

<b>Committee:</b> Strategic	<b>Date:</b> 16 <sup>th</sup> February 2017	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
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<b>Report of:</b> Director of Development and Renewal  <b>Case Officer:</b> Selwyn Atkinson	<b>Title:</b> Application for Planning Permission  <b>Ref No:</b> PA/16/02250  <b>Ward:</b> Whitechapel
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## 1. APPLICATION DETAILS

**Location:** 10 Whitechapel High Street, E1 8DX

**Existing Use:** Office Use (B1a) (4,930 sqm)  
Professional driver training/testing facility (D1) (3,270 sqm)

**Proposal:** Change of use of part of ground floor, part first floor, Basement 1 and Basement 2 from B1 (including ancillary floorspace), and Professional driver training / testing facility for a vehicle hire company use (D1) to a Sui Generis cultural facility including exhibition space, event space, office, retail and restaurant uses.

Alterations and extension to the existing lean-to element that forms part of the west elevation of the building and works to realign and resurface the existing ramp and stairs in connection with improvements to the access of the basement and all ancillary and associated works.

Minor alterations to north and south elevations of the building including a new access ramp.

**Applicant:** Derwent Valley Central Ltd

**Ownership:** Derwent Valley Central Ltd

**Historic Building:** N/A

**Conservation Area:** N/A

## **Drawings and Documents:**

Marketing Evidence (DP9): 06/12/2016  
Marketing Evidence (BNP Paribas): 22/07/2016  
Supporting Note on loss of B1(a) floorspace

Design and Access Statement: 22/07/2016  
Design and Access Statement Addendum: 12/01/2017  
Transport Statement: 07/2016  
Servicing and Delivery Plan: 07/2016  
Employee Travel Plan: 07/2016  
Planning Statement: 07/2016  
Construction Environmental Management Plan  
Energy and Sustainability Statement: 20/07/2016  
SUDS Drainage Statement: 19/07/2016

Location Plan: A 1345 LO 0030

Existing Ground Floor Plan: A 1345 EX 1030  
Existing First Floor Plan: A 1345 EX 1031  
Existing Basement 1: A 1345 EX 1032  
Existing Basement 2: A 1345 EX 1033

Existing North Elevation: A 1345 EX 1130  
Existing South Elevation: A 1345 EX 1131  
Existing West Elevation: A 1345 EX 1132

Location Plan Basement Level 2: A 1345 LO 0031

Proposed Ground Floor: A 1345 PA 2030  
Proposed 1<sup>st</sup> Floor: A 1345 PA 2031  
Proposed Basement 1: A 1345 PA 2032  
Proposed Basement 2: A 1345 PA 2033

Proposed North Elevation: A 1345 PA 2130  
Proposed South Elevation: A 1345 PA 2131  
Proposed West Elevation: A 1345 PA 2132

Proposed Roof Plan: A 1345 PA 3013  
Proposed Section A: A 1345 PA 3210  
Proposed Section B: A 1345 PA 3211

Proposed Enlarged North Elevation: A 1345 PA 3212  
Proposed Enlarged South Elevation: A 1345 PA 3213

Proposed CGI: A 1345 PA 7010  
Proposed CGI: A 1345 PA 7011

## **2. EXECUTIVE SUMMARY:**

- 2.1 The application proposes the loss of B1 floorspace within a preferred office location (POL). Local Plan policy (DM16) states that there should be no net loss of office space within a POL. However due to the specific circumstances of the case officers consider this loss to be acceptable in this instance.
- 2.2 The proposal seeks to convert two basement levels of the building to a sui generis mixed use space; basement one was previously occupied by a shopping centre and basement two was the canteen servicing the main RBS (Royal Bank of Scotland) building above. These spaces have no natural light and have been marketed for B1 use but no occupiers have been found. The loss of the B1 space at ground floor and first floor was partly circulation space and its conversion into a sui generis use allows for wheelchair access throughout the use, helps improve legibility to the building and provides activity to the street which is beneficial in placemaking terms.
- 2.3 Officers consider, on balance, that the proposed Cultural Facility (Sui Generis) Use would maintain the employment levels to a degree which would support the role of the Central Activities Zone and would not undermine the function and the role of the Preferred Office Location. It would also help to achieve a sustainable office environment.
- 2.4 Subject to conditions, the proposed uses are unlikely to have any significant adverse impact on public transport or the surrounding highway network, nor would there be any significant impact upon the neighbouring residential amenity. No objections have been received in relation to this proposal.
- 2.5 The scheme fully meets the S106 obligations specified in the draft Planning Obligations SPD, which mitigates the impact of the development on local infrastructure.
- 2.6 This application is reported to the Strategic Development Committee as the proposal is a departure from the Development Plan because it results in the loss of more than 2,500sqm of B1 office floor space in a Preferred Office Location (POL).

## **3. RECOMMENDATION:**

- 3.1 That the Committee resolve to GRANT planning permission subject to:
- 3.2 Any **direction** by the **London Mayor**.
- 3.3 The prior completion of a **S106 legal agreement** to secure the following planning obligations:

#### Financial Obligations:

- (a) Training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development (£18,220)
- (b) End user training and development of unemployed residents in Tower Hamlets (£72,624 contribution) to access jobs or training within employment sectors relating to the final development
- (d) Contribution of £4,000 towards visitor cycle parking along Braham Street
- (e) Monitoring fee of £500 for each one of the Heads of Terms within the S106 Agreement.

#### Non-Financial Obligations:

- (a) Total of 4 construction phase apprenticeships.
  - (b) Total of 1 apprenticeship to be delivered during the operational phase of the development.
  - (c) Secure a minimum of 20% of the construction phase workforce who are local residents of Tower Hamlets.
  - (d) Procure a minimum of 20% goods/services during the construction phase from local businesses in Tower Hamlets.
- 3.4 That the Corporate Director of Place is the delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
- 3.5 That the Corporate Director of Place is delegated authority to issue the planning permission and impose conditions and informatics to secure the following matters:

#### Conditions:

1. Time Limit
2. Compliance with the plans
3. Hours of operation
4. Detailed floor plan layouts
5. Design method statement with regard to London Underground Tunnels
6. Construction Management Plan
7. Details of cycle parking
8. Details of refuse and recycling storage
9. Delivery and servicing plan
10. Samples of external materials
11. Details of any landscaping treatments



12. Removal of RBS headstone on Braham Street prior to occupation.

Informatives:

1. In regards to the A1210 road closure TfL request the applicant liaise with TfL as the highways authority before any construction commences.

## **4 PROPOSAL AND LOCATION DETAIL**

### **Proposal**

- 4.1 The proposal is for a change of use of part ground floor (548 sqm, of which 348 sqm is useable office space), part 1<sup>st</sup> floor (81 sqm), basement 1 and basement 2 from B1(a) ancillary floorspace and Professional driver training/testing facility for a vehicle hire company use (D1) to a Cultural Facility (Sui Generis Use).
- 4.2 The use would comprise a number of elements, and indicative floorplans for the building show the majority of floorspace given over to exhibition space with office and conference facilities. Also included within this sui generis mixed use would be some areas of retail space, areas for events and restaurant / café uses.
- 4.3 In addition to the change of use there are a number of physical alterations associated with the proposal. The main works are the erection of a new two storey extension fronting Mansell Street. It should be noted that this part of the proposal is identical to the two storey extension that had been previously consented on 09/09/2016 under PA/16/01919 consisting of B1(a) (office) floorspace on the first floor and A1 (retail) floorspace on the ground floor. Where this differs from the consented extension is that this would also incorporate the sui generis use rather than B1 / A1 uses.
- 4.4 The proposals also includes some minor façade alterations and the bringing back into use an existing shelter on the southern side of the building to be used as a terrace with outdoor seating.
- 4.5 The applicant is Derwent Valley Central Ltd who had recently purchased the building from the previous owners and single occupier (Royal Bank of Scotland). It is the applicant's intention to create a multi let building including office use (existing use) on the upper floors.

### **The Site and Surrounds**

- 4.6 The site covers 0.44 hectares in Aldgate and is located on the south eastern corner of the junction between Mansell Street and Whitechapel High Street. The site is bounded to the south by Braham Street Park (TfL managed highway) and Aldgate Tower to the east. Immediately to the west there is a ramp which used to connect the street to subterranean pedestrian tunnels that have since been closed. The plan below identifies the site within Aldgate



- 4.7 The site is located within the Central Activities Zone (CAZ), the Aldgate Masterplan Area, the Outer Core Area of the City Fringe Opportunity Area and is a London Borough of Tower Hamlets Preferred Office Location (POL). There are no heritage designations at or near the site.
- 4.8 The application site forms levels 1, 0, -1, -2, of the eight storey brown stone building located at the junction of Whitechapel High Street and Mansell Street. The table below summarises the historic uses of the basement levels:

Basement Levels and Uses	
Basement Level 1	Originally occupied by a retail mall (Aldgate Barrs) which connected to nearby subterranean pedestrian tunnels and Aldgate Underground Station. The retail mall has been closed for a number of years and the access tunnels have been blocked off. More recently the space has been used as a professional driver training facility.
Basement Level 2	This served as ancillary office space whilst RBS were the buildings sole occupier. There is no natural light and the space was predominantly occupied by a large canteen and some small adjoining 'break-out' space/meeting rooms.
Basement Level 3	This is entirely occupied by plant and machinery

- 4.9 The rear of the building is bounded by Braham Street Park (figure 1), which is a landscaped pedestrian area and to the east the site adjoins the 19 storey glass building known as Aldgate Tower (see figure 1 on far right).

**Figure 1: View from Braham Street looking towards south elevation of site**



- 4.10 The upper floors of the site contain office floorspace (use class B1a) with ancillary facilities and D1 uses located on basement levels 1 and 2. Basement level 3 does not form part of this application and had been previously used for storing plant equipment for the entire building. Figure 2 shows basement level 3 stripped back and vacant.

**Figure 2 (a): Basement level 3 (historically used for plant equipment for the entire building)**



- 4.11 Basement level 1 is currently in lawful use as a professional driver training/testing facility (904 sqm) and a photography space (638 sqm) (D1 use). The previous tenants (Uber) no longer operate from the site. Basement level 2 contains the ancillary B1(a) uses for the whole building including the central staff canteen and various meeting and conference rooms (see figures 3 and 4).

**Figure 3: Basement level 2 (central staff canteen)**



**Figure 4: Basement levels (offices, meeting and conference areas)**





- 4.12 Figure 5 shows an internal view of the existing lean-to element which has planning permission to be demolished and replaced with a two storey building with glazing along the western elevation. This has not been implemented yet.

**Figure 5 (a): Internal view of lean-to element taken from ground floor level**



## **5. RELEVANT PLANNING HISTORY**

- 5.1 PA/01/01424  
Refurbishment and extension of existing Marsh Centre building, demolition of remaining buildings and redevelopment to provide new office and retail accommodation.  
*Permitted on 20/01/2001*
- 5.2 PA/15/01309  
Change of use of part of the basement floorspace from retail use (Class A1) to a flexible use comprising a professional driver training / testing facility for a vehicle hire company (D1) and / or a photographic studio and / or offices (B1) with associated access arrangements and ancillary facilities'.  
*Permitted on 09/07/2015 subject to the condition that it only be used as a training centre and not as other D1 uses such as educational, as this may not be appropriate at basement level.*
- 5.3 PA/15/03241  
External alterations to the north and south elevation of the building to provide a new entrance and reconfigured reception area.  
*Permitted on 13/01/2016*
- 5.4 PA/16/01154  
Application for advertisement consent for the display of non-illuminated high level signage to the western elevation.

*Permitted on 11/07/2016*

5.5 PA/16/01919

Alterations and extension to the existing lean-to element that forms part of the west elevation of the building, to provide additional B1 and A1 floorspace, and works to realign and resurface the existing ramp and stairs in connection with improvements to the access of the basement and all ancillary and associated works. External alterations to the north elevation of the building, including the creation of a new access ramp and minor alterations to the south elevation of the building.

*Permitted on 09/09/2016*

## **6 POLICY FRAMEWORK**

6.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.

6.2 The list below is not an exhaustive list of policies, it contains some of the most relevant policies to the application:

6.3 National Planning Policy Framework (2012):

- Para' 11-14: Presumption in Favour of Sustainable Development
- Para' 18-20: Building a Strong, Competitive Economy
- Para' 23, 26: Ensuring the Vitality of the Town Centres
- Para' 29, 32, 35, 36, 37: Promoting Sustainable Transport
- Para' 56, 57, 60, 61, 63, 64: Requiring Good Design

6.4 London Plan (MALP 2016):

- Policy 2.10: Central Activities Zone – Strategic Priorities
- Policy 2.11: Central Activities Zone – Strategic Functions
- Policy 2.12: Central Activities Zone – Predominately Local Activities
- Policy 2.13: Opportunity Areas and Intensification Areas
- Policy 4.1 Developing London's economy
- Policy 4.2 Offices
- Policy 4.3 Mixed use development and offices
- Policy 4.7 Retail and town centre development
- Policy 4.10 New and emerging economic sectors
- Policy 6.3: Assessing Effects of Development on Transport Capacity
- Policy 6.9: Cycling
- Policy 6.10: Walking
- Policy 6.13 Parking
- Policy 7.2: An Inclusive Environment
- Policy 7.3: Designing Out Crime
- Policy 7.4: Local Character
- Policy 7.5: Public Realm
- Policy 7.6: Architecture

## 6.5 Adopted Core Strategy (2010):

- Policy SP01: Refocusing on Our Town Centres
- Policy SP06: Delivering Successful Employment Hubs
- Policy SP08: Making Connected Places
- Policy SP09: Creating Attractive and Safe Streets and Spaces
- Policy SP10: Creating Distinct and Durable Places
- Policy SP11: Working towards a Zero-carbon Borough
- Policy SP12: Delivering Placemaking

## 6.6 Adopted Managing Development Document (2013):

- Policy DM0: Delivery Sustainable Development
- Policy DM16: Office Locations
- Policy DM20: Supporting a Sustainable Transport Network
- Policy DM23: Streets and Public Realm
- Policy DM24: Place-sensitive Design

## 6.7 Supplementary Planning Guidance:

- City Fringe Opportunity Area Planning Framework (Adopted December 2015)
- Central Activities Zone SPG (March 2016)
- Aldgate Masterplan (2007)
- Draft Planning Obligation Supplementary Planning Document (September 2016)
- Community Infrastructure Level (CIL) Charging Schedule (April 2015)

## 6.8 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

## 7. CONSULTATIONS

### 7.1 The views of the Directorate of Place are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

The following were consulted regarding the application

#### **Internal responses**

### 7.2 LBTH Enterprise & Employment team

Requested that any planning permission be subject to the following planning contributions:

- Total of 4 construction phase apprenticeships
- Contribution of £18,220 towards training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development.
- Contribution of £72,624 towards training and development of unemployed residents in Tower Hamlets to access training within employment sectors relating to the final development.
- Total of 1 apprenticeship to be delivered during the operational phase of the development.
- Secure a minimum of 20% of the construction phase workforce locally (required to be local residents of Tower Hamlets). The Economic Development Service will support the developer in achieving this target through providing suitable candidates through the Employment & Skills Job Brokerage Service (Construction).
- Procure a minimum of 20% goods/services during the construction phase from local businesses in Tower Hamlets. The Economic Development Service will support the developer to achieve this target through ensuring they work closely with the council's Enterprise team to access the approved list of local businesses.

*Officer Comments: The above items would be secured through the s106 agreement.*

**7.3 LBTH Sustainable Urban Drainage System (SUDS) Team:** Consulted on 11/08/2016 however no comments have been received. It was noted that the proposals would not result in an increase in the amount of impermeable surfacing.

**7.4 LBTH Biodiversity:** The site is located far from any suitable foraging habitat and therefore was unlikely to be used by roosting bats.

**7.5 LBTH Highways and Transportation:** An objection was raised in relation to the lack of cycle parking.

*Officer Comments: There are numerous long stay cycle parking spaces within the existing building and TfL have agreed that visitor / short stay cycle parking can be accommodated along Braham Street at the applicants expense. This will be secured through the s106 agreement.*

## **External Consultation Responses**

**7.6 Transport for London:**

- (i) Cycle Parking Provision: TfL accepts the proposed 16 long stay cycle parking spaces within the basement and accepts the methodology for calculating the requirements based on 1 space per 8 staff members (based on 250 full time staff working in shift



patterns). The applicant has proposed a financial contribution towards cycle stands on Braham Street in lieu of visitor cycle parking which TfL accepts subject to consultation with TfL Urban Design Team. This financial contribution will be secured by through a legal agreement.

- (ii) Delivery and Servicing: TfL accepts the details of vehicles accessing the TLRN in forward gear and welcomes details of pre-arranged deliveries.
- (iii) TfL accepts blue badge holder visitors to park on-street within existing parking opportunities.
- (iv) Construction Environment Management Plan to be secured by condition. This should include details of vehicle routing (vehicles should avoid peak hours on the TLRN). The number of freight movements expected on site. Mandatory wheel washing for all vehicles exiting the site during **all** phases of the development. All contractors should be FORS certified. TfL forbids cranes over sailing the highway at any point. If this is not possible, the applicant should liaise with the relevant authority. The CEMP must demonstrate that no trees would be harmed or lost during construction.
- (v) The applicant proposes to periodically close lanes of the A1210 during construction. TfL therefore request the applicant liaise with TfL as the highways authority before any construction commence. TfL request an informative be attached requiring the applicant to consult with TfL in regards to the road closure.

*Officer Comments: Relevant conditions and an informative will be attached to the planning permission covering the above.*

## **7.7 Greater London Authority:**

Stage 1 response confirms the applications compliance with the London Plan. Overall the modernisation of the existing office building, the provision of lettable office floorspace and supporting uses within Aldgate is supported. The replacement of ancillary B1(a) floorspace with sui-generis use is considered appropriate given the lack of natural daylight within the basement levels. The loss of B1(a) floorspace on the ground and the first floor level is considered acceptable and necessary to allow for a means of escape via the existing building core and the provision of DDA compliant access and servicing. The proposals would result in an increase in overlooking of Braham Street Park as a result of the reactivation of the south and south east elevations at ground floor level, new entrances and the refurbishment of the existing terrace which would operate as an outdoor seating area for visitors, staff and office workers.

*Officer Comments: The proposals compliance with the Local Plan is discussed in the Material Planning Consideration section below. A draft decision notice will be sent to the GLA in accordance with Article 5(2) of the T&C Planning (Mayor of London) Order 2008.*

**7.8 Greater London Archaeological Advisory Service:** Concluded that the proposal was unlikely to have a significant effect on heritage assets of archaeological interest.

**7.9 City of London Corporation:** Consulted on 11/08/16 however no response in connection with the application has been received.

## **8.0 LOCAL REPRESENTATION**

8.1 A total of 39 planning notification letters were sent to nearby properties on 11/08/2016 as detailed on the attached site plan. A site notice was also displayed on 16/08/2016. The application would represent a departure from the Development Plan and therefore the application was advertised in East End Life on 18/08/2016.

8.2 No letters of representation have been received in support/ objection.

## **9. MATERIAL PLANNING CONSIDERATIONS**

- Land Use
- Design
- Transport, Connectivity and Accessibility
- Amenity
- Human Rights
- Equalities

### **Land Use - Introduction**

- 9.1 The existing building is an eight storey building with three basement levels, which is predominantly in B1 use within the Preferred Office Location (POL) where loss of B1 space is not supported by policy.
- 9.2 The proposal seeks to convert two basement levels of the building to a sui generis mixed use space, basement one was previously occupied by a shopping centre called Aldgate Barrs and basement two was the canteen and meeting rooms servicing the main RBS (Royal Bank of Scotland) building above, there is no 'desk space' within basement 2, which is essentially an ancillary element to the main office use on upper floors.
- 9.3 RBS moved out of the building in 2015 and since this time the upper floors of the building are operating on a multi-let basis for which there has been no requirement for a large canteen and meeting spaces found within basement 2. As such this space has been marketed for B1 tenants, however due to the lack of natural light no occupiers have been found.
- 9.4 The loss of the B1 space at ground floor and first floor was partly circulation space and its conversion into a sui generis use allows for wheelchair access throughout the use, helps improve legibility to the building and provides

activity to the street which is beneficial in placemaking terms which will be explained in greater detail below and within the design section of the report.

### Loss of Office Use

- 9.5 The table below sets out the existing total floorspace and existing B1(a) floorspace to be lost as a result of the application.

<b>Table 2: total floorspace to be lost to proposed uses</b>			
<b>Floor</b>	<b>Use Class</b>	<b>Loss (m<sup>2</sup>)</b>	<b>Existing Function</b>
1 <sup>st</sup> Floor	B1(a)	81	Office floorspace
Ground Floor	B1(a)	548	Office floorspace
Basement 1	D1 (non-resi)	3,270	Driver training and testing facility
Basement 2	B1(a)	4,301	Ancillary office canteen and meeting rooms
<b>TOTAL</b>		8,200	
<b>LOST B1(a)</b>		<b>4,930</b>	

- 9.6 Policy 2.11 of the London Plan (MALP 2016) seeks to increase office floorspace within the CAZ. Policy SP06 of the Core Strategy focuses on investment and job creation through the intensification of office floorspace with particular emphasis on large floor-plate offices within the POL. Policy DM16 of the Managing Development Document states that development resulting in the net loss of office floorspace will not be supported. As the table shows the application would result in the loss of 4,930 sqm of B1(a) office floorspace within basement 2, ground and first floor.
- 9.7 The applicant states that attempts to let the basement floors of the building to a B1(a) occupier have failed owing to a lack of natural daylight and outlook on these levels. The marketing report states that the amount of subterranean ancillary floorspace on offer is of a size that would be surplus to the needs of most businesses given the office building will operate on a multi-let basis. The details of 12 enquiries of interest were submitted to the council spanning the period from August 2015 to July 2016. It was suggested by the applicant that the majority of the enquiries were not pursued by the prospective tenants given the subterranean floors which have no access to natural daylight or outlook. The unsuitability of the lower floors in terms of their amenity, specifically the lack in provision of natural daylight and outlook for occupiers was confirmed by officers during a site visit.
- 9.8 Paragraph 16.3 of the supporting text to policy DM16 mentions that supporting uses such as gyms, hotels, restaurants, and retail uses help support a sustainable office environment within the POL and are therefore considered acceptable. The London Plan (2016, **Policy 2.10**) seeks to enhance and promote the international, national and Londonwide roles of the CAZ in particular supporting the distinct offer of the Zone based on a rich mix of local as well as strategic uses. The mix of uses can include 'Cultural

facilities' such as those proposed including event, conference and exhibition space as well as education and training facilities. Policy 2.11 states that the inclusion of a mix of uses may be considered acceptable where such a mix does not demonstrably conflict with other policies or prejudices the main function of the CAZ as a centre for business uses. The loss of ancillary B1(a) floorspace on basement level 2 would result in 4,301 sqm of supporting office use. It is considered that the proposed cultural facility (sui-generis use) would enhance and complement the existing office floorspace located on the upper floors of the office building.

- 9.9 The application would result in the loss of 81 sqm of B1(a) on the first floor level and 548 sqm of B1(a) on the ground floor. Any justification for the loss of B1(a) on ground and upper floors would have to be particularly robust given the fact that these levels should be providing satisfactory amenity for office tenants in terms of outlook and access to natural daylight. The reason for this loss is partly to accommodate a fully accessible entrance and escape route from the building. It was also considered necessary to 'signpost' the sui-generis uses in order to improve the cultural facility's visibility and legibility from the high street.
- 9.10 The loss of 629 sqm of B1(a) floorspace at ground and first floor level should therefore be considered within the context of the proposal to bring back basements 1 and 2 into use and their function as supporting uses for the wider office environment. It should also be noted that at ground floor a proportion of the B1 space at ground floor (200sqm) is not let-able area as it is circulation space.
- 9.11 The loss of space at first floor level is an area at the western side of the building located between the access core and the western external wall of the building. Whilst this would have been used as 'desk space' and so this would be a net loss of usable office space, it is being converted into sui generis space only to allow access into the new build extension directly from the access core. This is the smallest area possible for conversion into the sui generis use to allow access from the lift core into the first floor of the extension block, which allows disabled access into the first floor.
- 9.12 The table below calculates the existing and proposed employment density as defined as the average floorspace (in sqm) per full-time equivalent (FTE) member of staff (HCA Employment Density Guide – 3<sup>rd</sup> edition November 2015). HCA guidance states that only occupied floorspace should be used in the evaluation. The entire building is currently undergoing refurbishment and therefore is unoccupied. The calculation performed in Table 3 does not include the vacant floorspace on basement level 2.

<b>Employment Density: existing and proposed (Full Time Equivalent) jobs</b>						
<b>Level</b>	<b>Existing Use</b>	<b>Lettable (m<sup>2</sup>)</b>	<b>FTE</b>	<b>Proposed Use</b>	<b>Lettable (m<sup>2</sup>)</b>	<b>FTE</b>
1	B1(a)	81	6	Visitor & Cultural	81	3

				Attraction		
G	B1(a)	548	42	Visitor Cultural Attraction &	548	18
-1	D1*	3,270	47	Visitor Cultural Attraction &	3,270	109
-2	B1(a)	0**	0	Visitor Cultural Attraction &	4,301	143
<b>Total</b>			<b>95</b>			<b>273</b>

*\*No density benchmark exists for D1 (training) uses therefore the applicant notes that this facility had previously supported a total of 47 jobs.*

*\*\*Not considered lettable B1 space as it was ancillary to the main office use.*

- 9.13 The proposals would result in a loss of office floorspace within the Preferred Office Location and is a departure from the adopted Local Plan (Policy DM16). The applicant has demonstrated to the satisfaction of the council that there would be little prospect of attracting office tenant(s) to basements 1 and 2 considering the total lack of natural daylight and outlook. The loss of the B1(a) floorspace at the ground and 1<sup>st</sup> floor is considered acceptable and necessary in bringing the existing floorspace back into employment use (albeit supporting employment use). The application would also result in an increase of 178 FTE jobs. The sui-generis (cultural facility) use is considered more suited to the basement levels as offices require natural daylight and outlook. Under the circumstances the loss of B1(a) floorspace is considered acceptable.

## **Proposed Uses**

### **Sui-generis Use (cultural facility)**

- 9.14 The sui generis use is described as a cultural facility where a mix of activities would occur. A large proportion of the basement space would be used for exhibition space for example containing a photographic exhibition. Other areas of the basements are proposed to be used for events and conference spaces with the ground and first floor being used more as restaurant and retail space to support the exhibition / conference facilities. This mix of uses does not fall within any specific use class, hence why it has been considered a sui generis use.
- 9.15 This use will bring activity into the building during the day and into the night and will provide a mix of uses which generate employment and visitor footfall to the area. It is considered that this accords with policy 2.10 of the London Plan which seeks to promote and enhance the unique, national and international and Londonwide role of the CAZ, in supporting the distinct offer of the CAZ based on a rich mix of local and strategic uses.

- 9.16 In terms of Local Plan policies SP06 seeks to ensure that investment and job creation is maximised in employment areas such as the POL and this is done through supporting the vibrancy and creativity of the Tower Hamlets economy and promoting a sustainable, diversified and balanced economy. This sui generis use would provide a different type of use to that which is currently on offer in the Aldgate area and whilst there is some loss of office floorspace to enable this space to work efficiently, this unique offer would help to support a sustainable and diversified range of activities to support the POL.
- 9.17 DM16 identifies that gyms, hotels, restaurants and retail uses can all help to support the POL's within the borough and help to achieve a sustainable office environment. It is considered that the sui generis use proposed under this application would also achieve the same aims of supporting the office environment.
- 9.18 In order to ensure the sui generis uses are controlled the following condition would be added to the consent:

*No development in respect of the Sui-Generis use shall take place until a detail plan of the floorspace has been submitted to and approved in writing by the Local Planning Authority. Plans shall include a detailed breakdown of the different operations and uses for the entire floorspace and should have reference to the approved Design and Access Statement and subsequent addendums prepared by Fletcher Priest Architects. The development should be implemented in accordance with the approved details.*

## **Urban Design**

- 9.19 Policy SP10 of the Core Strategy seeks to ensure that buildings promote good design principles and create spaces that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surroundings. This will be achieved through a number of key considerations including creating well-connected public realm that is easy and safe to navigate.
- 9.20 Policy DM24 states that all development must take into account its context, the surrounding scale, height and its mass as well as consist of high quality materials and finishes. Policy DM23 promotes the successful integration of development within the wider urban context. Specifically the policy seeks to improve safety and security within the public realm by creating opportunities for natural surveillance, avoiding the creation of concealment points and improving the legibility of the surrounding area.
- 9.21 The site lies within a prominent position in Aldgate and forms part of the gateway into Tower Hamlets from the City of London. The building originally only had one entrance along its northern elevation and was not well signposted from the street. The entrance was positioned under an overhang of the first floor and behind a brick wall with stairs to access it:



- 9.22 This did not provide a very positive relationship with the street. Works have already begun on providing a better entrance to the office building as can be seen from the image below, this was granted planning permission in 2015:



- 9.23 To the western side of the site there is a lean-to extension which provides very little activation to the street which can be seen in this image.





- 9.24 Permission has been granted to replace this lean-to with a two storey extension which would be full glazed and provide more visual interest into the street and overlooking to Braham Street Park to the south. As this has not been constructed yet, it is applied for again within this application. Below is an image of what this extension would look like.



- 9.25 Braham Street Open Space is a space to the rear (south) of the existing site which was originally part of the Aldgate gyratory. After a change to the road layout, this was laid out as piece of open space. However, due to the lack of natural surveillance from the surrounding office buildings (including the application site) it has suffered from issues of anti-social behaviour. Below is an image of the rear elevation of the building currently, which creates a hostile environment to the public park:





- 9.26 A raised terrace area with seating would be provided in this location, overlooking the park. This would form an extension to the office lobby which stretches through from Whitechapel High Street enabling views through from north to south. This new terrace and seating area provided at the centre of the ground floor would ensure constant surveillance of Braham Street Park during opening hours.
- 9.27 The application would also remove the existing headstone and frosted film at ground floor level providing enhanced views from within building towards the park. The already consented entrance to the two storey glazed extension would be accessed from Mansell Street and would result in a footfall increase. The applicant would also be introducing a front access ramp to the main building entrance and a new access ramp to the two storey glazed extension.
- 9.28 The proposed alterations to the building are considered minor in scale but would amount to significant improvements to the public realm and the legibility of the building and wider area. The alterations are acceptable and comply with Policies DM24 and DM23 of the Managing Development Document (2013).

### **Amenity**

- 9.29 Policy DM25 states that development should seek to protect and where possible improve the amenity of surrounding existing and future residents as well as building occupants. Development should not result in an unacceptable loss of privacy nor enable an unreasonable level of overlooking, specifically of nearby residential uses. Development should

not result in an unacceptable loss of outlook or an increased sense of enclosure and should ensure adequate levels of daylight and sunlight to existing residential developments. The protection of amenity by way of preventing unacceptable levels of noise, artificial light or odours is a consideration of this application.

- 9.30 The application includes the change of use of an existing building along with minor alterations to the building façade. The application therefore would not increase the existing building envelope and therefore there would be no significant loss of daylight/sunlight or outlook.
- 9.31 The cultural facility would operate from 9am to 1am Monday to Sunday including bank holidays. The site is located adjacent to a heavily trafficked highway and is located within a predominately commercial area. The site is also highly accessible for a number of London Underground Stations as Aldgate Station is essentially below the subject site and Liverpool St Station is 900m from the site which operates the night-tube service at weekends and will also be a future Crossrail station. The site is also served by 11 bus routes with stops directly outside the site, which would be able to take customers and staff to a range of locations across London including Oxford Circus, Cannon Street, Old Street, Stratford, Canary Wharf and Euston.
- 9.32 There are very few residential occupiers in close proximity to the site and the few that are, are separated by Whitechapel High Street which experiences high levels of traffic. The proposed opening hours of the venue are considered appropriate given the central location of the site, within the CAZ, where evening and night-time activities are directed to. Officers consider that the proposed opening hours would not have adversely impact on neighbouring amenity and complies with Policy DM25 of the Managing Development Document. No signage (illuminated or otherwise) or kitchen extraction equipment has been proposed with this application. It is also worthy of note that no objections have been received in relation to the proposal.

### **Transport, Connectivity and Accessibility**

- 9.33 Policy 6.3 of the London Plan requires new developments to ensure that the impacts upon the transport network are fully assessed and they should not have an adverse impact upon safety. Policy SP09 of the Core Strategy also seeks to ensure that new development has no adverse impact on the safety and capacity of the road network.
- 9.34 Policy DM20 of the MDD provides more detailed advice in requiring development to be located appropriately depending on its type and scale within developments generating a higher number of trips to be located in town centres and areas well served by public transport.

### Trip generation

- 9.35 In this case, the site has a PTAL of 6b which is the highest. It is an existing office building which had a shopping centre in the basement so footfall would historically have been reasonably high for this site under its original use. The transport assessment has identified that there could be up to 8,750 visitors a day (this is a worse case scenario as it represents the busiest month of operation and ignores opening hours of Monday to Thursday so in all likelihood some of these visitors would be spread out throughout the week). However, whilst this appears to be a large number of trips for the site, it is estimated that 95 percent of these would be by foot or public transport and given that the travel demands of the site would likely be outside of the main peak periods of the day, the existing transport network would be sufficient to cope with this demand. This has also been verified by Transport for London.

### Car Parking

- 9.36 Policy SP09(4) of the adopted Core Strategy (2010) and Policy DM22 of the Managing Development Document (2013) seeks to promote car free developments which minimise on-site and off-site car parking, particularly in areas with good access to public transport.
- 9.37 The site is located in an area with an 'excellent' PTAL and therefore no additional on-site parking has been proposed. There are 5 blue badge parking bays located within 250 metres of the site. This includes 3 bays on Old Castle Street and 2 on Pomell Way. In addition, there are numerous on-street pay & display parking facilities on Camperdown Street and Alie Street (circa 250m distance from the site) which can accommodate blue badge holders free of charge. Blue badge holders are also permitted to park on single or double yellow lines (except where there is a ban on loading or unloading) for up to 3 hours and there are a number of these opportunities in the nearby area. TfL accepts the accommodation of blue badge holders within existing on-street provision.

### Cycle Parking

- 9.38 The applicant has stated that as part of the wider refurbishment of the office building 187 on-site cycle parking spaces will be made available to the office tenants located on the upper floors.
- 9.39 The London Plan contains the most up to date cycle parking standards. The proposed 16 long stay cycle parking spaces based on 1 space per 8 staff members (based on 250 full time staff working in shift patterns) is considered acceptable by Transport for London. These spaces are located at basement level and would details would be required by condition.
- 9.40 There are no standards set out in the London Plan for visitor cycle parking for the sui generis land use, however it has been agreed with TfL that 40 cycle parking spaces would be appropriate and these could be located

within the public realm on Braham Street. As this area is owned by TfL the applicant has agreed a financial contribution towards the costs of providing cycle stands, through a s106 agreement, which TfL has agreed to.

#### Servicing

- 9.41 Policy SP09 of the Core Strategy (2010) and Policy DM20 of the Managing Development Document (2013) seeks to ensure that new development has no unacceptable impacts on the capacity and safety of the transport network.
- 9.42 The site benefits from an existing servicing area which is accessed through Aldgate Tower to the west. The two buildings are connected at basement level and all servicing would continue to enter the site through the servicing entrance on Leman Street.
- 9.43 The principal or continuing to service the site from the basement is considered acceptable by TfL and the Council. A condition requiring a details delivery and servicing plan would be secured by condition.

#### Refuse and Recycling Storage

- 9.44 Policy SP05 and Policy DM14 seeks to implement the waste management hierarchy of reduce, reuse and recycle by ensuring that developments appropriately design and plan for waste storage and recycling facilities as a component element.
- 9.45 The applicant has committed to providing a dedicated refuse and recycling store for the sole use of the sui generis use and details of the location of this space will be secured by condition. In general the refuse is collected from the loading bay in the basement on a daily basis and this would continue as part of the latest proposal. Subject to condition, the refuse and recycling arrangements are considered acceptable.

### **10. Planning Contributions and Community Infrastructure Levy**

- 10.1 Regulation 122 of CIL Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet the following tests:
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development ; and
  - Are fairly and reasonably related in scale and kind to the development.
- 10.2 This is further supported by Policy SP13 of the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impact of a development.
- 10.3 The planning obligations SPD was adopted on 11 January 2012 and amended on 6 September 2016. The SPD explains the council's approach

to planning obligations and aims to clarify the types of planning obligations that may be sought and the methodology for calculating the amount of these obligations. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy.

10.4 The document also sets out the Borough's key priorities being:

- Affordable Housing
- Employment, skills, training and enterprise
- Community facilities
- Education

10.5 The Borough's other priorities include:

- Health
- Sustainable Transport
- Environmental Sustainability
- Public Realm

10.6. The general purpose of S106 contributions is to ensure that development is appropriately mitigated in terms of impacts on existing social infrastructure such as health, community facilities and open space and that appropriate infrastructure to facilitate the development i.e. public realm improvements, are secured. In the case of the proposed development, visitors and employees are very likely to add pressure to the local services such as open spaces; community facilities; leisure facilities and general public realm.

10.7 Maximising employment for local people is a major priority for the Council, and employment opportunities arising from development in the borough must be accessible to its residents to increase employment levels and help to tackle poverty and social exclusion. That relies on a healthy and growing economy for Tower Hamlets which in turn means that the borough must support and retain a wide mix of enterprise and commercial spaces.

10.8 Tower Hamlets has an above average unemployment level within Greater London, with a low proportion of Tower Hamlets' residents finding employment within the borough. Currently, of those residents in work only 15% are working within Tower Hamlets. There is also a skills mis-match, with many new employment opportunities demanding skills which few people who live in the borough currently have. Employment opportunities from new developments must be accompanied by training to up skill residents so that they can compete for the jobs.

10.9 In order to support local businesses to benefit from new development within the borough, the Council will require a commitment from developments to engage local businesses through the supply chain. This

will allow local businesses to compete in the local market and also encourage sustainable supply systems.

10.10 Contributions will be sought for the provision of employment and enterprise within the borough is considered a priority provision of employment opportunities.

10.11 Based on the Planning Obligations SPD, the planning obligations required to mitigate the proposed development appropriately would be £96,344. The requested financial heads of terms have been broken down as follows:

Financial Contributions:

*Employment/Enterprise*

- 4 Construction Phase Apprenticeships
- Contribution of £18,220 towards training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development.
- Contribution of £72,624 towards training and development of unemployed residents in Tower Hamlets to access to jobs or training within employment sectors relating to the final development.

*Transport and Highways*

- The applicant has agreed a financial contribution of £4,000 towards the costs of providing cycle stands on Braham Street in lieu of visitor cycle parking which Transport for London accepts.

*Monitoring*

- £1500 for monitoring of the obligations (£500 per clause).

Non-Financial Contributions:

- Employment/Enterprise
- Total of 1 apprenticeship to be delivered during the operational phase of the development
- Secure a minimum of 20% of the construction phase workforce are local residents of Tower Hamlets. The Economic Development Service will support the developer in achieving this target through providing suitable candidates through the Employment & Skills Job Brokerage Service (Construction).
- Procure a minimum of 20% goods/services during the construction phase from local businesses in Tower Hamlets. The Economic Development Service will support the developer to achieve this target through ensuring they work closely with the council's Enterprise team to access the approved list of local businesses.

- 10.12 The above contributions have been secured and negotiated in line with the S106 SPD (2016) and officers consider that for the reasons identified above that the package of contributions being secured is appropriate, relevant to the development being considered and in accordance with the relevant statutory tests.
- 10.13 Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides:
- 10.14 In dealing with such an application the authority shall have regard to:
- (a) The provisions of the development plan, so far as material to the application;
  - (b) Any local finance considerations, so far as material to the application; and
  - (c) Any other material consideration.
- 10.15 Section 70(2) defines “local finance consideration” as:
- (a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
  - (b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
- 10.16 These issues are material planning considerations when determining planning applications or planning appeals.
- 10.17 Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. The proposed S.106 package has been detailed in full which complies with the relevant statutory test, adequately mitigates the impact of the development and provides necessary infrastructure improvements.
- 10.18 The proposed development would result in 357 sqm of net additional floorspace. There is no LBTH CIL liability for Sui-generis uses. In the event the Sui-generis (cultural facility) use is not implemented the applicant will be charged according to the resulting flexible use (April 2015) which is £70 /sqm for retail, with no charge for A3 restaurant uses.
- 10.19 The likely Mayoral CIL payment associated with this development would be in the region of £12,495.

## **11. HUMAN RIGHTS**

- 11.1 Planning decisions can have Human Rights Act 1998 implications and in terms of relevant provisions of the Human Rights Act 1998, the following are particularly highlighted to members:-
- 11.2 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is

incompatible with 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;
- Right to respect for private and family life and home. Such rights may have been 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”.

- 11.3 This report has outlined the consultation that has been undertaken from the date of validation and the opportunities for people to make representations to the Council as the local planning authority.
- 11.4 Members need to satisfy themselves that the measures which are proposed to be taken minimise, inter alia, the adverse effects of increased traffic generation on the highway and any noise associated with the use are acceptable and that any potential interference with Article 8 rights would be legitimate and justified.
- 11.5 Both the 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.
- 11.6 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 11.7 As set out above, it is necessary, having regards 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.
- 11.8 In this context, the balance to be struck between individual and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Offices have also taken into account the mitigation measures governed by planning conditions and obligations to be entered into.



## **12. EQUALITIES**

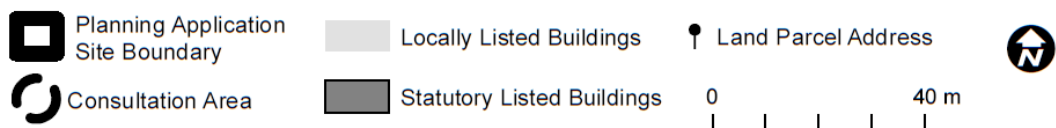
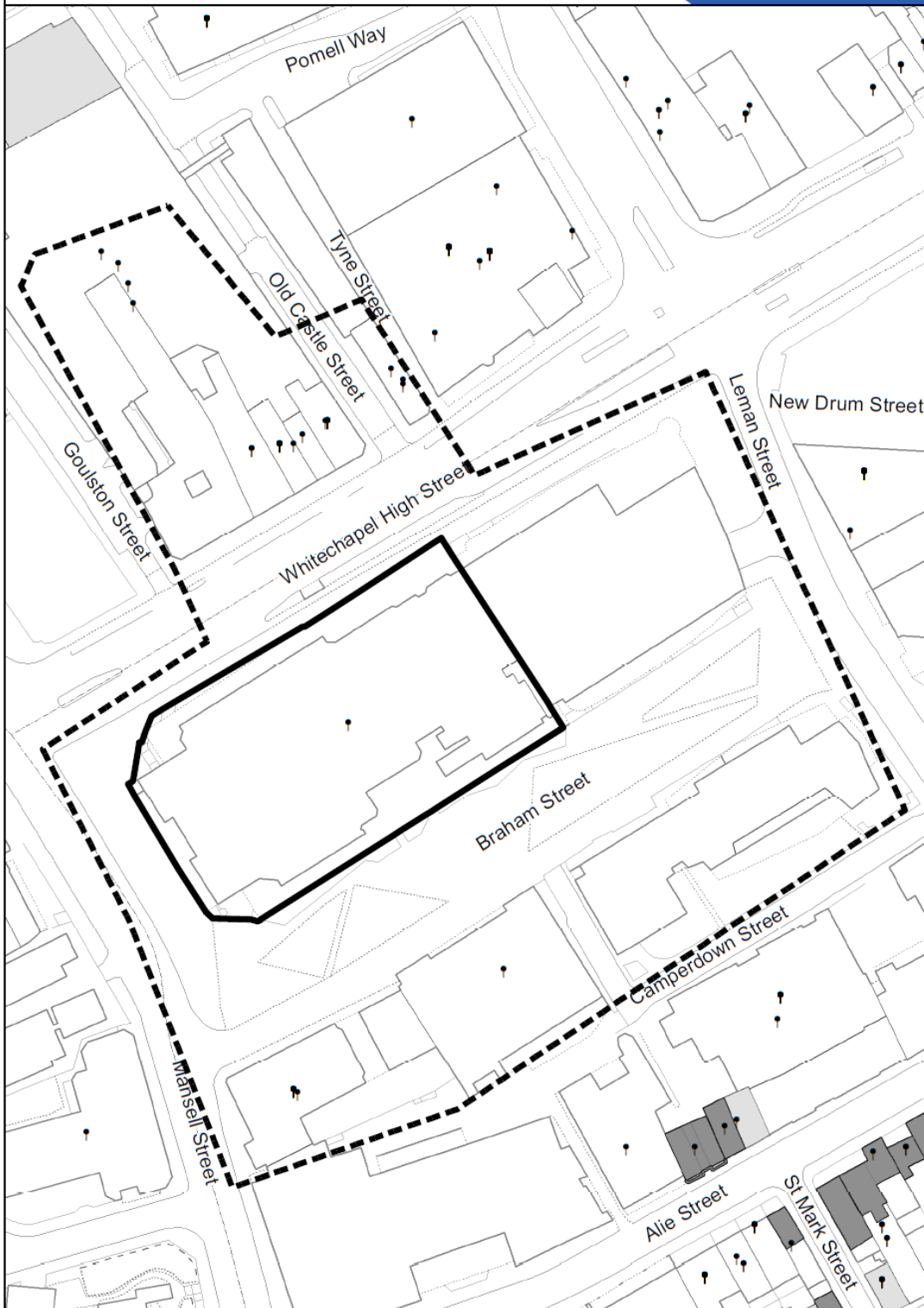
- 12.1 The Equalities Act 2010 states that in exercising its function (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to:
- (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act,
  - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it,
  - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 12.2 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 12.3 With regards to age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation there are no identified conflicts with equality considerations.
- 12.4 The scheme would be socially inclusive through the provisions such as through much enhanced public realm that would be step free improving pedestrian mobility for all to each of the entrances of the building. Wheelchair accessible parking has been considered and the nearby locations are considered acceptable in terms of providing an accessible route to the site for those with mobility difficulties.

## **13 CONCLUSION**

- 13.1 All other relevant policies and considerations have been taken into account. Planning permission should be supported for the reasons set out in the RECOMMENDATION section of the report.



Planning Application Site Map  
PA/16/02250



This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. Ref AF510138PD  
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