Alterations to the London Plan (2016)**
- 2.1 London
 - 2.9 Inner London
 - 2.10 Central Activities Zone – Strategic Priorities
 - 2.11 Central Activities Zone – Strategic Functions
 - 2.12 Central Activities Zone – Predominantly Local Activities
 - 2.13 Opportunity Areas and Intensification Areas
 - 4.1 Developing London’s economy
 - 4.2 Offices
 - 4.3 Mixed Use Development and Offices
 - 4.5 London’s Visitor Infrastructure
 - 4.8 Supporting a Successful and Diverse Retail Sector and Related Facilities and Services
 - 4.9 Small Shops
 - 5.1 Climate Change Mitigation
 - 5.2 Minimising Carbon Dioxide Emissions
 - 5.3 Sustainable Design and Construction
 - 5.6 Decentralised Energy in Development Proposals
 - 5.7 Renewable Energy
 - 5.8 Innovative Energy Technologies
 - 5.9 Overheating and Cooling
 - 5.10 Urban Greening
 - 5.11 Green Roofs and Development Site Environs
 - 5.13 Sustainable Drainage
 - 5.14 Water Quality and Wastewater Infrastructure
 - 5.15 Water Use and Supplies
 - 5.17 Waste Capacity
 - 5.18 Construction, Excavation and Demolition Waste
 - 5.21 Contaminated Land
 - 6.1 Strategic Approach to Transport
 - 6.3 Assessing Effects of Development on Transport Capacity
 - 6.4 Enhancing London’s Transport Connectivity
 - 6.5 Funding Crossrail and Other Strategically Important Transport Infrastructure
 - 6.9 Cycling
 - 6.10 Walking
 - 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 Heritage-led Regeneration
 - 7.10 World Heritage Sites
 - 7.11 London View Management Framework
 - 7.12 Implementing the London View Management Framework
 - 7.13 Safety, Security and Resilience to Emergency
 - 7.14 Improving Air Quality
 - 7.15 Reducing Noise and Enhancing Soundscapes
 - 7.19 Biodiversity and Access to Nature
 - 8.2 Planning Obligations
 - 8.3 Community Infrastructure Levy (CIL)
- 5.4. **Tower Hamlets Core Strategy (2010) (CS)**
- SP01 Refocusing on our Town Centres
 - SP03 Creating a Healthy and Liveable Neighbourhoods
 - SP04 Creating a Green and Blue Grid
 - SP05 Dealing with Waste
 - SP06 Delivering Successful Employment Hubs
 - 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
- 5.5. **Managing Development Document (2013) (MDD)**
- DM0 Delivering Sustainable Development
 - DM1 Development within the Town Centre Hierarchy
 - DM7 Short Stay Accommodation
 - DM9 Improving Air Quality
 - DM11 Living Buildings and Biodiversity
 - DM13 Sustainable Drainage
 - DM14 Managing Waste
 - DM16 Office Locations
 - DM20 Supporting a Sustainable Transport Network
 - DM21 Sustainable Transportation of Freight
 - DM22 Parking
 - DM23 Streets and the Public Realm
 - DM24 Place-sensitive Design
 - DM25 Amenity
 - DM26 Building Heights
 - DM27 Heritage and the Historic Environment
 - DM29 Achieving a Zero-carbon Borough and Addressing Climate Change
 - DM30 Contaminated Land
- 5.6. **Supplementary Planning Documents and Guidance include**
- Planning Obligations Supplementary Planning Document (2012)
 - Revised Planning Obligations Supplementary Planning Document, LBTH (Consultation Version, April 2016)
 - Designing Out Crime Supplementary Planning Guidance, LBTH (2002)

City Fringe Opportunity Area Planning Framework, GLA (2015)
Use of Planning Obligations in the Funding of Crossrail Supplementary Planning Guidance, GLA (2013)
London View Management Framework Supplementary Planning Guidance, GLA (2012)
Sustainable Design and Construction Supplementary Planning Guidance, GLA (2014)
London Borough of Tower Hamlets Rail Noise Policy Statement (1994)

5.7. Tower Hamlets Community Plan

The following Community Plan objectives relate to the application:

A Great Place to Live
A Prosperous Community
A Safe and Supportive Community
A Healthy Community

5.8. Other Material Considerations

Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment, English Heritage (2008)
The Setting of Heritage Assets, English Heritage (2011)
Conservation Area Designation, Appraisal and Management – Historic England Advice Note 1 (2016)
Tall Buildings – Historic England Advice Note 4 (2015)
Air Quality Action Plan, LBTH (2003)
Clear Zone Plan 2010-2025, LBTH (2010)

6. CONSULTATION RESPONSE

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

6.2. The following were consulted regarding the application:

Internal Consultees:

LBTH Environmental Health (Air Quality)

6.3. The application is accompanied by an Air Quality Assessment. The air quality consultants subsequently submitted a Technical Note to respond to my earlier comments on the air quality assessment. The mitigation strategy has been revised to increase the level of mechanical ventilation, which is now to be provided to all habitable rooms in the whole development, rather than just the lower floors as previously planned.

6.4. Should the development be approved the mechanical ventilation should be secured by condition, with the inlets for the ventilation system located as high as possible on the building to ensure the air entering is cleaner to protect the health of the future residents.

6.5. *Officer Comments: Noted. Details of the mechanical ventilation system for all serviced apartments will be secured by condition.*

LBTH Environmental Health (Contaminated Land)

6.6. No objections subject to the inclusion of a condition to secure a contaminated land scheme, which must identify the extent of the contamination and set out the measures to be taken to avoid risk to the public, buildings and environment when the site is developed.

6.7. Officer Comments: *Noted. The above condition will be included.*

LBTH Environmental Heath (Noise & Vibration)

6.8. *No comments have been received.*

LBTH Enterprise & Employment

6.9. The following planning obligations should be secured through a S106:

Financial Contributions

- Construction phase skills and training = £13,772
- End-user phase skills and training = £40,782.60

Non-financial Obligations

- 20% local labour construction
 - 20% use of local suppliers construction (enterprise)
 - construction apprenticeships
 - 20% end-user phase jobs (reasonable endeavours) for local people
 - all vacancies advertised through Skillsmatch
 - apprenticeships/traineeships where possible
- 6.10. Officer Comments: *Noted. The scheme was revised during the course of the application, including a 36sqm increase in Use Class C1 floorspace and an increase in the number of serviced apartments by 2. These amendments have resulted in a slight increase in the sought financial contributions, with the correct figures being shown in Sections 3 and 8 of this report. It should be noted that some of the financial contributions have already been paid upon commencement of the development at 31-33 Prescott St, hence the lower figures in the S106 heads of terms in the recommendation section. The applicant has agreed to all of the sought financial and non-financial contributions, which will be secured through the S106 agreement.*

LBTH Transportation & Highways

- 6.11. Transport and Highways require a S106 clause to be attached for “car and permit” free agreement for the development as it is located in excellent PTAL area (PTAL 6b). In addition, no details have been provided on how users of the development with a disability will be able to park. A Disabled Parking Plan should therefore be secured by condition, in accordance with the Council’s parking standards.
- 6.12. Transport and Highways welcomes the proposal to provide 28 cycle spaces within the development. Details of the basement level cycle store and access arrangements have been provided and are acceptable.
- 6.13. The waste containers are located at the basement level, therefore Transport and Highways will require the applicant to provide a Delivery and Service Management Plan. This should be secured through a condition. Transport and Highways object to any proposal to store waste bin on the public highways prior to and after the agreed collection time.
- 6.14. Due to the location of the development a condition should be included to secure a Construction Environmental Management Plan (CEMP).
- 6.15. Officer Comments: *Noted. The above clause and conditions will be included.*

LBTH Waste Policy & Development

- 6.16. I have no objections to this proposal in principal. However there should be a detailed service management plan condition secured to outline when waste containers will be 'brought up' from the basement for collection and where they will be temporarily stored. It is unacceptable for the containers to be left on the public highway prior to and after collections for any length of time outside of collections taking place.
- 6.17. *Officer Comments: Noted. This is discussed further in Section 8 of this report. A Delivery and Service Management Plan will be secured by condition.*

LBTH Sustainable Urban Drainage Systems (SUDS) Team

- 6.18. Policy DM13 requires development to show how it reduces the amount of water usage, runoff and discharge from the site, through the appropriate water reuse and sustainable urban drainage (SuDs) technique. This is further supported by the London plan policy 5.13 ; the SPG on London plan set out the expectation that SuDs should be incorporated into the design and that the minimum expectation is 50% attenuation of the site's (prior to redevelopment) surface water runoff at peak times.
- 6.19. The conclusion within the Flood Risk Assessment (FRA) cites the possibility of incorporating permeable paving and rainwater harvesting system. Drainage should be designed and implemented in ways that deliver other policy objectives including water use efficiency and quality, biodiversity, amenity and recreation. This will somewhat be achieved through the installation of permeable paving and rainwater harvesting including meeting policy DM13.
- 6.20. In addition, at section 2.5 of the BREEAM report it states that "the impact of climate change is likely to result in an increase in volume of floodwater during a surface water flood event" albeit the risk will remain low. The applicant should submit calculations confirming the pre and post development runoff rates for return periods up to the 1 in 100 plus climate change allowances. Finally, with respect to climate change allowance my comments refer to the change from NPPF requirement for + 30% for developments to now asses for the upper end allowance of 40% albeit the risk will still remain low , this is an opportunity to reduce runoff and attain additional benefits for a new development.
- 6.21. There are surface water flooding risk in the wider catchment and therefore the application of policy is important.
- 6.22. *Officer Comments: Noted. In order to address the above comments it is recommended that a condition be included to secure a Surface Water Drainage Scheme.*

External Consultees

Greater London Authority

- 6.23. I have now assessed the details of the application and conclude that, although these are proposals that the GLA would broadly support, the uplift in floorspace and height between the existing consents and the new application does not raise any new strategic issues.
- 6.24. Therefore, under Article 5(2) of the Town & Country Planning (Mayor of London) Order 2008, the Mayor of London does not need to determine the application. Your Council may, therefore, proceed to determine the application without further reference to the GLA.

- 6.25. Officer Comments: *Noted.*

Transport for London

Car Parking

- 6.26. We welcome the car free development given the high PTAL of the site.

Trip Generation

- 6.27. The transport assessment (TA) predicts that the proposed development would result in a total of 36 two-way person trips being generated in the AM Peaks and 45 in the PM peaks; TfL considers this is reasonable. The TA also predicts that vehicle trip generation will be minimal due to the car free nature of the scheme and the central London location. However, the trip generation excludes cycling in the modal analysis. We consider that cycle trips should be included given the location and nearby cycle infrastructure.
- 6.28. Officer Comments: *The applicant subsequently provided the projected cycling trip generation figures within the Technical Note prepared by Paul Mews Associates, dated June 2016. This is discussed further in Section 8 of this report.*

Walking and Cycling

- 6.29. The Transport Statement does not include either a Cycle Level of Service audit or a Pedestrian Environmental Review System (PERS) audit. The site is very close to Cycle Superhighway 3, which, once complete, will give direct access to Westminster to the west and the Docklands and Barking to the east. In view of this, the use of the site by people arriving by cycle should be a key movement consideration. We would be willing to enter into discussion with the applicant regarding improvements of the public realm for pedestrians and cyclists on Mansell Street.
- 6.30. Officer Comments: *The applicant subsequently provided a PERS audit within the Technical Note by Paul Mews Associates. The public realm improvements necessary to serve this development and mitigate its impacts would be secured through a Scheme of Highways Improvement Works condition, to be discharged in consultation with TfL.*

Cycle Parking

- 6.31. TfL are satisfied that the proposal for long-stay cycle parking provision meets minimum numerical standards as set out under policy 6.9 of the London Plan. However, no information has been provided on the types of cycle stand proposed in the cycle parking area. Six short stay cycle parking spaces are also required at ground floor level. TfL consider that 3 Sheffield stands would meet the requirement.
- 6.32. Lift access arrangements for long-stay cycle parking are acceptable, provided that the lift itself meets minimum standards set out in LCDS (1.2x2.3m with a 1.0m wide door). In addition, the entrance to the cycle store must be step-free.
- 6.33. Officer Comments: *The applicant subsequently provided additional information on the proposed cycle parking arrangements, with 28 spaces to be provided in the basement cycle store via Sheffield stands. Details of the lift have also been provided, which meet the above requirements, and access to the cycle store would now be step-free. The applicant has agreed to provide 3 Sheffield stands on the public highway for short-stay*

cycle parking, which would be secured through the Scheme of Highways Improvement Works condition, to be discharged in consultation with TfL.

Cycle Hire

- 6.34. Based on the evidence for the area being a cycle hire hotspot, TfL would like to install a new docking station in close proximity to the site on the public highway or footway. We request a contribution of £100,000 from the applicant towards the construction and maintenance of the new docking station. We ask that this contribution is secured through the Tower Hamlets CIL.
- 6.35. *Officer Comments: As detailed in Section 8 of this report, it is estimated that the proposed development would require a LBTH CIL payment of £410,605. Any requests for project funding through the Council's CIL, such as the above, would need to be formally submitted to the Council's Infrastructure Team and would be determined through the Council's Infrastructure Delivery Framework.*

Loading Bay

- 6.36. The Transport Statement makes reference to the footway embedded loading bay that was agreed for 31-33 Prescott Street under PA/14/03553. TfL request that the planning conditions in relation to the public highway be reapplied to the new consent.
- 6.37. *Officer Comments: Noted. This condition will be included.*

Servicing and Construction

- 6.38. As the site is located close to a signal controlled junction, and is very traffic sensitive, the number of servicing vehicles attending the site must be regulated ensuring safety of other road users, in particular pedestrians and cyclists. TfL considers requests that conditions be included to secure a full Delivery & Servicing Plan (DSP), a Construction Management Plan (CMP) and a Construction Logistics Plan (CLP).
- 6.39. *Officer Comments: Noted. These conditions will be included.*

Docklands Light Railway

- 6.40. The site is in close proximity to the DLR viaduct over Mansell Street, located just south of the site. TfL request the inclusion of infrastructure protection conditions to ensure that there is minimal impact on the safe and normal function of the DLR during the construction of the site.
- 6.41. *Officer Comments: Noted. These conditions will be included.*

Travel Planning

- 6.42. TfL welcomes the applicant's commitment to submit a Travel Plan, which should be secured through the S106 agreement.
- 6.43. *Officer Comments: Noted. A Travel Plan will be secured through the S106 agreement.*

Crossrail

- 6.44. A financial contribution of £193,593 towards Crossrail is required, in accordance with Mayor's Supplementary Planning Guidance (SPG) 'Use of planning obligations in the

funding of Crossrail and the Mayoral Community Infrastructure Levy' (April 2013) and London Plan policies 6.5 and 8.3.

- 6.45. *Officer Comments: Noted. Crossrail contributions are required in designated areas for proposals that would result in a 500sqm or greater net uplift in A1 retail, B1 office or C1 hotel floorspace. The proposals would provide over 500sqm of new C1 serviced apartment floorspace, although given that the pre-existing buildings included B1 office floorspace, the proposals would not result in a 500sqm or more net uplift in B1 office floorspace. The Crossrail contribution has been recalculated on this basis, and to take into account the 36sqm increase in C1 floorspace as a result of design revisions during the course of the application, with the revised Crossrail contribution totalling £137,799, as detailed in Sections 3 and 8 of this report.*

London Bus Services

- 6.46. *No comments have been received.*

Historic England

- 6.47. This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
- 6.48. *Officer Comments: Noted. The conservation implications of the proposals are discussed in detail in Section 8 of this report.*

Historic England – Greater London Archaeological Advisory Service

- 6.49. The planning application lies in an area of archaeological interest. Appraisal of this application using the Greater London Historic Environment Record and information submitted with the application indicates that the development is likely to cause some harm to archaeological interest but not sufficient to justify refusal of planning permission provided that a condition is applied to require an investigation to be undertaken to advance understanding.
- 6.50. Specifically, the archaeological interest should be conserved by attaching a condition to secure a written scheme of investigation (WSI) which shall set out the programme and methodology of site investigation and recording, together with the programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.
- 6.51. *Officer Comments: Noted. The above condition will be included.*

Environment Agency

- 6.52. There are no constraints which fall within our remit for this application. We did not need to be consulted on this application and therefore have no comments.
- 6.53. *Officer Comments: Noted.*

HM Tower of London

- 6.54. *No comments have been received.*

City of London Corporation

6.55. *No comments have been received.*

Network Rail

6.56. *No comments have been received.*

7. LOCAL REPRESENTATION

7.1. The applicant undertook their own public consultation prior to the submission of the planning application, details of which are provided in the submitted Statement of Community Involvement.

7.2. At application stage a total of 693 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site and in the local press. The number of representations received from neighbours and local groups in response to notification and publicity of the application to date are as follows:

No of individual responses:	7	Objecting: 7	Supporting: 0	Observations: 0
No of petitions received:	0	Objecting: 0	Supporting: 0	Observations: 0

7.3. The following points were raised in representations that are material to the determination of the application and are addressed in the next section of this report. The full representations are available to view on the application case file.

Objections

7.4. Land Use

- There are already a large number of hotels and short let apartments in the area and there is no need for more short term accommodation.

7.5. Urban Design & Conservation

- The proposed 11 storey building would be out of character / scale with neighbouring buildings.
- The development includes three distinct buildings of different dimensions and styles that would not create a harmonious frontage.
- The development would have a visually overbearing impact within a historic setting.
- The development, by way of its scale and bulk, would damage the historic setting of the Grade II listed Roman Catholic Church of the English Martyrs and 30 Prescott Street.

7.6. Amenity

- The development would overlook properties in Londinium Tower.
- The development would result in overshadowing and a loss of light to properties in Londinium Tower.

- The development would block daylight and sunlight to the rear of 30 Prescott Street, the garden to the side of the church, and the rose window of the church itself.
- Visitors staying at the proposed serviced apartments could create a lot of disruption to the local community, including noise disturbance and litter/rubbish on the streets.

7.7. **Other**

- The development would result in the loss of a private view of Tower Bridge from Londinium Towers.
- The planning drawings are very misleading as they show the development in isolation – proper context drawings should be provided.

7.8. *Officer Comments: It should be noted that the loss of a view is not a relevant material planning consideration and such matters can only be afforded very limited weight during the determination of a planning application. With regard to the submitted drawings, it is considered that the plans, elevations and sections include sufficient contextual detail of neighbouring buildings so as to appropriately illustrate the relationship between the proposed development and adjacent buildings. All other points are addressed in Section 8 of this report.*

8. MATERIAL PLANNING CONSIDERATIONS

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

- Sustainable Development
- Land Use
- Urban Design & Conservation
- Amenity
- Transportation & Highways
- Energy & Sustainability
- Biodiversity
- Environmental Considerations (Air Quality, Contaminated Land)
- Planning Contributions and Community Infrastructure Levy
- Local Finance Considerations
- Human Rights
- Equalities

SUSTAINABLE DEVELOPMENT

8.2. Local planning authorities must have regard to the National Planning Policy Framework (NPPF) that sets out the Government's national objectives for planning and development management and the related guidance in the National Planning Practice Guidance 2014.

8.3. The Ministerial foreword to the NPPF and paragraph 6 say that the purpose of planning is to help achieve sustainable development. Sustainable is said to mean "*ensuring that better lives for ourselves don't mean worse lives for future generations.*" The foreword provides key themes to assess whether proposals would result in sustainable or unsustainable development:

- "*Sustainable development is about change for the better.*"
- "*Our historic environment can better be cherished if their spirit of place thrives, rather than withers.*"

- *Our standards of design can be so much higher. We are a nation renowned worldwide for creative excellence, yet, at home, confidence in development itself has been eroded by the too frequent experience of mediocrity.*
 - *Sustainable development is about positive growth – making economic, environmental and social progress for this and future generations.”*
- 8.4. The NPPF Introduction page 2 paragraph 7 says achieving sustainable development involves three dimensions:
- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places.
 - a social role – supporting strong, vibrant and healthy communities, by creating a high quality built environment.
 - an environmental role – contributing to protecting and enhancing our natural, built and historic environment.
- 8.5. NPPF Paragraph 8 emphasises that these roles should not be undertaken in isolation, being mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously with the planning system playing an active role in guiding development to sustainable solutions.
- 8.6. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life (NPPF Paragraph 9).
- 8.7. NPPF Paragraph 14 says that for decision taking this means approving development proposals that accord with the development plan without delay unless specific policies in the Framework indicate development should be restricted.
- 8.8. Officers consider that when assessed against NPPF criteria the proposed scheme amounts to sustainable development. This opinion is supported when consideration is given to applicable core land-use planning principles set out at paragraph 17. Planning decisions should inter alia:
- be genuinely plan led;
 - be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
 - proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
 - always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
 - take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
 - encourage the effective use of land by reusing land that has been previously developed;
 - promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas;
 - conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;

- 8.9. This is reflected in the Council's Core Strategy (2010) at Strategic Objective SO3 'Achieving wider sustainability.' This emphasises the achievement of environmental, social and economic development, realised through well-designed neighbourhoods, high quality housing, and access to employment, open space, shops and services.

LAND USE

Existing Land Uses

- 8.10. As detailed in the 'Relevant Planning History' in Section 4 of this report, prior approval was granted in both 2014 and 2015 for the demolition of the buildings at 99 Mansell Street and 31-33 Prescott Street (reference PA/14/02706 and PA/15/03004). In addition, planning permission was granted in November 2015 for the redevelopment of the site at 31-33 Prescott Street through the erection of a part 6 and part 8 storey building providing 28 serviced apartments (Use Class C1) on the upper levels and 437 sqm of office floorspace (Use Class B1) on lower ground and ground floor levels (reference PA/14/03553).
- 8.11. Both of the prior approvals for the demolition of the buildings on the sites have been implemented, as has the planning permission for the redevelopment of 31-33 Prescott Street, which is currently under construction. As such, the uses of the demolished buildings have fallen away, whilst the serviced apartment (C1) and office (B1) uses within the implemented development at 31-33 Prescott Street have yet to commence.
- 8.12. There are therefore no existing uses that would be lost as a result of the current proposals. The uses proposed in the current application should therefore be considered in light of the consented serviced apartment (C1) and office (B1) uses at 31-33 Prescott Street.

Land Use Policy Context

- 8.13. Policy 4.5 of the London Plan (2016) seeks the delivery of 40,000 new hotel bedrooms by 2036 and supports the delivery of new visitor accommodation in appropriate locations, including focusing strategically important hotel provision within the CAZ and Opportunity Areas, with smaller scale hotel provision within CAZ fringe locations in areas with good access to public transport.
- 8.14. Policy SP06(4) of the Council's adopted Core Strategy (2010) seeks to concentrate visitor accommodation within the CAZ, City Fringe Activity Area, Canary Wharf Activity Area and Major and District Centres.
- 8.15. Policy DM7(1) of the Managing Development Document (2013) supports the development of new visitor accommodation in the Borough, provided such accommodation is appropriate in size relative to their location within the town centre hierarchy; serves a need for such accommodation; does not compromise the supply of land for new homes; does not to create an over-concentration of hotels in a given area or harm residential amenity, and; benefits from adequate access for servicing, coach parking and vehicle setting down and picking up movements.
- 8.16. Policy SP06(2) seeks to intensify office floorspace in Preferred Office Locations (POL).
- 8.17. Policy DM1(3) of the Managing Development Document (2013) intimates that A1 retail uses are supported within town centres.

- 8.18. Policy DM1(4) of the Managing Development Document (2013) seeks to support the vitality and viability of town centres by directing new A3/A4/A5 uses to the Central Activities Zone (CAZ), LBTH Activity Area and town centres, provided they do not result in an overconcentration of such uses, and provided there are at least two non A3/A4/A5 units between every new A3/A4/A5 unit.
- 8.19. Policy DM1(5) of the Managing Development Document (2013) states that the proximity of existing or proposed schools and local authority leisure centres will be taken into account when considering proposals for new A5 (hot food takeaway) uses.

Consented Development

- 8.20. The consented development at 31-33 Prescott Street (reference PA/14/03553), which has been implemented, comprises a new part 6, part 8 storey building to provide 437sqm of office floorspace (Use Class B1) at basement and ground floor level with 28 serviced apartments (Use Class C1) on the upper floors.

Proposed Land Uses

- 8.21. The current application effectively incorporates the consented development at 31-33 Prescott Street, with minor modifications, together with a new 11 storey building on the adjoining site at 99 Mansell Street to provide additional office (Use Class B1) and serviced apartment (Use Class C1) accommodation, together with a new flexible use (Use Class A1/A2/A3/A4/A5) commercial unit.
- 8.22. Specifically, within the context of the consented development, the current proposals would provide an additional 678sqm of office accommodation, an additional 39 serviced apartments, together with a new 103sqm flexible use (A1-A5) commercial unit at ground floor level. It is noted that the application site is not designated for any specific uses.
- 8.23. With regard to the proposed office floorspace, the application site lies within the Aldgate Preferred Office Location (POL) and Policy SP06(2) of the Core Strategy (2010) seeks to intensify office floorspace within the POLs. In addition, the site lies within the 'Outer Core' area of the City Fringe Opportunity Area (2015) which seeks to promote and enhance office provision within this area. As such, the proposed office use accords with adopted policy.
- 8.24. With regard to the proposed serviced apartment use, the site lies towards the eastern end of the Central Activities Zone (CAZ) with the highest PTAL of 6b and Policy SP06(4) of the Core Strategy (2010) supports the provision of smaller scale visitor accommodation within CAZ fringe locations in areas with good access to public transport.
- 8.25. Policy DM7(1) of the Managing Development Document (2013) supports the provision of visitor accommodation in the locations identified in the Core Strategy (see above) subject to the following criteria:
- a) the size is proportionate to its location within the town centre hierarchy*
- 8.26. The CAZ comprises the top tier of the town centre hierarchy, which policy indicates is capable of accommodating the largest scale of hotel development. The proposed development would provide 67 serviced apartments and it is considered that this level of visitor accommodation is proportionate to the site's location within the CAZ. The above requirement has therefore been met.

- b) there is a need for such accommodation to serve visitors and the borough's economy*
- 8.27. The acceptability in principle of serviced apartment use on this site is established by the consented, and now implemented, serviced apartment development at 31-33 Prescott Street (reference: PA/14/03553 – see the 'Relevant Planning History' section of this report).
- c) it does not compromise the supply of land for new homes and the Council's ability to meet its housing targets*
- 8.28. The application site lies within the Aldgate POL and Policy SP06(2) of the Core Strategy (2010) states that such locations are not appropriate for housing. As such, the site could not be brought forward for residential use. The above requirement has therefore been met.
- d) it does not create an over-concentration of such accommodation or cause harm to residential amenity*
- 8.29. As discussed above, there is an implemented planning permission for a serviced apartment scheme on part of the application site at 31-33 Prescott Street. Whilst the current proposals would increase the number of serviced apartments from 28 to 67, having regard to the site's location in the CAZ, within which adopted policy seeks to focus visitor accommodation, together with the predominantly commercial character of Mansell Street and Prescott Street, it is considered the proposals would not create an over-concentration of visitor accommodation, nor cause harm to residential amenity. The above requirement has therefore been met.
- e) there is adequate road access and servicing for coaches and other vehicles undertaking setting down and picking up movements*
- 8.30. Matters pertaining to vehicular access are discussed in the 'Highways' section of this report below. In summary, subject to the inclusion of planning conditions, it is considered that the proposed vehicle access arrangements are acceptable.
- 8.31. Policy DM7(2) of the Managing Development Document (2013) states that serviced apartments must be managed appropriately as short term accommodation (up to 90 days). In order to ensure that the accommodation is occupied on a short term basis only, it is recommended that a condition be included to require the serviced apartments to be let for periods of less than 90 days only. Subject to this condition, it is considered that the requirements of Policy DM7(2) have been met.
- 8.32. With regard to the proposed 103sqm flexible (A1/A2/A3/A4/A5) retail unit, Policy DM1 of the Managing Development Document (2013) seeks to direct such uses to the CAZ, Activity Areas and town centres. The proposed A1 and A2 uses are considered to be acceptable on this basis.
- 8.33. With regard to the A3, A4 and A5 uses specifically, Policy DM1 supports these uses within the CAZ, provided they do not result in a local over-concentration of such uses. Whilst it is noted that there is an existing A4 drinking establishment (Wetherspoons pub) located on the opposite side of Prescott Street from the application site, there are no other A3/A4/A5 uses within the immediate vicinity of the site. As such, it is considered that the proposals would not result in a local over-concentration of such uses. In

addition, with regard to the A5 use, it is noted that there are no schools in the immediate vicinity of the site.

- 8.34. Taking into account the above, it is considered that the proposed development is acceptable in principle in land use terms.

URBAN DESIGN & CONSERVATION

Building Heights

- 8.35. Policy 7.7 of the London Plan (2016) relates to the location and design of tall and large buildings. Part A of this policy states that tall and large buildings should be of a plan-led approach and should not have an unacceptably harmful impact on their surroundings. Part B of this policy requires applications for tall and large buildings to be supported by an urban design analysis. Part C of this policy sets out detailed criteria for tall and large buildings, which are discussed below.
- 8.36. Part D of Policy 7.7 seeks to ensure that tall and large buildings do not result in adverse impacts in terms of microclimate/wind, overshadowing, noise, glare, aviation, navigations, telecoms interference and strategic views. Part E of this policy states that tall buildings in sensitive locations should be given particular considerations, which could include sites within Conservation Areas or within the setting of listed buildings.
- 8.37. Policy DM26 of the Council's adopted Managing Development Document (2013) sets out the Council's plan-led approach to tall buildings, providing detailed criteria for new tall buildings, which are discussed below.
- 8.38. With regard to Policy 7.7(A) of the London Plan (2016), the Council has an adopted plan-led approach to tall buildings, as set out under Policy DM26 of the Managing Development Document (2013). With regard to Policy 7.7(B), the applicant has provided an urban design analysis within the submitted Design & Access Statement.
- 8.39. Policy 7.7(C) of the London Plan sets out a range of detailed criteria for tall buildings, stating that tall and large buildings should:
- a) generally be limited to sites in the Central Activities Zone, opportunity areas, areas of intensification or town centres that have good access to public transport*
- 8.40. The application site lies within the Central Activities Zone, which accords with the above requirement.
- b) only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building*
- 8.41. The application site lies within the Tower Hill / Aldgate area, which is generally characterised by tall and large buildings, including large floorplate office blocks. The site lies immediately to the south-east of a 9 storey office block and to the south of a 16 storey hotel. At 11 storeys, the proposed building at 99 Mansell Street would sit within the established range of building heights in this area and it is considered that the site is able to accommodate a building of this height and form, given its prominent position at the corner of Mansell Street and Prescott Street, with the tall building facing down Goodman's Yard.

- c) relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level*
- 8.42. As discussed above, the surrounding area, particularly to the west and north, is characterised by large buildings, predominantly office blocks. However, the buildings to the east of the site on the south side of Prescott Street generally range between 4-5 storeys in height. It is considered that the proposed development positively responds to this changing height and scale of surrounding buildings by presenting an 11 storey volume on the prominent corner of Mansell Street and Prescott Street, then stepping down to 8 and then 6 storeys in height to the east on Prescott Street.
- d) individually or as a group, improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate, and enhance the skyline and image of London*
- 8.43. The proposed development effectively marks one of the key entrances to the borough from the City of London, with the borough boundary running north/south down Mansell Street. The development will terminate the eastwards view along Goodman's Yard, with the existing buildings bounding this arterial road being dated in appearance and of poor architectural quality, including long sections of dead street frontages. It is considered that the proposed development is of high architectural quality and the use of brick as a facing material would result in a building that appears visually solid and robust. The development in general, and the tall building in particular, would serve to enhance the character and appearance of the area, which is supported.
- e) incorporate the highest standards of architecture and materials, including sustainable design and construction practices*
- 8.44. As discussed above, it is considered that the proposed development incorporates the principles of good design and is of high architectural quality. In terms of sustainable design and construction practices, the development is projected to achieve a BREEAM rating of 'Excellent', which would be secured by condition (see the 'Energy and Sustainability' section of this report below).
- f) have ground floor activities that provide a positive relationship to the surrounding streets*
- 8.45. The proposed development includes a flexible A1/A2/A3/A4/A5 unit and B1 offices at ground floor level, which will provide active frontages that positively respond to the surrounding public realm.
- g) contribute to improving the permeability of the site and wider area, where possible*
- 8.46. At 0.05 hectares the application site is small and is bounded by adjoining sites to the east and south. As such, it is neither possible nor desirable to provide new routes through the site.
- h) incorporate publicly accessible areas on the upper floors, where appropriate*
- 8.47. The proposals do not include publically accessible areas on the upper floors. However, given the spatial constraints of the site, together with the relatively limited height of the proposed building within its local context, it is considered that the omission of a publically accessible area on the upper floors is not a significant planning issue in this instance.

- i) make a significant contribution to local regeneration.*
- 8.48. The proposed development will bring a previously long-term vacant site back into active use and will provide local employment during the construction and end-user phases.
- 8.49. The local policy context for tall buildings is principally provided by Policy DM26 of the Council's Managing Development Document (2013). This policy sets out a range of detailed criteria for tall buildings, which must:
- a) Be of a height and scale that is proportionate to its location within the town centre hierarchy and sensitive to the context of its surroundings;*
- 8.50. The application site lies within the Central Activities Zone (CAZ) which forms the highest tier of the town centre hierarchy. As discussed under London Plan Policy 7.7(C)(c) above, and under the 'Heritage and Conservation' section of this report below, it is considered that the proposed tall building, by way of its height, scale, massing, form and detailed design, positively responds to the surrounding built form and public realm.
- b) Within the Tower Hamlets Activity Area, development will be required to demonstrate how it responds to the difference in scale of buildings between the CAZ/Canary Wharf Major Centre and the surrounding residential areas.*
- 8.51. The application site is not located within a LBTH Activity Area. This requirement is therefore not applicable.
- c) Achieve high architectural quality and innovation in the design of the building, including a demonstrated consideration of its scale, form, massing, footprint, proportion and silhouette, facing materials, relationship to other buildings and structures, the street network, public and private open spaces, watercourses and waterbodies, or other townscape elements;*
- 8.52. This is discussed under London Plan Policies 7.7(C)(c) and 7.7(C)(d) above, it is considered that the proposed building is of high architectural quality and positively responds to the surrounding building form and public realm in terms of its scale, height, massing, form and design.
- d) Provide a positive contribution to the skyline, when perceived from all angles during both the day and night, assisting to consolidate clusters within the skyline;*
- 8.53. The application site lies within a part of the borough that includes a number of larger buildings and as such, it is considered that the proposed development would only be visible in the skyline in a limited number of local views. Nevertheless, it is considered that the tall element of the building, by way of its detailed design and materiality, would positively contribute to the skyline, particularly in the eastwards view along Goodman's Yard from within the City of London.
- e) Not adversely impact on heritage assets or strategic and local views, including their settings and backdrops;*
- 8.54. This is discussed under the 'Impact on LVMF Views' and 'Heritage and Conservation' sections of this report. In summary, it is considered that the proposed development would have no impact on LVMF View 25A.1 and would protect the setting and special historic and architectural interest of the adjacent Grade II listed buildings at 30 Prescott Street and the Church of the English Martyrs.

- f) Present a human scale of development at the street level;*
- 8.55. The tallest element of the proposed development faces toward Goodman's Yard, which is a wide street, and benefits from a wide area of pavement in front of the 11 storey frontage. The proposed building then steps down to 8 and then 6 storeys in height along Prescott Street, providing a suitable transition in height and scale to the buildings to the east, which typically range between 4-5 storeys in height. As such, it is considered that the proposed development would not appear unduly overbearing when viewed from the surrounding public realm as the tall element of the scheme benefits from a relatively expansive setting, which provides the 'breathing space' for a building of this scale.
- g) Where residential uses are proposed, include high quality and useable private and communal amenity space and ensure an innovative approach to the provision of open space;*
- 8.56. No residential units are proposed. This criterion is therefore not applicable.
- h) Not adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces;*
- 8.57. Given the relatively limited height of the proposed building within its local context and its relationship to surrounding buildings and the public realm, it is considered that the proposed development would not result in any significant adverse impacts on the local microclimate.
- i) Not adversely impact on biodiversity or open spaces, including watercourses and waterbodies and their hydrology, as well as their settings and views to and from them;*
- 8.58. Subject to condition, the proposed development would deliver biodiversity enhancements on the site. In addition, the proposed development would not adversely impact on any open spaces.
- j) Provide positive social and economic benefits and contribute to socially balanced and inclusive communities;*
- 8.59. The proposed development will provide local employment, during both the construction and end-user phases, and will help to contribute to the local economy more generally by providing accommodation for visitors to the borough. The proposals would also deliver biodiversity enhancements within the site, together with physical improvements to the surrounding public realm through a Scheme of Highway Improvement Works, both of which will be secured by condition. In addition, the proposed development would help to contribute to inclusive communities by providing visitor accommodation for wheelchair users.
- k) Comply with Civil Aviation requirements and not interfere, to an unacceptable degree, with telecommunication, television and radio transmission networks;*
- 8.60. Given its relatively limited height the proposed development does not raise any aviation safeguarding concerns and the S106 agreement would include a clause to ensure that any impacts on TV/radio/satellite reception are recorded and suitably mitigated.
- l) Demonstrate consideration of public safety requirements as part of the overall design, including the provision of evacuation routes.*

- 8.61. Matters pertaining to evacuation routes are covered separately by Part B of the Building Regulations.
- 8.62. Taking into account the above, it is considered that the proposed development accords with the requirements of Policy 7.7 of the London Plan (2016) and Policy DM26 of the Council's adopted Managing Development Document (2013).

Urban Design, Scale, Height, Massing and Form

- 8.63. Policy 7.4 of the London Plan (2016) seeks to ensure that buildings, streets and open spaces provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets, contributes to a positive relationship between the urban structure and natural landscape features, is human in scale, allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area, and is informed by the surrounding historic environment.
- 8.64. Policy SP10(4) of the Council's adopted Core Strategy (2010) seeks 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.
- 8.65. Policy DM24 of the Council's adopted Managing Development Document (2013) requires development to be designed to the highest quality standards, incorporating principles of good design and ensuring that the design is sensitive to and enhances the local character and setting of the development in terms of scale, height, mass, building plot sizes, building lines and setback, roof lines, streetscape rhythm, design details and through the use of high quality building materials and finishes.
- 8.66. The proposed development effectively comprises previously approved 6 and 8 storey buildings at 31-33 Prescott Street (with minor design modifications) under planning permission reference PA/14/03553, together with a new 11 storey building at 99 Mansell Street.
- 8.67. With regard to the proposed 6 and 8 storey buildings, the height and form of these buildings, including the use of set-back roof storeys, together with the overall design approach and facing material palette are all common features shared with the previously approved scheme. The current proposals include modifications to the design of these buildings, including the regularisation of the fenestration and introduction of a double-height glazed street frontage for 33 Prescott. In addition, the set-back roof storeys are now to be faced in aluminum cladding in place of a curtain walling system.

**Approved Development Ref: PA/14/03553 –
Prescot Street & Mansell Street Elevation (Composite)**



Proposed Development –Prescot Street & Mansell Street Elevation (Composite)



- 8.68. It is considered that the design modifications to 31-33 Prescott Street are minor in nature and improve the appearance of the buildings, providing a more consistent architectural treatment across both buildings and a regularity to the pattern of fenestration that is continued across to the new 11 storey building at 99 Mansell Street.
- 8.69. With regard to the new 11 storey building at 99 Mansell Street, the architectural approach, pattern of fenestration and materiality (namely the use of brick) is continued across the facade from 33 Prescott Street to 99 Mansell Street. The double-height glazed street frontages are also repeated along the facade of 99 Mansell Street.
- 8.70. Whilst all three buildings share a common architecture, the proposals also seek to visually distinguish each of the three buildings, principally through the use of a different colour brick for each building, together with articulated building heights. Specifically, the 11 storey building is faced in grey brick and is located on the corner of the site at 99 Mansell Street, whilst 33 Prescott Street is faced in yellow brick and is 8 storeys in height, and 31 Prescott Street is faced in red brick and is 6 storeys in height.
- 8.71. It is considered that the proposed design approach is sympathetic to the scale, form, character and materiality of the surrounding built form, with nearby buildings generally ranging between 4 and 9 storeys in height, and up to 16 storeys at the Grange Tower Hill Hotel, and being predominantly faced in brick. In particular, it is considered that the stepping down in height of the buildings towards the 4 storey listed building at 30 Prescott Street provides a suitable and proportionate transition in scale from the proposed tall building on the corner of the site to the nearby lower-rise buildings on south side of Prescott Street.
- 8.72. The proposed development has been assessed by the LBTH Urban Design Officer and is considered to be acceptable in design terms. It is recommended that a condition be included to secure samples and details of the facing materials and design details.
- 8.73. Taking into account the above, subject to condition, it is considered that the proposed development incorporates the principles of good design and takes into account and positively responds to the surrounding built form and public realm in terms of its scale, height, massing, form, detailed design, facing materials and finished appearance. The proposals therefore accord with Policy 7.4 of the London Plan (2016), Policy SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013).

Heritage and Conservation

- 8.74. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires decision makers determining planning applications that would affect a listed building or its setting to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".
- 8.75. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers determining planning applications that would affect buildings or other land in a conservation area to pay "special attention [...] to the desirability of preserving or enhancing the character or appearance of that area".
- 8.76. Policy 7.8 of the London Plan (2016) states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. Policy 7.9 of the London Plan (2016) states that

the significance of heritage assets should be assessed when development is proposed and schemes designed so that the heritage significance is recognised both in their own right and as catalysts for regeneration.

- 8.77. Policy SP10(2) of the Council's adopted Core Strategy (2010) seeks to protect and enhance the Borough's Conservation Areas and Listed Buildings and their settings and encourages and supports development that preserves and enhances the heritage value of the immediate and surrounding environment and wider setting.
- 8.78. Policy DM27(1) of the Council's adopted Managing Development Document (2013) requires development to protect and enhance the Borough's heritage assets, their setting and their significance as key elements of developing the sense of place of the Borough's distinctive 'Places'.
- 8.79. The application site adjoins the western boundary of the Grade II listed house at 30 Prescott Street, which itself adjoins the western boundary of the Grade II listed Church of the English Martyrs. It is noted that letters of representation have been received in which objection is raised to the proposals on the grounds that they would cause harm the historic setting of these listed buildings.
- 8.80. The site also lies 80 metres to the north of the Tower of London Conservation Area, the northern boundary extends to the railway viaduct to the south of the site. As with the 16 storey Grange Tower Hill Hotel on the north side of Prescott Street, the upper floors of the building will be visible above the rail viaduct in northwards views from within the Conservation Area. However, given the relatively limited height of the proposed development and its location in relation to the railway viaduct and the Conservation Area, it is considered that the scheme would protect the character and appearance of the Tower of London Conservation Area and would not intrude into the setting of any period buildings in key local views.
- 8.81. With regard to the listed buildings, the adjoining building at 30 Prescott Street is a Grade II listed 4 storey plus basement Georgian terraced house faced in yellow London stock brick with timber framed sash windows and a front lightwell bounded by metal railings. This building forms part of a group (for the purposes of listing) with the adjoining Church of the English Martyrs, which is a Grade II listed church designed in the gothic style by Edward Welby Pugin and completed in 1875. The roof of the church rises up to a height equivalent to approximately 8 residential storeys, whilst the spire rises to a height equivalent to approximately 11 residential storeys.
- 8.82. As discussed above, the proposed buildings at 31-33 Prescott Street are effectively the same (in terms of their dimensions and overall design approach) to the previously consented development. The acceptability in principle of the visual relationship between these buildings and the adjacent listed buildings is therefore established by the previous planning permission. However, for the avoidance of doubt, this acceptability is principally the result of the articulation in building heights, which step down towards the listed building, together with the simple, clean design of the buildings and use of brick as a facing material, which reflects the materiality of the listed Georgian house. The changes in the treatment of the elevation enhance this relationship.
- 8.83. The proposed 11 storey building at 99 Mansell Street has a very narrow frontage onto Prescott Street, which is 1 window bay wide, with the main frontage (4 bays wide) facing north-westwards towards the junction of Mansell Street and Goodman's Yard. It is noted that the parapet height of the proposed building would sit just below the top of the spire of the Church of English Martyrs.

- 8.84. The proposed building at 99 Mansell Street would be markedly taller than the pre-existing building on the site, which was 6 storeys in height. However, given the building's narrow frontage onto Prescott Street and its location at the western end of the site, away from the listed house and church, together with the high architectural quality of the development, it is considered that the proposals would not appear unduly overbearing within the setting of the listed buildings and would preserve their special historic and architectural interest. The stepping up of the scheme from 31 to 33 Prescott Street and then again to 99 Mansell St is considered to preserve the setting of the listed building
- 8.85. Taking into account the above, it is considered that the proposed development has been sensitively designed in terms of its scale, height, form, design and facing materials and would protect the setting and special architectural and historic interest of the adjacent Grade II listed buildings at 30 Prescott Street and the Church of English Martyrs. For the aforementioned reasons it is considered that the development would also preserve the character and appearance of the Tower of London Conservation Area. As such, the proposals accord with Policy 7.8 of the London Plan (2016), Policy SP10(2) of the Council's adopted Core Strategy (2010), Policy DM27 of the Council's adopted Managing Development Document (2013) and government guidance set out in Section 12 of the National Planning Policy Framework (2012).

Impact on LVMF Views

- 8.86. Policies 7.11 and 7.12 of the London Plan (2016) define a number of strategically important views within London and require development to not harm, and where possible make a positive contribution to, the characteristics and composition of strategic views and their landmark elements. Policy 7.12 provides detailed guidance for development located within the foreground, middle ground or background of these strategic views.
- 8.87. Policy 7.10 of the London Plan (2016) states that development in World Heritage Sites and their settings, including any buffer zones, should conserve, promote, make sustainable use of and enhance their authenticity, integrity and significance and Outstanding Universal Value.
- 8.88. The south-western corner of the application site, which includes the tall element of the scheme, lies within the viewing corridor of London View Management Framework (LVMF) View 25A.1, which is the northwards view of the Tower of London from the Queen's Walk, a short distance from City Hall.
- 8.89. The current application is accompanied by a composite image of LVMF View 25A.1, which shows that the proposed development would not be visible within this protected vista as it would sit below the roofline of the existing buildings in the background of the Tower of London, located just to the right of the White Tower.
- 8.90. Taking into account the above, it is considered that the proposed development would preserve the protected vista of LVMF View 25A.1 and would conserve the Outstanding Universal Value of the Tower of London UNESCO World Heritage Site, in accordance with the objectives of Policies 7.10, 7.11 and 7.12 of the London Plan (2016)

Accessibility and Inclusive Design

- 8.91. Policy 4.5 of the London Plan (2016) requires at least 10% of all new hotel bedrooms to be designed to be wheelchair accessible. Policy 7.2 of the London Plan (2016) seeks to ensure that the principles of inclusive design, including the specific needs to older and disabled people, are incorporated into new developments.

- 8.92. The proposed development would provide a total of 67 serviced apartments, of which 7 serviced apartments (10.4% of total) would be provided as wheelchair accessible, with these units being located on the 2nd, 3rd, 4th and 5th floors. The wheelchair accessible units include large accessible shower rooms and the upper floors of the building are served by two lifts, which provide wheelchair access resilience in the event that one lift is rendered out of service. Level access is also provided to all internal areas, which is supported.
- 8.93. It is recommended that a condition be included to require the 7 wheelchair accessible serviced apartments to be retained as wheelchair accessible for the life of the development.
- 8.94. Subject to condition, it is considered that the proposed hotel includes adequate provision of wheelchair accessible rooms and that the development incorporates the principles of inclusive design, including the specific needs to older and disabled people. The proposals therefore accord with the requirements of Policies 4.5 and 7.2 of the London Plan (2016).

Secure by Design

- 8.95. Policy 7.3 of the London Plan (2016) seeks to ensure that developments are designed so as to reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating.
- 8.96. Policy DM23(3) of the Council's adopted Managing Development Document (2013) requires development to improve safety and security without compromising good design and inclusive environments by locating entrances in visible, safe and accessible locations, by creating opportunities for natural surveillance, by avoiding the creation of concealment points, by making clear distinctions between public, semi-public and private spaces and by creating clear sightlines and improving legibility.
- 8.97. The proposed development would present a continuous street frontage on Prescott Street and Mansell Street, with no recessed entrances, which is supported as recesses can limit surveillance and encourage antisocial behaviour and rough sleeping. In order to ensure that the building provides a safe and secure environment for future occupants and visitors, it is recommended that a condition be included to require the development to achieve Secure by Design certification.
- 8.98. Subject to condition, it is considered that the proposals would reduce the opportunities for criminal and anti-social behaviour and improve safety and security within and around the site without compromising good design. The proposals therefore accord with Policy 7.3 of the London Plan (2016) and Policy DM23(3) of the Council's adopted Managing Development Document (2013).

Archaeological Impacts

- 8.99. Policy SP10(2) of the Council's adopted Core Strategy (2010) seeks to protect and enhance archaeological remains. Policy DM27(4) of the Council's adopted Managing Development Document (2013) requires any nationally important archaeological remains to be preserved permanently in site, subject to consultation with English Heritage (now named Historic England).
- 8.100. The application site lies within an Archaeological Priority Area, as designated in the Council's Managing Development Document (2013). Accordingly, Historic England Greater London Archaeological Advisory Service (GLAAS) were consulted on the

application and have advised that the proposed development has the potential to cause some harm to archaeological interest at the site.

- 8.101. In order to mitigate these impacts, GLAAS have requested that a condition be included to require no demolition or development to take place until a written scheme of investigation (WSI) has been submitted to and approved by the Council, in consultation with GLAAS. The WSI will be required to include the programme and methodology for site investigation and recording, together with the programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material.
- 8.102. Subject to this condition, it is considered that the proposed development would adequately protect any archaeological remains at the site, in accordance with Policy SP10(2) of the Council's adopted Core Strategy (2010) and Policy DM27(4) of the Council's adopted Managing Development Document (2013).

AMENITY

Policy Context

- 8.103. Policy SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013) require development to protect, and where possible improve, the amenity of existing and future residents and buildings occupants, together with the amenity of the surrounding public realm.

Daylight and Sunlight – Impacts on Neighbouring Properties

- 8.104. The daylighting conditions at neighbouring properties are normally calculated by two main methods, namely the Vertical Sky Component (VSC) and No Sky Line (NSL). Building Research Establishment (BRE) guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should be reduced to no less than 0.8 times their former value, in order to ensure that sufficient light is still reaching windows. NSL takes into account the distribution of daylight within the room and figures should not exhibit a reduction beyond 0.8 times their former value.
- 8.105. Sunlight is assessed through the calculation known as the Annual Probable Sunlight Hours (APSH), which considers the amount of sunlight available during the summer and winter for each window facing within 90 degrees of due south (i.e. windows that receive direct sunlight). The amount of sunlight that a window receives should not be less than 5% of the APSH during the winter months of 21 September to 21 March, so as to ensure that such windows are reasonably sunlit. In addition, any reduction in APSH beyond 20% of its former value would be noticeable to occupants and would constitute a material reduction in sunlight.
- 8.106. The application is accompanied by a Daylight and Sunlight Assessment, prepared by the Chancery Group, which details the modelled impacts of the development on the daylighting and sunlighting conditions of nearby residential properties.
- 8.107. The assessment shows that the impacts on the daylighting and sunlighting conditions of the following properties would be within BRE guidelines levels and as such are considered to be acceptable:
- 2 Scarborough Street
 - 4 Scarborough Street

- 6 Scarborough Street
- 8 Scarborough Street
- 10 Scarborough Street

30 Prescott Street:

- 8.108. The building at 30 Prescott Street is four storeys in height and adjoins the eastern boundary of the application site. The building is in use as the Presbytery (priest's house) for the adjacent Roman Catholic Church of the English Martyrs. It is noted that a letter of representation has been received from the owners of the church and 30 Prescott Street, in which objection is raised to the proposals on daylight/sunlight impact grounds.
- 8.109. In terms the daylighting impacts, the assessment shows that the reductions to the VSC of the 8 affected windows and the NSL of the 6 affected rooms would be within BRE guideline levels (i.e. reductions of less than 20%) and are therefore considered to be negligible.
- 8.110. In terms of Annual APSH (sunlight) impacts, of the 8 affected windows that face within 90 degrees of due south, 3 windows (38% of total) would remain BRE compliant, 3 windows (38% of total) would see minor reductions of 26-29% and 2 windows (24%) would see moderate reductions of 31%.
- 8.111. As one would expect, the Winter APSH reductions would be slightly more pronounced. This is because the sun sits lower in the sky during the winter months, so even a limited increase in building height can result in a longer shadow being cast across nearby buildings. Specifically, 2 windows (25% of total) would remain BRE compliant in terms of Winter APSH, whilst 4 windows (50% of total) would see minor Winter APSH reductions of 20-29.9% and 2 windows (25% of total) would see moderate Winter APSH reductions of 30-34%.
- 8.112. Taking into account the above, it can be seen that the daylighting impacts on 30 Prescott Street would be negligible, whilst the sunlighting impacts would be generally minor in nature. Overall, it is considered that the impacts of the proposed development on the daylighting and sunlighting conditions of 30 Prescott Street are acceptable.

87 Mansell Street:

- 8.113. The building at 87 Mansell Street is an 8 storey block of flats known as 'Londinium Tower' that is located immediately to the north of the application site. The building comprises a Wetherspoon's pub at ground floor level with flats on the upper floors. It is noted that a number of letters of representation have been received from residents within Londinium Tower, in which objection is raised to the proposals on daylight/sunlight impact grounds.
- 8.114. In terms of the daylighting impacts, of the 75 affected residential windows, the assessment shows that 49 windows (65% of total) would remain BRE compliant for VSC, whilst 21 windows (28% of total) would see minor VSC reductions of between 20-29.9% and 5 windows (7% of total) would see minor-to-moderate VSC reductions of 30-31%.
- 8.115. Of the 54 affected residential rooms, 36 rooms (67% of total) would remain BRE compliant for NSL, whilst 12 rooms (22% of total) would see minor NSL reductions of between 20-29.9%, 4 rooms (7% of total) would see moderate NSL reductions of 30-39.9% and 2 rooms (4% of total) would see major NSL reductions of 41-42%.

- 8.116. The assessment shows that the daylighting impacts on Londinium Tower would be generally minor in nature, with the majority of windows and rooms remaining BRE compliant. Where windows would be subject to VSC reductions of over 20%, it can be seen that 6 of these windows at first and second floor level would have residual VSC values in the mid-to-high teens, whilst the rest would have relatively high VSC values in the early to mid-twenties. It is considered that such residual VSC values are not unacceptable for properties within dense inner-urban areas, such as this.
- 8.117. In terms of the sunlighting impacts, of the 70 affected windows that face within 90 degrees of due south, 64 windows (91% of total) would remain BRE compliant for Annual APSH, whilst 6 windows (9% of total) would see minor Annual APSH reductions of between 21-26%. As discussed above, Winter APSH is more sensitive to increases in building height and the assessment shows that the Winter APSH of 44 windows (63% of total) would be reduced by between 24-55%.
- 8.118. The assessment shows that the sunlighting impacts would be very limited, with the vast majority of windows (91% of total) remaining BRE compliant for Annual APSH. Whilst the Winter APSH reductions would be greater, the proposed development would not entirely eliminate the winter sunlight hours for any properties, with the residual Annual and Winter APSH levels remaining at relatively high levels for a site located in a dense inner-urban area.
- 8.119. Overall it is considered that the impacts of the proposed development on the daylighting and sunlighting conditions of properties within Londinium Tower at 87 Mansell Street are acceptable.
- 8.120. It is noted that the design of the development was modified during the course of the application, with the set-back roof storey being changed to a full storey. This modification would slightly increase the volume of building at roof level, which in turn would slightly increase the daylight/sunlight impacts of the scheme on surrounding properties. However, given that the increase in the volume of the building would be very slight, and given that the impacts of the original scheme on surrounding lighting conditions would be negligible to minor in nature, it is considered that this design modification would not result in any significant further deterioration in surrounding lighting conditions.
- 8.121. Taking into account the above, it is considered that the proposed development would not result in any significant adverse impacts on the daylighting or sunlighting conditions of neighbouring residents, in accordance with the objective of Policy SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013).

Overlooking, Outlook and Sense of Enclosure

- 8.122. It is noted that a number of letters of representation have been received from residents of Londinium Tower at 87 Mansell Street, in which objection is raised to the proposals on the grounds that the proposals would result in direct overlooking from the site into flats within Londinium Tower, adversely impacting on the privacy of residents.
- 8.123. At its closest point, namely at the eastern end of the site at 31 Prescott Street, the separation distance between the proposed development and Londinium Tower is 16 metres. At the western end of the proposed Prescott Street frontage, on the site of 99 Mansell Street, the separation distance increases to 17 metres.

- 8.124. The supporting text to Policy DM25 at paragraph 25.3 of the Managing Development Document (2013) advises that a separation distance of approximately 18 metres between facing habitable room windows is sufficient to reduce inter-visibility to a level that is acceptable to most people.
- 8.125. Whilst the separation distance between the proposed development and Londinium Tower falls slightly below 18 metres, this degree of separation between facing buildings across streets is not uncommon within the borough, or within London generally, particularly in areas where historic street patterns survive. It is also noted that the separation distance would be the same as for the previous buildings on this site, and the same as for the approved development at 31-33 Prescott Street. As such, it is considered that the proposed development would not result in any significant degree of overlooking or loss of privacy to neighbouring residents within Londinium Tower.
- 8.126. In terms of any impacts on the rear windows for the adjoining property at 30 Prescott Street, it is noted that the envelope of the proposed building on the site of 31-33 Prescott Street where it adjoins 30 Prescott Street is effectively the same as that of the previously approved scheme. As such, the current proposals would not result in any noticeable increase in the sense of enclosure to occupants at 30 Prescott Street, over-and-above the consented scheme. Whilst the current proposals include an 11 storey element on the site of 99 Mansell Street, this part of the building is located further away from 30 Prescott Street and thus would result in any significant degree of enclosure to the neighbouring property.
- 8.127. Taking into account the above, it is considered that the proposed development would adequately protect the amenity of surrounding residents in terms of privacy and outlook, in accordance with the objectives of Policy SP10(4) of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013).
- 8.128. Consideration has been given to the development potential of the neighbouring site to the south west of the application site and whether the current proposal would prejudice the redevelopment of this plot of land. The site consists of a redundant railway viaduct that is only approximately 8m wide; it is possible that a building could come forward on this site, but due to the land use designations it is unlikely to be a residential development and because it is so narrow would not need to be dual aspect. The windows of the serviced apartments do look out over this site but are set back from the boundary by approximately 6m so even if a building were to be constructed in front of these windows some outlook would remain (albeit very limited). As these are serviced apartments and not permanent residential accommodation this relationship is considered acceptable.

Noise & Vibration

- 8.129. The application site lies immediately to the east of the junction of Goodman's Yard and Mansell Street, which are heavily trafficked roads, and immediately to the north of a railway viaduct. As such, the background noise and vibration levels in this area have the potential to cause disturbance to guests within the proposed serviced apartments. In addition, the proposed development will include mechanical plant, which has the potential to cause noise disturbance to guests and surrounding residents if not suitably attenuated.
- 8.130. The current application is accompanied by an Acoustic Design Report, prepared by LCP, which includes the results of background noise and vibration surveys carried out at the site. The assessment shows the average noise levels impinging on the facade were 66dB(A) during the day (LAeq, 16 hour) and 61dB(A) at night (LAeq, 8 hour), whilst the

lowest recorded background noise levels were 53dB during the day (LA90, 5 mins) and 47dB at night (LA90, 5 mins).

- 8.131. The report details the minimum required sound reduction performance of the glazing in order to ensure that the BS8233 maximum indoor ambient noise levels for dwellings (for the proposed serviced apartments) and commercial spaces (for the proposed flexible retail and office spaces) are achieved. The most noise sensitive elements of the proposed development are the serviced apartments, the facades of which would need to be designed to achieve an indoor ambient noise level not exceeding 30dB (LAeq, 8 hour) at night time when guests would be sleeping.
- 8.132. In order to ensure that future occupants within the serviced apartments are not unduly disturbed by noise, either from outside sources or from adjoining commercial spaces within the development, it is recommended that conditions be included to require the serviced apartments to be designed to achieve 30dB LAeq,T* and 45dB LAfmax, and to require adequate sound insulation to be provided between commercial spaces and serviced apartments to ensure that NR25 is not exceeded within the serviced apartments.
- 8.133. With regard to the recorded vibration levels at the site, the daytime Vibration Dose Values (VDV) were 0.044 (horizontal) and 0.015 (vertical) and the night time VDV were 0.042 (horizontal) and 0.011 (vertical). British Standard BS6472 'Guide to Evaluation of Human Exposure to Vibration in Buildings' advises that VDV of 0.2 to 0.4 during the day and 0.1 to 0.2 at night have a 'low probability of adverse comment' from building occupants. The Council's Rail Noise Policy Statement (1994) also provides target maximum VDV for residential uses of 0.2 during the day and 0.13 at night. As the recorded vibration levels are significantly below these guideline VDV levels, it is considered highly unlikely that the vibration levels at the site would cause disturbance to future occupants. Vibration mitigation measures would therefore not be required.
- 8.134. In order to ensure that the noise generated by fixed plant within the development does not result in noise disturbance to future occupants within the serviced apartments or nearby residents, it is recommended that a plant noise compliance condition be included. Specifically, this condition will require the noise generated by any fixed plant within the development to at no time exceed 10dB below the lowest background noise level (LA90) when measured as a distance of 1 metre from the nearest sensitive facade.
- 8.135. Subject to the above conditions, it is considered that the proposed development would not result in undue noise or vibration disturbance to surrounding residents or future guests within the development, in accordance with Policy SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013).

TRANSPORTATION & HIGHWAYS

- 8.136. The NPPF (2012) and Policy 6.1 of the London Plan (2016) seek to promote sustainable modes of transport and accessibility and reduce the need to travel by car. Policy 6.3 of the London Plan also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 8.137. Policy SP08 and SP09 of the Council's adopted Core Strategy (2010) and Policy DM20 of the adopted Managing Development Document (2013) together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development does not have an adverse impact on safety and road network capacity, requiring the

assessment of traffic generation impacts and also seeking to prioritise and encourage improvements to the pedestrian environment.

Trip Generation

- 8.138. The application is accompanied by a Transport Statement (TS), prepared Crowd Dynamics, which includes the modelled trip generation figures for the pre-existing uses (B1 office and B8 storage) and proposed mix of uses (A1-A5, B1 & C1) within the 11 storey block at 99 Mansell Street. The TS does not include the trip generation figures for the part of the development on 31-33 Prescott Street on the basis that this part of the development effectively already has planning permission. The TS therefore models the difference in trip generation between the approved development at 31-33 Prescott Street (reference PA/15/03553) and the current proposals, which effectively incorporate the approved development 31-33 Prescott Street and include an additional block at 99 Mansell Street.
- 8.139. The TS shows that the pre-existing B1 office and B8 storage uses at 99 Mansell Street would have generated 361 two-way trips per day. The majority of trips would have been made by public transport and walking, with 5% of trips being made by car and 1% of trips being made by taxi.
- 8.140. The TS shows that the proposed A1-A5, B1 and C1 uses within the 99 Mansell Street block would generate 399 two-way trips per day. In terms of the modal split, the TS shows that only a very small proportion of trips would be made by private car (2.7%) and taxi (3.5%), with the remainder of trips being made by sustainable forms of transport. Specifically, the majority of trips would be made by rail and Underground (61.8%) followed by walking (24.5%) and bus (7.5%).
- 8.141. The TS shows that the proposed block at 99 Mansell Street would only result in a small uplift in daily trips, amounting to 38 additional two-way trips per day. The applicant's transport consultant considers that this uplift in trips would have a negligible impact on the local transport network. TfL have reviewed the TS and consider that the proposed trip generation is reasonable, although requested that cycling be included in the modal split.
- 8.142. Paul Mew Associates, on behalf of the applicant, have prepared a Technical Note that responds to the queries raised by TfL. The Technical Note provides estimated two-way cycle trips for the entire development (99 Mansell Street and 31-33 Prescott Street), which gives a worst case scenario of 54 two-way cycle trips per weekday. It is considered that these projected cycle trips, together with the proposed uplift of 38 two-way trips per day across all other modes of transport, would not place any significant strain on local transport infrastructure.
- 8.143. Taking into account the above, it is considered that the proposed development would not result in any significant adverse impacts on the capacity of the local transport network, including the Transport for London Road Network (TLRN), in accordance with Policy 6.3 of the London Plan (2016), Policy SP09(3) of the Core Strategy (2010) and Policy DM20(2) of the Managing Development Document (2013).

Car Parking

- 8.144. Policy SP09(4) of the Council's adopted Core Strategy (2010) and Policy DM22(2) of the Council's adopted Managing Development Document (2013) seek to ensure that developments located in areas of good public transport accessibility are secured as 'car

free'. Policy 6.13 of the London Plan (2016) also promotes 'car free' development in areas with good access to public transport, whilst still providing for disabled people.

- 8.145. The proposed development does not include any on-site car parking, which is supported in principle in line with the above policies as the site benefits from excellent access to public transport, with the highest possible a PTAL of 6a. LBTH Transportation & Highways have requested that the development be secured as 'car and permit free' through a clause in the S106 agreement in order to prevent any person residing at the site from obtaining an on-street parking permit. TfL also welcome the car free development, given the high PTAL at the site.
- 8.146. Where site constraints mean provision of on-site disabled parking is unfeasible or not safe, the Council's parking standards, as set out in Appendix 2(1) of the Managing Development Document (2013), require applications to demonstrate how a disabled person can park to use the development with ease. LBTH Transportation & Highways note that no information has been provided on the disabled parking arrangements and have requested that a condition be included to secure a Disabled Parking Plan.
- 8.147. Subject to the above condition and S106 clause, the proposed car-free development accords with Policy SP09(4) of the Core Strategy (2010), Policy DM22(2) of the Managing Development Document (2013) and Policy 6.13 of the London Plan (2015).

Cycle Parking

- 8.148. Policy DM22(4) of the Managing Development Document (2013) and Policy 6.9 of the London Plan (2016) require developments to include adequate provision of safe, secure and accessible cycle parking facilities. The current cycle parking standards used by the Council are set out at Table 6.3 of the London Plan (2016), which for this proposed development require a minimum cycle parking provision of:

Use	Long Stay Cycle Parking	Short Stay Cycle Parking	Total
A1-A5 Retail	1	2	3
B1 Office	12	2	14
C1 Serviced Apartment	3	1	4
Total	16	5	21

- 8.149. The proposed development includes a designated cycle store at basement level, which will accommodate up to 28 bicycles using 'Sheffield' style cycle stands. The total number of cycle parking stands therefore exceeds the minimum requirements for this development. In addition, the proposed use of 'Sheffield' style floor mounted cycle stands is supported as they are easily accessible, usable and secure, in accordance with the Council's cycle parking design standard at Appendix 2(1) of the Managing Development Document (2013).
- 8.150. As the cycle store is located at basement level, the bicycles will need to be transported by lift. The applicant has provided details of the proposed lift, the carriage of which is sufficiently large (2.3m deep x 1.2m wide with a 1m door) to accommodate a bicycle without the need to lift it off the floor, which is supported.
- 8.151. It is noted that TfL have requested that the short stay cycle parking be provided at street level, as it is unlikely that short term users, such as those for the retail unit, would either be aware of the basement cycle store or willing to use it. This is considered to be a reasonable request and the applicant has agreed to provide a further 6 short stay cycle

spaces on the footway at the corner of Mansell Street and Prescott Street, as set out in paragraph 2.11 of the Technical Note prepared by Paul Mew Associates, dated June 2016. These on-street cycle stands would form part of the requirements of a Scheme of Highway Improvement Works for this development, which would be secured by condition.

- 8.152. LBTH Transportation & Highways have reviewed the proposed cycle parking arrangements and consider them to be acceptable.
- 8.153. It is recommended that a further condition be included to require the proposed cycle parking facilities and lift to be installed in accordance with the submitted details prior to first occupation of the development, and require the facilities to be retained and maintained for the life of the development.
- 8.154. Subject to condition, it is considered that the proposals include adequate provision of safe, secure and usable cycle parking facilities, in accordance with Policy DM22(4) of the Council's adopted Managing Development Document (2013) and Policy 6.9 of the London Plan (2015).

Servicing, Waste & Recyclables Storage

- 8.155. Policy SP09(3) of the Core Strategy (2010) and Policy DM20(2) of the Managing Development Document (2013) seek to ensure that development does not adversely impact on the safety or capacity of the road network.
- 8.156. Policy SP05 of the Council's adopted Core Strategy (2010) and Policy DM14 of the Managing Development Document (2013) require planning applications to be considered in light of the adequacy and ease of access to the development for waste collection and the adequacy of storage space for waste given the frequency of waste collections.
- 8.157. The proposed development would be serviced from an embedded loading bay located on the footway on Prescott Street, which is the same arrangement as for the previously approved development at 31-33 Prescott Street (reference PA/14/03553). TfL raise no objections to the proposed servicing arrangements, subject to the inclusion of the same 'Scheme of Highway Improvement Works' condition as was included on the permission for 31-33 Prescott Street. This condition requires the submission and approval of details of the necessary works to the public highway to construct the loading bay and prevents the loading bay from being used during peak AM and PM hours. Officers recommended that the condition be included.
- 8.158. With regard to waste storage, the proposals include the provision of designated refuse store at basement level, which is shown on plan as being able to accommodate 9 x 1,280 litre bins. The refuse store is located adjacent to the lift core and the bins would be transported up to street level via a goods lift on collection days. The goods lift has direct access to the public highway on Prescott Street at ground floor level, with the total wheeling distance of the bins being approximately 12 metres, which is only marginally over the Council's recommended 10 metre maximum wheeling distance. The proposals have been reviewed by the Council's Waste Policy & Development Team, who have no objections to the proposed waste storage arrangements.
- 8.159. Both the LBTH Waste Team and LBTH Transportation & Highways request that a condition be included to secure a Delivery and Service Management Plan, which must detail the timings for when the bins will be brought up to street level and where the bins will be temporarily stored. The Waste Team would emphasise that it is unacceptable for

bins to be left on the public highway prior to and after collections for any length of time outside of collections taking place.

- 8.160. Taking into account the above, subject to condition, it is considered that the proposed servicing arrangements would not adversely impact on the capacity or safety of the road network, and that the waste and recyclables storage arrangements are acceptable. The proposals therefore accord with Policies SP05 and SP09(3) of the Core Strategy (2010) and Policies DM14 and DM20(2) of the Managing Development Document (2013).

ENERGY & SUSTAINABILITY

- 8.161. At a national level, the National Planning Policy Framework (2012) sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan (2015), Policies SO24 and SP11 of the Core Strategy (2010) and Policy DM29 of the Managing Development Document (2013) collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.162. The London Plan sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green).
- 8.163. Policy DM29 of the Managing Development Document (2013) includes the target to achieve a minimum 50% reduction in CO₂ emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. From April 2014 the London Borough of Tower Hamlets have applied a 45% carbon reduction target beyond Part L 2013 of the Building Regulations as this is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations.
- 8.164. The submitted Energy Strategy, prepared by eb7 Ltd, dated 29th February 2016, broadly follows the principles of the Mayor's energy hierarchy, as detailed above, and seeks to focus on using less energy and integration of renewable energy technologies. Specifically, the energy strategy proposes a communal heat system for the hot water and air source heat pumps for the space heating and cooling, whilst renewable energy would be provided through a 10 panel photovoltaic array at roof level.
- 8.165. The CO₂ emission reductions proposed would result in a 29% reduction against a Building Regulations 2013 baseline. The scheme is currently significantly below adopted Policy DM29 requirements for a 45% reduction in CO₂ emissions
- 8.166. The Planning Obligations SPD includes the mechanism for any shortfall in CO₂ to be met through a cash in lieu contribution for sustainability projects. This policy is in accordance with Policy 5.2 (E) of the London Plan (2016) which states:
- 8.167. *"...carbon dioxide reduction targets should be met on-site. Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere."*

8.168. This would allow the scheme to be supported despite the target CO2 emission reductions not being fully delivered on site. The council has an adopted carbon offsetting solutions study (adopted at Cabinet in January 2016) to enable the delivery of carbon offsetting projects. Based on the current energy strategy a carbon offsetting contribution of £23,724 would be appropriate for carbon offset projects. The calculation for this figure is as follows:

- Building Regulation compliant development would have emissions at 82.4 tonnes/CO2
- Proposed development is at 58.5 tonnes/CO2
- 45% DM29 reduction would deliver a scheme at 45.32 tonnes/CO2.
- Shortfall to meet DM29 requirements = 13.18 tonnes/CO2 x £1,800 = £23,724 offset payment to meet current policy requirements.
- This should be secured through appropriately worded Conditions and a S106 agreement for £23,724 to be payable prior to commencement of development.

8.169. In terms of sustainability, Policy DM 29(4) 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 non-residential development to achieve the BREEAM 'Excellent' rating. The applicant has submitted a BREEAM pre-assessment which shows the scheme is designed to achieve a BREEAM 'Excellent' rating with a score of 75.92%.

8.170. The LBTH Energy Efficiency & Sustainability Team consider that the proposals accord with the above policies, subject to the inclusion of conditions to secure the delivery of the energy strategy and proposed renewable energy technologies, and a BREEAM 'Excellent' rating, together with a S106 clause to secure a carbon offsetting contribution of £23,724.

8.171. Subject to these conditions and S106 clause, it is considered that the proposed development would follow the Mayor's energy hierarchy and attain the highest standards of sustainable design and construction. The proposals therefore accord with the objectives of Policies 5.2, 5.3, 5.6 and 5.7 of the London Plan (2016), Policy SP11 of the Core Strategy (2010) and Policy DM29 of the Managing Development Document (2013).

BIODIVERSITY

8.172. Policy 7.19 of the London Plan (2015), Policy SP04 of the Core Strategy (2010) and Policy DM11 of the Managing Development Document (2013) seek wherever possible to ensure that development makes a positive contribution to the protection, enhancement, creation and management of biodiversity. Where sites have biodiversity value, this should be protected and development which would cause damage to a Site of Importance to Nature Conservation (SINC) or harm to protected species will not be supported unless the social or economic benefits of the development clearly outweigh the loss of biodiversity.

8.173. The application is accompanied by an Ecology Assessment, which has been reviewed by the LBTH Biodiversity Officer, who notes that the site has no significant existing biodiversity value. In addition, the location is remote from suitable bat foraging habitat and the site would therefore be unlikely to be used by bats. As such, there would not be any significant adverse impacts on biodiversity as a result of the proposed development.

8.174. In terms of biodiversity enhancements, the proposed development would provide 6 swift boxes. The submitted details also indicate that a section of green wall could be provided,

although no details of the green wall are given. The LBTH Biodiversity Officer advises that these represent very limited biodiversity enhancements for a development of this size and has requested that an area of biodiversity green roof be provided, which would be a significant enhancement.

- 8.175. In order to ensure that significant biodiversity enhancements are delivered on-site, it is recommended that a condition be included to secure full details of all biodiversity enhancements, including the green wall, next boxes and biodiverse green roofs.
- 8.176. Subject to this condition, it is considered that the proposed development will make a positive condition to the protection, enhancement, creation and management of biodiversity, in accordance with Policy 7.19 of the London Plan (2015), Policy SP04 of the Core Strategy (2010) and Policy DM11 of the Managing Development Document (2013).

ENVIRONMENTAL CONSIDERATIONS

Air Quality

- 8.177. Policy SP03 of the Core Strategy (2010) 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 of the Managing Development Document (2013) 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.
- 8.178. The current application is accompanied by an Air Quality Assessment (AQA), prepared by REC. The AQA was reviewed by the LBTH Air Quality Officer, who raised a number of queries on the methodology and results of the assessment. REC responded to these queries in a Technical Note, dated 27th June 2016, and the LBTH Air Quality Officer confirms that this additional information adequately addresses their concerns. This additional information includes a revised air quality mitigation strategy, which increases the level of mechanical ventilation, which was originally proposed on the 2nd to 4th floors only, but is now proposed to be used for all of the serviced apartments.
- 8.179. The LBTH Air Quality Officer requests that a condition be included to secure details of the proposed mechanical ventilation system, the air intake for which must be located as high as possible on the building to ensure that the air is cleaner and thus protect the health of future occupants of the building.
- 8.180. Subject to the above condition, it is considered that the proposed development is acceptable in air quality terms, in accordance with Policy DM9 of the Council's adopted Managing Development Document (2013).

Demolition and Construction Noise, Vibration and Dust

- 8.181. The demolition and construction works associated with the proposed development have the potential to cause dust and noise and vibration disturbance to nearby residents and building occupants. In order to suitably and proportionately mitigate these impacts it is recommended that a condition be included to secure a Construction Environmental Management Plan (CEMP).
- 8.182. The CEMP will be required to include details of the measures to be put in place to minimise and mitigate the noise, vibration and dust impacts arising from the demolition

works. Such measures include siting stationary noise sources away from noise sensitive locations, fitting equipment with silencers, mufflers and acoustic covers, using appropriate piling methods and damping down and covering spoil piles.

- 8.183. Subject to condition, it is considered that the demolition and construction works would not result in unacceptable adverse noise, vibration or dust impacts and would protect neighbouring residential amenity, in accordance with Policy SP10(4) of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013). These policies require development to protect, and where possible improve, the amenity of existing and future residents and building occupants, together with the amenity of the surrounding public realm.

Contaminated Land

- 8.184. The policy context is set by the National Planning Policy Framework (2012) and Policy DM30 of the Managing Development Document (2013). Specifically, Policy DM30 requires suitable site investigation and remediation schemes to be secured and agreed for development proposals on contaminated land or potentially contaminated land.
- 8.185. The proposals have been assessed by the LBTH Environmental Health (Contaminated Land) Officer, who raises no objections subject to the inclusion of a condition to secure a scheme to identify the extent of the contamination and detail the measures to be taken to avoid risk to the public, buildings and environment when the site is developed.

IMPACT UPON LOCAL INFRASTRUCTURE / FACILITIES

- 8.186. Policy SP13 of the Core Strategy (2010) 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.
- 8.187. 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.
- 8.188. Regulation 122 of the CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.
- 8.189. Securing appropriate planning contributions is further supported Policy SP13, which seeks to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 8.190. The current Planning Obligations SPD was adopted in 2012. A new version has been formed to better reflect the implementation of CIL and the needs of the borough in respect of planning obligations, which was subject to public consultation in April 2016.
- 8.191. The boroughs four main priorities remain:
- Affordable Housing
 - Employment, Skills, Training and Enterprise
 - Community Facilities
 - Education

8.192. The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

8.193. The applicant has agreed to the full financial contributions as set out in the Planning Obligations SPD in relation to:

- Enterprise and Employment Skills and Training;
- Carbon Offsetting; and,
- Monitoring.

8.194. The financial contributions offered by the applicant are summarised below:

- a) A contribution of £9,705.59 towards construction phase employment, skills, training and enterprise
 - b) A contribution of £33,468.39 towards end user phase employment, skills and training
 - c) A contribution of £23,724 towards carbon offsetting
 - d) A contribution of £137,799 towards Crossrail (off-set against Mayoral CIL)
 - e) £500 per clause towards monitoring
- Total financial contributions (excluding monitoring) = £194,995

8.228. The non-financial contributions offered by the applicant are summarised below:

- a) 20% local employment during the construction and operational phases
- b) 20% of procurement from local business during the construction phase
- c) 4 apprenticeships during construction phase
- d) Car and Permit Free Agreement
- e) Travel Plan
- f) Compliance with the Code of Construction Practice
- g) TV reception surveys and mitigation

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

FINANCIAL CONSIDERATIONS

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

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

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

8.197. Section 70(4) defines "local finance consideration" as:

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

8.198. These are material planning considerations when determining planning applications or planning appeals.

8.199. As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and would be payable on this scheme. The approximate CIL contribution is estimated to be around £60,760.

8.200. The mechanism for contributions to be made payable towards Crossrail has been set out in the Mayor's Supplementary Planning Guidance (SPG) "Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy" (April 2013). The SPG states that contributions should be sought in respect of uplift in floorspace for A1 retail, B1 office and C1 hotel uses (with an uplift of at least 500sqm). The site lies within the Central London Crossrail charging area.

8.201. This application is also subject to the Borough's Community Infrastructure Levy, which came into force for application determined from 1st April 2015. This is a standard charge, based on the net floor space of the proposed development, the level of which is set in accordance with the Council's adopted CIL charging schedule. The estimated Borough CIL contribution for this development is approximately £410,605.

HUMAN RIGHTS CONSIDERATIONS

8.202. 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:-

8.203. 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".

- 8.204. 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.
- 8.205. Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified.
- 8.206. 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.
- 8.207. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.208. 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.
- 8.209. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

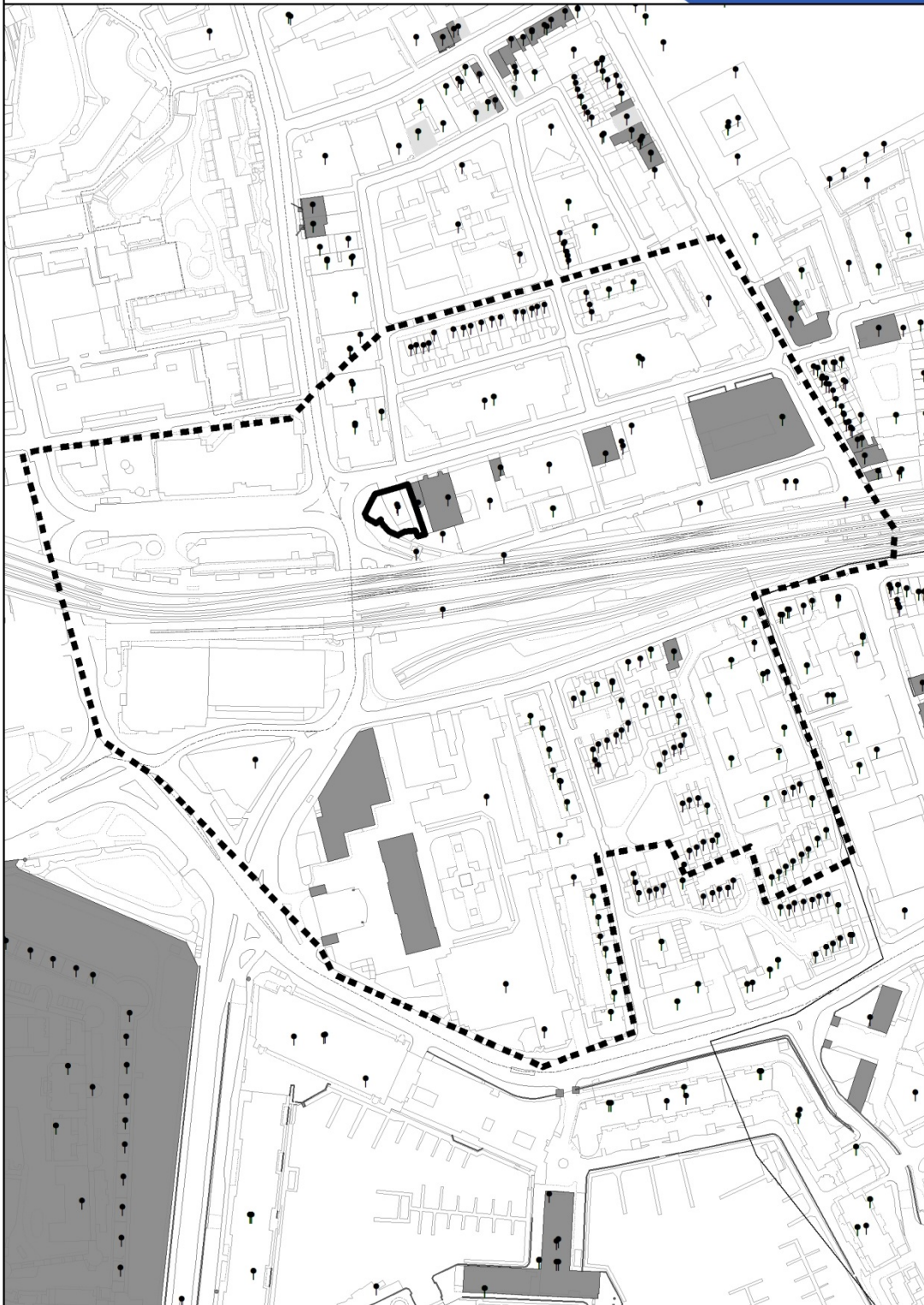
EQUALITIES ACT CONSIDERATIONS

- 8.210. 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.
- 8.211. The requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 8.212. The proposed development allows for an inclusive and accessible development for less-able and able employees, visitors and workers. Conditions secure, inter alia, wheelchair accessible serviced apartments.

9. Conclusion

- 9.1. All other relevant policies and considerations have been taken into account. Planning Permission should be granted for the reasons set out and the details of the decisions are set out in the RECOMMENDATIONS at the beginning of this report.

Planning Application Site Map
PA/16/00757



Planning Application Site Boundary



Locally Listed Buildings



Land Parcel Address



Consultation Area



Statutory Listed Buildings

0 40 m

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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