



# Strategic Development Committee

## Agenda

**Wednesday, 6 September 2023 at 6.30 p.m.  
Council Chamber - Town Hall, Whitechapel**

The meeting will be broadcast live on the Council's website. A link to the website is here - <https://towerhamlets.public-i.tv/core/portal/home>

**Chair:**

Councillor Amin Rahman

**Vice Chair:**

**Members:**

Councillor Saied Ahmed, Councillor Gulam Kibria Choudhury, Councillor Iqbal Hossain, Councillor Kamrul Hussain, Councillor Amina Ali, Councillor Asma Begum, Councillor Mufedah Bustin and Councillor Shahaveer Shubo Hussain

**Substitute Members:**

Councillor Maium Talukdar, Councillor Suluk Ahmed, Councillor Ahmodur Khan, Councillor Asma Islam, Councillor Sabina Akhtar and Councillor Faroque Ahmed

**(The quorum for the Committee is 3 voting members)**

The deadline for registering to speak is **4pm Monday, 4 September 2023**

The deadline for submitting information for the update report is Noon  
**Tuesday, 5 September 2023**

**Contact for further enquiries:**

Democratic Services To view the meeting on line: <https://towerhamlets.public-i.tv/core/portal/home>,

Justina.Bridgeman@towerhamlets.gov.uk

Tel: 020 7364 4854

Town Hall, 160 Whitechapel Road, London, E1 1BJ





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### Viewing or Participating in Committee Meetings

The meeting will be broadcast live on the Council's website. A link to the website is detailed below. The press and public are encouraged to watch this meeting on line.

**Please note:** Whilst the meeting is open to the public, the public seating in the meeting room for observers may be limited due to health and safety measures. You are advised to contact the Democratic Services Officer to reserve a place.

### Meeting Webcast

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### Electronic agendas reports and minutes.

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Agendas are available on the Modern.Gov, Windows, iPad and Android apps



Scan this QR code to view the electronic agenda



## **A Guide to Development Committee**

The role of the Strategic Development Committee is to consider major planning matters, within and exceeding the remit of the Development Committee in terms of size and scale amongst other issues.

The Committee is made up of nine Members of the Council as appointed by Full Council. Political balance rules apply to the Committee.

### **Public Engagement**

Meetings of the committee are open to the public to attend, and a timetable for meeting dates and deadlines can be found on the council's website.

Objectors to planning applications and applicants may request to speak at the Strategic Development Committee. If you wish to speak on an application you must contact the Committee Officer listed on the agenda front sheet by 4pm one clear day before the meeting. More information is on the Council's website.

# London Borough of Tower Hamlets

## Strategic Development Committee

Wednesday, 6 September 2023

6.30 p.m.

### **APOLOGIES FOR ABSENCE**

#### **1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS AND OTHER INTERESTS (PAGES 7 - 8)**

Members are reminded to consider the categories of interest in the Code of Conduct for Members to determine whether they have an interest in any agenda item and any action they should take. For further details, please see the attached note from the Monitoring Officer.

Members are reminded to declare the nature of the interest and the agenda item it relates to. Please note that ultimately it's the Members' responsibility to declare any interests form and to update their register of interest form as required by the Code.

If in doubt as to the nature of your interest, you are advised to seek advice prior to the meeting by contacting the Monitoring Officer or Democratic Services

#### **2. APPOINTMENT OF VICE-CHAIR**

#### **3. STRATEGIC DEVELOPMENT COMMITTEE TERMS OF REFERENCE, QUORUM, MEMBERSHIP AND DATES OF 2023/24 MEETINGS**

#### **4. MINUTES OF THE PREVIOUS MEETING(S) (PAGES 19 - 26)**

To confirm as a correct record the minutes of the meeting of the Strategic Development Committee held on 5<sup>th</sup> April 2023.

#### **5. DEFERRED ITEMS**

There are no deferred items.

#### **6. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (PAGES 27 - 28)**

To RESOLVE that:

- 1) in the event of changes being made to recommendations by the Committee,



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the task of formalising the wording of those changes is delegated to the Corporate Director of Housing and Regeneration along the broad lines indicated at the meeting; and

- 2) in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director of Housing and Regeneration is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.
- 3) To NOTE the procedure for hearing objections at meetings of the Strategic Development Committee.

## **7. PLANNING APPLICATIONS FOR DECISION**

### **7.1 PA/21/01713 - 28-36 Leman Street, London E1 (Pages 35 - 88)**

#### **Next Meeting of the Strategic Development Committee**

Wednesday, 18 October 2023 at 6.30 p.m. to be held in Council Chamber - Town Hall, Whitechapel



# Agenda Item 1

## **DECLARATIONS OF INTERESTS AT MEETINGS– NOTE FROM THE MONITORING OFFICER**

This note is for guidance only. For further details please consult the Code of Conduct for Members at Part C, Section 31 of the Council's Constitution

### **(i) Disclosable Pecuniary Interests (DPI)**

You have a DPI in any item of business on the agenda where it relates to the categories listed in **Appendix A** to this guidance. Please note that a DPI includes: (i) Your own relevant interests; (ii) Those of your spouse or civil partner; (iii) A person with whom the Member is living as husband/wife/civil partners. Other individuals, e.g. Children, siblings and flatmates do not need to be considered. Failure to disclose or register a DPI (within 28 days) is a criminal offence.

Members with a DPI, (unless granted a dispensation) must not seek to improperly influence the decision, must declare the nature of the interest and leave the meeting room (including the public gallery) during the consideration and decision on the item – unless exercising their right to address the Committee.

**DPI Dispensations and Sensitive Interests.** In certain circumstances, Members may make a request to the Monitoring Officer for a dispensation or for an interest to be treated as sensitive.

### **(ii) Non - DPI Interests that the Council has decided should be registered – (Non - DPIs)**

You will have 'Non DPI Interest' in any item on the agenda, where it relates to (i) the offer of gifts or hospitality, (with an estimated value of at least £25) (ii) Council Appointments or nominations to bodies (iii) Membership of any body exercising a function of a public nature, a charitable purpose or aimed at influencing public opinion.

Members must declare the nature of the interest, but may stay in the meeting room and participate in the consideration of the matter and vote on it **unless:**

- A reasonable person would think that your interest is so significant that it would be likely to impair your judgement of the public interest. **If so, you must withdraw and take no part in the consideration or discussion of the matter.**

### **(iii) Declarations of Interests not included in the Register of Members' Interest.**

Occasions may arise where a matter under consideration would, or would be likely to, **affect the wellbeing of you, your family, or close associate(s) more than it would anyone else living in the local area** but which is not required to be included in the Register of Members' Interests. In such matters, Members must consider the information set out in paragraph (ii) above regarding Non DPI - interests and apply the test, set out in this paragraph.

### **Guidance on Predetermination and Bias**

Member's attention is drawn to the guidance on predetermination and bias, particularly the need to consider the merits of the case with an open mind, as set out in the Planning and Licensing Codes of Conduct, (Part C, Section 34 and 35 of the Constitution). For further advice on the possibility of bias or predetermination, you are advised to seek advice prior to the meeting.

### **Section 106 of the Local Government Finance Act, 1992 - Declarations which restrict Members in Council Tax arrears, for at least a two months from voting**

In such circumstances the member may not vote on any reports and motions with respect to the matter.

**Further Advice** contact: Janet Fasan, Divisional Director Legal and Interim Monitoring Officer Tel: 0207 364 4800.

## **APPENDIX A: Definition of a Disclosable Pecuniary Interest**

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to the Member's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and (b) either—  (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or  (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.



# Agenda Item 3

Non-Executive Report of the:  <b>Strategic Development Committee</b>  6th September 2023	 <b>TOWER HAMLETS</b>
<b>Report of:</b> Janet Fasan, Director of Legal and Monitoring Officer.	<b>Classification:</b> Unrestricted
<b>Strategic Development Committee, Terms of Reference, Quorum, Membership and Dates of Meetings 2023/24.</b>	

<b>Originating Officer(s)</b>	Justina Bridgeman, Committee Services Officer
<b>Wards affected</b>	All

## Executive Summary

This report sets out the Terms of Reference, Quorum, Membership and Dates of meetings of the Strategic Development Committee for the Municipal Year 2023/24 for the information of the Strategic Development Committee members.

## Recommendations:

The Strategic Development Committee is recommended to:

1. Note the Terms of Reference, Quorum, Membership and Dates of future meetings as set out in Appendices 1, 2 and 3 of this report.
2. Determine the preferred time at which the scheduled meetings will start.

## 1. REASONS FOR THE DECISIONS

- 1.1 The report is brought annually to assist new and returning Members by informing them of the framework of the Committee set out in the Council's Constitution.

## 2. ALTERNATIVE OPTIONS

- 2.1 Not applicable to this report.

## 3. DETAILS OF THE REPORT

- 3.1 At the Annual General Meeting of the full Council held on 17<sup>th</sup> May 2023, the Authority approved the review of proportionality, establishment of the Committees and Panels of the Council and appointment of Members.
- 3.2 As per tradition, following the Annual General Meeting of the Council at the start of the Municipal Year, various committees are established and those committees note their Terms of Reference, Dates of meetings, Quorum and

Membership for the forthcoming Municipal Year. These are set out in **Appendix 1 and 2** of the report.

3.3 Meetings are scheduled to take place at 6.30pm **See Appendix 3.**

#### **4. EQUALITIES IMPLICATIONS**

4.1 When drawing up the schedule of dates, consideration was given to avoiding school holiday dates and known dates of religious holidays and other important dates where at all possible.

#### **5. OTHER STATUTORY IMPLICATIONS**

5.1 This section of the report is used to highlight further specific statutory implications that are either not covered in the main body of the report or are required to be highlighted to ensure decision makers give them proper consideration. Examples of other implications may be:

- Best Value Implications,
- Consultations,
- Environmental (including air quality),
- Risk Management,
- Crime Reduction,
- Safeguarding.
- Data Protection / Privacy Impact Assessment.

5.2 No other statutory implications have been identified.

#### **6. COMMENTS OF THE CHIEF FINANCE OFFICER**

6.1 There are no direct financial implications arising from this report.

#### **7. COMMENTS OF LEGAL SERVICES**

7.1 This is a noting report for the committee. There are no direct legal implications arising from this report

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### **Linked Reports, Appendices and Background Documents**

#### **Linked Report**

- None

#### **Appendices**

- **Appendix 1** – Membership of the Committee.
- **Appendix 2** – Terms of Reference of Committee.
- **Appendix 3** – Dates of Sub-Committee Meetings 2023-24

**Local Government Act, 1972 Section 100D (As amended)**  
**List of “Background Papers” used in the preparation of this report**

List any background documents not already in the public domain including officer contact information.

- None.

**Officer contact details for documents:**

- N/A

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## Terms of Reference of Scrutiny Sub Committee

### Strategic Development Committee

**Summary Description:** The Strategic Development Committee considers major planning matters within and exceeding the remit of the Development Committee, in terms of size and scale amongst other issues. The Committee is made up of nine Members of the Council as appointed by Full Council. Political balance rules apply to the Committee. Meetings are held in the Town Hall, Whitechapel.

**Membership:** 8 non-executive councillors – the chair and eight councillors.

Functions	Delegation of Functions
<p>1. To consider any matter listed within the terms of reference of the Development Committee (including minor material amendments and observations to neighbouring authorities and the Mayor of London) where any one of the following applies:</p> <p>(a) Applications for buildings exceeding 30 metres in height (25 metres on sites adjacent to the River Thames)</p> <p>(b) Applications for residential development with more than 500 residential units, or on sites exceeding 10 hectares in area</p> <p>(c) Applications for employment floor space on sites of more than 4 hectares</p> <p>(d) Major infrastructure developments</p> <p>(e) Applications not in accordance with the development plan involving more than 150 residential units or a gross floor space exceeding 2,500 square metres</p> <p>(f) Applications on Metropolitan Open Land involving buildings with a gross floor space exceeding 1000 square metres</p> <p>(g) Applications for developments including 200 or more car parking spaces</p> <p>(h) Legal proceedings in relation to the matter are in existence or in contemplation</p>	None

<p>(i) Three or more members of the Development Committee are disqualified in some way from participating in the decision</p> <p>(j) On an exceptional basis, the Development Committee has decided that a particular application should stand referred to the Strategic Development Committee</p> <p>(k) To consider any application or other planning matter, including pre-application presentations (subject to the agreed protocol) referred to the Committee by the Corporate Director, Housing and Regeneration where they consider it appropriate to do so (for example, if especially significant strategic issues are raised)</p>	
<p><b>Note:</b> It shall be for the Corporate Director, Housing and Regeneration to determine whether a matter meets any of the above criteria</p>	

**Quorum:** Three voting Members.

**Additional Information:** Is contained in:

- Constitution Part C Section 35 (Planning Code of Conduct)

**STRATEGIC DEVELOPMENT COMMITTEE MEMBERS 2023-2024**

<b><i>Aspire Group</i></b>	<b><i>Labour Group</i></b>
<p>Councillor Amin Rahman (Chair)                      Councillor Saied Ahmed                      Councillor Gulam Kibria Choudhury                      Councillor Iqbal Hossain                      Councillor Kamrul Hussain</p> <p><b>Substitutes</b>                      Councillor Maium Talukdar                      Councillor Suluk Ahmed                      Councillor Ahmodur Rahman Khan</p>	<p>Councillor Amina Ali                      Councillor Asma Begum                      Councillor Mufeedah Bustin                      Councillor Shahaveer Shubo Hussain</p> <p><b>Substitutes</b>                      Councillor Asma Islam,                      Councillor Sabina Akhtar                      Councillor Faroque Ahmed</p>

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**DATES OF STRATEGIC DEVELOPMENT COMMITTEE MEETINGS 2023/24 MUNICIPAL YEAR**

	MEETING DAY/TIME/	MAY 22	JUN 22	JUL 22	AUG 22	SEP 22	OCT 22	NOV 22	DEC 22	JAN 23	FEB 23	MAR 23	APR 23	MAY 23	JUN 23	No. of Mtgs
<b>OVERVIEW &amp; SCRUTINY</b>																
Strategic Development Committee (every 5/6 weeks)	6.30pm Wednesday		7	12		6	18		6	16		6	3#	14		9

# - Takes place during Ramadan Meeting start time may be amended

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05/04/2023

**LONDON BOROUGH OF TOWER HAMLETS**  
**MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE**  
**HELD AT 5.46 P.M. WEDNESDAY, 05 APRIL 2023**  
**COUNCIL CHAMBER – TOWN HALL, 160 WHITECHAPEL ROAD,**  
**LONDON E1 1BJ**

**Members Present:**

Councillor Amin Rahman (Chair)

Councillor Kabir Hussain

Councillor Gulam Kibria Choudhury

Councillor Abdul Wahid

Councillor Sabina Akhtar

Councillor Shubo Hussain

Councillor Mufeedah Bustin

Councillor Rachel Blake

Councillor Suluk Ahmed\*

**Officers Present in Person**

Paul Buckenham – (Head of Development Management, Planning and Building Control, Place)

Ian Austin – (Principal Planning Lawyer, Legal Services, Governance)

Victoria Coelho – (Planning Officer, Planning and Building Control, Place)

Kevin Crilly – (Principal Planner (East), Planning and Building Control, Place)

Sally Fraser – (Team Leader (East), Planning and Building Control, Place)

Justina Bridgeman – (Democratic Services Officer, Committees)

05/04/2023

**Apologies:**

Councillor Kamrul Hussain\*

**1 DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

There were no declarations of pecuniary interests.

**2. MINUTES OF THE PREVIOUS MEETING(S)**

**RESOLVED** that:

The minutes of the sub committee meeting held on 23 February 2023 were approved as a correct record of proceedings.

**3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE**

**RESOLVED** that

1. In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director Place along the broad lines indicated at the meeting; and
2. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director Place is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.
3. To note the procedure for hearing objections at meetings for the Strategic Development Committee.

**4. DEFERRED ITEMS**

There were none.

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## 5 PLANNING APPLICATIONS FOR DECISION

### 5.1 PA/21/02206 Mulberry Place (former) Town Hall, 5 Clove Crescent, And Lighterman House, 3 Clove Crescent, London, E14 2BG (Republic Masterplan Site)

Paul Buckenham introduced the application to grant listed building consent, subject to conditions on alterations to the Grade II 'East India Dock Boundary Wall' and Grade II 'Embankment Wall'. The application was initially brought to the sub-committee on 19 October 2022 with associated planning application PA/21/02182, which was refused. At that time no vote was taken regarding the associated Listed Building Consent.

Victoria Coelho provided a presentation to accompany the application and the sub-committee were reminded of the key features of the proposal's site and surroundings. Further to questions from the Committee, Officers provided more information on:

- Clarification on why a lift rather than a ramp would improve the impact on the listed embankment steps. Consideration was given for a ramp; however the surface gradient would hinder access and a lift was deemed more suitable. Conditions will be included to ensure the lift is appropriate to the existing surroundings.
- How the proposed refiguration will visually improve the sight line directly with the steps.
- Clarification on whether the proposed repairs will match the existing historical wall. Officers confirmed that conditions will be included on details of materials used for approval prior to any alterations made.

Following the points raised by the Officers, the Committee debated the application and noted:

- Concerns around brick repairs and a request that a condition scheme of heritage interpretation be submitted and approved.

Upon a unanimous vote, the Officers recommendations as set out in the main report to grant listed building consent was **agreed**, subject to conditions and informatives set out in the committee report, as well as an additional condition to the scheme of heritage interpretation to be submitted and approved.

It was therefore **RESOLVED** that the listed building consent be **GRANTED** at Mulberry Place Town Hall, 5 Clove Crescent, And Lighterman House, 3 Clove Crescent, London, E14 2BG:

- Alterations to the Grade II 'East India Dock Boundary Wall' and Grade II 'Embankment Wall, Railings and Steps' to create three new openings to

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assist pedestrian movement and connectivity, provision of a new accessible lift adjacent to the existing embankment steps, limited conservation led repair.

Subject to:

1. The conditions and informatives set out in the officers report; and
2. Additional condition scheme of heritage interpretation to be submitted and approved.

## **5.2 PA/22/00455 Land Under The DLR Bounded By Scouler Street, Aspen Way And Prestage Way, Aspen Way, London**

Paul Buckenham introduced the application for the erection of a part-30, part-20 and part-10 storey building to provide up to 169 residential units, eight workspace units, new bus loop/stand, new youth play area, and public realm works.

Victoria Coelho provided a presentation to accompany the application, which highlighted the key features of the proposal's site and surroundings, the planning history, land use and quality of the residential units.

Further to the presentation, the Committee asked questions to the Officers regarding the following issues:

- Clarification on the revised application which proposed three larger units with smaller footprints, as opposed to the initial application of two smaller blocks with larger footprints.
- The location of affordable housing units in proximity to the DLR station. Officers confirmed that workspace units would be placed along the DLR boundary wall. Details of proposed ventilation systems, landscaping and winter gardens to mitigate the noise and air quality impacts on the affordable housing units were submitted to the Committee.
- The number of affordable housing provision within the scheme. Officers noted that it complies with the 35% requirement and meets the affordable housing targets.
- Clarification on fire safety provision for the 30-storey building. Details were provided in the updated report which now includes a second staircase to mitigate fire concerns.

Following the points raised by the Officers, the Committee debated the application and noted:

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- Concerns with the distribution of bedroom sizes.
- Concerns with the proposed landscaping and requested an additional obligation for a landscape plan and strategy to redress the balance and overall aesthetic.

The Committee **Adjourned** for a short while in order to break fast and observe the Magrib prayers, then **Reconvened**.

On a vote of 7 in favour, 0 against and 1 abstention, the Officers recommendations as set out in the main and amended in the update report to grant planning permission was **agreed**, subject to conditions and informatives and completion of a s106 planning obligations agreement.

It was therefore **RESOLVED** that the planning application be **GRANTED** at Land Under The DLR Bounded By Scouler Street And Aspen Way And Prestage Way, Aspen Way, London:

- Details of the plan
  - Erection of a part-30, part-20 and part-10 storey building to provide up to 169 residential units, eight workspace units, new bus loop/stand, new youth play area, and public realm works.

Subject to:

1. Any direction by the Mayor of London
2. The conditions and informatives set out in the officers main and updated reports; and
3. A completion of a s106 planning obligations agreement inclusion within the s106 obligation relating to a landscaping strategy and plan.

### **5.3 PA/22/00591 56 - 58 Marsh Wall, London E14 9TP**

Paul Buckenham introduced the application for the demolition of existing buildings and construction of building up to 46 storeys (151.905 m AOD) comprising up to 795 co-living units in sui generis use together with communal facilities, non-residential floor space (class E use) and public realm improvements including landscaping, access and highways works; together with other associated works in respect of the development.

Kevin Crilly provided a presentation to accompany the application, which highlighted the key features of the proposal's site and surroundings, the planning history, existing building and consultation process.

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Further to the presentation, the Committee asked questions to the Officers regarding the following issues:

- Clarification on the affordable housing contribution payment proposal. Details were provided on the instalments and proposed deadlines.
- Further details on comparable rent levels for co-living and studio schemes. Details were provided on the principles of co-living, classified as sui-generis use, which closely resemble HMO's and acknowledged in the London Plan.
- Clarification on affordable housing provision. Details were provided on the applicant's local rental market assessment and the London plan policy H16, which approves of this type of housing scheme.
- An explanation on wind assessments undertaken in relation to the height of the proposed scheme. Details were provided on the EIA (Environmental Impact assessments) which met the criteria and landscaping conditions which will mitigate any adverse effects.
- Clarification on Thames Waters conditions and drainage provision. Details were provided regarding the network upgrades, infrastructure and development phasing conditions imposed. Committee members were also provided with details of the flood risk and drainage stipulations within the London plan policies from D.ES4 to D.ES6.
- An explanation on why only 230 consultation letters were sent out to neighbouring properties. Officers confirmed that the consultation deadline boundary was extended to ensure more properties were notified. No responses were received.

Following the points raised by the Officers, the Committee debated the application and noted:

- Concerns with the lack of registered speakers in attendance.
- Concerns with the lack of 3d images to accompany the report.

On a vote of 4 in favour, 4 against, with 1 abstention. The Chair took the casting vote in favour which amended the vote to 5 in favour and 4 against. The Officers recommendation, as set out in the main report and amended in the update report to grant planning permission was agreed, subject to conditions and informatives set out in the committee report and completion of a s106 planning obligations agreement.

It was therefore **RESOLVED** that the planning application be **GRANTED** at 56 - 58 Marsh Wall, London E14 9TP:

Subject to:



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1. Any direction by the Mayor of London
  2. The conditions and informatives set out in the officers made and update reports; and
  3. A completion of a s106 planning obligations agreement.
- Details of the plan
    - Demolition of existing buildings and construction of building up to 46 storeys (151.905 m AOD) comprising up to 795 co-living units in sui generis use together with communal facilities, non-residential floor space (class E use) and public realm improvements including landscaping, access and highways works; together with other associated works in respect of the development.

The meeting ended at 8.09pm  
Chair, Councillor Amin Rahman  
Strategic Development Committee

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The meeting is due to be held as a ‘remote meeting’ through the Microsoft Teams app in accordance with:

- The Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, allowing for remote Committee Meetings.

The following guidance provides details about the operation of the virtual Strategic and Development Committee Meetings.

### **Publication of Agenda papers and meeting start time.**

Electronic copies of the Committee agenda will be published on the Council’s Website on the relevant Committee pages at least five clear working days before the meeting. In the event of a technical difficulty, the meeting arrangements may need to be altered at short notice (such as a delay in the start time). Where possible any changes will be publicised on the website.

A link to the electronic planning file can be found on the top of the Committee report. Should you require any further information or assistance with accessing the files, you are advised to contact the Planning Case Officer.

### **How can I watch the Committee meeting?**

Except when an exempt item is under discussion, the meeting will be broadcast live for public viewing via our Webcasting portal <https://towerhamlets.public-i.tv/core/portal/home>. Details of the broadcasting arrangements will be published on the agenda front sheet. The meeting will also be available for viewing after the meeting. Physical Attendance at the Town Hall is not possible at this time

### **How can I register to speak?**

Members of the public and Councillors may address the meeting in accordance with the Development Committee Procedure Rules. (Details of the process are set out on the next page). Please note however, that it may not usually be possible to arrange for additional speaking rights and late requests to speak, particularly those received during or shortly before a meeting.

Should you wish to address the Committee, please contact the Democratic Services Officer to register to speak by the deadline, who will assist you to join the meeting. It is recommended that you supply the Officer with a copy of your representation in case you lose connection. You may address the Meeting via Teams. You have the option of joining through a video link or by audio only.

(Please note that if you participate at the meeting, you must be able to hear and be heard by the other participants attending remotely).

Where participation through video or audio tools is not possible, please contact the Democratic Services officer by the deadline to discuss the option of:

- Submitting a written statement to be read out at the meeting.

You may also wish to consider whether you could be represented by a Ward Councillor or another spokesperson.

## Microsoft Teams:

This is a Microsoft Teams Event. If you are using a Laptop or PC or a mobile device, you may join via the website. Should you require assistance please contact the relevant Democratic Services Officer who will be able to assist you further.

## Procedure at the Committee meeting.

Participants (contributors) in the virtual meeting are expected to log in to the meeting in advance of the start time of the meeting, as set out in the guidance that will be provided by the Democratic Services Officer, when you register to speak. This is in order to check the connection. You will be expected to confirm your identity before the meeting starts.

The Chair will formally open the meeting and will introduce themselves and every participant. The Chair will then set out the expected meeting etiquette, including the following:

- When speaking for the first time, participants should state their full name before making a comment.
- To only speak at the invitation of the Chair.
- The method for indicating how to speak.
- If referring to a specific page of the agenda pack, you should mention the page number.
- All participants microphones must be muted when not speaking.
- Where necessary, participants may switch off their cameras when not speaking to save bandwidth.
- Participants **must alert** the Chair/Democratic Services Officer if they experience technical difficulties, particularly a loss of connection, or if they need to leave the meeting, as soon as possible. Where a key participant experiences a loss of connection, the Chair may adjourn the meeting until such a time the participant can re-join the meeting. A key participant is defined as a participant whose continuing contribution to the meeting is vital to allow a decision to be made.

The Chair, following consultation with Democratic Services and the Legal Advisor, may adjourn the virtual meeting for any reason should they consider that it is not appropriate to proceed.

The format for considering each planning application shall, as far as possible, follow the usual format for Strategic and Development Committee Meetings, as detailed below.

- Officers will introduce the item with a brief description and mention any update report that has been published.
- Officers will present the application supported by a presentation
- Any objectors that have registered to speak to address the Committee, (including Officers reading out any written statements)
- The applicant or any supporters that have registered to speak to address the Committee, (including Officers reading out of any written statements)
- Committee and Non Committee Members that have registered to speak to address the Committee.
- The Committee may ask points of clarification of each speaker.
- The Committee will consider the item (Questions and Debate)
- Voting. At the end of the item, the Chair will ask the Committee to vote on the item. The Chair will ensure that all Members are clear on the recommendations, have heard all of the presentation and submissions. The Chair will conduct a roll call vote, asking each Committee Member to indicate their vote, (for, against, or abstain)
- The Democratic Services Officer will record the votes and confirm the results to the Chair.

For Further Information, contact the Democratic Services Officer shown on the agenda front sheet.



## STRATEGIC DEVELOPMENT COMMITTEE

### Report of the Corporate Director of Housing and Regeneration

Classification: Unrestricted

#### STANDING ADVICE ON APPLICATIONS FOR DECISION

##### 1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Committee. The Chair may reorder the agenda on the night. If you wish to be present for a particular application you should attend from the beginning of the meeting.
- 1.2 The following information and advice applies to all those reports.

##### 2. THIRD PARTY REPRESENTATIONS

- 2.1 Under section 71(2)(a) of the TCPA 1990 and article 33(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Committee is required, to consider any representations made within specified time limits. The Planning Officer report directs Members to those representations and provides a summary. In some cases, those who have made representations will have the opportunity to address the Committee at the meeting.
- 2.2 All representation and petitions received in relation to the items on this part of the agenda can be made available for inspection at the meeting.
- 2.3 Any further representations, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Update Report.

##### 3. ADVICE OF DIRECTOR OF LEGAL SERVICES AND MONITORING OFFICER

- 3.1 This is general advice to the Committee which will be supplemented by specific advice within the reports and given at the meeting, as appropriate.

##### **Decisions on planning applications**

- 3.2 The Committee is required to determine planning applications in Section 70(2) of the Town and Country Planning Act 1990 (TCPA 1990). This section requires the Committee to have regard to:
  - the provisions of the Development Plan, so far as material to the application;
  - a post-examination draft neighbourhood development plan, so far as material to the application
  - any local finance considerations, so far as material to the application; and
  - to any other material considerations.
- 3.3 Section 38(6) of the Planning and Compulsory Purchase Act 2004 explains that having regard to the Development Plan means deciding in accordance with the

Development Plan, unless material considerations indicate otherwise. If the Development Plan is up to date and contains policies relevant to the application and there are no other material considerations, the application should be determined in accordance with the Development Plan.

- 3.4 The Committee has several choices when considering each planning application:
- to grant planning permission unconditionally;
  - to grant planning permission with conditions;
  - to refuse planning permission or
  - to defer the decision for more information (including a site visit).
- 3.5 If the committee resolve to refuse planning permission, they must provide reasons that are based on evidence, development plan policies and material considerations. The Council may be subject to an award of costs in the event that reasons for refusal cannot be defended at appeal.

### **The Development Plan and other material considerations**

- 3.6 The relevant Development Plan policies against which the Committee is required to consider each planning application are to be found in:
- The London Plan 2021;
  - Tower Hamlets Local Plan 2020;
  - The Isle of Dogs Neighbourhood Plan 2021.
- 3.7 The Planning Officer's report for each application directs Members to those parts of the Development Plan which are relevant to each planning application, and to other material considerations.
- 3.8 Material considerations are those that are relevant to the use and development of land in the public interest and relevant to the development proposed in the application.
- 3.9 National Policy as set out in the National Planning Policy Framework 2019 (NPPF) and the Government's online Planning Practice Guidance (PPG) are both material considerations.
- 3.10 Other material planning considerations may include (but are not limited to):
- the design, size and height of new buildings or extensions;
  - the impact of new uses of buildings or of land;
  - loss of light and the privacy of neighbours;
  - access for disabled people;
  - the provision of affordable housing;
  - the impact of noise from proposed development;
  - the impact of development on public transport, the highway network, parking and road safety;
  - effect on heritage assets such as listed buildings and conservation areas;
  - environmental impacts.
- 3.11 The purpose of a Planning Officer's report is not to decide the issue for the Committee, but to inform Members of the considerations relevant to their decision making and to give advice on and recommend what decision Members may wish to

take. Applicants and objectors may also want to direct the Committee to other provisions of the Development Plan (or other material considerations) which they believe to be relevant to the application.

- 3.12 The Planning Officer's report summarises statutory consultee responses, non-statutory responses and third party representations, to report them fairly and accurately and to advise Members what weight (in their professional opinion) to give those representations. Ultimately it is for Members to decide whether the application is in accordance with the Development Plan and if there are any other material considerations which need to be considered.

#### **Local finance considerations**

- 3.13 Section 70(2) of the TCPA 1990 provides that a local planning authority shall have regard to a local finance consideration as far as it is material in dealing with the application. Section 70(4) of the TCPA 1990 defines a local finance consideration.
- 3.14 The prevailing view is that in some cases Community Infrastructure Levy (CIL) and potential New Homes Bonus payments can lawfully be taken into account as a material consideration where there is a direct connection between the intended use of the CIL or NHB and the proposed development. However to be a 'material consideration', it must relate to the planning merits of the development in question.
- 3.15 Accordingly, NHB or CIL receipts will be 'material' to the planning application, when reinvested in the local areas in which the developments generating the money are to be located, or when used for specific projects or infrastructure items which are likely to affect the operation or impact on the development. Specific legal advice will be given during the consideration of each application as required.

#### **Listed buildings and conservation areas**

- 3.16 Under Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant **listed building consent** for any works, the local planning authority must 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.
- 3.17 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed buildings or its setting, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.18 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development in a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

#### **Trees and the natural environment**

- 3.19 Under Section 197 of the TCPA 1990, in considering whether to grant planning permission for any development, the local planning authority must ensure, whenever it is appropriate, that adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.

- 3.20 Under Section 40 of the Natural Environment and Rural Communities Act 2006 (Duty to conserve biodiversity), the local authority “must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”.

### **Crime and disorder**

- 3.21 Under Section 17 of the Crime and Disorder Act (1998) (Duty to consider crime and disorder implications), the local authority has a “duty .....to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment)..”

### **Mayor of London’s Transport Strategy**

- 3.22 Section 144 of the Greater London Authority Act 1999, requires local planning authorities to have regard to the London Mayor’s Transport strategy.

### **Equalities and human rights**

- 3.23 Section 149 of the Equality Act 2010 (Public Sector Equality Duty) (Equality Act) provides that in exercising its functions (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 Equality 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.

- 3.24 The protected characteristics set out in Section 4 of the Equality Act are: age, disability, gender reassignment, marriage and civil partnership, 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 Equality Act.

- 3.25 The Human Rights Act 1998, sets out the basic rights of every person together with the limitations placed on these rights in the public interest. 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. Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.

- 3.26 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. Members 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.



## **Environmental Impact Assessment**

- 3.27 The process of Environmental Impact Assessment is governed by the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 3.28 The aim of Environmental Impact Assessment is to protect the environment by ensuring that a local planning authority when deciding whether to grant planning permission for a project, which is likely to have significant effects on the environment, does so in the full knowledge of the likely significant effects, and takes this into account in the decision-making process.
- 3.29 The 2017 Regulations set out a procedure for identifying those projects which should be subject to an Environmental Impact Assessment, and for assessing, consulting and coming to a decision on those projects which are likely to have significant environmental effects.
- 3.30 The Environmental Statement, together with any other information which is relevant to the decision, and any comments and representations made on it, must be taken into account by the local planning authority in deciding whether or not to grant consent for the development.

## **Other regulatory regimes**

- 3.31 Other areas of legislation that cover related aspects of construction, environmental matters or licensable activities do not need to be considered as part of determining a planning application. Specific legal advice will be given should any of that legislation be raised in discussion.

## **4. RECOMMENDATION**

- 4.1 That the Committee notes the advice in this report prior to taking any planning decisions recommended in the attached reports.

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### Application for Planning Permission

[click here for case file](#)

<b>Reference</b>	PA/21/01713
<b>Site</b>	26-38 Leman Street, London E1 8EW
<b>Ward</b>	Whitechapel
<b>Proposal</b>	Demolition of the existing buildings and redevelopment of the site to provide a building ranging from basement, ground plus 19 storeys, comprising office (Class E (g)) and aparthotel (Class C1); associated cycle and car parking, hard and soft landscaping and other associated works.

**Summary Recommendation** Grant planning permission with conditions and planning obligations

**Applicant** Newport Holdings Ltd

**Architect/agent** Stockwool / DP9

**Case Officer** Robin Bennett

**Key dates**

- Application registered as valid on 26/07/2021
- Neighbour letters posted 17/08/2021
- Newspaper advertisement 19/08/2021
- Site notice erected 16/03/2023
- Public consultation finished on 05/04/2023

### EXECUTIVE SUMMARY

The application site is occupied by two office blocks at 26-38 Leman Street (Pennine House and Frazer House). The site is bound by Camperdown Street to the north, Leman Street to the east and Alie Street to the south.

The site is located within the City Fringe Opportunity Area, Central Activities Zone (CAZ) and a Borough designated Secondary Preferred Office Location as well as being located within the Aldgate Tall Building Zone (TBZ).

Refurbishment and extension of the existing buildings whilst ensuring optimisation of the site is achieved would not be possible given the site incorporates two existing buildings with floor levels that do not align, insufficient floor to ceiling heights for the intended uses and constraints with lift and stair locations, number, and quality relative to current design standards.

Redevelopment of the site would include no net loss of office floorspace whilst also allowing for the introduction of short stay visitor accommodation alongside the office space. Both the office and aparthotel are categorised by the London Plan as strategic land use functions appropriate in the Central Activities Zone and are therefore acceptable in principle in land use terms.

It should be noted the site's Secondary Preferred Office Location designation means the site is not appropriate, in land use policy terms, to come forward for a residential led redevelopment of the site.

The proposed tall building has been designed to ensure that it steps down at the edge of the TBZ, with its scale and form having been well considered to minimise heritage impacts, including the Outstanding Universal Value (OUV) of the Tower of London World Heritage Site. The proposal would not result in harm to the setting of nearby listed buildings and no detrimental impact on the OUV of the World Heritage Site.

Design changes that have been secured through the course of the application means that the proposed development would represent high quality design which would respond appropriately to both short, mid and long-range views. The base of the building would have a masonry-based finish ensuring it assimilates comfortably with the lower rise surroundings, including heritage assets. The tower would be more lightweight in appearance with glazing and metal panels which responds to other built out tall buildings in the locality.

Whilst the site is bound on three sides by highways (TfL and LBTH managed roads), the provision of safe and satisfactory servicing and delivery arrangements alongside provision of Blue Badge parking whilst also taking into account the principles of good urban design has been challenging to achieve. However, changes to access and parking arrangements have been agreed with the applicant through the course of the application which have resulted in a satisfactory outcome in terms of highway and transportation matters. Proposed Blue Badge parking is now separate from areas for general servicing, to ensure safe and dignified parking arrangements for Blue Badge holders. Servicing and delivery arrangements for the office and aparthotel would be via a shared service bay accessed off Camperdown Street. Subject to compliance with the recommended conditions and Section 106 Heads of Terms the service bay will be able to operate without detriment to highway safety, including operation of the TfL Strategic Road Network on Leman Street.

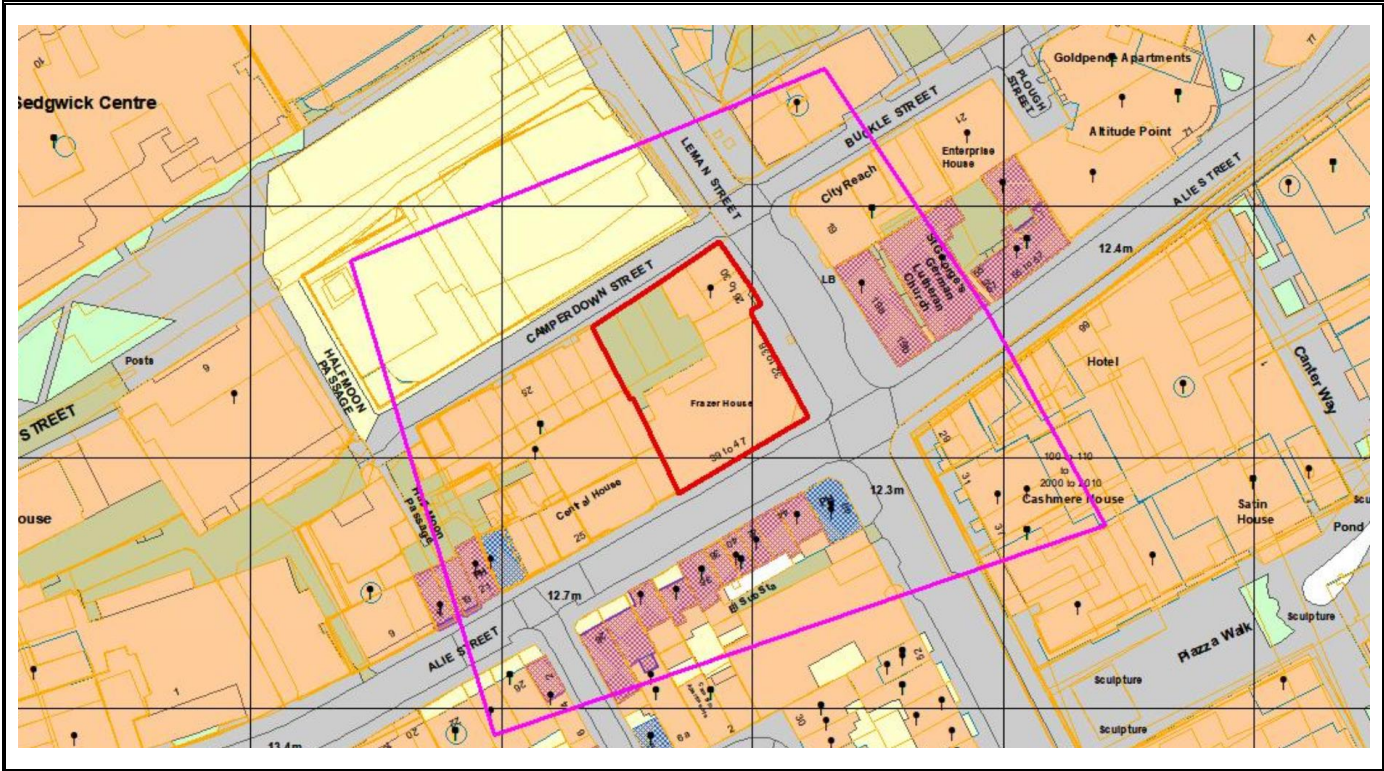
The building would result in some major adverse daylight impacts to existing neighbouring residential properties. However, the site falls within a Tall Building Zone where a certain scale of development is anticipated and the form of the development has been designed so as to accord with the design principles within tall building clusters. Whilst there would be adverse impacts these are acceptable in the context of the site designations, the ability of the development to contribute to the unique mix of uses within the CAZ and the public benefits provided by the scheme.

A strategy for minimising carbon dioxide emissions from the development is appropriate subject to condition, with a carbon offset contribution formula to be secured within the S106.








The existing site is devoid of biodiversity supporting features. The creation of two roof gardens within the development would enable biodiversity enhancements to be achieved through the required landscaping scheme for these areas resulting in a biodiversity net gain for the site overall.

The scheme would be liable to both the Mayor of London's and the Borough's Community Infrastructure Levy. In addition, it would provide a necessary and reasonable planning

obligation to local employment and training as well as an affordable workspace offer significantly beyond the minimum levels set out in the Local Plan.



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<ul style="list-style-type: none"> <li> Planning Application Site Boundary</li> <li> Other Planning Applications</li> <li> Consultation Area</li> <li> Land Parcel Address Point</li> <li> Locally Listed Buildings</li> <li> Statutory Listed Buildings</li> </ul>	<h3>Planning Applications Site Map</h3> <h4>PA/21/01713</h4> <p>This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as part of the Planning Application Process</p>	 <p><b>TOWER HAMLETS</b></p> <p>London Borough of Tower Hamlets</p>
		Date: 29 August 2023

## 1. SITE AND SURROUNDINGS

- 1.1 The application site is 0.11 hectares in size and is located on the western side of Lemman Street between the junctions with Alie Street (to the south) and Camperdown Street (to the north). The site is currently occupied by two office buildings, Frazer House and Pennine House, along with a service yard to the rear.
- 1.2 Frazer House (32-38 Lemman Street) is a 1970s brick and concrete building occupying the corner with Alie Street. The building rises to seven storeys at the corner, dropping down to six storeys adjacent to 25 Alie Street.
- 1.3 Pennine House (28 Lemman Street) is a 1980s post-modern building constructed of granite with glazed curtain walling set in red metal frames. Pennine House is also seven storeys in height but terminates higher than Frazer House. The buildings collectively provide 4,585sqm of office (Class E(g)) floorspace. Frazer House also includes a 395sqm night club (sui generis) at the ground floor.
- 1.4 The service yard is accessed via a metal gate on the southern side of Camperdown Street immediately to the rear of Pennine House.
- 1.5 The site is located within the Central Activities Zone (CAZ), the City Fringe Opportunity Area, the Aldgate Secondary Preferred Office Location and a Tall Building Zone (Aldgate cluster). Buildings to the north, east and west of the site are located within the Tall Building Zone. Tall buildings within the Zone include the One Braham development (serving as the global headquarters building British Telecom), and on the opposite side of Lemman Street Aldgate Place to the north east of the site and Goodmans Fields development to the south east.
- 1.6 The site is also within the Green Grid Buffer Zone, New Green Grid Buffer Zone, a Tier 2 Archaeological Priority Area (2.11 - Aldgate and Portsoken) and lies within the vicinity of a number of listed buildings and locally listed buildings as set out below:

### ***Listed buildings***

- 19A Lemman Street (originally the East London Dispensary) (Grade II)
- Church of St George, Alie Street (German Lutheran Church and Vestry) (Grade II\*)
- St George's German and English Schools (Numbers 55,57 and 59 Alie Street) (Grade II)
- St George's German and English Infants' School (Grade II)
- 34 Alie Street (Grade II)
- 30-44 Alie Street (Grade II)
- 28 Alie Street (Grade II)
- The White Swan Public House, Alie Street (Grade II)
- 17 and 19 Alie and railings (Grade II)
- 62 Lemman Street (Grade II)
- 66 Lemman Street (Grade II)
- 68 Lemman Street (Grade II)
- The Garrick Public House (Grade II)

### ***Locally listed buildings***

- The Black Horse Public House, 40 Lemman Street

– 64 Lemman Street

- 1.7 The site is not within a conservation area, but is oversailed by Strategic View 25A: 1 to 3. This is the view of the Tower of London World Heritage Site (WHS) from the Queen’s Walk adjacent to City Hall.
- 1.8 The site has a PTAL rating of 6(b) with Aldgate and Aldgate East Stations within 400m of the site. Lemman Street is a TfL road. There are Red Route double lines along the Lemman Street frontage as well as double Red Route junction protection lines on Alie Street and Camperdown Street.

**2. PROPOSAL**

- 2.1 The proposed development involves the wholesale demolition of Frazer House and Pennine house and the redevelopment of the site to provide a mixed-use building rising to 20 storeys in height.



**Figure 1: View of scheme looking north with 1 Braham St (BT Building) behind the proposal.**

- 2.2 The massing of the new building would be split between a five-storey base element rising to a podium and the twenty storey tower element, which would be located towards the north east corner of the site. The tower element would be set in from the Alie Street frontage by 9.3m,



3.4m from the Lemman Street frontage and 6.8m from the neighbouring building to the west. There would be no set back of the tower on the Camperdown Street elevation.

- 2.3 The development would comprise office use across basement to 5<sup>th</sup> floors with the aparthotel use accommodated across the 6<sup>th</sup> to 20<sup>th</sup> floors. Table 1, below, sets out the existing and proposed floorspaces.

Use	Existing Sqm (GIA)	Proposed Sqm (GIA)	Difference Sqm (GIA)
Office (class E)	4,585	4,708.6	+123.6
club	395	0	-395
Aparthotel (class C1)	0	6,933.7	+6933.7
Servicing/refuse areas	0	490.8	490.8
<b>Total</b>	<b>4,980</b>	<b>12,133.1</b>	<b>+7,153.1</b>

**Table 1: Existing and proposed uses**

- 2.4 A ground floor reception serving the office space would be accessed from Alie Street. Lightwells would be provided within the office lobby to provide natural light into the basement office accommodation. The central core means the upper floor offices would be provided with windows to three sides, and with floorplates that would allow for subdivision if required.
- 2.5 The aparthotel would have 182 guest bedrooms as well as reception and café space at ground floor level. There would be two entrances from Lemman Street into the café / reception space.



**Figure 2: CGI of scheme showing hotel entrance from Lemman Street**

- 2.6 In terms of other access and servicing arrangements, an entrance for cyclists would be provided on Alie Street. This would lead to a ground floor visitors' bike store and a bike lift and staircase into basement bike parking, showers and lockers. Along the Camperdown Street elevation would be accesses to a long stay bike store, two parking spaces for Blue Badge holders, a shared service bay for both the uses and a substation.



### **3. RELEVANT PLANNING HISTORY**

3.1 Planning application ref: PA/16/01243:

*Demolition of existing buildings and construction of a 21 storey building and two basement levels comprising 4,316sqm (GIA) of replacement commercial floorspace (Use Class B1) at lower ground, ground and first to fourth floor levels and residential accommodation to provide 107 flats (Use Class C3) between the fifth and twentieth floor levels, plus basement car parking, landscaping, plant and associated access works.*

3.2 The above application was withdrawn by the applicant in August 2021.

3.3 Pre-application ref: PF/19/00162:

*Redevelopment of site for part office (B1) and part visitor accommodation (C1) - Building up to 22 storeys*

### **4. PUBLICITY AND ENGAGEMENT**

#### **Statutory consultation**

4.1 Letters were sent to 189 addresses surrounding the site notifying occupants of the application. In addition, the application was publicised by display of site notices in the vicinity of the site and by publication of a notice in the local newspaper.

4.2 No written representations were received as a result of the publicity for this application.

#### **Applicant pre-application consultation**

4.3 The applicant undertook their own pre-application consultation on the proposal. This has included sending approximately 2,713 letters to properties surrounding the application site outlining the proposed development; and setting up an online consultation portal and hosting an online Q&A event in April 2021.

4.4 The submitted Statement of Community Involvement (within the Planning Statement) provides a more detailed summary and outcomes of the consultation undertaken to date.

### **5. CONSULTATION RESPONSES**

#### **External consultees**

##### **Historic England**

5.1 On the basis of the information available, Historic England do not wish to make any comments and suggest that LBTH seeks the views of its specialist conservation advisors, as relevant.

##### **Historic England - Greater London Archaeological Advisory Service**

5.2 The site lies in a rich archaeological landscape dating as far back as the neolithic period, and also includes significant Roman and medieval archaeology. Conditions are therefore recommended for archaeological fieldwork and public heritage interpretation and outreach.

##### **London City Airport**

5.3 London City Airport suggests that as per CAP1096 (Guidance to crane users on the crane notification process and obstacle lighting and marking) the appointed crane operator notifies the CAA AROPS team of any proposed cranes that will be used in the future to build the development. This enables key airspace users to assess the potential impacts (if any) on their flight operation.

##### **Greater London Authority**

- 5.4 Land Use Principle: The proposed office and hotel uses within the CAZ and City Fringe Opportunity Area are supported and comply with relevant London Plan policies.
- 5.5 Urban design: The proposed architectural approach is supported and the scale, height and mass of the building is not expected to raise any strategic concerns. Further, the proposal is expected to result in less than substantial harm to nearby heritage assets, however will not have an adverse impact upon strategically important views. Additional viewpoints from various aspects and approaches to (and from) the WHS are required to enable a comprehensive assessment of the proposals' impacts on the relevant attributes of the OUV of the WHS.
- 5.6 Transport: An Active Travel Zone (ATZ) assessment that accords with TfL guidance is required. In addition, a Pedestrian Comfort Level (PCL) Assessment for the new pavement widths and a Gateline and line loading assessment for Aldgate and Aldgate East Station is requested. Further, land should be safeguarded for a cycle hire docking station and a contribution to its delivery is requested. The layout of the servicing yard should be reconsidered to ensure vehicles can access in a forward gear. The location of the Aparthotel long stay cycle parking store should be moved to a safer location and providing short stay cycle parking in the public realm should be investigated.
- 5.7 Sustainable development: The development generally accords with London Plan energy and whole life-cycle carbon requirements, however some further clarification is required. Every attempt to maximise urban greening on the site should also be made
- 5.8 It should be noted since receipt of the above reported GLA comments the concerns expressed around transport matters have been addressed to the satisfaction of TfL.

#### **Historic Royal Palaces**

- 5.9 No response received.

#### **Metropolitan Police – Designing Out Crime Office**

- 5.10 It is requested that a condition is attached to any permission requiring a Secured by Design Strategy which details how the development will achieve Secured by Design accreditation.

#### **NATS**

- 5.11 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

#### **Natural England**

- 5.12 Natural England has no comments to make on the application.

#### **Thames Water**

- 5.13 No response received.

#### **Transport for London – Infrastructure Protection**

- 5.14 No comments to make in relation to railway engineering and safety matters.

#### **Transport for London – TfL Spatial Planning**

- 5.15 Following discussions through the application phase, TfL raise no objections to the proposal subject to:

- A financial contribution being made to mitigate the impact of the development on cycle hire docking stations in the area.

Active Travel Zone (ATZ) improvements being secured to East Smithfield and Prescott Street.

- An enforcement camera being erected on the TfL red route to mitigate concerns over potential issues arising from vehicles reversing onto Leman Street from Camperdown Street.

### **Internal consultees**

#### **LBTH Biodiversity**

- 5.16 The characteristics of the existing site and buildings mean that the development will not have adverse impacts on biodiversity. If granted, a condition should be attached to ensure that biodiversity enhancements are secured

#### **LBTH Environmental Health**

- 5.17 No objections subject to conditions covering the following matters:

- Dust management plan and PM10 monitoring
- Air quality standards for boilers
- Air quality mechanical ventilation
- Kitchen extract standards for commercial uses
- Construction plant and machinery (non-road mobile machinery)

#### **LBTH Transportation & Highways**

- 5.18 No objection, subject to mitigating through application of appropriate planning conditions and through the s106 legal agreement. Red Route enforcement cameras will go some way to protecting Leman Street, which is within the remit of TfL, from indiscriminate parking/loading but this will not cover Camperdown Street. Concerns about the use of Camperdown Street, by large vehicles, remain. In order to mitigate the potential impacts of servicing, a series of measures including loading restrictions and new signs are to be implemented at cost to the applicant.

#### **LBTH Waste Policy and Development**

- 5.19 No objection, subject to securing the appropriate planning conditions. As a shared waste stores approach is proposed an on-site management solution will be required. Further details of this and in-bin compaction are required as well as different types of waste to be collected. Such details are required to ensure LBTH can collect. If LBTH cannot collect then it will need to be demonstrated that a commercial contractor is in place. The on-site turntable is acceptable with regard to refuse vehicles entering and leaving in forward gear.

## 6. RELEVANT PLANNING POLICIES AND DOCUMENTS

6.1 Legislation requires that decisions on planning applications must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise.

6.2 In this case the Development Plan comprises:

- The London Plan 2021
- Tower Hamlets Local Plan 2031

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

### **London Plan (2021)**

#### *Chapter 1 Planning London's Future - Good Growth*

- GG1 Building strong and inclusive communities
- GG2 Making the best use of land
- GG3 Creating a healthy city
- GG5 Growing a good economy

#### *Chapter 2 Spatial Development Patterns*

- SD1 Opportunity Areas
- SD4 The Central Activities Zone (CAZ)
- SD5 Offices, other strategic functions and residential development in the CAZ

#### *Chapter 3 Design*

- D1 London's form, character and capacity for growth
- D3 Optimising site capacity through the design-led approach
- D4 Delivering good design
- D5 Inclusive design
- D8 Public realm
- D9 Tall buildings
- D12 Fire safety

#### *Chapter 6 Economy*

- E1 Offices
- E2 Providing suitable business space
- E3 Affordable workspace
- E8 Sector growth opportunities and clusters
- E10 Visitor Infrastructure
- E11 Skills and opportunities for all

#### *Chapter 7 Heritage and Culture*

- HC1 Heritage conservation and growth
- HC2 World Heritage Sites
- HC3 Strategic and Local Views
- HC4 London View Management Framework

#### *Chapter 8 Green Infrastructure and Natural Environment*

- G5 Urban greening
- G6 Biodiversity and access to nature

## *Chapter 9 Sustainable Infrastructure*

- SI1 Improving air quality
- SI2 Minimising greenhouse gas emissions
- SI3 Energy infrastructure
- SI4 Managing heat risk
- SI5 Water infrastructure
- SI7 Reducing waste and supporting the circular economy
- SI12 Flood risk management
- SI13 Sustainable drainage

## *Chapter 10 Transport*

- T1 Strategic approach to transport
- T2 Healthy streets
- T3 Transport capacity, connectivity and safeguarding
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.2 Office parking
- T6.5 Hotel and leisure uses parking
- T7 Deliveries, servicing and construction
- T9 Funding transport infrastructure through planning

## **Tower Hamlets Local Plan 2031**

### *Achieving sustainable growth*

- S.SG1 - Areas of growth and opportunity within Tower Hamlets
- S.SG2 - Delivering sustainable growth in Tower Hamlets
- D.SG3 - Health impact assessments
- D.SG4 - Planning and construction of new development
- D.SG5 - Developer contributions

### *Creating attractive and distinctive places*

- S.DH1 - Delivering high quality design
- D.DH2 - Attractive streets, spaces and public realm
- S.DH3 - Heritage and the historic environment
- D.DH4 - Shaping and managing views
- S.DH5 - World heritage sites
- D.DH6 - Tall buildings
- D.DH7 - Density
- D.DH8 - Amenity

### *Delivering economic growth*

- S.EMP1 - Creating investment and jobs
- D.EMP2 - New employment space
- D.EMP3 - Loss of employment space
- D.EMP4 - Redevelopment within the designated employment locations

### *Revitalising our town centres*

- D.TC1 Supporting the network and hierarchy of centres
- D.TC6 - Short-stay accommodation

### *Protecting and managing our environment*

- S.ES1- Protecting and enhancing our environment

- D.ES2 - Air quality
- D.ES3 - Urban greening and biodiversity
- D.ES4 - Flood risk
- D.ES5 - Sustainable drainage
- D.ES6 - Sustainable water and wastewater management
- D.ES7 - A zero carbon borough
- D.ES8 - Contaminated land and storage of hazardous substances
- D.ES9 - Noise and vibration
- D.ES10 - Overheating

*Managing our waste*

- S.MW1 - Managing our waste
- D.MW3 - Waste collection facilities in new development

*Improving connectivity and travel choice*

- S.TR1 - Sustainable travel
- D.TR2 - Impacts on the transport network
- D.TR3 - Parking and permit-free
- D.TR4 - Sustainable delivery and servicing

Chapter 2: Sub-area 1: City Fringe (vision, objectives and principles)

#### 6.4 **LBTH's Supplementary Planning Guidance/ Other Documents**

- National Planning Policy Framework (2021)
- National Planning Practice Guidance (updated 2021)
- GLA City Fringe Opportunity Area Planning Framework (2015)
- GLA SPG London's World Heritage Sites – Guidance on Settings
- GLA London View Management Framework
- LBTH Employment Land Review (2016)
- LBTH Planning Obligations SPD (2016)
- Historic England Advice Note 4 – Tall Buildings
- Historic England Good Practice Advice in Planning: 3 (2<sup>nd</sup> Edition) The Setting of Heritage Assets

### 7. **PLANNING ASSESSMENT**

7.1 The key issues raised by the proposed development are:

- i. Land Use
- ii. Design
- iii. Heritage
- iv. Neighbour Amenity
- v. Highways and Transport
- vi. Environment
- vii. Infrastructure
- viii. Equalities and Human Rights

#### **Land Use**

##### Office space

7.2 The application site is located within the Central Activities Zone (CAZ). London Plan Policy SD4 states that in the CAZ the unique international, national and London-wide roles of the CAZ, based on an agglomeration and rich mix of strategic functions and local uses, should be promoted and enhanced.



- 7.3 The site is also located within a ‘core growth area’ of the City Fringe Opportunity Area (OA). The City Fringe Opportunity Area Planning Framework (OAPF) states that the core growth areas of the City Fringe are where there will need to be a continued supply of employment floorspace. The OAPF also states that the Mayor supports proposals for new B Class employment space, including new affordable workspace.
- 7.4 In the Local Plan, the site is located within a Secondary Preferred Office Location (SPOL). In terms of the role and function of these areas, Policy S.EMP1 states that these areas contain, or could provide, significant office floorspace to support the role and function of the Primary POL and the City of London. In Secondary POL, greater weight is to be given to office and other strategic CAZ uses as a first priority. In Secondary POL, Policy S.EMP1 states that proposals will be supported which provide opportunities to promote the creation of a sustainable, diverse and balanced economy through ensuring availability of a range of workspaces and unit sizes.
- 7.5 Local Plan Policy D.EMP2 seeks to ensure that new or intensified employment floorspace is provided within the borough’s designated employment locations, site allocations and activity areas, whilst Policy D.EMP4 sets out that redevelopment within the Secondary POL must be employment-led and deliver the maximum viable level of office floorspace, or other non-residential strategic functions within the CAZ.
- 7.6 The table below shows the existing and proposed floor areas.

<b>Office floorspace</b>	<b>NIA</b>	<b>GIA</b>
<b>Existing</b>	Unknown	4,585 sqm
<b>Proposed</b>	3,803 sqm	4,708.61 sqm

**Table 2: existing and proposed floor areas**

- 7.7 The proposed development would increase the office floorspace on the site by 123.6sqm GIA. Whilst this is not a significant quantitative increase compared to what already exists on site, the proposed office floorspace would represent a marked qualitative improvement through the provision of new Grade A office space which is designed to meet the requirements of occupiers in the contemporary office market, in addition the scheme would secure through the planning consent 686sq.m of affordable workspace.
- 7.8 The office element of the proposal is consistent with the above referenced policies as the development would be a commercial scheme with no net loss of existing office floorspace. In addition (and in the first instance), the two existing occupiers on the site will have the opportunity to be accommodated in the new scheme which is considered to be a positive of the scheme. Officers are also aware that if they chose not to locate in the new scheme, the existing business have other locations in the borough that they could choose to locate too. Details will be secured through the employment obligation.
- 7.9 Whilst the provision of new office floorspace is welcomed, the supply of second hand office floorspace contributes to the rich mix of uses in the CAZ by virtue of factors such as being able to offer cheaper rents and more flexible terms. As such, it is important that new employment space provides for affordable workspace as this will assist in ensuring adequate supply of space for more local businesses as well as start-ups.
- 7.10 Local Plan Policy D.EMP2 requires the provision of affordable workspace as part of major commercial and mixed-use development schemes. This must comprise at least 10% of the proposed floorspace, at least 10% discount below the indicative market rate for the location and for a minimum period of 10 years. In addition, the London Plan policy in relation to affordable employment space requires that affordable workspace is secured for the life of the development or for a period of at least 15 years.

7.11 In terms of the affordable workspace proposed within this application, 15% of the overall office floorspace has been offered at a 35% discounted rate for the lifetime of the development. This exceeds the baseline policy requirements in relation to affordable floorspace proportion and discount rate. This exceedance of the minimum Policy requirement is welcome and represents a benefit of the proposal and is informed by the office rental rates within the existing development on site. This will be secured in the section 106 agreement.

#### Sui generis use

7.12 A sui generis use is in operation at the ground floor level of the site. The sui generis use is afforded no specific policy protection and therefore the loss of the sui generis use at the site is acceptable when giving regard to the development plan.

#### Aparthotel

7.13 Local Plan Policy S.TC1 sets out the Borough's network and hierarchy of centres. As noted earlier, the site is located within the CAZ. The London Plan and CAZ supplementary planning guidance document recognise the CAZ as the geographical, economic and administrative heart of London.

7.14 The CAZ SPD sets-out a range of 'Strategic CAZ' uses which will be supported within these locations with the intention of recognising the unique function of the area and of supporting continued success in attracting businesses, visitors and investment. As set out in Table 1 of the SPD, tourism facilities, including hotels, are CAZ Strategic Functions. Therefore in principle the proposed aparthotel use would be wholly consistent with the site's CAZ designation and an appropriate use for the site.

7.15 Whilst the aparthotel use is acceptable from a strategic perspective, it must be considered against the Borough's own short-stay accommodation requirements as set out in Local Plan Policy D.TC6.

7.16 Policy D.TC6 sets out an overarching support for visitor accommodation in the CAZ subject to the following criteria:

- a. the size, scale and nature of the proposal is proportionate to its location
- b. it does not create an over-concentration of such accommodation, taking account of other proposals and unimplemented consents in the local area
- c. it does not compromise the supply of land for new homes (in accordance with our housing trajectory) or jobs and our ability to meet the borough's housing and employment targets, and
- d. the applicant can demonstrate adequate access and servicing arrangements appropriate to the scale, nature and location of the proposal.

7.17 The submitted application proposes 182 aparthotel rooms across floors 6-19 of the proposed building.

7.18 With regard to the potential over-concentration of short-stay accommodation in the area, there are a series of existing and recently approved schemes which will increase the overall supply of visitor accommodation within the area surrounding Aldgate and within the City of London.

7.19 Whilst the supply pipeline of traditional hotel rooms in the local area is high, the proposed apart-hotel/ serviced apartments would provide for a different type of guest (e.g. business people on extended trips) which allows the economic benefit of an additional segment of the hotel market to be captured within the borough. It also further supports the global financial centre function of the City (Square Mile) and, as evidenced by the applicant, an apart-hotel is likely to cater to these business people given its close proximity. In addition, officers note that in the site is in the CAZ which is a local centre. Other hotels of this scale are directed too. In terms

of local concentrations of hotels, the closest hotels are to the east of Lemn Street and further south toward Prescott street (rather than being located in the quieter and more residential streets just to the north of Prescott Street). To the west there are hotels closer to Tower Hill too; however, none within the immediate location. For these reasons, given the number of hotels in proximity and limited number within the immediate urban block, the proposal would not lead to an overconcentration of hotels in the local area.

- 7.20 With regard to the proposed scale of the accommodation, in the site's context this would be appropriately proportionate given the site location with the CAZ, City Fringe Opportunity Area, and Aldgate Tall Building Zone where higher densities and development intensity is appropriate.
- 7.21 Whilst the demand/need for short stay accommodation across the borough is approaching projected figures there is significant policy weight attributed to the Secondary POL and CAZ prioritised uses.
- 7.22 The site would not compromise the supply of land for new homes or impact on the ability to meet the borough's housing and employment targets given:
- the site is not allocated for any housing provision.
  - the site does not benefit from a previous permission for housing. Indeed, it is of note a previous planning application for the site was for a residential led redevelopment failed to progress and was subsequently withdrawn. Also within the same broad timelines a residential led scheme proposed for the neighbouring 1 Braham Street site was refused by the Council for failing in land use terms compliance with the Local Plan in respect of residential led development within the Aldgate Preferred Office Location designation.
  - the site's designation within the CAZ and SPOL provide a greater emphasis on commercial/employment/strategic functions as a first priority (which includes hotel use);
  - the application would deliver an uplift on existing office floorspace to contribute to the Borough's employment targets including better quality and higher grade office space; and
  - following amendments acceptable access and servicing arrangements are now proposed.
  - Existing occupiers will have the opportunity to be accommodated in the new proposal.
- 7.23 To summarise the principle of the development in land use terms is acceptable. The proposed short-stay accommodation in development plan policy terms for this site is acceptable as a strategic land use function for this site located in the CAZ and SPOL. The scheme would not prejudice the necessary level of office provision required for the redevelopment of the site within the SPOL. Furthermore, the scheme does not prejudice the supply of housing as assessed against the relevant Local Plan policies as the site is not allocated for any housing, the site does not benefit from a previous permission for housing and the site designation precludes a residential led redevelopment of the site.

## **Design**

- 7.24 The NPPF requires the creation of high quality, beautiful and sustainable buildings and places which optimise the potential of sites to accommodate and sustain an appropriate amount and mix of development, whilst being sympathetic to local character and history.
- 7.25 Chapter 3 of the London Plan contains a suite of policies designed to ensure all new development is high quality. Policies D3 and D9 are particularly pertinent to this application. Policy D3 sets out the requirement for a design-led approach through consideration of the form and layout, experience and quality and character of development proposals. Policy D9 sets out impacts that tall building proposals should address. These include visual impacts (long, mid and immediate views), consideration of spatial hierarchy, architectural quality, avoiding harm to heritage assets and their setting, glare, light pollution, access, servicing, economic impact, wind, daylight, sunlight, noise and cumulative impacts.
- 7.26 Policies S.DH1 and D.DH2 of the local plan seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds. Policy

D.DH6 of the local plan considers building heights and tall buildings to ensure that proposals for tall buildings are located in accordance with a spatial hierarchy and satisfy a range of criteria.

- 7.27 Policy G1 of London Plan requires green infrastructure to be incorporated into new development whilst Policy G5 requires major development proposals to contribute to the greening of London by including urban greening and incorporating measures such as high-quality landscaping (including trees), green roofs, green walls and nature-based sustainable drainage.

#### Tall buildings

- 7.28 The site is located within the 'Aldgate Cluster' Tall Building Zone. Subject to compliance with the relevant design principles, the location within a Tall Building Zone means the erection of a tall building on the site is acceptable in principle. The principles to be considered include height, scale, mass, character, architecture, townscape, heritage, skyline, street level experience, public safety, microclimate, biodiversity and aviation safety. Further discussion around the Tall Building policies and how the proposal meets those criteria is detailed below and the subsequent environmental section of the report.

#### Layout

- 7.29 In terms of the layout of the existing buildings on the site, the Alie Street frontage of Frazer House forms part a consistent building line with its neighbours to the west, including the locally listed and listed buildings either side of Half Moon Passage
- 7.30 At the junction with Lemman Street the ground floor of Frazer House is chamfered, providing additional space for pedestrians passing the site on the footways at the junction of Alie Street and Lemman Street
- 7.31 Along the site frontage to Lemman Street the layout of the existing buildings is less consistent by virtue of Pennine House being set markedly forward of Frazer House.
- 7.32 To the north of the site Pennine House turns into Camperdown Street. Beyond the rear elevation on Pennine House is a wall and gate into the car parking and servicing area for the existing buildings (including basement parking beneath Frazer House). The north elevation of Pennine House is approximately 15m in length and the wall to the open parking and servicing area extends for approximately 16m along Camperdown Street. The extent of frontage to the parking/servicing area being greater in length than the existing building results in a significant weakening of the street scene of Camperdown Street.
- 7.33 In terms of the layout of the proposed development, the new Alie Street frontage would be set at the back edge of the footway as per the existing. This is appropriate given the consistent existing building line along this frontage which has been maintained across both historic and newer developments.
- 7.34 One of the most notable changes between the layout of the existing buildings and the proposed buildings is the Lemman Street and Camperdown Street elevations being set further from the back edge of the footway than the existing. As noted earlier, Pennine House is set forward of Frazer House. The proposed development would remove this step in the buildings and provide a building with an un-stepped elevation to Lemman Street. In doing so the footway along Lemman Street would be increased in width.
- 7.35 The Camperdown Street elevation would also be realigned to provide a more generous footway along Camperdown Street. In addition, the new building would infill the site of the existing service yard / car parking.
- 7.36 The increase in footway widths to both Lemman Street and Camperdown Street is a positive aspect of the proposed development and will improve the pedestrian environment in the locality. The benefit of the additional areas of public realm would clearly outweigh the loss of the chamfer on the Alie Street / Lemman Street junction. In addition, the chamfer is somewhat

of an anomaly and weakens the street particularly when considered in relation to the Black Horse Public House and the former dispensary building.

- 7.37 The introduction of a continuous built form along Camperdown Street is also an improvement over the existing situation where the gap between Pennine House and 25 Camperdown Street significantly weakens the street scene.
- 7.38 Overall, the layout of the proposed building is acceptable as it respects the layout of the existing surrounding buildings and takes the opportunity to create improvements over the existing situation including providing a more coherent and active edge to street and a more open and inviting appearance to street that is reflected in both the ground floor layout and the handling of the ground floor entrances and associated façade treatment.

### Scale

- 7.39 The proposed new building is made up of two principal elements: the base and the tower. Ground levels rise from south (Alie Street) to north (Camperdown Street) by 0.77m. For the purposes of description and discussion in this section measurements are taken from the Alie Street footway level of 12.50m AOD.
- 7.40 The height of the proposed base element would be 21.6m whilst the maximum height of the tower would be 70m from ground level. Pennine House has a height of 27.46m whilst the seven storey element of Frazer House has a height of 23.69m and the five storey element on Alie Street has a height of 20.47m. The base of the proposed building would therefore be a part increase in height of 1.13m on Alie Street and a reduction in height of between 2.09m and 5.86m on Lemman Street and Camperdown Street.
- 7.41 In terms of the tower element of the proposed development, as described in the 'proposal' section of this report, it would be set in from the Alie Street frontage by 9.3m, by 3.4m from the Lemman Street frontage and 6.8m from the neighbouring building to the west. There would be no set back of the tower on the Camperdown Street elevation.
- 7.42 Paragraph 8.70 of the explanation text supporting Local Plan Policy D.DH6 recognises that each Tall Building Zone is different and tall buildings proposed within the zones will need to respect the existing character of the area and respond to sensitivities. Paragraph 8.73 states that within tall building zones clusters of tall buildings may be developed and that the height of tall buildings within a cluster should reflect the role and function of the cluster and normally the tallest elements should be located towards the centre of the cluster, which should mark a particular feature or location (e.g. One Canada Square, Canary Wharf). It goes on to state that developments involving tall buildings will be required to step down towards the edge of the tall building zone as per Figure 8.
- 7.43 Figure 8 of the Local Plan illustrates the principles of tall building clusters. The proposed tall building is within a Tall Building Zone but adjacent to one of its edges, therefore 'Cluster principle one' is the most relevant. This states that height should vary across the zone but drop down towards the edge.
- 7.44 In addition to the above, a table within Policy D.DH6 sets out 'Principles' for each of the Tall Building Zones. For Aldgate one of the specific principles is:
- a. The background to the views of the Tower of London world heritage site from the Queen's Walk at City Hall should be preserved.
- 7.45 It is notable that the principles for the borough's four other Tall Building Zones all refer to step down requirements, yet this is not specified for Aldgate.
- 7.46 The image below is taken from the applicant's Design and Access Statement. It shows the outline of the Aldgate Tall Building Zone and the storey heights of existing buildings at the edges (both within and outside) of the Tall Building Zone.



**Figure 4 showing the Tall Buildings in the Aldgate Tall Building Zone**

- 7.47 It can be seen from the above that the Zone is an irregular shape which would make it difficult to identify a centre from which other buildings should step down. It is also apparent that a significant number of tall buildings already exist within and at the edges of the Zone.
- 7.48 The existence of existing tall buildings at the edges of the Zone is not in itself justification for further such development in other parts of the Zone and each application must be assessed on its merits. However significant parts of the Zone are now developed and it is necessary to take into account the existing tall buildings and their distribution across the Zone in determining whether the current proposal is acceptable.
- 7.49 The dense nature of the Aldgate cluster with its existing tall buildings and narrow streets means that views of the site are largely obscured from the north, north-east and east.
- 7.50 From the north at the junction of Whitechapel High Street and Commercial Street the existing tall buildings of Aldgate Place (Wiverton Tower), Aldgate Tower and 1 Braham (BT) would obscure views of the tower element of the proposal (see image in Appendix 2). The base of the proposed building would be visible, but the visualisations show that the base of the proposed building would be much less prominent than the existing Pennine House with its unusual forward siting on the street. As noted earlier in the report, the base of the tower is lower than the existing Lemane Street building frontages and in the view the proposed development is more sympathetic to the scale of the buildings to the south of the site than the existing buildings on site.
- 7.51 In views from the east along Alie Street (Canter Way junction), the base of the proposed building would disappear from view by virtue of the base of the proposed building being lower than the existing Frazer House (see image in Appendix 2). This would be beneficial when considered in terms of whether the proposal would be considered of a human scale. The tower element of the proposal would be visible within this view, though the setback from the

Alie Street frontage described earlier in this report would assist in minimising the visual effect of the tower.

- 7.52 Similar visual effects are experienced when looking east along Alie Street in that the lower base level would be beneficial within views and the set back of the tower from the Alie Street frontage would minimise the prominence of the tower within views. In addition, in this view the tower is comfortably read in the context of the tall buildings of Goldpence Apartments and Ceylon House either side of the eastern end of Alie Street.
- 7.53 In addition to the above, a number of other views have been tested in the submission including from Altab Ali Park, Braham Street public space, Tenter Street and Swedenborg Gardens. In such cases the intervening development would screen the proposed development from view.
- 7.54 The proposed development would be most visible in views north up Lemman Street (see image 1). This includes both the medium range view from the junction of Lemman Street with Hooper Street and the short range view from adjacent to the Unite Students building on Lemman Street.
- 7.55 The northernmost part of Lemman Street within the Aldgate Cluster is of a markedly different scale to the southern section of Lemman Street. In views up Lemman Street the lower scale abruptly terminates at the 1 Braham (BT) building. 1 Braham is a very wide building and its offset white metal fins somewhat draws attention to the building. The tower element of the proposed building is much more slender than 1 Braham and would partly sit in front of it. The proposed tower is aesthetically calm and its scale from Lemman Street views is acceptable when taking the backdrop into account.
- 7.56 In terms of the base of the proposed building in Lemman Street views this would sit comfortably with the surrounding lower scale buildings surrounding the site. In addition, the reduction in height on the Lemman Street frontage and the new alignment on Lemman Street would be visually beneficial.

#### *Scale – summary*

- 7.57 The scale of the base element is very human in scale with the size and arrangement of windows finding an echo with the scale of windows found on neighbouring lower rise development in the area as it would fit harmoniously into its surroundings. In particular when viewed in the context of the block between Buckle Street and Alie Street which accommodates the listed Old Dispensary (now Lemman Bar) and City Reach (19 Lemman Street), the scale of Alie Street to the south and west of the site and the predominant scale of buildings south of the site between towards Prescott Street (including the shoulder height of the more recent Goodmans Fields development).
- 7.58 In terms of the tower element, notwithstanding that requiring a step down is not explicitly set out in Local Plan policy as a principle of development in the Aldgate Cluster, the building would achieve a step down relative to the adjacent 1 Braham of approximately two storeys. The proposal handles the introduction of height well and the scale of the development is acceptable in the context of existing development in the Tall Building Zone, including tall buildings within and at the edges of the Zone.

#### Appearance

- 7.59 The appearance of the building is made up of two distinct elements, with the different uses being distinguishable through the proposed architecture and materials. The base of the proposed building would be of masonry construction with the ground floor being constructed of pre-cast concrete/glass reinforced concrete and the upper floors being faced in brick. The tower element would be a combination of glazing and aluminium panels.
- 7.60 The use of concrete/GRC on the ground floor is a suitably robust material which is befitting of the solidity that is required at the base of a tall building, particularly in a central location. It would have a 'fluted' profile which would add texture and interest to the ground floor frontage. The brickwork would predominantly be laid to stretcher bond, but between the windows on each floor would change to triple soldier course.

- 7.61 The windows to the office floors would follow a uniform grid which would align with the ground floor window and door openings. Both the Alie Street and Lemman Street ground floor elevations would have a high degree of glazing with a stretched ground floor level which allows views in an out of the office foyer on Alie Street and the aparthotel reception and ancillary café on Lemman Street. The proposed frontage to these streets would represent a significant improvement over the existing situation – the corner of Lemman Street/Alie Street currently being inactive owing to the 'gentleman's club' which lies behind and neither office building having prominent entrances or visible and generous foyers. The existing chamfered corner also further detracts from the buildings frontage and accessibility in the public realm.
- 7.62 The arrangement of openings and the choice and detailing of materials adequately demonstrates the applicant's commitment to high quality and means that the base of the building would successfully assimilate with the lower scale surroundings.
- 7.63 In terms of the tower, a different approach has been taken, reflective of both the different use within and to provide a response which is more contextual and in keeping with other tall buildings nearby. The use of blue-grey cladding responds to the tone of the highly glazed buildings in the vicinity.

#### Landscaping, public realm and biodiversity

- 7.64 The site is currently devoid of landscaping and its characteristics are such that the existing site and buildings mean that the development will have a positive impact on biodiversity. This will be in the form of landscaping to the two roof gardens proposed within the development. If permission is granted, it is recommended that a condition is attached to ensure that biodiversity enhancements are secured.

#### Inclusive design

- 7.65 London Plan Policy D5 requires that development proposals should achieve the highest standards of accessible and inclusive design. This includes ensuring there are no disabling barriers and ensuring dignified access and evacuation for all. London Plan policy E10 requires 10% of new bedrooms to be wheelchair accessible.
- 7.66 In terms of the proposed short stay visitor accommodation, 10% of the rooms would be designed to be accessible for wheelchair users. Floors 6 to 9 would accommodate two wheelchair accessible units and floors 10 to 19 would have one wheelchair accessible unit on each floor. This would total 18 units which is 10% of the total number of rooms.
- 7.67 It should be noted that overall room sizes in the aparthotel are the same on each floor and that the 10% wheelchair accessible rooms have been created by four of the rooms on floors 6 to 9 being provided with a single bed (the equivalent rooms on floors above being provided with a double bed). It is regrettable that not all wheelchair accessible rooms are provided as doubles (which is the case for all non-wheelchair accessible rooms). However, unfortunately there is nothing within planning policy to require this.
- 7.68 If permission is granted it is recommended that a condition is attached to the permission to ensure the wheelchair accessible rooms are provided before the aparthotel is first brought into use and retained for the life of the development.

#### Safety and security

- 7.69 Policy D11 of the London Plan requires all forms of development to provide a safe and secure environment and reduce the fear of crime. This is similarly reflected in Local Plan Policy D.DH2 which requires new developments to incorporate the principles of 'secured by design' to improve safety and perception of safety for pedestrians and other users.
- 7.70 No objections to the proposal have been received from the Metropolitan Police: Designing Out Crime Officer and in accordance with the Police's consultation response it is recommended that a condition is attached to any permission ensuring that the development is designed to Secure by Design standards and achieves accreditation.



## Fire safety

- 7.71 London Plan Policy D12 requires all development proposals to achieve the highest standards of fire safety and requires all major proposals to be supported by a Fire Statement. Policy D5(B5) of the London Plan states that new development should be designed to incorporate safe and dignified emergency evacuation for all building users. In all developments where lifts are installed, as a minimum at least one lift per core (or more subject to capacity assessments) should be a suitably sized fire evacuation lift suitable to be used to evacuate people who require level access from the building. The Mayor of London has also published pre-consultation draft London Plan Guidance on Fire Safety Policy D12(A) which supports policy D12 and sets out what information that is required to be included and submitted as part of any planning application.
- 7.72 The application has been accompanied by an Outline Fire Safety Strategy. The Strategy sets out fire safety measures for the office and aparthotel. This also includes an assessment against London Plan criteria of fire safety measures incorporated into the design.
- 7.73 The office space would have a separate core to the aparthotel. In the event of the fire alarm being activated the office space would be simultaneously evacuated. The office space would be fitted with sprinklers and would have a firefighting shaft as well as an evacuation lift. Ancillary areas such as the service bays and ground floor café area would also be simultaneously evacuated and fitted with sprinklers.
- 7.74 The aparthotel rooms would have a 'defend in place' approach. This means that an alarm activation would be on a room-by-room basis with evacuation of only the affected room unless otherwise instructed by the fire service. In terms of access to the aparthotel rooms the core would be provided with a firefighting shaft and evacuation lift.
- 7.75 The application is not referable to the Health and Safety executive because it does not include two or more dwellings in a building 18m in height or over. In officers view, the Strategy appears to adequately assess the proposed fire safety measures relative to relevant London Plan policy though as noted in the Strategy the proposal will ultimately be required to comply with the functional requirements of Building Regulations.

## **Heritage**

- 7.76 The Council has a statutory duty to consider a proposal's impact on heritage assets, including listed buildings and their settings and conservation areas. This is contained in Sections 66(1) and 72(1) (respectively) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and is reflected in national, regional and local policy and guidance.
- 7.77 Section 16 of the NPPF entitled "Conserving and enhancing the historic environment" contains guidance in consideration of development proposals and their effect on the historic environment. Section 16 of the NPPF is consistent with the aforementioned statutory duty in requiring that determining planning authorities give great weight to an assets conservation.
- 7.78 Paragraph 197 of the NPPF states that in determining planning applications local planning authorities need to take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
  - c) the desirability of new development making a positive contribution to local character and distinctiveness.
- 7.79 Paragraphs 201 to 204 set out the process for where a proposal leads to substantial or less than substantial harm to the significance of a heritage asset and the effect of an application on non-designated heritage assets.

- 7.80 London Plan Policy HC1 states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.
- 7.81 London Plan Policy HC2 requires that development proposals in World Heritage Sites and their settings conserve, promote and enhance their Outstanding Universal Value (OUV). Policy HC2 states that Heritage Impact Assessments must accompany any proposal where the OUV may be affected.
- 7.82 Local Plan Policy S.DH3 expects development in the vicinity of listed buildings to have no adverse impact on those elements which contribute to their special architectural or historic interest, including their settings.
- 7.83 Local Plan Policy S.DH5 requires that development safeguards and does not have a detrimental impact upon the OUV of world heritage sites. With regard to the wider setting of the Tower of London, or development impinging upon strategic or other significant views from these sites (particularly around Tower Hill and Aldgate) will be required to demonstrate how they will conserve and enhance the OUV of the World Heritage Site.

### Heritage

- 7.84 The site is not within a conservation area, nor are there any statutory listed buildings or locally listed buildings within the red line plan.
- 7.85 There are however a number of listed buildings close to the site. The proposed development would be within the setting of these.
- 7.86 The proposal also needs to be considered in terms of the setting of two conservation areas as well as the Tower of London WHS and the London View Management Framework (LVMF).
- 7.87 Officers note that the application has been accompanied by a Heritage Impact Assessment (HIA) prepared by Lichfields (dated 18 June 2021). In addition, Lichfields submitted a letter dated 18 January 2023 confirming that they have reviewed the proposed amendments to the scheme and confirm that the conclusions of their 2021 Statement have not changed. Officers have had due regard to the submitted information and also come to their own view (as detailed below) in terms of the impact on the following individual heritage assets.

*Grade II\* St George's German Church, the Grade II St George's German and English Infants' School and the Grade II St George's German and English Schools (Numbers 55, 57 and 59)*

- 7.88 These buildings have historical interest and group value as a surviving complex of German Lutheran church buildings and educational facilities representing the sole surviving once substantial settlement of 'Little Germany'.
- 7.89 The proposed development would be visible within the backdrop of these listed buildings when viewed in a westerly direction along Alie Street. However it is not concluded this visibility would impact upon the heritage significance of these assets as derived from setting and this conclusion is in part informed by the presence of other tall buildings set within the backdrop of these views.

*Grade II former dispensary*

- 7.90 The building is of historic significance as the East London Dispensary built in 1858 to provide free medical and surgical help to the poor and underwritten by livery companies, local merchants and sugar bakers.
- 7.91 The HIA highlights that the setting of the dispensary has been dramatically altered since the building was constructed. The physical fabric is identified as being the main significance of the building. However, the link with other buildings on the west side of Leman Street whose business owners may have funded the Dispensary, the remaining legibility of the building and its relationship to 91-93 Whitechapel High Street all contribute to an understanding of significance through setting.

- 7.92 In terms of the effect of the proposed development on the dispensary, Officers have assessed the reduced scale of the base of the proposed building compared to the existing and the quality of the architecture as an improvement to the streetscape opposite the Dispensary. The approach of base and set back tower would successfully handle the transition between the 1 Braham and lower buildings to the south. In addition, the proposal would not affect the ability to appreciate the dispensary's Italianate architecture. The proposed development would therefore enhance the setting of the former dispensary.

*Buildings on the western portion of Alie Street (west of Lemman Street)*

- 7.93 On the south side of Alie Street there are three Grade II 18<sup>th</sup> century buildings and the local listed Black Horse public house. On the north side of Alie Street is the Grade II listed White Swan public House, an 18<sup>th</sup> century listed building and the locally listed 1980s 23 Alie Street.
- 7.94 The buildings on the western section of Alie Street form a coherent group of 18<sup>th</sup> and 19<sup>th</sup> century historic townscape, and their spatial relationship to each other are integral to their significance.
- 7.95 The proposed development would improve the architectural quality of the site, thereby improving their setting, with none of the changes to views affecting the significance of the assets in question.

*Four corner blocks providing an entrance to Tenter Street*

- 7.96 The HIA assesses three 19<sup>th</sup> century buildings and the locally listed 19<sup>th</sup> century 5 Mark Street.. Their 19<sup>th</sup> century appearance as compared to the 18<sup>th</sup> century terraced houses on Alie Street contributes to an understanding of these buildings forming part of the later development of the inner portion of the tenter ground.
- 7.97 In terms of the effect of the proposal on these buildings, Officers conclude the proposal would not impose itself upon views of these buildings and as such the appreciation of these buildings. Officers also conclude there would be no harm to the character of townscape or significance derived by setting would be incurred to these heritage assets.

*Buildings on the west side of Lemman Street*

- 7.98 62, 66 and 68 Lemman Street and The Garrick Public House are grade II listed and 64 Lemman Street is locally listed. The buildings are highlighted as a coherent group of 18<sup>th</sup> and 19<sup>th</sup> century mixed commercial and residential townscape.
- 7.99 The significance of these assets will be preserved as the proposal will not affect aspects of these assets' settings which contribute to their significance, and their ability to be read as surviving elements of 18<sup>th</sup> and 19<sup>th</sup> century historic townscape will remain.

*Whitechapel High Street Conservation Area*

- 7.100 The Aldgate cluster of tall buildings screens almost all views of the site from the historic high street. There is a glimpse of the site from Commercial Street looking south, with this view being in the background of other existing tall buildings.
- 7.101 The very limited connection between the site and the Conservation Area owing to the intervening tall buildings would mean that the proposed development would not cause any harm to the setting of the Conservation Area.

*Tower Hill Conservation Area and Tower of London World Heritage Site*

London View Management Framework

- 7.102 The local setting of the WHS plays an important role in terms of historical, functional, spatial and visual relationships which are important to the significance of the Tower of London World Heritage Site. Views of the Tower of London are integral to the significance of the asset and the designated London Plan Local View Management Framework (LVMF) exists to help

manage key views of the Tower which contribute to the ability to appreciate the WHS significance. The effect of the proposal from the LVMF views has been assessed as:

- LVMF View 25A.1: Not visible in this view. Fully concealed by the existing silhouette of No.41 Tower Hill. No change to LVMF View 25A.1.
- LVMF View 25A.2: Not visible in this view. Fully concealed by the Tower of London and other existing built form. No change to LVMF View 25A.2.
- LVMF View 25A.3: The existing backdrop of the Tower of London from this location is of a densely urban landscape. The upper storeys of existing tall buildings in the Aldgate Tall building cluster are visible in this view. The proposed development would be entirely screened in summer by intervening development and trees. In winter, the roofscape of the proposed building would be visible from this view location in the context of existing built form and vegetation.
- The proposal would sit within the foreground of the existing, visible, silhouette of Nos. 15-17 Lemman Street. The scheme would not project above the skyline of Nos. 15-17 Lemman Street or other tall buildings located in Aldgate cluster including that of 1 Braham Street. As such, the proposal would have no adverse impact upon the silhouette of the Tower of London or White Tower in respect of LVMF View 25A.3.

*Other townscape views of proposal including in relation to WHS*

- 7.103 The GLA Stage 1 response notes that the TVA does not include visualisations of the scheme when viewed from views looking out from the WHS itself and from views out from the designated local setting such as from Tower Bridge. In response to the GLA request the applicant has provided additional viewpoints including from within the WHS itself and approaches to the site to enable a comprehensive assessment of the proposals' impacts on the relevant attributes of the OUV of the WHS.
- 7.104 A Zone of Theoretical Visibility (ZTV) shows the maximum potential visibility of the scheme, with the visibility and views then confirmed by fieldwork. The results of this exercise are shown on the map below with the pink identifying where the development would be visible (the site being marked by the star).



**Figure 5 Zone of Theoretical Visibility (as highlighted in red shading)**

- 7.105 This scoping exercise demonstrates that there would be very limited visibility of the scheme from within the WHS itself, with this being essentially focussed within a part of the modern pedestrian square at Tower Hill to the west of the Tower of London, outside of the tower enclosure. This visibility would not impose upon any additional skyspace set in the backdrop of the WHS due to the presence of other tall buildings within the Aldgate Cluster.
- 7.106 As for visibility of the development within the designated setting of the WHS, again, this would be limited. The proposed building would be visible in some limited views when crossing Tower Bridge. However, this visibility would only be in the context of existing views of 1 Braham Street which has white fins contrasting in tone to the Tower of London. The proposed building itself would be lower in scale and of a more subtle colouration than 1 Braham Street. As such, the development would sit more comfortably in this view. In addition, this would not lead to a visual perception of the Aldgate Tall Building Zone further encroaching upon the WHS or the listed Tower Bridge (than the existing tall buildings in the Aldgate Cluster). The impact is neutral or indeed concluded to be minor beneficial in the setting of the WHS.
- 7.107 As such the scheme would preserve the setting and Outstanding Universal Value of the WHS.

Heritage conclusion

- 7.108 The HIA submitted with the application has assessed heritage assets in a manner which is appropriate and proportionate to the importance of the various heritage assets and is sufficient to understand the potential impact of the proposal on their significance.
- 7.109 The scheme would not materially impact adversely upon any views of the Tower of London World Heritage Site or impact upon its defined Outstanding Universal Impact. The Borough Conservation and Urban Design Team have also reviewed the townscape and heritage, impacts of the development and are satisfied the scheme is of a considered design, that seeks to be sensitive to context and would not have any adverse impact of the special character of

individual designated or non-designated heritage assets including that of the Whitechapel High Street Conservation Area taken as a whole. The scheme's heritage impact needs to be understood in the context of a series of other tall buildings in the locality and this results in no harm to the setting of surrounding heritage assets.

### **Neighbour Amenity**

7.110 Local Plan Policy D.DH8 seeks to protect the amenity of surrounding residents and building occupants from development. It states that development should maintain good levels of privacy; avoid unreasonable levels of overlooking; not result in unacceptable material deterioration of sunlight and daylight conditions to neighbouring properties.

#### Daylight and Sunlight

7.111 The application has been accompanied by a Daylight and Sunlight Report ('the Report') prepared by Waldrams chartered surveyors. The report assesses the impact of the proposed development on neighbouring residential properties using the methodology set out in the Building Research Establishment publication 'Site layout planning for daylight and sunlight a guide to good practice, second edition 2011'.

7.112 Officers have commissioned specialist consultants Anstey Horne to independently review the Waldrams report. The independent review of the applicant's report:

- Assessed the assumptions underpinning the study as stated in the applicant's report, in terms of whether they are robust and accurate, and the relevant surrounding properties and amenity spaces have been assessed;
- Assessed the impacts the proposal would have in terms of daylight/sunlight to surrounding residential properties, highlighting failures and degree of impact;
- Reviewed the methodology used and commented on the results based on BRE guidelines.

7.113 The Council's appointed independent consultants were satisfied with the assumptions, methodology and the preparations of the results in the applicant's submitted daylight/sunlight report.

#### *Impact on the neighbouring properties*

7.114 A total of 19 neighbouring properties are identified in the Report as requiring assessment and noted as containing residential accommodation or including uses where there could be an expectation for natural light such as within St. George's Lutheran Church.. The scope of the review is considered appropriate.

7.115 The technical analysis demonstrates that 10 out of the 19 neighbouring properties assessed would experience breaches of the BRE guidelines. The BRE suggests that the retained levels in the proposed condition should remain to at least 0.8 times of the value achieved in the existing condition. If the reduction is beyond 0.8 the change could be noticeable to an occupant and adversely affect the property.

7.116 Anstey Horne have commented on each of the assessed neighbouring properties set out below and given their opinion on the assessment approach, reported results and summary conclusions of impacts to those properties. The following significance criteria banding have been used when summarising the overall daylight and sunlight effects to the surrounding buildings: -

- Negligible: 0-20% transgression from the guidance
- Minor adverse: 20-30% transgression from the guidance
- Moderate adverse: 30-40% transgression from the guidance
- Major adverse: >40% transgression from the guidance

The location of the residential properties that have been considered in Anstey Horne's review are highlighted with stars on the map extract below.



19 Leman Street

7.117 Number 19 Leman Street (City Reach) is located to the north of the development site and comprises commercial usages on the basement and ground floors, with residential flats located above.

7.118 74 windows have been assessed for VSC, with 46 (62%) demonstrating BRE compliance with negligible impacts. The results of the 28 remaining windows that fall below the BRE Guidelines can be summarised as follows: -

- 9 windows would deviate from the existing values by more than 40% and are considered **major adverse impacts**. These windows are located on the fourth and fifth floors of the building, with 7 windows serving Living-Kitchen-Diners (LKD's)/Living Diners (LD's) and 2 serving bedrooms.
- 9 windows would experience a **moderate adverse** degree of impact (30% to 40% reduction). These windows are located on the third, fourth and fifth floors and the nature of these changes are likely to be noticeable to the occupants of these properties.
- 10 windows experience **minor adverse** impacts (20% to 30% reduction) and occur to windows on the first, third and fourth floors. In many instances, the reductions can be attributed to the low levels of existing VSC whereby even small additional absolute changes could trigger disproportionate percentage reductions from the former VSC value. These changes may also be noticeable to occupants.

7.119 Turning to the BRE guidelines which state in paragraph 2.2.6: "If a room has two or more windows of equal size, the mean of their VSCs may be taken" a further analysis of 19 Leman Street has been undertaken.

- 7.120 There are several windows within 19 Lemman Street (on the corner of Buckle Street and Lemman Street) that have either 7 or 8 window panes serving a single room. When considering this methodology, of the 32 rooms tested within the building, 18 rooms will not experience a change greater than 20% former value (based on the average VSC values for each room). 35 rooms have been assessed for NSL, with 29 (83%) demonstrating BRE compliance and thus **negligible impacts**.
- 7.121 The 5 rooms that fall below the BRE guidelines would deviate from the existing values by 20% to 61% and are limited to bedrooms in all but one case. There is one living room on the 5th floor (R3) that will experience an NSL reduction of beyond 20% former value although it is noted that the room will retain access to direct sky to 59% of its area.
- 7.122 To conclude the adverse daylight impacts are considered overall limited in scope when consideration is given to both the VSC and the daylight distribution (NSL) results and the fact only 5 rooms would fall short of BRE guidance daylight distribution levels and the retained level of impacts to the only impacted living room would remain reasonably good.
- 7.123 In terms of sunlight, there are 10 living rooms that have windows orientated within 90° of due south and therefore in accordance with the BRE guidelines require sunlight testing. It appears that bedrooms have not been analysed, owing to paragraph 3.1.2 of the BRE Guidelines which states that living rooms have the main requirement for sunlight. The results contained within the applicant's report show that in terms of annual sunlight, 6 out of the 10 rooms assessed will meet the BRE Guidelines, with the remaining 4 rooms retaining between 22%-24% APSH. The identified reductions in APSH are to a limited number of rooms and remain close to the recommended 25% minimum in the BRE guidance.

#### 19a-19b Lemman Street

- 7.124 This building is situated to the east of the development site and the Report states that whilst it is in commercial usage, Valuation Office Agency (VOA) searches have revealed a residential flat on the second floor.
- 7.125 The precise location of this flat has been deduced from external observations which appear to show that the only second floor windows are skylights. The development of 26-38 Lemman Street will therefore not cause any material losses of light to this flat, given the unobstructed access to natural light from above and its southern aspect.

#### 55-57 Alie Street

- 7.126 Number 55 -57 Alie Street is set back from the development site in an easterly direction and based on VOA searches, is understood to contain a number of residential properties.
- 7.127 10 windows have been assessed by reference to the VSC methodology, 9 of which (90%) will meet the BRE Guidelines. The 1 window not able to meet the strict application of the BRE is on the ground floor and will experience a change of 21% former value, marginally beyond the permissible 20% as suggested by the BRE. An additional appraisal has been undertaken which considers the mean VSC values, given that there are several similar sized windows which serve one single room. This testing shows that the VSC test for the room is fully BRE compliant.
- 7.128 In terms of NSL, the proposal achieves full BRE compliance has been recorded in terms of NSL to this property. In relation to sunlight, there are 2 rooms that warrant assessment and are understood to be used as living rooms.
- 7.129 The proposal complies with APSH levels set out in BRE guidance although it is noted that there are 3 rooms which fall short in terms of winter sunlight. The winter losses range from 22%-32% former value although ensuring adequate penetration of sunlight during the winter months can be difficult due to the sun's lower positioning on the horizon at this time of year and the surrounding developments on the adjoining streets.



### Leman Locke, 15 Leman Street

- 7.130 Buckle Street Studios by Locke Living (also known as Leman Locke) are located to the north of the development. VOA searches show that 13 flats within the building are registered to pay Council Tax. Whilst that is the case, those properties are registered by virtue of the units being operated as serviced apartments. Serviced apartments within the development would fall under Use Class C1 (along with the remainder of the aparthotel units) rather than dwellinghouses falling under Use Class C3.
- 7.131 BRE guidelines do not require an assessment of the impact of the proposed development on aparthotel uses.

### 34 Alie Street

- 7.132 Number 34 Alie Street is located directly south of the development site and VOA searches indicate that the building has been split up into two residential properties, one on basement level and the other on the floors above.
- 7.133 Assumptions have been made as to its internal subdivision and room usage in order to assess a worst case scenario. This shows that whilst the existing windows currently fall below the recommended VSC levels, all windows and rooms would comply with The BRE Guidelines in terms of any losses being no more than 20% with the exception of one small window located above the ground-floor doorway. On external inspection, it is considered likely that this window serves an entrance way which would not require assessment in terms of daylight and sunlight. Whilst the level of daylight to these properties is low, the proposal will not cause further noticeable impact to these properties and therefore the daylight loss will be negligible.
- 7.134 There are also no windows/rooms within this property that require assessment for sunlight due to its orientation.

### 38 Alie Street

- 7.135 Number 38 Alie Street is located directly south of the development site and VOA searches indicate that the building has been split up into five residential properties.
- 7.136 Due to lack of floorplans, all windows facing the proposal have been assumed as residential use which would be a worst case scenario. Whilst the existing windows currently fall below the recommended VSC levels, all windows and rooms would comply with the BRE guidelines in terms of the proposed development not imposing any additional losses at odds with compliance with BRE guidance with the exception of one small window located above the ground-floor doorway. On external inspection, it is concluded this window serves an entrance way which would not require assessment in terms of daylight and sunlight.
- 7.137 To conclude the scheme provides no cause for concern in terms of daylight impact to the homes at this address.
- 7.138 There are also no windows/rooms within this property that require assessment for sunlight due to its orientation to the south of the development site.

### 40 Alie Street

- 7.139 Number 40 Alie Street is located to the south of the development site and is understood to be in residential usage (there is one Council Tax record for the address). No layouts have been secured and in the absence of such, assumptions have been made as to how this building is internally subdivided.
- 7.140 In terms of VSC, a total of 11 windows have been assessed, 10 of which (91%) will meet the BRE Guidelines. There is one ground-floor window (W1) that will experience a 22% change from former value although importantly, this window appears to be located above the entrance doorway and therefore is likely not to have an expectation for natural light.
- 7.141 In respect of the NSL testing, 10 rooms have been considered, of which 8 (80%) will meet the BRE Guidelines. There is one room located on the second floor (R1) that will experience a

change of 25% former value. Whilst that is the case it is noticed that in the existing condition, this room only has access to direct sky to 33.84% of its area. It therefore follows that any additional massing directly opposite could translate into reductions beyond 20% former value. There is a further room situated on the third floor (R1) that will be reduced to 53% of its former value. Whilst these values are beyond those recommended within the BRE guidance, the levels of daylight are marginalised in the existing condition such that disproportionate effects will be inevitable. The scheme as concluded by officers does not give rise to unacceptable daylight impacts to this property.

- 7.142 There are no windows/rooms that warrant assessment for sunlight as the property is directly to the south of the application site.

#### 42 Alie Street

- 7.143 Number 42 Alie Street is situated to the south of the development and assumptions have been made as to its internal subdivision.

7.144 Due to lack of floorplans, all windows facing the proposal have been assumed as residential use which would be a worst case scenario. This shows that whilst the existing windows currently fall below the recommended VSC levels, all windows and rooms would comply with The BRE Guidelines in terms of any losses being no more than 20% with the exception of one small window located above the ground-floor doorway. On external inspection, it is concluded likely that this window serves an entrance way which would not require assessment in terms of daylight and sunlight. Whilst the level of daylight to these properties is low, the proposal will not cause further noticeable impact to these properties and therefore the daylight loss will be negligible.

- 7.145 There are also no windows that warrant assessment in relation to sunlight.

#### 44 Alie Street

7.146 Number 42 Alie Street is situated to the south of the development. All windows have been tested as residential use albeit not all rooms are habitable rooms.

7.147 This shows that whilst the existing windows currently fall below the recommended VSC levels, all windows and rooms would comply with The BRE Guidelines in terms of any losses being no more than 20%. Officers consider the impact to these properties to be minimal.

#### Goldpence Apartments

7.148 Goldpence Apartments is a large residential block, set back from the development site in an easterly direction.

7.149 The Report has tested the first to seventh floor within the building, only considering the small element of the tower. It is however noted from VOA searches that there are 92 flats within the building that are registered for Council Tax.

7.150 The submitted window maps confirm that the review has focused on the Buckle Street frontage and not analysed the taller tower element which has a more direct outlook over the site. Clarification on how this building has been assessed was therefore requested. The applicant has subsequently commented that the seventh floor flats all retain at least 90% for daylight distribution and all meet the recommendations for sunlight. In addition Waldrams have commented that windows further up which are not set under balconies retain 88% or more of their VSC. This rationale is accepted and the results for the tower are concluded are acceptable in relation to both daylight and sunlight.

7.151 In relation to the VSC test, of the 91 windows assessed for the bottom 7 storeys of this development, 78 (86%) will meet the BRE guidelines. It is recognised that of the 13 windows that fall short of these levels, 12 windows are understood to serve rooms with multiple light sources. Given that the windows are of similar size and serve the same room consideration has been given to the average VSC levels for each room. On this basis, the results show that all rooms will be BRE compliant (for VSC for each room). There is one window on the seventh floor (W11) that will experience a change of 25% former value. However, it is relevant to note

that this window is located underneath a balcony and therefore records a low existing VSC value of 6.64%. As such, whilst the absolute reduction is relatively modest, it is triggering a disproportionately large percentage change.

- 7.152 Full BRE compliance has been achieved for those windows/rooms that warrant assessment for sunlight.

#### *Cashmere House*

- 7.153 Situated to the east of the development site, Cashmere House is a large mixed-use scheme with residential usages from the first floor and above. The applicant's report states that layouts have been secured from the planning portal.

- 7.154 A total of 85 windows have been assessed in terms of VSC, of which 80 (94%) will achieve BRE compliance. The 5 windows not able to meet this criteria form part of the winter garden window configuration and therefore the mean VSC values have been taken for each room.

- 7.155 This testing shows that all rooms will be BRE compliant in respect of VSC.

- 7.156 All rooms will also comply with The BRE Guidelines in terms of NSL.

- 7.157 All windows/rooms that warrant assessment for sunlight comply with the BRE Guidelines.

#### *Conclusions of review*

- 7.158 Officers concluded that the methodology used for the assessment has been completed in accordance with the principles and tests as explained within the BRE Report Site Layout Planning for Daylight and Sunlight: A Guide to good practice (2011).

- 7.159 Nineteen neighbouring properties have been analysed with nine of the properties experiencing transgressions from the BRE guidelines.

- 7.160 In summary, officers conclude that the submitted results demonstrate that the majority of the surrounding windows and rooms will not be adversely affected by the proposed development. However, there are instances of particularly noticeable reductions in the daylight levels; these are at 19 Lemn Street, 40 Alie Street and Goldpence Apartments. There are also technical breaches of the BRE guidance to 15 Lemn Street and 38 and 40 Alie Street

- 7.161 *Conclusions on daylight and sunlight impacts of the development*

The independent review by Anstey Horne of the applicant's daylight and sunlight report confirms that the proposed development would have some major adverse impacts on some neighbouring residential properties. Whilst the proposed development would clearly result in material deterioration of daylight to certain windows, the impacts are limited in scope in relation to number of residential windows and rooms impacted and these impacts need to be understood in the context of the existing daylight conditions and various architectural features.

- 7.162 In addition the impacts need to be assessed in relation to the designations that cover the application site and the scale of development envisaged by such allocations, as well as being weighed in the balance against the benefits that flow from the development. Such benefits include the delivery of uses which will contribute to the rich mix of strategic functions of the CAZ, the provision of affordable workspace significantly beyond the minimum requirements, improvements to walking and cycling infrastructure in the locality and townscape improvements through high quality architecture and active frontages. These factors when taken in the round would outweigh the adverse effects to daylight that would be experienced by some residential properties.

#### Privacy and Outlook

- 7.163 The proposal does not include self contained residential accommodation therefore the Local Plan separation distance of 18m between habitable rooms does not apply. The site is within a location characterised by predominantly commercial developments with some residential interspersed amongst this. Whilst there will be some intervisibility between the proposed uses

and surrounding residential properties this is consistent with other relationships in the area and is not the sort of impacts that Local Plan policy seeks to protect.

- 7.164 In terms of outlook, the proposed building will feature more prominently within the outlook of some residential properties. However this will not be unusual or uncharacteristic in the context the more slender design of the tower element relative to the base and the surrounding context within which tall buildings feature heavily.

#### Construction Impacts

- 7.165 The application is supported by a Construction Environmental Management Plan (CEMP). This outlines measures to be put in place to minimise the environmental, amenity and safety impacts of the development during the demolition and construction phase. At the planning application stage not all details are known for a final Plan to be submitted and approved (e.g. contractors are not known and agreements with LBTH Highways and TfL are not in place). Therefore, should permission be granted it is recommended that a condition is attached requiring a CEMP to be submitted and approved before development takes place.
- 7.166 In addition to the above, the Council's Planning Obligations SPD seeks a contribution of £1 per square metre of non-residential floorspace towards Development Co-ordination and Integration. This is required in order that the Council can effectively managing the impacts of construction activity both on-site and within the surrounding streets and spaces proactively and strategically across the Borough when considered cumulatively with other developments. The Applicant has agreed to pay the required contribution, and this would be secure through the S106 legal agreement.

#### **Transport**

- 7.167 Development Plan policies promote sustainable transport and travel and the limiting of car parking. Safe and appropriate servicing is also required, with this taking place within the site unless specific circumstances apply.

#### Pedestrian, cycle and vehicular access

- 7.168 Pedestrian access to the office space would be via the office reception, the entrance to which is on Alie Street. Pedestrian access to the aparthotel would be via the Lemman Street frontage through one of two doors either directly to the reception or via the café.
- 7.169 Access for cyclists would be either from Alie Street for the office space or Camperdown Street for the aparthotel.
- 7.170 Vehicular access would be from Camperdown Street.
- 7.171 The setting back of the Lemman Street and Camperdown Street frontages from their existing alignments would enable footways along those streets to be widened.
- 7.172 Other improvements to the pedestrian environment are proposed within the applicant's Active Travel Zone assessment. These identify that active travel to and from the site would be encouraged by adding pedestrian crossings on Lemman Street and Prescott Street and improving a crossing point on East Smithfield.

#### Cycle Parking and Facilities

##### *Office – long-stay*

- 7.173 Seventy spaces would be located in the basement. The door from the street would lead to stairs with a wheel channel to the side as well as a dedicated cycle lift. Shower, toilet and locker facilities would also be provided in the basement.

##### *Office – visitor*

- 7.174 Visitor cycle parking would be located within the building on the ground floor. This would accommodate 10 spaces for standard bicycles and space for two larger bikes.

### *Aparthotel – long stay*

7.175 A bicycle store for 10 standard sized bicycle spaces and one larger bike would be located on the corner of Camperdown Street and Lemman Street, with access from Camperdown Street. This has been agreed with the highways authority.

### *Short stay*

7.176 Ten short stay spaces would be provided on the widened section of footway on Lemman Street.

### Deliveries and Servicing

7.177 All deliveries and servicing would take place within the site. A single service bay serving the two uses is proposed, with access to it being taken from Camperdown Street. Within the service bay would be a vehicle turntable (8m diameter).

7.178 Camperdown Street is a narrow no through road with vehicle access from the one-way TfL red route on Lemman Street. To avoid obstruction of the red route or interference with access arrangements to other premises on Camperdown Street it is essential that deliveries and servicing take place within the confines of the application site.

7.179 The turntable would ensure that vehicles can enter and leave in forward gear which is necessary in the interests of highway safety. Swept paths have been provided which demonstrate that Camperdown Street can accommodate the manoeuvres required without encroachment on the footways or on street parking spaces. Any competing demands that will be placed on the service bay by virtue of it being shared by two uses will be managed by a Delivery and Servicing Plan (DSP). It is recommended that the Plan is secured by condition if permission is granted.

7.180 In addition to the DSP, a condition has been suggested by the applicant's planning agent for a waste and recycling strategy to be approved by the LPA before any superstructure works commence. This has been proposed in response to the comments of LBTH Waste. This is considered to be an acceptable solution as in the event LBTH are not able to collect from the site alternative private collections could be secured via the strategy.

7.181 Whilst managing of delivery and servicing vehicles is theoretically possible via the DSP, there remains a residual risk that arrangements could fail. This would most likely be in the form of the loading bay already being occupied when another vehicle arrives to use it. Given the loading bay is to accommodate vehicles up to 18m, if that were to happen there would be insufficient space on Camperdown Street for the vehicle to safely turn and exit back onto Lemman Street in forward gear i.e. vehicles may reverse onto Lemman Street which would be a safety risk.

7.182 Given this residual risk, TfL have requested that the applicant fund the provision of an enforcement camera on Lemman Street so that access arrangements are monitored and enforced by TfL if required.

7.183 In addition, the highly constrained nature of Camperdown Street and the limitations of the service bay in terms of the dual use it will serve have resulted in LBTH Highways requesting that the following additional restrictions are implemented on Camperdown Street at the applicant's expense:

- Implement loading restrictions (double blips) along the whole south side of Camperdown Street.
- Implement loading restrictions (double blips) from the end of the existing business parking bay on the north side of Camperdown Street to the junction with Lemman Street.
- For the duration of construction works the business parking bays on the north side of Camperdown Street will need to be suspended and made to double yellow line (with loading restrictions) and reinstated to business permits bays once the construction has been completed.

- Signage at the entrance to Camperdown Street on both sides should be erected stating that Camperdown Street is a no through road and not suitable for HGV vehicles. This can be included within the S278 agreement.

7.184 The applicant has agreed to these additional restrictions. In the event that permission is granted they should be secured via a legal agreement.

#### Car Parking

7.185 One Blue Badge holder parking space would be provided for each of the uses. This is acceptable having regard to the site's PTAL score of 6b (the highest). Vehicle access into the spaces would be provided off Camperdown Street. Swept paths have been provided which demonstrate that vehicle access into the spaces would be safe and satisfactory.

7.186 Users of the spaces would be able to directly access the aparthotel reception without the need to go back onto Camperdown Street and around to the entrances from the street. This route would also allow access to the office reception and lift area.

#### Conclusion on transport matters

7.187 The proposed number, location and type of cycle parking as well as related facilities is policy compliant. In the event that permission is granted conditions are recommended to ensure the parking and facilities are provided for the life of the development.

7.188 Active travel to and from the site will be encouraged by improving pedestrian crossing arrangements on Lemman Street, Prescott Street and East Smithfield. These improvements are considered reasonable and necessary given the nature of the proposal and the likelihood that visitors will be walking southwards from the site towards St. Katharine Dock and the Tower of London.

7.189 Car parking is limited to Blue Badge holder spaces only in recognition of the highly accessible nature of the location.

7.190 Servicing and delivery arrangements will be safe and satisfactory subject to the measures outlined in the recommended conditions and planning obligations being implemented and adhered to.

### **Environment**

#### Environmental Impact Assessment

7.191 The proposals do not require an Environmental Impact Assessment.

#### Circular economy

7.192 Retention, reuse and adaptation of existing buildings is a key component of seeking to reduce waste and the environmental impact of built development.

7.193 As noted earlier in this report, it is proposed that all buildings on the site will be demolished. The applicant has provided information as to why this existing buildings on the site cannot be reused, adapted and extended.

7.194 In relation to Pennine House (28 Lemman Street) the reasons are stated as:

- Uneconomic floor plates of 1,600 sq ft, poor layout which does not allow floors to be multi let without losing too much space to corridors. Makes for a series of very small rooms on each floor
- Single lift makes it impossible to meet BCO wait times
- Building risers too small for modern requirements (witness air conditioning ducts snaking up outside of building already)
- EPC – uneconomic to bring building up to EPC B as required by 2030
- Substandard toilet provision and no space to increase
- No shower facilities

- Limited ability to make building accessible for disabled occupiers
- No ability to improve facilities for transgender occupiers.
- Limited ceiling heights makes it impossible to retrofit embedded cooling or mechanical ventilation

7.195 In relation to Frazer House (32-38 Leman Street) the applicant's reasons are stated as:

- Slab to slab (floor to ceiling) currently 3m – Completely sub standard for current market requirements. No floor ducting for cabling not enough ceiling height to put in embedded cooling or mechanical natural ventilation.
- Single glazed critical windows failed and need replacing.
- Current small single lift makes it impossible to meet BCO wait times for a building of 13,000 sq ft.
- Toilets substandard for 1:8 or 1:10 occupation ratio. (3 cubicles per floor
- Complete lack of shower facilities
- Complete lack of facilities for transgender toilet/shower provision
- Limited ability to make building accessible for disabled occupiers.
- Building riser are too small for modern requirements – very difficult to retrofit/refurbish.
- Reception area sub standard (tiny and low ceiling height)
- EPC – single glazed, under insulated property - uneconomic to bring building up to EPC B as will be required by 2030
- Ramp to car/bike park – not DDA compliant.

7.196 In addition to the above, Officers note from a site visit that the floor levels between the two buildings do not correspond. It would therefore not be possible to connect through between the new buildings.

7.197 Whilst the reuse, adaptable and extension of buildings is the starting point it is clear in this case that the constraints of the buildings are such that this will not be possible. In addition, redevelopment of the site allows for the site to be optimised in a manner appropriate to its location (principally by developing the outside service yard and extending upwards) which would not be possible if the buildings were to be retained. Further, the floorplate, access arrangements and floor to ceiling heights that are proposed mean that the scope for future alternative uses would not be so constrained by the built form as is currently the case.

7.198 Whilst demolition will result in waste the environmental impact of this will be minimised in accordance with the approaches set out in the applicant's Circular Economy Statement.

7.199 For the above reasons the proposal accords with the requirements of London Plan Policies GG5 and SI7

#### Energy and Environmental Sustainability

7.200 Development Plan Policies seek to ensure that new residential development should be zero carbon and non-residential developments should achieve a 45% carbon reduction target beyond Part L 2013 of the Building Regulations. Local Plan policy D.ES7 requires zero carbon emission development to be achieved through a minimum 45% reduction in regulated carbon dioxide emissions on-site, and the remaining regulated carbon dioxide emissions up to 100%, to be off-set through a cash in lieu contribution. Policy SI2 of the London Plan requires major development to be net zero-carbon. This means reducing carbon dioxide emissions from construction and operation, and minimising both annual and peak energy demand in accordance with the following energy hierarchy.

7.201 Development Plan policies further require the use of sustainable design assessment tools to ensure that new development has maximised use of climate change mitigation measures. The current interpretation of this policy is to require non-residential development to achieve BREEAM 'Excellent' standards. The Local Plan further requires new non-residential development, greater than 500sqm, to meet at least BREEAM 'Excellent' standards.

7.202 The LBTH Sustainable Development team and the GLA Energy team have reviewed the submitted Energy Strategy and subsequent Addendum. The scheme is proposing a gas boiler

system. The scheme proposes a PV array to deliver on-site renewable energy generation. Following GLA guidance and the Stage I response from the GLA, the energy officer has requested an updated energy assessment by way of condition to increase the reduction in CO2 emission beyond that currently set out in the Energy Strategy. Officers are satisfied with this approach to resolve the matters raised by the GLA and the energy team. On this basis, a carbon offset formula will be included in the s106 at £95 per tonne for all residual emissions as identified in the London Plan.

- 7.203 Subject to conditions and planning obligations as set out above and to include post construction monitoring, the proposals are considered to be in accordance with both local energy policy requirements for on-site carbon emission reductions.
- 7.204 In relation to sustainability, policy D.ES7 states 'All new non-residential development over 500 square metres floorspace (gross) are expected to meet or exceed BREEAM 'excellent' rating'. The sustainability statement indicates that the scheme will achieve this policy requirements however BREEAM pre-assessments should be submitted to demonstrate this is deliverable – these would be secured by condition, subject to planning approval.

#### Air Quality

- 7.205 The application has had regard to the potential impact of the proposed development on air quality at nearby receptors and the impact of existing local air quality conditions on future occupiers.
- 7.206 This has been assessed using local air quality monitoring sites. The impacts relating to dust were also considered as part of the assessment.
- 7.207 The Local Plan identifies that the application site falls within an area of poor air quality with NO2 Annual Mean concentration greater than 40 ( $\mu\text{gm-3}$ ) for the majority of the site and with part of the site closest to Lemn Street suffering from NO2 Annual Mean concentration greater than 60 ( $\mu\text{gm-3}$ ).
- 7.208 The application has had regard to the potential impact of the proposed development on air quality at nearby residential properties and the impact of existing local air quality conditions. This has been assessed using local air quality monitoring sites. The impacts relating to dust were also considered as part of the assessment. Following further clarification, the air quality officer is satisfied with the submitted information subject to conditions.
- 7.209 Subject to approval, conditions are required to secure submission of; Dust Management Plan and PM10 monitoring, details of mechanical ventilation, details of kitchen extraction for relevant future commercial uses, details of construction plant and machinery.

#### Wind/Microclimate

- 7.210 The application is accompanied by a Wind and Microclimate Analysis Report. This has tested 76 locations on and around the site within a radius of approximately 200m. The results show that at street level conditions would be appropriate for the intended use.
- 7.211 Where adverse impacts are identified these are on the private terraces within the development itself. Mitigation such as glazed balustrades would assist in minimising the impacts. However, whilst adverse impacts are identified this is not considered inappropriate given the spaces are private and building management can control access to them if weather conditions so require. Further, the outdoor amenity spaces are not required in order to make the office use and aparthotel use acceptable in principle.
- 7.212 A condition will also be attached to ensure the details of the mitigation measures are provided, built out and maintained for the lifetime of the development.

#### Flood Risk and Drainage

- 7.213 A Flood Risk Assessment has been submitted in support of the application. It is proposed that green roofs with blue roof attenuation storage are incorporated into the development on 5th and 20th floors. This would allow for runoff of 57% as well as being a benefit



from a biodiversity perspective. It is recommended that a condition is attached to any permission to ensure the proposed mitigation measures are carried out and maintained. In terms of drainage to sewers, this would take place to existing sewers adjacent to the site.

- 7.214 The proposal would be acceptable with regard to flood risk, sustainable drainage, sewerage and water supply and use and as such accord with relevant policy and guidance as set out in NPPF, Policies 5.12, 5.13 of the London Plan and Policies D.ES4, D.ES5 and D.ES6 of the local plan.

#### Land Contamination

- 7.215 A standard condition will be attached and any contamination that is identified can be addressed within the condition discharge process. This will ensure that the land is made safe prior to the construction process.

#### **Infrastructure Impact**

- 7.216 It is estimated that the proposed development would be liable for Tower Hamlets Community Infrastructure Levy (CIL) payments of approximately £1,216,420.79. (inclusive of social housing relief and exclusive of indexation) and Mayor of London CIL of approximately £1,243,303.32 (inclusive of social housing relief and exclusive of indexation).

- 7.217 Alongside CIL, Development Plan policies seek financial contributions to be secured by way of planning obligations to offset the likely impacts of the proposed development on local services and infrastructure.

- 7.218 The applicant has agreed to meet all of the financial contributions that are sought by the Council's Planning Obligations SPD, as follows:

- £46,572.00 towards construction phase employment skills training
- £132,087.45 towards end-user phase employment skills training
- £ carbon emission off-setting formula
- £12,133.10 Development co-ordination and integration

#### **Human Rights & Equalities**

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

- 7.220 The applicant has agreed to meet all of the financial contributions that are sought by the Council's Planning Obligations SPD, as listed in the 'Recommendation' section below.

- 7.221 The proposed development would provide for disabled workers or visitors to the site by providing safe and dignified access arrangements. The aparthotel would provide accommodation of a size and layout which takes into account the additional space requirements that may be required by disabled guests as well as multiple lifts to access upper floor levels. Improvements are also made around the frontage to enable ease of movement for all and additional improvements in accessing the site to be secured in the legal agreement.

- 7.222 The proposed development would not result in adverse impacts upon equality or social cohesion.

### **8. RECOMMENDATION**

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

## 8.2 Financial obligations

- a. £46,572.00 towards construction phase employment skills training
- b. £ 132,087.45 towards end-user phase employment skills training
- c. £ carbon emission off-setting formula
- d. £12,133.10 Development co-ordination and integration
- e. monitoring fee

## 8.3 Non-financial obligations:

- a. Access to employment
  - 20% local procurement
  - 20% local labour in construction
  - 11 construction phase apprenticeships
  - 1 x end-user phase apprenticeships
- b. Affordable workspace – 15% of the overall office floorspace at a 35% discounted rate for the lifetime of the development.
- c. Architect retention or design certifier
- d. No aparthotel bookings from parties arriving by coach
- e. Transport matters:
  - Aparthotel and Workspace Travel Plans
  - S278 Agreement with TfL (works to Leman Street highway; installation of Red Route enforcement camera on Leman Street; carrying out of Active Travel Zone measures namely installation of additional pedestrian crossings on Leman/Prescott Street and improved crossing on East Smithfield).
  - S278 Agreement with LBTH (implementation of loading restrictions on Camperdown Street, construction phase changes to on-street parking and signs relating to limitations of Camperdown Street).
  - Cycle hire docking station – 27 cycles and costs of £120k
- f. Compliance with Considerate Constructors Scheme

8.4 That the Corporate Director of Housing and Regeneration is delegated the power to negotiate the legal agreement. If within three months of the resolution the legal agreement has not been completed, the Corporate Director for Housing and Regeneration is delegated power to refuse planning permission.

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

## 8.6 Planning Conditions

### Compliance

1. 3 years deadline for commencement of development.
2. Development in accordance with approved plans.
3. Restrictions on demolition and construction activities:
  - a. All works in accordance with Tower Hamlets Code of Construction Practice;
  - b. Standard hours of construction and demolition;
  - c. Air quality standards for construction machinery;

- d. Ground-borne vibration limits; and
- e. Noise pollution limits.
- 4. Aparthotel – temporary sleeping accommodation and stays no greater than 90 days only and management arrangements to ensure such
- 5. PD restriction office
- 6. Air quality standards for boilers
- 7. Kitchen extract standards for commercial uses
- 8. Vehicle turntable
- 9. Noise from Plant (All Majors)
- 10. Music and amplified noise restriction
- 11. LVMF views – no plant equipment or other infrastructure
- 12. Majority active ground floor frontage
- 13. Land contamination

#### Pre-commencement

- 14. Construction plant and machinery (NRMM)
- 15. Archaeological written scheme of investigation
- 16. Archaeological programme of public engagement
- 17. Construction Environmental Management Plan and Construction Logistics Plan
- 18. Land Contamination Remediation Scheme (subject to post completion verification).
- 19. Dust Management Plan and PM10 monitoring
- 20. Updated Energy Assessment

#### Pre-superstructure works

- 21. Details of external facing materials and architectural detailing.
- 22. Details of hard and soft landscaping.
- 23. Secured by Design Strategy and details of Secured by Design Accreditation
- 24. Roof garden landscaping (target Urban Greening Factor score >3)
- 25. Air quality mechanical ventilation
- 26. Waste and recycling strategy
- 27. Sustainable surface water drainage
- 28. Microclimate mitigation

#### Pre-occupation

- 29. Wheelchair accessible hotel rooms
- 30. Bicycle parking (details required)
- 31. Electric vehicle charging
- 32. On-site car parking (two Blue Badge holder spaces)
- 33. Deliveries and Servicing Plan
- 34. Biodiversity
- 35. Light off timings
- 36. Cleaning gantry
- 37. BREEAM 'Excellent' certificates

## **8.7 Informatives**

- 1. Permission subject to legal agreement.

2. Development is CIL liable.
3. Thames Water – proximity to assets.

## APPENDIX 1

### LIST OF APPLICATION PLANS AND DRAWINGS FOR APPROVAL

#### Drawings:

3478\_PL(00)000 Existing Basement Floor Plan  
3478\_PL(00)001 Existing Ground Floor Plan  
3478\_PL(00)002 Existing First Floor Plan  
3478\_PL(00)003 Existing Second Floor Plan  
3478\_PL(00)004 Existing Third Floor Plan  
3478\_PL(00)005 Existing Fourth Floor Plan  
3478\_PL(00)006 Existing Fifth Floor Plan  
3478\_PL(00)007 Existing Sixth Floor Plan  
3478\_PL(00)008 Existing Roof Floor Plan  
3478\_PL(00)009 Existing Alie Street South-East Elevation  
3478\_PL(00)010 Existing Lemman Street North-East Elevation  
3478\_PL(00)011 Existing Camperdown Street North-West Elevation  
3478\_PL(00)012 Existing Courtyard Section Elevations

3478\_PL(20)100 Rev P2 Basement Floor Plan  
3478\_PL(20)101 Rev P3 Ground Floor Plan  
3478\_PL(20)102 Rev P1 1st-4th Floor Plan - Office  
3478\_PL(20)103 Rev P1 5th Floor Plan - Office  
3478\_PL(20)104 Rev P1 6th-9th Floor Plan - Aparthotel  
3478\_PL(20)105 Rev P1 10th-18th Floor Plan - Aparthotel  
3478\_PL(20)106 Rev P1 19th Floor Plan - Aparthotel  
3478\_PL(20)107 Rev P1 Roof Floor Plan

3478\_PL(20)201 Rev P1 South-East Elevation  
3478\_PL(20)202 Rev P2 North-East Elevation  
3478\_PL(20)203 Rev P2 North-West Elevation  
3478\_PL(20)204 Rev P1 South-West Elevation

3478\_PL(20)301 Rev P1 A Section  
3478\_PL(20)302 Rev P1 B Section  
3478\_PL(20)303 Rev P1 C Section  
3478\_PL(20)304 Rev P1 D section

3478\_PL(20)401 Rev P2 Site Section 1-1 Lemman Street  
3478\_PL(20)402 Rev P2 Site Section 2-2 \_Camperdown St  
3478\_PL(20)403 Rev P1 Site Section 3-3 \_Alie Street  
3478\_PL(20)404 Rev P1 Site Section 4-4

3478\_PL(20)501 Rev P2 Detail Elevation 01 - Lemman Street Aparthotel Entrance  
3478\_PL(20)502 Rev P1 Detail Elevation 02 - Lemman Street 5th Floor Parapet  
3478\_PL(20)503 Rev P2 Detail Elevation 03 - Camperdown Street Services  
3478\_PL(20)504 Rev P1 Detail Elevation 04 - Camperdown Street 5th Floor  
3478\_PL(20)505 Rev P1 Detail Elevation 05 - Camperdown Street Top Roof Parapet  
3478\_PL(20)510 Rev 01 Detail Elevation 06 - Camperdown Street Substation

3478\_PL(90)001 Site Location Plan  
3478\_PL(90)002 Site Plan Building Footprint Proposed

#### Supporting Documents:

- ACCESSIBLE PARKING SPACES VISIBILITY SPLAYS & KERB HEIGHT PEDESTRIAN SAFE SPACE ref. 8200266/6104
- SWEPT PATH ANALYSIS 8.1M REFUSE VEHICLE ref. 8200266/6205 D
- SWEPT PATH ANALYSIS CAR REF. 8200266/6207 B

- Daylight and Sunlight Response, dated 25<sup>th</sup> March 2022
- Air Quality Assessment Addendum, March 2023
- Analysis and Recommendations of the Office and Apart Hotel, CBRE Report dated October 2022
- Energy, Sustainability and Environmental Assessments, XC02, dated 17<sup>th</sup> January 2023
- Townscape and Visual Appraisal Addendum, Lichfields, dated January 2023
- Heritage letter, Lichfields, dated 18<sup>th</sup> January 2023
- Planning Statement, June 2021
- Construction Logistics Plan, December 2021
- Delivery & Servicing Plan, December 2021
- Whole Lifecycle Carbon Assessment, December 2021
- Public Benefits Statement, December 2021;
- Air Quality Assessment, June 2021
- Archaeological Assessment, June 2021
- Circular Economy Statement, June 2021
- Construction Environmental Management Plan, June 2021
- Daylight and Sunlight Report, July 2021
- Ecological Impact Assessment, June 2021
- Energy Statement, June 2021
- Flood Risk Assessment, June 2021
- Health Impact Assessment, June 2021
- Heritage Impact Assessment, June 2021
- Hotel Needs Assessment, July 2021
- Landscape Design Statement, June 2021
- Noise Assessment, June 2021
- Fire Safety Strategy, June 2021
- Site Investigation Report, October 2013
- Socio-Economic Statement, June 2021
- Statement of Community Involvement, June 2021
- Sustainability Statement, June 2021
- Townscape and Visual Appraisal, June 2021
- Transport Assessment, July 2021
- Whole Lifecycle Carbon Assessment, July 2021
- Wind and Microclimate Analysis Report, June 2021

## APPENDIX 2

### SELECTION OF APPLICATION PLANS AND IMAGES

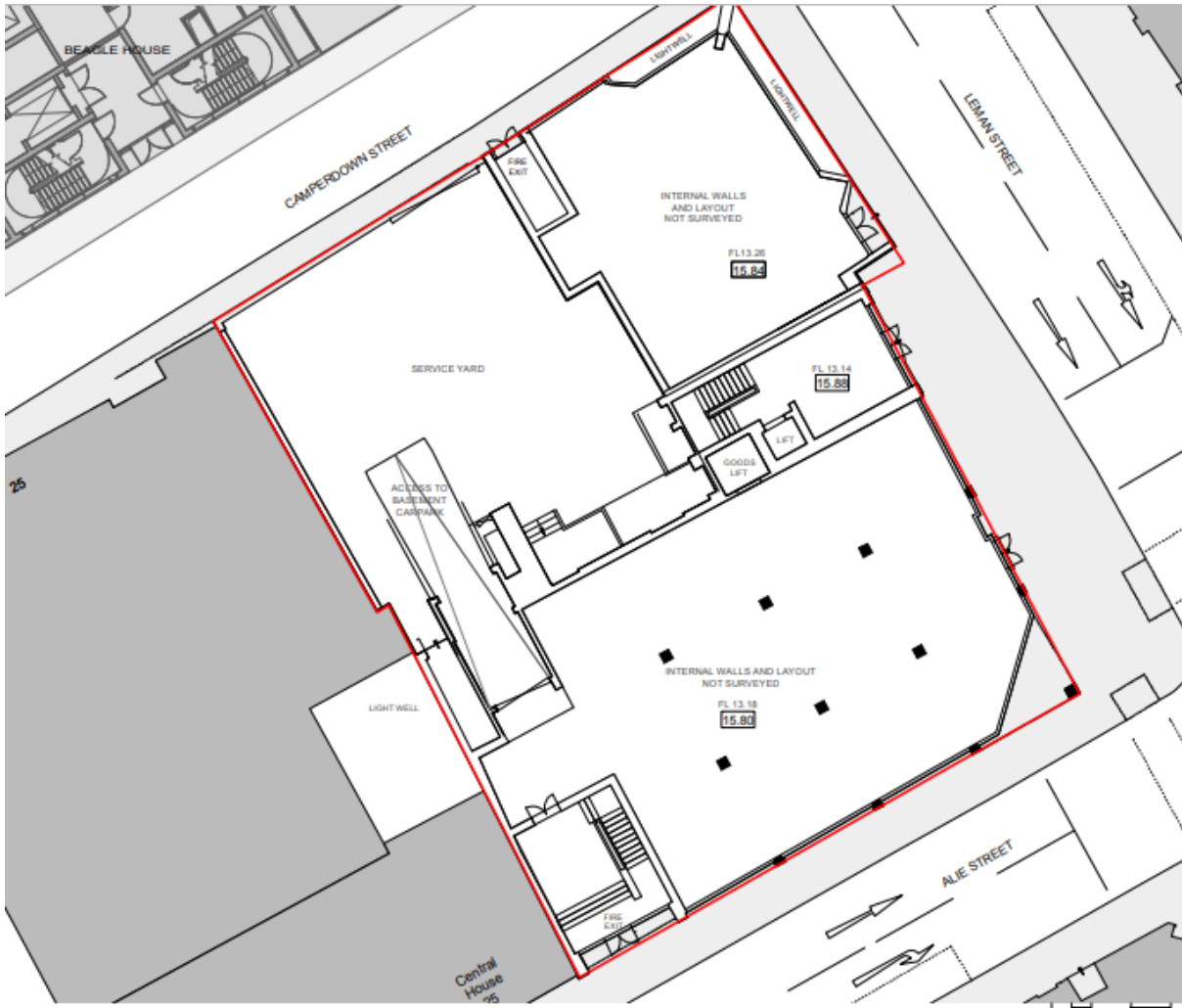
#### Existing



Leman Street - Existing east context elevation



Alie Street - Existing south context elevation



Existing ground floor plan



Existing image – junction at Alie/Leman St (facing west)







Proposed – Typical hotel floor plan (6-9<sup>th</sup> floor)



Proposed South context elevation (Alb Street)



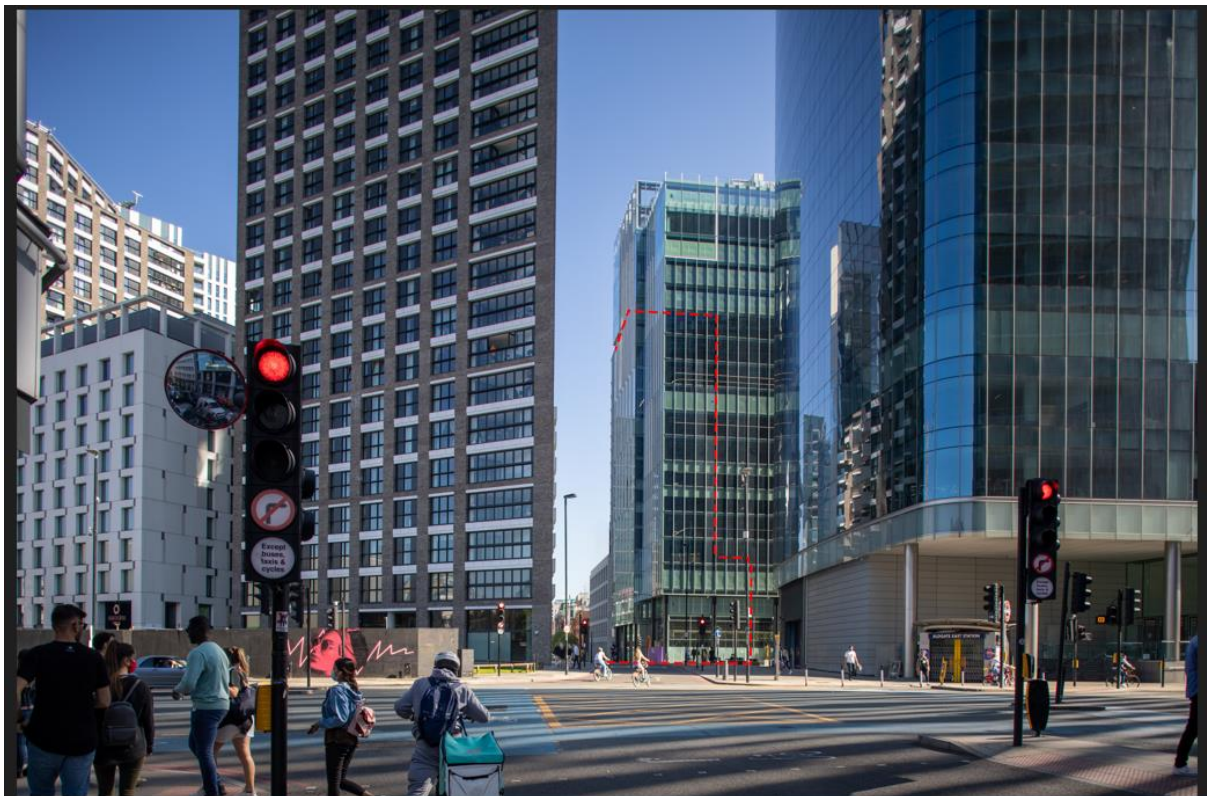
Proposed east elevation



Proposed north elevation



**Proposed West elevation**



**Proposed Image – looking south from Aldgate junction**



**Proposed image – looking north from Leman Street**



**Proposed Image – looking west along Alie Street (St. George's in foreground)**



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