

Committee: Strategic	Date: 17 th August 2017	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Place	Title: Application for Planning Permission
Case Officer: Kirsty Gilmer	Ref No: PA/17/00734 - Full Planning Permission
	Ward: Whitechapel

1. APPLICATION DETAILS

Location:	73-77 Commercial Road, London, E1 1RD
Existing Use:	A1 retail at basement and ground floor, B1(a) offices at upper levels
Proposal:	Demolition and redevelopment of site to provide a single storey basement, together with ground plus ten storey building. Proposed mix of uses to include 420sqm (GEA) of flexible office and retail floorspace at ground floor level (falling within Use Classes B1/A1-A5) and the provision of 4,658 sqm (GEA) of office floorspace (Use Class B1), along with cycle parking provision, plant and storage, and other works incidental to the proposed development.
Drawing and documents:	See appendix
Applicant:	Regal CR Limited
Ownership:	Regal CR Limited Speedwell Property & Mortgage Co Limited Transport for London LBTH (highways)
Historic Building:	None
Conservation Area:	Not located in a Conservation Area; however, the Myrdle Street Conservation Area is located to the east.

2. EXECUTIVE SUMMARY

- 2.1. The Council has considered the particular circumstances of this application against the Council's Development Plan policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (MALP) 2016 and the National Planning Policy Framework and relevant supplementary planning documents.

- 2.2. The proposed redevelopment of this site for an office- led development is considered appropriate in this location as it falls within the City Fringe Opportunity Area and City Fringe Activity Area. The commercial flexible use ground floor uses are complementary to the office space at the upper floor levels in the context of the City Fringe Opportunity Area.
- 2.3. The proposed building would be of an appropriate scale, form and composition for the surrounding context and townscape. It would be of high quality design, materials and finishes and would contribute to the emerging townscape in this part of the City Fringe.
- 2.4. The proposal will preserve the character and setting of surrounding heritage assets, including listed and locally listed buildings and conservation areas.
- 2.5. The scheme has been considered in terms of amenity impacts to existing neighbours and residential occupants of neighbouring consented schemes and found to have no significant adverse impacts.
- 2.6. Transport matters, including parking, access and servicing are acceptable and it is not considered that there would be any significant detrimental impact upon the surrounding highways network as a result of this development.
- 2.7. A strategy for minimising carbon dioxide emissions from the development has been proposed and a cash in lieu contribution has been agreed. Biodiversity enhancements are also proposed which are considered to provide a sustainable form of development.
- 2.8. The scheme would be liable to both the Mayor's and the borough's community infrastructure levy. In addition, it would provide a necessary and reasonable planning obligation to local employment and training.

3. RECOMMENDATION

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

A. Any **direction** by **The London Mayor**.

B. The prior completion of a **Section 106 legal agreement** to secure the following planning obligations:

Financial Obligations:

- a) A contribution of £18,540 towards training and skills needs of local residents in accessing new jobs in the construction phase of all new developments
- b) A contribution of £120,749 towards employment skills and training to access employment (end use phase);
- c) A contribution of £25,200 towards carbon off-set initiatives
- d) A contribution of £5,000 towards the provision of a wheelchair accessible bay
- e) Crossrail contribution of £106,972 (subject to Mayoral CIL)
- f) A contribution of £4,500 (£500 per head of term) towards monitoring compliance with the legal agreement.

Total Contribution financial contributions **£280,961**

Non-financial contributions

- g) On street parking permit free for business permits;
 - h) 6 construction phase apprenticeships
 - i) 1 end-use phase apprenticeship
 - j) Access to employment and construction - 20% local goods/service procurement and 20% local jobs at construction phase;
- 3.2. That the Corporate Director of Place is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
- 3.3. That the Corporate Director of Place is delegated authority to recommend the following conditions and informatives in relation to the following matters:

Prior to Commencement' Conditions:

- 1. Demolition and Construction Management Plan;
- 2. Site wide drainage scheme in consultation with Thames Water including sustainable drainage measures;
- 3. Ground contamination remediation and mitigation
- 4. Piling Method Statement (in consultation with Thames Water)
- 5. Archaeological investigation (in consultation with Historic England)

Prior to completion of superstructure works conditions:

- 6. Biodiversity mitigation and enhancements including bird/bat/insect boxes
- 7. Details of all external plant and machinery;
- 8. Details of all external facing materials including samples
- 9. Typical elevation details and ground floor elevations at 1:50 scale
- 10. Details of public realm treatments/hard landscaping including CCTV and lighting
- 11. Details of extraction and ventilation for any Class A3 – A5 uses
- 12. Scheme of highway works surrounding the site (Section 278 agreement)
- 13. Secure by Design Accreditation
- 14. Design of PV panel array

Prior to Occupation' Conditions:

- 15. Details of all commercial unit shop fronts and entrances to ground floor public spaces;
- 16. Surface water management system
- 17. Full Delivery, servicing and management plan
- 18. Details of cycle parking, access to cycle stores, design and associated facilities;
- 19. Delivery of BREEAM Excellent
- 20. Works to the highway (delivery of 2 Sheffield stands)
- 21. Plans showing subdivision of floor plans into SME units
- 22. Hours of operation for A3 / A4 / A5 use.

Compliance' Conditions –

- 23. Permission valid for 3yrs;
- 24. Development in accordance with approved plans;
- 25. Hours of construction
- 26. Refuse stores to be provided prior to occupation
- 27. Provision of cycle stores for the life of the development
- 28. Energy strategy achieving 25.3% carbon reduction

Informatives

1. Subject to s278 agreement
2. Subject to s106 agreement
3. Mayoral CIL liable
4. Thames Water informatives

4. PROPOSAL, LOCATION DETAILS and DESIGNATIONS

Proposal

- 4.1. The applicant is seeking planning permission for the demolition of the existing buildings and the redevelopment of the site to provide a predominantly office led (B1(a)) scheme.
- 4.2. The proposal would be 11 storeys in height (41.275m AOD), providing 4,254sqm (GIA) of B1 office space at the upper floor levels which will come forward as SME type space. The office space on the upper floor levels will be connected by way of a central core which will enable there to be flexibility in terms of its operation by way of single or multiple tenancies.
- 4.3. At ground floor level, a flexible office and retail floorspace (Class A1-A5/B1) will be provided which will provide active frontage to Commercial Road. The ground floor unit will measure 381sqm (GIA). The proposal includes a chamfered corner at the junction of Greenfield Road and Commercial Road to encourage better footfall and provide more meaningful public realm directly outside the site.
- 4.4. The proposal will provide a single basement level containing cycle parking, refuse provisions and plant. Access to the basement is provided by an internal lift and staircase for occupant use and a separate refuse lift will be provided toward the rear of the site.

Site and Surroundings

- 4.5. The site is a corner property located on the northern side of Commercial Road at its junction with Greenfield Road (to the west). The application site is 0.04 hectares in size and is rectangular in shape with a step in at the south western corner.
- 4.6. The site comprises three properties including Turner House which is located at the junction of Commercial Road and Greenfield Road. Turner House is part three /part four storeys in height and built in the 1960's. No. 75 and 77 Commercial Road are three storeys in height, built in the 1930's.
- 4.7. The existing uses across the application site include retail at ground floor level and basement level with office floorspace above. The local area is largely commercial in nature (office and retail including wholesale retail) with educational uses (such as the London Metropolitan University and the London Enterprise Academy either side of the site) and some residential / student accommodation also near to the site.
- 4.8. The building heights in the local vicinity vary with the block the site is located on ranging from 3 to 7 storeys. To the west of the site towards Aldgate the height generally increases with recent developments located on the block beyond the London Metropolitan University increasing to 19 stories in height. To the east of the site beyond the London Enterprise Academy the heights are lower in range from 3-

6 storeys. To the north the heights along Greenfield Road closest to the junction with Commercial Road are generally 2 to 6 storeys in height; however, at the junction with Fieldgate Street the heights increase up to 7 to 8 storeys in height.

- 4.9. The site does not fall within a conservation area; however, the site lies in close proximity to the Myrdle Street Conservation Area. The Myrdle Street Conservation Area has its western boundary around the properties to the eastern side of Settles Street and wraps around (and includes) the Job Centre to the north of the site (see map below)

Designations

- 4.10. The site lies within the outer 'core growth area' of the City Fringe Opportunity Area and is also located in the City Fringe Activity Area.
- 4.11. The site is in close proximity to the Central Activity Zone (CAZ) which has its eastern most boundary wrapping around the London Metropolitan University on the western side of Greenfield Road.
- 4.12. The site also falls just within the south western boundary of the Whitechapel Vision Masterplan.
- 4.13. The A13 Commercial Road directly to the south of the site forms part of TfL's red route.
- 4.14. The site, as with the whole Borough, is within an Air Quality Management Area.
- 4.15. The site is within a Crossrail SPG Charging Zone.
- 4.16. The following plan shows the extent of the application site outlined in red.



Site location plan with Myrdle Street Conservation Area highlighted in green

Relevant Planning History on the application site

- 4.17. The most relevant planning history to the application site is detailed below.

Application Site

- 4.18. PF/13/00182 – pre-application discussions consisting of the demolition of existing on site and replacement with new mixed use development, commercial uses retained at ground and basement levels, entrance and ancillary accommodation affordable residential units (12no) on first to third floors and private residential units (42 no) on fourth to twelfth floors. The pre-application as submitted proposed a building of 13 storeys in height.
- 4.19. PF/14/00167 – pre-application discussions regarding demolition of existing units and construction of mixed use development comprising Commercial uses at Ground and first floor and residential development above. No Parking is proposed onsite. The pre-application as originally submitted proposed 16 storeys and was reduced to 11 storeys during the course of the pre-application process.
- 4.20. PF/15/00248 – pre-application discussions regarding a residential led scheme with ground floor commercial and retail uses. The most recent pre-application submission initially proposed a building of 15 storeys which was reduced to 11 storeys during the course of the pre-application process.

Former 73-75, Commercial Road, Stepney and 48-53 Greenfield Road

- 4.21. PA/60/01021 - The erection of three-storey building to be used in connection with 75 Commercial Road for the wholesaling of buttons and trimmings. Approved 10.06.1961

Former 73-77 Commercial Road/54-58 Greenfield Road

- 4.22. ST/88/00034 - Redevelopment to construct office building. Approved 24.04.1989.

73 Commercial Road

- 4.23. PA/61/00659 - The erection of a building of ground, first, second and part third floor with basement to be used in connection with No 75 Commercial Road Stepney for wholesaling of buttons and trimmings. Approved 26.05.1961.
- 4.24. PA/64/00569 - The use of first and second floors for the processing of trimming cloth and yarns, the manufacture and processing of buttons and accessories for the clothing trade. Approved 28.09.1964.
- 4.25. ST/89/00052 - change of use of ground floor to car showroom and construction of new shopfront for a limited period of two years. Approved 29/03/1989.
- 4.26. ST/91/00038 - change of use to a vocational skills & English language training centre. Approved 29.05.1991.

75 Commercial Road

- 4.27. PA/79/00666 - Installation of an aluminium shopfront and use of the premises for showroom purposes (ground floor) with ancillary storage. Approved 21.08.1979.

5. POLICY FRAMEWORK

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.
- 5.2. When considering the applications special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area (Section 72 (1) Planning (Listed Buildings and Conservation Areas) Act1990).
- 5.3. The list below is not an exhaustive list of policies, it contains some of the most relevant policies to the application:
- 5.4. **Government Planning Policy Guidance/Statements**
National Planning Policy Framework (March 2012) (NPPF)
National Planning Guidance Framework (March 2014) (NPPG)
- 5.5. **Spatial Development Strategy for Greater London - London Plan 2016 (MALP)**

Policies

- 2.1 London
- 2.9 Inner London
- 2.10 Central Area Zone
- 2.13 Opportunity Areas
- 2.14 Areas for Regeneration
- 2.15 Town centres
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 4.1 Developing London's economy
- 4.2 Offices
- 4.7 Retail and town centre development
- 4.8 Supporting a successful and diverse retail sector
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.21 Contaminated land
- 6.1 Strategic approach to transport
- 6.3 Assessing effects of development on transport capacity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing traffic flow and tackling congestion
- 6.12 Road network capacity
- 6.13 Parking

- 7.1 Building London's neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.7 Location and design of tall and large buildings
- 7.8 Heritage assets and archaeology
- 7.10 World heritage sites
- 7.11 London view management framework
- 7.12 Implementing the London view management framework
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.19 Biodiversity and access to nature
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy (CIL)

5.6. **Tower Hamlets Core Strategy (adopted September 2010) (CS)**

- SP01 Refocusing on our town centres
- SP02 Urban living for everyone
- SP03 Creating healthy and liveable neighbourhoods
- SP05 Dealing with waste
- SP06 Delivering successful employment hubs
- SP08 Making connected Places
- SP09 Creating Attractive and Safe Streets and Spaces
- SP10 Creating Distinct and Durable Places
- SP11 Working towards a Zero Carbon Borough
- SP12 Delivering placemaking
- SP13 Planning Obligations

5.7. **Managing Development Document (adopted April 2013) (MDD)**

- DM0 Delivering Sustainable Development
- DM1 Development within the town centre hierarchy
- DM9 Improving air quality
- DM10 Delivering open space
- DM11 Living buildings and biodiversity
- DM13 Sustainable drainage
- DM14 Managing Waste
- DM15 Local job creation and investment
- DM16 Office Locations
- DM20 Supporting a Sustainable transport network
- DM21 Sustainable transportation of freight
- DM22 Parking
- DM23 Streets and the public realm
- DM24 Place sensitive design
- DM25 Amenity
- DM26 Building heights
- DM27 Heritage and the historic environments
- DM28 World heritage sites
- DM29 Achieving a zero-carbon borough and addressing climate change
- DM30 Contaminated Land

5.8. **Supplementary Planning Documents include**
Central Activities Zone SPG (March 2016)

Planning Obligations SPD (September 2016)
Whitechapel Vision Masterplan SPD (December 2013)
City Fringe Opportunity Area Planning Framework (December 2015)
Land for Industry and Transport SPG (September 2012)
CIL Charging Schedule (April 2015)
Sustainable Design and Construction SPG (April 2014)
Shaping Neighbourhoods: Character and Context (June 2014)
Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy (March 2016)
London View Management Framework SPG (March 2012)
London World Heritage Sites - Guidance on Settings SPG (March 2012)
SPG: Planning for Equality and Diversity in London (October 2007)
SPG: Accessible London: Achieving an Inclusive Environment (April 2004)
Mayor's Climate Change Adaptation Strategy
Mayor's Climate Change Mitigation and Energy Strategy
Myrdle Street Conservation Area Character Appraisal and Management Guidelines (2007).

5.9. **Tower Hamlets Community Plan (2015)**

The following Community Plan objectives relate to the application:

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

6. CONSULTATION RESPONSE

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

6.2. The following were consulted regarding the application:

Internal Responses

Ideas Store

6.3. No comments received

LBTH Communities, Localities and Culture (CLC)

6.4. No comments received

Infrastructure Planning

6.5. No comments received

Education development team

6.6. No comments received

LBTH Arboricultural Officer

6.7. There are no Arboricultural Impacts as a result of the scheme and therefore have no objections.

LBTH Environmental Health - Contaminated Land

- 6.8. Environmental Health Contaminated Land has reviewed the submitted information and considers there is a possibility for contaminated land to exist. A condition is recommended to ensure any contaminated land is appropriately dealt with. The suggested condition would be secured should planning permission be granted.

LBTH Environmental Health - Air Quality

- 6.9. The Air quality officer requested that the testing of the backup diesel generator was reduced in frequency from weekly to monthly. The applicant has submitted an amended Air Quality Assessment which demonstrates monthly testing and this is accepted.
- 6.10. In terms of the content of the air quality assessment, the air quality officer is satisfied with the information provided and the submitted assessment demonstrates there are no significant impacts. The results are accepted.

LBTH Environmental Health – Noise and Vibration

- 6.11. No comments received; however, this is discussed further in the ‘noise’ section of the report.

LBTH Refuse

- 6.12. Clarification was required regarding how the waste collection operatives will collect the bins from basement level. Amended information was submitted which demonstrates that bins will be brought from the basement level to ground floor level via a lift and will be stored in a temporary storage area at ground floor. The pulling distance is now 9.5 metres to the collection point from the furthest bin which is acceptable.
- 6.13. The applicant has confirmed that the bin store is designed in accordance with British Standard BS5906:2005. The applicant has confirmed that there is 150 mm distance between each contained and the size of the doors which is considered acceptable. An existing dropped kerb is provided at the collection point and the bin stores are step free.
- 6.14. It is anticipated there will be a daily waste collection and there are 12 Eurobins provided (of 1100 litre in size each) which meets the requirements. The applicant needs to provide information of the breakdown of how many and what type of bins will be collected each day. The applicant needs to provide information on how bulky waste will be managed and stored.

Officer comment: the applicant has clarified that it is not anticipated that there will be bulky waste due to the nature of the B1 use. In addition, a servicing and management strategy will be secured by condition which will provide further information on the breakdown of the bins to landfill/recycling bins.

LBTH Highways

- 6.15. The site is located in an area of excellent PTAL (PTAL of 6b), the highest level attainable which illustrates an excellent level of accessibility to public transport.

- 6.16. No car parking is associated with the proposals and this is welcomed in such a location. The applicant has indicated that they would be willing to accept a restriction on the issuing of permits to occupiers which is supported.
- 6.17. The applicant is willing to fund an on street accessible bay. A commuted sum in the S106 agreement to cover costs of providing an on street bay is required. It is recognised that the site is constrained in terms of providing an on-site bay without compromising the ground floor active frontage.
- 6.18. Cycle parking is proposed to meet the minimum FALP standards for Long term use, together with changing and washing facilities. This is welcomed. Conditions are required to secure the cycle parking and full details of the design of the cycle store/access to the store is required. No short term cycle parking stands are proposed and this is contrary to policy. Visitor parking spaces within the site boundary should be provided.
- 6.19. It is proposed to service the development on street as per the existing arrangements from the public highway using the yellow lines on Greenfield Road given the site is constrained. There is an intensification of use compared to the current situation and the number of servicing trips and length of time vehicles will be required to wait is likely to increase. There is an existing service bay on the TLRN and, in the first instance, this should be the location from where servicing takes place and we would expect suppliers to be made aware of this. A Service Management Plan which will be required by a planning condition.
- 6.20. The bin store is located at basement and will be brought up to the collection point on collection day. Holding areas will be required at ground floor level to ensure that the bins are not stored on the public highway.
- 6.21. A chamfer to the building is provided at ground floor to allow freer movement of pedestrians; however, it is regrettable that such a large amount of this space has been taken up by supporting structural elements, which will restrict pedestrian movement and this should be minimised.
- 6.22. Given the location of the site at an important, busy corridor for pedestrians, cyclists and vehicles and the impact the proposal could have on these users individually and cumulatively with other construction traffic in the area, the demolition and construction needs to be considered. A very robust Demolition and Construction Management Plan is required as a condition.

LBTH Biodiversity officer

- 6.23. There will be no significant impacts on biodiversity and the buildings are not suitable for bats. There will be no significant adverse impacts on biodiversity.
- 6.24. Clarification is required regarding locations of bird, bat and invertebrate boxes. Nests for swifts would be appropriate in this location and would contribute to an LBAP target. Bat boxes are likely to be of limited value in this location given the distance to any suitable foraging habitat.
- 6.25. The applicant should investigate the potential for introducing a biodiverse roof which could be combined with the proposed photovoltaics. If a biodiverse roof can be installed, nest boxes for black redstarts and various insect boxes would also be appropriate.

LBTH Energy officer

- 6.26. The applicant has submitted an Energy Assessment Report produced by Bespoke Builder Services Limited which sets out the applicant has sought to meet CO2 emission policy requirements through energy efficiency measures and integration of renewable energy technologies.
- 6.27. The current proposals seek to minimise CO2 emissions by approximately 25.3% consisting of 13.6% reduction by Be Lean measures and 11.7% reduction by Be Green measures. The current proposals for CO2 emission reductions fall short of the 45% requirements of policy DM29. In order to support the proposed scheme carbon reduction proposals equating to £25,200 should be secured through the s106 to deliver carbon savings off-site.
- 6.28. A sample of SAP and SBEM calculations must also be provided to demonstrate appropriate modelling of development.
- 6.29. Conditions are required securing the CO2 savings to be achieved through the energy strategy and the as built calculations to be provided to demonstrate the delivery of the energy strategy.
- 6.30. In relation to sustainability, the applicant has submitted a BREEAM Pre-Assessment which shows the scheme is designed to achieve a BREEAM Excellent rating. The delivery of BREEAM excellent should be secured via Condition to ensure the scheme is compliant with Policy DM29.

Building Control

- 6.31. No comments received.

External responses

Crossrail Limited

- 6.32. Crossrail Limited does not wish to make any comments on this application.

City of London

- 6.33. City of London Corporation has no comments on the proposed development.

NATS

- 6.34. No safeguarding objection to the proposal

Natural England

- 6.35. No comments to make on this application

English Heritage Archaeology (EHA)

- 6.36. EHA have advised that the site lies in an area of archaeological interest. Remains connected with Roman activity and the post-mediaeval development of London may be affected by the limited fresh intrusive works for extensions and the lift pit.

- 6.37. Appraisal of this application using the Greater London Historic Environment Record and information submitted with the application indicates the need for field evaluation to determine appropriate mitigation. However, although the NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such that it is considered that a condition could provide an acceptable safeguard.
- 6.38. A condition is therefore recommended to require a two-stage process of archaeological investigation comprising: first, evaluation to clarify the nature and extent of surviving remains followed, if necessary, by a full investigation. This shall consist of a Stage 1 Written Scheme of Investigation (WSI) and if heritage assets of archaeological interest are identified at stage 1 then a stage 2 assessment (full investigation) will be required.

London Fire and Emergency Planning Authority

- 6.39. Pump appliance access and water supplies for the fire service were not specifically addressed in the supplied documentation; however, they do appear adequate. In other respects this proposal should conform to the requirements of part B5 of Approved Document B.
- 6.40. *[Officer Comment: This is noted will be further considered within the building control stage.]*

Crime Prevention Officer

- 6.41. Comments raised regarding the ground floor fire exit door which included a large recess beyond the fire escape door onto Commercial Road. This has been subsequently amended and no longer provides potential congregating space with direct access onto Commercial Road. The doors will open outward but will remain within the red line plan.
- 6.42. Requirement for a secure lobby beyond the main door at ground floor level. The applicant has demonstrated that an internal lobby could be accommodated beyond the main doors and welcomes further discussions on this at a time when details are available.
- 6.43. Secure by Design accreditation required by condition.

London Metropolitan University

- 6.44. No comments received

London Bus

- 6.45. No comments received

TFL London Underground

- 6.46. Response received confirming no comments to make on this application.

National Grid

- 6.47. No comments received

Thames Water Utilities Ltd.

- 6.48. Thames Water has recommended an informative advising of the minimum pressure for water that they would be able to supply for future residents.
- 6.49. Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

Officer comment: the applicant has confirmed that they are able to provide a non-return valve or similar to avoid the risk of backflow within their design.

- 6.50. No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.
- 6.51. A site drainage strategy is required that clearly identifies pre- and post-development peak discharge rates as well as the connection points for both surface and foul water.
- 6.52. Measures required in terms of minimising groundwater discharges into the public sewer. Should the Local Planning Authority be minded to approve the planning application, Thames Water request an informative regarding a Groundwater Risk Management Permit from Thames Water for discharging groundwater into a public sewer.

Greater London Authority

Principle of development

- 6.53. The site lies within the City Fringe Opportunity Area and the City Fringe Opportunity Area Planning Framework (CFOAPF) (adopted in 2015) identifies the opportunity area as having capacity for 53,000 new jobs and 15,000 new homes. More specifically, the City Fringe OAPF identifies the site as being in the 'outer core growth area' of the City Fringe where demand from SME's and the expanding City and Tech City clusters is expected to increase.
- 6.54. As the site includes existing employment space, it is expected a similar quantum will be re-provided in any new scheme. The proposals include an office building with an uplift of 3,447sqm in B1 office floorspace. This provision will contribute toward ensuring that the office provision in the City Fringe is not strategically constrained and provide floorspace for a range of occupiers. This is considered to be in accordance with London Plan policies 4.1, 4.2, 4.10 and the City Fringe OAPF.
- 6.55. The proposal for flexible office/retail floorspace at ground floor level will further improve the areas viability as an office location, address issues of poor public realm and is a use that makes the City Fringe an attractive place to work.

- 6.56. As such, the principle of office use with supporting uses at this location is supported.

Employment

- 6.57. Provision of affordable workspace is a key objective of the City Fringe OAPF. It is strongly recommended that there is the inclusion of some affordable workspace within the proposal. The applicant is also encouraged to engage a workspace provider to help inform details such as design, management post- construction and rental levels.

Urban design

General

- 6.58. The proposed building will be 11 storeys above ground (41.275 metres AOD) with the massing based on a simple extrusion of the plot. This approach maximises the office floorspace and is acceptable in light of the aims of the City Fringe OAPF.
- 6.59. In terms of height, this is consistent with nearby recent developments on Commercial Road which increase in height toward Aldgate. However, the development would be slightly taller than buildings immediately adjacent but would improve legibility by marking the junction of Commercial Road and Greenfield Road.
- 6.60. The massing is broken down using a large- scale primary grid of fenestration bays applied across the southern and western elevations. On the elevations adjoining the other sites vertical recesses are used which echo the fenestration pattern. The double height façade separates the ground floor from the uses above. Recessed windows are a key feature of the proposal.
- 6.61. The overall appearance is a simple and attractive building clad in brick. Tower Hamlets Council should secure the detail of the design by condition.

Heritage

- 6.62. The proposed development falls within the setting of the Myrdle Street Conservation Area and would have a potential impact on the settings of several listed buildings and conservation areas in the wider area.
- 6.63. The applicant has provided a Heritage and Townscape Statement in order to demonstrate the potential impact of the proposals on the setting of local heritage assets and local views.
- 6.64. In views along Commercial Road from the west the proposals appear similar in height and massing to other buildings on Commercial Road and would fit comfortably with the existing townscape. In views from the north and south, the proposals are considered to landmark the junction and would not negatively impact on the setting of any heritage assets. In views from the east looking towards the Myrdle Street Conservation Area, the proposed building line would be visible as a prominent feature beyond the conservation area buildings lining the north side of Commercial Road. In this view 81-91 Commercial Road is clearly visible between the buildings of the conservation area and the proposal, the development would clearly appear as being outside of the conservation area and an integral part of the

streetscene in the area beyond where the scale starts to transition towards the larger and taller buildings in Aldgate.

- 6.65. Having regard for the Heritage and Townscape Statement and considering the potential impacts in the context of the Planning (Listed Buildings and Conservation Areas) Act 1990, the NPPF and London Plan policy 7.8, it is concluded that there would be no harmful impacts on the Myrdle Street Conservation Area or other heritage assets in the wider area.

Inclusive design

The basement will contain cycle stores, bins, a disabled shower and wc. Consideration is required for access to the basement for wheelchair users and a lift to the basement should be provided.

Climate change

- 6.66. The applicant should propose a site heat network where all uses on site will be connected.
- 6.67. The on-site reduction of 18 tonnes of carbon dioxide per year in regulated emissions compared to 2013 Building Regulations is anticipated (equivalent to a saving of 25%) which falls short of policy 5.2 of the London Plan. The remaining 7 tonnes of carbon dioxide per annum should be met off-site.
- 6.68. Further information is required to confirm compliance with the London Plan climate change mitigation policy which has been forwarded to the applicant separately.

Transport

Transport for London

- 6.69. The site is located on the A13 Commercial Road which forms part of the Transport for London Road network (TLRN) with the nearest section of the Strategic Road Network (SRN) is 750m to the west on Aldgate High Street.
- 6.70. Cycle Superhighway 2 (CS2) runs along Whitechapel Road 400m to the north and CS3 runs along Cable Street 500m to the south. The area is also served by the Mayor's Cycle Hire Scheme with the nearest docking point on Commercial Road with 14 docking points.

Car parking

- 6.71. A car free development is proposed given the site constraints, though the applicant will convert an existing pay and display bay on Greenfield Road for Blue Badge use, which is supported.

Cycle parking

- 6.72. The applicant proposes 53 long stay spaces with 18 on the ground-floor level and 35 in the basement accessed via lift. The detailed design of the cycle lift should be secured by condition.
- 6.73. No additional short stay cycle parking is proposed and the applicant proposes to rely on stands on the surrounding highway to meet their requirements. The

applicant should therefore review the location, quality and occupancy of highway cycle parking before this can be considered acceptable. Should there be any deficiencies with cycle parking the applicant should suggest improvements which should be secured through the section 278 agreement.

Impact Assessment

- 6.74. TfL is content that the development will not have a material impact on the transport network.

Highway works

- 6.75. The footprint of the proposed building would necessitate stopping up the footway on Commercial Road, which TfL agreed in principle at pre-application stage. The applicant should clarify the future pedestrian comfort level, as requested at pre-application stage before the detailed design can be discussed. The building should be designed to avoid the need for any part of the structure or fixtures or fittings to oversail the highway.

Servicing and Construction

- 6.76. The applicant needs to forecast servicing trips for the commercial and retail elements, using the TRICS database. Development should accommodate its own servicing and delivery requirements on site and on street servicing bay should be discussed with the Council.
- 6.77. A full Construction Management Plan (CLP) will be secured by condition which is supported. Due to the likely impact of construction on the TLRN, the applicant should discuss the construction methodology with TfL prior to submission.

Crossrail

- 6.78. The site is located within 1km of a Crossrail station. London Plan Policy 6.5 and the associated Supplementary Planning Guidance (SPG) set out the mechanism for contributions towards Crossrail. The SPG states that contributions should be sought in respect of uplift in floorspace for B1 office and retail uses (with an uplift of at least 500sqm). The charging rate for office is £31 per sqm and retail is £16 per sqm. The amount charged through the section 106 agreement will be calculated based upon finalised figures for floorspace.

7. LOCAL REPRESENTATION

- 7.1. A total of 200 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site by way of a site notice and advertised in the local press.
- 7.2. No letters of representation were received on the submission.

8. MATERIAL PLANNING CONSIDERATIONS

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

- Land Use
- Design
- Heritage
- Neighbouring Amenity
- Highways and Transportation
- Waste
- Energy and Sustainability
- Environmental Considerations (landscaping and biodiversity, noise and vibration, air quality, contaminated land, water, health)
- Impact on Local Infrastructure and facilities, Local Finance Considerations, Human Rights Considerations and Equalities Act Considerations

9. Land use

9.1. This section of the report reviews the relevant land use planning considerations against national, strategic and local planning policy as well as any relevant supplementary guidance.

Provision of Employment floorspace

9.2. Chapter 1 of the NPPF sets out that central government is committed to securing economic growth and that the planning system should do everything it can to support sustainable economic growth, that planning should encourage and not act as an impediment to sustainable growth and to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business.

9.3. London Plan Policy 4.2 sets out the strategic need for office provision within London, and supports the renewal of existing stock, and increases in floorspace, where there is demand in order to meet the needs of a growing and changing economy. Policy 4.10 relates to new and emerging economic sectors and supports research and innovation, flexible workspace and promotes the 'Tech City'.

9.4. London Plan Policy 2.13 'Opportunity Areas' identifies that Opportunity Areas within London which are capable of significant regeneration, accommodating new jobs and homes and recognises that the potential of these areas should be maximised. More specifically this policy states that development proposals within the OAs should:

- Support the strategic policy directions for OAs;
- Seek to optimise residential and non-residential densities and where appropriate contain a mix of uses;
- Contribute towards meeting (or where appropriate, exceeding) the minimum guidelines for housing and/or employment capacity; and
- Support wider regeneration (including in particular improvements to environmental quality) and integrate development proposals to the surrounding areas.

- 9.5. SP06(3) supports the provision of a range and mix of employment uses by encouraging and retaining the provision of units suitable for small and medium enterprises. This is echoed in policy DM15(3) of the MDD which details that the development of new employment floorspace will need to provide a range of flexible units including units less than 250 sqm and less than 100 sqm to meet the needs of Small and Medium Enterprise (SME). Supporting paragraph 15.6 goes on to state that the requirement for smaller unit sizes is to allow local businesses to grow and generate employment.
- 9.6. Part 2 of policy DM15 refers to existing businesses and where these are likely to be adversely impacted or displaced suitable replacement accommodation should be found elsewhere. In this case, nos. 73 and 75 Commercial Road are currently occupied by a Guardian scheme whereby the previous tenants have now left the property and have already been relocated. Therefore, as a result of the proposal, no existing businesses will be displaced at nos 73-75 Commercial Road. In terms of no.77 Commercial Road, the ground floor is accommodated by a clothing shop who currently use the upper floor levels as storage space (and not office floorspace as approved). The existing business at no 77 Commercial Road has 5 full time employees and the business will continue to trade on another site once the remaining period on the lease (6 months remaining) expires. There are a number of other suitable locations which the current tenants could relocate to in close proximity to their existing premises which would have no impact upon their local customer trade. The most suitable premises near to the site include 37-79 Commercial Road (Dryden Building), 190-194 Commercial Road and 41-43 Fashion Street.
- 9.7. The site lies within the City Fringe Opportunity Area and the supporting City Fringe Opportunity Area Planning Framework (CFOAPF) (adopted in 2015) identifies the opportunity area as having capacity for 53,000 new jobs and 15,000 new homes. Within the City Fringe OAPF the site is identified the site as being in the 'outer core growth area' of the City Fringe where demand from SME's and the expanding City and Tech City clusters is expected to increase. The CFOAPF recognises the important role the City Fringe plays as an interface between the Central Activities Zone and the hinterland beyond. The COAPF supports the expansion of employment whilst delivering housing and a mix of uses is supported, with active uses on the ground floor.
- 9.8. The site also lies in the boundary of the Whitechapel Vision SPD which complements and sits alongside the CFOAPF. Similar to the CFOAPF, the Whitechapel Vision SPD supports the delivery of jobs and homes.
- 9.9. The proposal will consist of the provision of predominantly B1(a) office space at the upper floor levels of the building with flexible commercial space at ground floor level. The proposed office space at the upper floor levels will measure 4254sqm and will re-provide the existing B1 office use of 807sqm. The office space is proposed to come forward as smaller flexible units meeting the requirement of DM15 (3) in terms of seeking to meet the needs of SME.
- 9.10. During the course of the application, it was clarified that the tenant of the site will be The Office Group (TOG) who is a Shared Workspace Provider that is identified on the GLA's Workspace Providers directory. TOG provides affordable workspace as required by the GLA.
- 9.11. TOG provides co-working spaces on a membership style basis along with licence agreements on flexible terms. It is anticipated that the type of occupier for this

proposal will remain in line with TOG's current predominant type of member- local micro-start up and small businesses from the creative, marketing and digital sectors.

- 9.12. The office floorspace has been designed to be suitable for sub-division and reconfiguration dependent on future user requirements and in order to meet the flexible demands of modern occupiers. The applicant has agreed to a condition to ensure the floorplans come forward as SME type space.
- 9.13. As part of the pre-application process, residential use was originally proposed. However, given the constrained nature of the site it is recognised it would be difficult for the site to provide appropriate levels of amenity space in a building form that would not impact on surrounding neighbouring amenity. In this instance it is considered that the site is not wholly suitable for a residential scheme.
- 9.14. In the context of the above, the provision of a predominantly office led development on the site is welcomed given it will provide floorspace for a range of occupiers and will come forward in accordance with the CFOAPF in terms of design and support the City Fringe Activity Area in terms of its functions. The proposal is therefore considered to comply with policy 4.2 and 4.10 of the London Plan, policy DM15 of the Managing Development Document and the City Fringe Opportunity Area Planning Framework.

Provision of Commercial/retail Use at ground floor (A1-A5 or B1)

- 9.15. At ground floor level a separate commercial unit is proposed measuring 381sqm. The proposed commercial unit will be a flexible use.
- 9.16. The NPPF classifies a Retail Use as a main town centre use and requires applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.
- 9.17. London Plan Policy 4.7 (Retail and Town Centre Development) states that in taking planning decisions on proposed retail and town centre development, the following principles should be applied:
 - a) the scale of retail, commercial, culture and leisure development should be related to the size, role and function of a town centre and its catchment
 - b) retail, commercial, culture and leisure development should be focused on sites within town centres, or if no in-centre sites are available, on sites on the edges of centres that are, or can be, well integrated with the existing centre and public transport
- 9.18. Core Strategy Policy SP01 (Refocusing on our town centres) requires developments to comply with the Town Centre Hierarchy and ensure the scale and type of uses within town centres are consistent with the hierarchy, scale and role of each town centre.
- 9.19. Development Managing Document Policy DM1 (Development within the town centre hierarchy) part 2 states that 'within the Tower Hamlets Activity Areas (THAA), a mix of uses will be supported. Development in these areas should provide a transition between the scale, activity and character of the CAZ and their surrounding places. Development proposals should be mixed use schemes with active uses at ground floor level with residential or office space on upper floors.

Key anchor uses, such as supermarkets and civic uses, will only be allowed within the town centre boundaries of the Activity Areas.

- 9.20. Further to this, part 4 of Policy DM1 states to further support the vitality and viability of town centres, restaurants, public houses and hot food takeaways (Use Class A3, A4 and A5) will be directed to the CAZ, THAA and town centres provided that:
- a) they do not result in an overconcentration of such uses; and
 - b) in all town centres there are at least two non-A3, A4 and A5 units between every new A3, A4 and A5 unit.
- 9.21. Whilst part 7 of Policy DM1 states development within a town centre will be supported where it does not have an adverse impact upon the function of a town centre use. Town centre development will need to demonstrate that:
- a) adequate width and depth of floorspace has been provided for the town centre uses;
 - b) a shop front has been implemented in the first phase of development; and
 - c) appropriate servicing arrangements have been provided.
- 9.22. The proposed commercial uses (A1-A5, B1) would be located within the City Fringe Activity Area (which forms part of the Town Centre Hierarchy). Should the uses come forward within the A1-A5 land use category, the scale of the use at 381qm GIA would relate to the size, function and role of the City Fringe Activity Area. In this block there are limited A3, A4 and A5 uses. The proposed flexible active use at ground floor level would complement the B1 (a) SME office space at the upper levels providing a mixed use scheme. The proposed use within the A1-A5 land use category would support the vitality and viability of the City Fringe Activity Area. A condition will be added restricting the hours of operation should an A3-A5 operator take up the space.
- 9.23. Should the use of the ground floor level come forward as B1 (a) office space, the assessment of this element would be against the 'employment floorspace' policy detailed above. Whilst this would not provide a mixed use scheme complementing the upper floor levels, the requirement to provide plans showing SME use by condition would be required and the active frontage to the street would be maintained during the opening hours. It will be particularly important that details regarding external lighting and public realm details are provided by condition in the instance that the ground floor level should come forward as a B1(a) office use.

10. Design

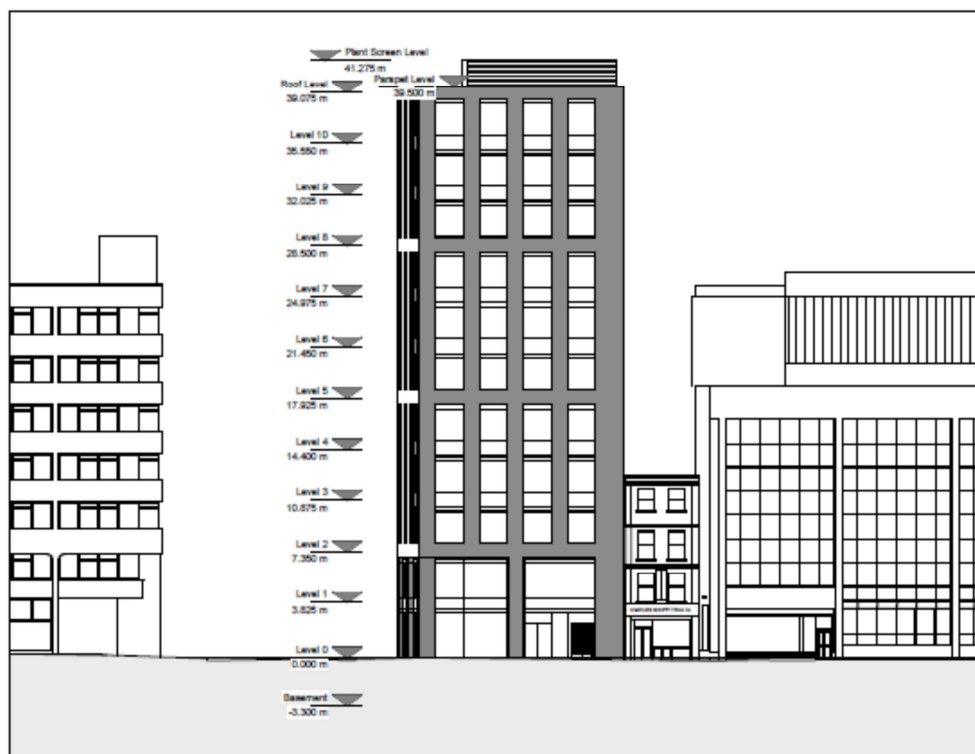
Policies

- 10.1. The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 10.2. Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and to optimise the potential of the site.

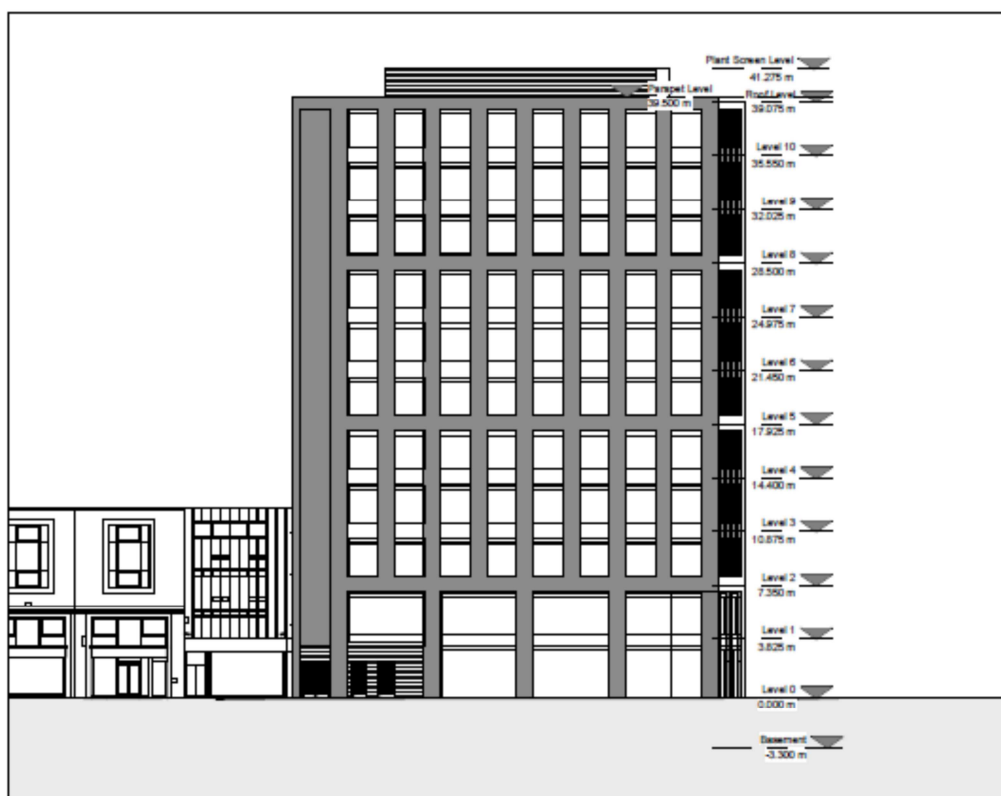
- 10.3. Core Strategy Policy SP10 and Policy DM23 and DM24 of the MDD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 10.4. Policy DM26 requires that building heights are considered in accordance with the town centre hierarchy. The policy seeks to guide tall buildings towards Aldgate and Canary Wharf Preferred Office Locations.

The Proposal

- 10.5. The proposal seeks the erection of a single building 11 storeys in height (41.275m AOD). At ground floor a flexible commercial unit is proposed with B1(a) office space at the upper floor levels.
- 10.6. The site is heavily constrained by the existing urban grain and lacks permeability / meaningful public realm in its existing form.
- 10.7. The ground floor commercial unit proposes large levels of glazing which will provide activation to the street frontage along both Commercial Road and Greenfield Road. The proposal will provide a chamfered corner which will in turn encourage better footfall and improve the public realm outside the site.



South elevation of proposal in context of northern side of Commercial Road



West elevation of proposal in context of eastern side of Greenfield Road

Local context and emerging townscape

- 10.8. The site is situated within the City Fringe Activity Area, the City Fringe Opportunity Area and falls within the boundary of the Whitechapel Vision SPD.
- 10.9. The site lies on the boundary of the vision for Whitechapel and Shadwell as set out within the Core Strategy (2010). The vision for Shadwell supports reconnection with Commercial Road (particularly in relation to the strengthening of Watney Market) and encourages small businesses along Commercial Road (West) within the City Fringe Activity Area. The vision for Whitechapel supports the regional role of the Royal London Hospital and seeks improvements to the wider streetscape within the Whitechapel area.
- 10.10. The definition of 'tall buildings' within the local plan is a building that is significantly taller than their surroundings and/or have a significant impact on the skyline. In this regard, context is important and whilst the height along Commercial Road may be in transition from the CAZ, a more thorough assessment is required due to the height transition from Greenfield Road and the nearby Myrdle Street Conservation Area.
- 10.11. In the current situation, the building heights in the local vicinity vary with the block the site is located on ranging from 3 to 7 storeys. To the west of the site toward Aldgate the height generally increases. To the east of the site beyond the London Enterprise Academy the heights are lower in range from 3 to 6 storeys. To the north the heights along Greenfield Road are generally 2 to 8 storeys in height.
- 10.12. The applicant has reduced the height of the tower as proposed as part of the pre-application process from 15 storeys to 11 storeys in height. The following images show the proposal from views within the surrounding streets.



CGI of scheme from the west along Commercial Road (west elevation)



View of proposal from the north along Greenfield Road (north elevation)

Building Heights

- 10.13. London Plan policy 7.7 part C states that tall and large buildings should:
- a. generally be limited to sites in the Central Activity Zone, opportunity areas, areas of intensification or town centres that have good access to public transport
 - b. only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building
 - c. relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level;
 - d. individually or as a group, improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate, and enhance the skyline and image of London
 - e. incorporate the highest standards of architecture and materials, including sustainable design and construction practices
 - f. have ground floor activities that provide a positive relationship to the surrounding streets
 - g. contribute to improving the permeability of the site and wider area, where possible
 - h. incorporate publicly accessible areas on the upper floors, where appropriate
 - i. make a significant contribution to local regeneration.
- 10.14. Policy DM26 of the Managing Development Document provides the criteria for assessing the acceptability of building heights. However, it is important to note that the criteria for tall buildings are not a standalone test but should be read as a whole with the spatial strategy that focuses on the hierarchy of tall buildings around town centres.
- 10.15. The hierarchical approach for building heights directs the tallest buildings to be located in preferred office locations of Aldgate and Canary Wharf. The heights are expected to be lower in Central Activity Zones and Major Centres and expected to fall even more within neighbourhood centres. The lowest heights are expected areas of outside town centres. This relationship is shown within figure 9 of the Managing Development Document, which is located below and referenced within policy DM26 of the MDD.
- 10.16. Further to this, policy DM26 (2) of the MDD also sets out the following criteria that tall buildings must satisfy:
- a. Be of a height and scale that is proportionate to its location within the town centre hierarchy and sensitive to the context of its surroundings;
 - b. Within the Tower Hamlets Activity Area, development will be required to demonstrate how it responds to the difference in scale of buildings between the CAZ/Canary Wharf Major Centre and the surrounding residential areas.
 - c. Achieve high architectural quality and innovation in the design of the building, including a demonstrated consideration of its scale, form, massing, footprint, proportion and silhouette, facing materials, relationship to other buildings and structures, the street network, public and private open spaces, watercourses and water bodies, or other townscape elements;
 - d. Provide a positive contribution to the skyline, when perceived from all angles during both the day and night, assisting to consolidate clusters within the skyline;
 - e. Not adversely impact on heritage assets or strategic and local views, including their settings and backdrops;

- f. Present a human scale of development at the street level;
- g. Where residential uses are proposed, include high quality and useable private and communal amenity space and ensure an innovative approach to the provision of open space;
- h. Not adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces;
- i. Not adversely impact on biodiversity or open spaces, including watercourses and waterbodies and their hydrology, as well as their settings and views to and from them;
- j. Provide positive social and economic benefits and contribute to socially balanced and inclusive communities;
- k. Comply with Civil Aviation requirements and not interfere, to an unacceptable degree, with telecommunication, television and radio transmission networks; and
- l. Demonstrate consideration of public safety requirements as part of the overall design, including the provision of evacuation routes.

10.17. The following is an assessment of the proposal against policies 7.7 of the London Plan, DM26 of MDD and the Whitechapel Vision SPD.



Figure 9: Illustration showing building heights for the Preferred Office Locations and the town centre hierarchy

Policy DM26(2)a states. Be of a height and scale that is proportionate to its location within the town centre hierarchy and sensitive to the context of its surroundings;

- 10.18. The site lies within the City Fringe Activity Area; however, the site is in close proximity to the Central Activity Zone (CAZ) which has its eastern most boundary wrapping around the London Metropolitan University on the western side of Greenfield Road.
- 10.19. The proposed building is 11 storeys in height (41.275m AOD) and will provide active frontages with high levels of glazing at ground floor level.
- 10.20. The tallest buildings are located in the CAZ and the principle of tall buildings are supported in this area by the CFOAPF and the Aldgate masterplan with the heights decreasing away from the 'central cluster' of buildings at Whitechapel High Street/Braham Street. Given the application site's location in the City Fringe Activity Area but on the cusp of the CAZ, the proposal will need to respect the emerging context and transition from the CAZ in addition to the heritage context and lower scale further to the north/east.

- 10.21. The building heights in the local vicinity vary with the block the site is located on ranging from 3 to 7 storeys. To the east of the site beyond the London Enterprise Academy the heights are lower in range from 3-6 storeys. To the north the heights along Greenfield Road closest to the junction with Commercial Road are generally 2 to 6 storeys in height; however, at the junction with Fieldgate Street the heights increase up to 7 to 8 storeys in height.
- 10.22. The following consented/built out schemes in proximity to the site should be considered when assessing the height of this proposal at 11 storeys (41.275m AOD).
- To the west of the height on the northern side of Commercial Road:
 - a. 27 Commercial Road/29-37 White Church Lane – hotel led scheme at 21 storeys in height (81.42m AOD). (consented in 2014 works commenced on site)
 - b. 33-35 Commercial Road – student led housing scheme 17 storeys in height (completed).
 - On the southern side of Commercial Road to the west of the site:
 - c. 54-58 Commercial Road – residential led development of 18 storeys in height (completed)
 - d. 60 Commercial Road – student accommodation tower at 19 storey in height (completed)
 - e. 89-90 Commercial Road – residential led scheme at 5 storeys in height (consented)
 - To the east of the site on the northern side of Commercial Road:
 - f. 81-91 Commercial Road – rooftop extension to the London Enterprise Academy to create a 7 storey building (completed)
 - To the north of the site on Greenfield Road:
 - g. Site at south west junction of Coke Street and Greenfield Road – London College of Furniture at 6 storeys in height. Consented in 2004; however, permission has now expired
- 10.23. As can be seen from the above height markers, the site is in an area of transition. The emerging height context is generally decreasing from Aldgate, through the CAZ along Commercial Road to the City Fringe. To the east of the site (beyond the 7 storey London Enterprise Academy), the heights begin to gradually decrease with no recent consents for taller buildings given this area's heritage designation. With regard to Greenfield Road, both Commercial Road and Fieldgate Street provide bookends to the height context with the lower heights in the middle section of Greenfield Road and the tallest heights at either end of Greenfield Road.
- 10.24. The applicant has engaged with officers during several pre-application meetings during which time the height has reduced from 15 storeys to 11 storeys in height. Officers support this reduction which is in keeping with the emerging context in this location.
- 10.25. Further to the above, officers consider that the road junction of Commercial Road and Greenfield Road can be understood as a justification of the increased height at this specific location. Overall this could create legible townscape and signal a 'marker point' to the junction of Commercial Road and Greenfield Road as well as the entrance to the CAZ and Aldgate to the west.

- 10.26. In terms of no.79 Commercial Road (which is the adjacent site to the east), this building is four storeys in height and located between the 7 storey London Enterprise Academy to the east and the part three/part four storey application site to the west. The proposal seeks to maintain the future development potential of the adjoining site and does not include windows to the east or north ensuring there will be no overlooking to this property. It is recognised that the immediate height transition between the proposal and no.79 Commercial Road is hostile; however, it is considered that the proposed development height reflects the general emerging context in this location.
- 10.27. As such, when taking into account the transition of heights within this part of the City Fringe and CAZ to the west, the proposed development is considered to sit comfortably providing transition between the emerging context to the west of the site along Commercial Road and provide suitable transition to the lower scale to the north and lowest scale to the east.

DM26(2)b. Within the Tower Hamlets Activity Area, development will be required to demonstrate how it responds to the difference in scale of buildings between the CAZ/Canary Wharf Major Centre and the surrounding residential areas.

- 10.28. As outlined in DM26(2)a, the development has been carefully designed to respond to the local context and more specifically it responds positively to the two different character streets of Commercial Road and Greenfield Road. Since the pre-application process, the applicant has engaged with the local authority to achieve the appropriate transition and scale difference between the CAZ and the City Fringe and the surrounding areas. As such, the proposed heights largely follow the heights of existing and emerging buildings as required by this policy as discussed in the previous sections.

DM26(2)c. Achieve high architectural quality and innovation in the design of the building

- 10.29. The design has been discussed during pre-application and application stage including the reduction in height from 15 storeys to the current proposed 11 storeys at application stage. During the course of the submission, the applicant has submitted amended plans to respond to the comments raised by officers regarding the architectural quality. The amended design is considered to respond well to the adjoining streets, provide more meaningful public realm and better active frontages than the existing situation. Matters relating to architecture are discussed further within this report.

DM26(2)d. Provide a positive contribution to the skyline, when perceived from all angles during both the day and night, assisting to consolidate clusters within the skyline;

- 10.30. By virtue of the proposed design, the proposed building will be experienced differently when viewed from different streets and within both during the day and night. The proposed material and orientation of the building will seek to ensure the fenestration and overall appearance is distinctive and attractive within the surrounding streetscape.
- 10.31. The application has been accompanied by a Heritage and Townscape Statement which contains a series of computer generated images outlining existing and proposed visual impacts of the development. Officers are satisfied that the visual

impact to the local skyline will be positive and will be viewed as part of the transition of heights from the CAZ into this part of the City Fringe Activity Area and as such is considered acceptable.

DM26(2)e. Not adversely impact on heritage assets or strategic and local views, including their settings and backdrops;

- 10.32. This is discussed further within the Heritage section of this report. The proposal forms part of the emerging height in this location and in summary, officers consider the overall impacts on heritage to be acceptable.

M26(2)f. Present a human scale of development at the street level;

- 10.33. The proposed development includes a commercial unit measuring 381sqm at ground floor level which is appropriately located to activate the frontage with Commercial Road and Greenfield Road. Access into the building is provided from the Commercial Road frontage. The amended design includes fewer brick piers and therefore the frontage appears more glazed and inviting up to and including the first floor level. The chamfered corner includes an amended design to provide more meaningful public realm around the site. By activating the building frontage in this way, the proposal will therefore provide animation to the ground floor level and provide a human scale to the development at street level.



CGI of active frontages on northern elevation of proposal

DM26(2)g. Where residential uses are proposed, include high quality and useable private and communal amenity space and ensure an innovative approach to the provision of open space;

- 10.34. The proposed development is not for residential use.

DM26(2)h. Not adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces;

- 10.35. The proposal is not considered to impact on the microclimate around the site given the proposed building is not of 'significant height' to warrant an assessment of the impact on microclimate. The building will be an increase in height of 7 storeys on a plot that is already built upon.

DM26(2)i. Not adversely impact on biodiversity or open spaces, including watercourses and waterbodies and their hydrology, as well as their settings and views to and from them;

- 10.36. The application site has limited biodiversity value. The proposal will provide positive biodiversity enhancements and this is further discussed in the biodiversity section of the report. As such, the proposed development is considered to comply with the requirements of this policy.

DM26(2)j. Provide positive social and economic benefits and contribute to socially balanced and inclusive communities;

- 10.37. The proposal is for a predominantly office led scheme and planning obligations have been requested in relation to providing social and economic benefits such as apprenticeships and training opportunities. In summary, it is considered that the proposed development results in a socially balanced and inclusive development.

DM26(2)k. Comply with Civil Aviation requirements and not interfere, to an unacceptable degree, with telecommunication, television and radio transmission networks

- 10.38. The proposed height is considered to be suitably low to ensure it does not adversely impact on Civil Aviation requirements. NATS have raised no objection to the proposal.

DM26(2)l. Demonstrate consideration of public safety requirements as part of the overall design, including the provision of evacuation routes.

- 10.39. The proposed design has taken into account the various safety requirements involved in residential development including issues such as means of escape. Discussions have also taken place with the secure by design officer to ensure the proposed development is secure by design.

- 10.40. As such, taking the above into consideration the proposed development is considered to comply with the requirements of policy DM26 of the Managing Development Document and policy 7.7 of the London Plan in relation to building heights.

Architecture

- 10.41. Further amended drawings have been received which show an improved ground floor frontage and articulation of the facades. The fenestration pattern has been split into 4 distinctive horizontal bands to break up the massing.

- 10.42. More specifically, the fenestration to the upper storeys of Greenfield Road and Commercial Road has been amended and the treatment is now softer, with metal spandrel panels replacing the previous horizontal bands of brickwork. These are

successful in providing greater depth and articulation to each of the two principal elevations.

- 10.43. The number of brick piers and the number of narrow bays have been reduced at ground level as has the design of the bulky structural column. This has assisted in opening up the active frontage to the streets adjoining the site.
- 10.44. The north and east elevations have been left blind given the potential for future development of the adjacent sites. The top five storeys to each of these elevations have been articulated using an inset brick grid that reflects the fenestration pattern to the principal south and west elevations.
- 10.45. The proposed materials palette of brick, glass and aluminium window frames is considered appropriate. The bulk of the development utilises a grey brick complemented by contrasting aluminium frames to windows. Overall, this will present a robust and solid appearance, consistent with other buildings in the vicinity including those located within the Myrdle Street Conservation Area. Material samples will be required by condition.
- 10.46. In so far as one can divorce the architecture of the building from its context and how it relates at street level, it is considered the amended elevational treatment of the proposed building is of a high standard with a façade that is predominantly vertical with some horizontal banding to break up the height and massing of the building.

Secure by Design

- 10.47. Policy 7.3 of the LP and policy DM23 of the MDD seek to ensure that developments are safe and secure.
- 10.48. The proposed development has been assessed by the Crime Prevention Officer who has not raised objection to the proposal. Further consideration of the lobby area at ground floor level is required once further detail is available. A Condition would therefore be attached to any approval, to ensure that the development will seek to achieve the Secure By Design Accreditation.
- 10.49. Subject to conditions, it is considered that the proposed development as a consequence would provide a safe and secure environment in accordance with policy 7.3 of the London Plan and policy DM23 of the MDD.

Inclusive Design

- 10.50. Policy 7.2 of the London Plan (MALP 2016), Policy SP10 of the CS and Policy DM23 of the MDD seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.
- 10.51. A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'.
- 10.52. The applicant has considered how the development can be inclusive and accessible to all in terms of its design. All users of the building will use the same level access from Commercial Road which has sliding doors directly from the street. Each of the upper floor levels within the building is provided with lift access

(three lifts in total) with a wheelchair accessible toilet at each floor level. A single lift is provided to basement level where a wheelchair accessible shower/toilet facility is provided.

- 10.53. External to the building, a chamfered corner is proposed. The movement around this corner has been widened to 1.5 metre and this improvement also allows a more inclusive design.
- 10.54. The applicant has also offered a commuted sum toward a wheelchair accessible parking bay in proximity to the site. This will be secured through the s106 legal agreement.
- 10.55. It is considered that the proposal would result in a scheme that would be well connected to its surroundings and would provide a development that can be used safely and easily and with dignity for all regardless of disability, age, gender, ethnicity or economic circumstances. The proposal is considered to comply with policy 7.2 of the London Plan (2016), Policy SP10 of the CS and Policy DM23 of the MDD.

Design Conclusions

- 10.56. In conclusion, the urban design, layout, building height, scale and bulk and detailed design of the development is considered acceptable and in accordance with Chapter 7 of the London Plan (2016); Policies SP10 and SP12 of the Core Strategy (2010) and Policy DM23, DM24 and DM26 of the Managing Development Document 2013 which seek to ensure buildings and places are of a high quality of design, suitably located and sensitive to the locality.

11. Heritage

- 11.1. Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan (2016) and the draft London World Heritage Sites – Guidance on Settings SPG (2012) policies SP10 and SP12 of the CS and policies DM24, DM26, DM27 and DM28 of the MDD seek to protect the character, appearance and setting of heritage assets and the historic environment, including World Heritage Sites.
- 11.2. London Plan (2016) policies 7.11 and 7.12, policy SP10 of the Core Strategy Development Plan Document (2010) and policies DM26 and DM28 of the Managing Development Document seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- 11.3. Detailed Government policy on Planning and the Historic Environment is provided in Paragraphs 126 – 141 of the NPPF and is expanded on below as necessary.

Strategic Views

- 11.4. The development does not affect any strategic views.

Archaeology

- 11.5. The National Planning Policy Framework (Section 12) and the London Plan (2016) Policy 7.8 emphasise that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF says that applicants should be required to submit appropriate desk-based assessments, and

where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development.

- 11.6. English Heritage Archaeology (GLAAS) advises that the site lies in an area of archaeological interest. Remains connected with Roman activity and the post-mediaeval development of London may be affected by the limited fresh intrusive works for extensions and the lift pit.
- 11.7. Whilst the Greater London Historic Environment Record indicates the need for field evaluation to determine appropriate mitigation and this should be undertaken prior to determination in accordance with the NPPF, in this instance it is considered that a condition could provide an acceptable safeguard.
- 11.8. A two stage archaeological investigation will be required by condition.
- 11.9. It is therefore considered that the proposed scheme would therefore comply with the requirements of the National Planning Policy Framework (Section 12) and Policy 7.8 of the London Plan (2016).

Surrounding Conservation Areas and Listed Buildings

- 11.10. Statutory tests for the assessment of planning applications affecting conservation areas is found in 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990. Section 72(1) relates to applications affecting a conservation area. It states that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”.
- 11.11. The implementation of this legislation has been addressed in recent Court of Appeal and High Court Judgements concerning the proper approach for assessing impacts on conservation areas. These are considered in more detail below however, the emphasis for decision makers is that in balancing benefits and impacts of a proposal, the preservation of the heritage assets should be given “special regard / attention” and therefore considerable weight and importance.
- 11.12. The NPPF sets out the Government’s objectives in respect of conserving and enhancing heritage assets. The NPPF states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset’s conservation, and the more important the asset, the greater the weight should be. Where a development will lead to ‘less than substantial harm’, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 11.13. London Plan policy 7.8 states that development should conserve the significance of heritage assets by being sympathetic to their form, scale, materials and architectural detail.
- 11.14. Managing Development Document policy DM27 (Heritage and the Historic Environment) states that *‘development will be required to protect and enhance the borough’s heritage assets, their setting and their significance as key elements of developing the sense of place of the borough’s distinctive ‘Places’*”.
- 11.15. Officers consider the application site to possess no specific heritage or townscape value. The site comprises three properties including Turner House which is located at the junction of Commercial Road and Greenfield Road. Turner House is part three /part four storeys in height and built in the 1960’s. No. 75 and 77 Commercial

Road are three storeys in height, built in the 1930's in the art-deco era and in a simple style. The existing properties at no. 75 and 77 Commercial Road have been altered fairly substantially with altered ground floor and replacement windows at no.75.

- 11.16. The application site is located in close proximity to the Myrdle Street Conservation Area which is a designated heritage asset. There are no listed buildings or locally listed buildings in close proximity to the site whose setting would be affected by this proposal.
- 11.17. The Myrdle Street Conservation Area Character Appraisal highlights that the conservation area is characterized by high density development and a variety of types and sizes of property which vary in scale and quality. The character appraisal notes that the properties on New Road are among the largest in scale, together with those on Settles Street which are of 4 and 5 storeys with basement. Those on secondary residential roads running parallel to New Road and Settles Street are smaller in scale.
- 11.18. The applicant has submitted a Heritage and Townscape Statement which assess the impact of the proposal on various views within the surrounding conservation area. The views assessment shows in View 1 that from the junction of Settles Street and Fordham Street in the existing situation that beyond the Job centre the rear of the London Metropolitan University is visible to the right of the image and beyond this the 19 storey number 60 Commercial Road is clearly visible. In the proposed situation, the proposal will be visible above the Job centre building. The proposal uses a lighter brick with articulated recesses to break up the massing of the scheme and provide a contrast to the conservation area. Whilst there is a transition in scale, officers consider this to be appropriate in providing a marker to Commercial Road and the CAZ/the city beyond.



View 1 – junction of Fordham Street and Settles Street (proposed)

- 11.19. It should be noted that view 1 does not include the recently completed two storey extension at 81-91 Commercial Road or the extension to the rear of the Job Centre

building which benefits from planning permission but has not yet been built. The two approved extensions are shown in wireline on the image below. Both extensions help to mitigate the change in scale experienced between the conservation area and the proposed development.



11.20. In relation to longer views along Commercial Road in the conservation area, view 5 shows the existing and proposed context at the junction with Hessel Street looking west toward the site. The existing buildings within the conservation areas use red brick and the more recent consents such as 81-91 Commercial Road with white cladding are also visible. Beyond this the height increases toward the city. In the proposed situation, the building will be set against taller buildings at the western end of Commercial Road and the proposal represents a suitable transition between the emerging height context. The contrast of the red brick and the lighter materials of the application site clearly mark the distinction between the conservation area and the emerging character along Commercial Road.



View 5 – junction of Commercial Road and Hessell Street (proposed)

- 11.21. With respect to impact upon views from the Myrdle Street Conservation Area officers consider the scheme would have limited impact on the conservation area given the emerging height context and the neutral colour of the scheme.
- 11.22. In accordance with section 72 of the Planning (Listed buildings and Conservation Areas) Act 1990, the proposal is considered to pay special regard to preserving the setting of the listed and locally listed building and the local vistas within the conservation area. The redevelopment of site, in particular given the quality of the design, the level of active frontage and the use of materials as outlined above, is considered to enhance views along Commercial Road and would preserve the character and appearance of the Myrdle Street Conservation Area. Overall, it is considered that the proposal would sit comfortably in this context and would not cause any adverse harm to the setting of the conservation area.

12. Neighbours Amenity

- 12.1. Adopted policy SP10 of the CS and policy DM25 of the MDD seek to protect residential amenity by ensuring neighbouring residents are not adversely affected by a loss of privacy or a material deterioration in their daylighting and sunlighting conditions. New developments will also be assessed in terms of their impact upon resident's visual amenities and the sense of enclosure it can create or loss of outlook that can result.

Daylight, Sunlight and Overshadowing

- 12.2. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).

- 12.3. Surrounding, the application site exist a number of residential properties which can be impacted by the development, these have been tested as part of the application, and the results have been independently reviewed on behalf of the Council, these are discussed below.

Daylight

- 12.4. For calculating daylight to neighbouring properties affected by the proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. These tests measure whether buildings maintain most of the daylight they currently receive.
- 12.5. BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be reduced by more than 20% of the former value, to ensure sufficient light is still reaching windows. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value.
- 12.6. The following properties have been tested for Daylight and Sunlight based on land use and proximity to the site:
- 86A Commercial Road
 - 69 Greenfield Road
 - 88-90 Commercial Road

- 12.7. The results of the independent consultants 'Delva Patman Redler' are summarised below.

86A Commercial Road – negligible impact

- 12.8. It is not clear from the submitted Daylight and Sunlight Report which properties are in residential use (serving habitable rooms) and therefore the first and second floor level facing the site have been assessed given the ground floor level is currently in commercial use.
- 12.9. Of the windows assessed, all would meet the BRE guidelines and will not face a reduction in VSC of more than 20% beyond the existing VSC. The results also show there will be no change in daylight distribution for the rooms in 86A Commercial Road.

69 Greenfield Road – negligible impact

- 12.10. 69 Greenfield Road is understood to be a block of flats on the corner of Greenfield Road and Coke Street. All windows facing the site have been assessed for daylight and sunlight impacts including those at ground floor level.
- 12.11. It is noted that the ground to second floor windows facing directly south, achieve a VSC of less than 27% in the existing situation. Despite this, all the windows would meet the BRE guidelines in terms of not facing a reduction in VSC of more than 20% beyond the existing VSC. In addition, there would be no effect on the daylight distribution within the rooms.

88-90 Commercial Road – negligible to minor adverse impact

- 12.12. The existing site is three storeys in height. However, the site has various consents; including the most recent consent (with planning reference PA/14/03302) for the erection of a five storey building with office/retail at basement and ground floor and residential to the upper floor levels and rear of the ground floor. The application was approved on 22.05.2015 but has not been implemented. The consented proposal follows the same building line as the existing site (facing Commercial Road) and is an additional 2 storeys in height. The Daylight and Sunlight Report analyses the impact of the proposal on this consented scheme given this represents the worst case scenario.
- 12.13. Two windows of the 13 windows tested would experience a reduction in VSC of more than 20% compared to the existing situation. Both windows tested serve the same room which is a living room. These windows will experience a reduction of 20.19% and 20.51% which is only a very small amount above the 20% reduction. Both VSC levels in the 'proposed development' scenario will be above 21% VSC (at 21.47% and 21.71% VSC) and will therefore continue to maintain a good level of daylight for a dense urban location such as this. In terms of daylight distribution, there will be minimal loss to the daylight distribution within the rooms. In addition, it should be noted that the site is located in a changing area and that the surrounding sites have development potential. On this basis the impact to 88-90 Commercial Road is considered to sit between a negligible to minor adverse impact.

Sunlight

- 12.14. The BRE report recommends that for existing buildings, sunlight should be assessed for all main living rooms of dwellings and conservatories, if they have a window facing within 90 degrees of due south. If the centre of the window can receive more than one quarter of annual probable sunlight hours (APSH), including at least 5% of annual probable sunlight hours in the winter months between 21 September and 21 March, then the rooms should still receive enough sunlight. If the available sunlight hours are both less than the amount above and less than 0.8 times their former value then the occupants of the existing building will notice the loss of sunlight.
- 12.15. The submitted reports outline the sunlighting conditions for the following residential properties which are relevant for assessment:

69 Greenfield Road – negligible impact

- 12.16. The only residential property tested for sunlight is 69 Greenfield Road given these are the only windows facing 90 degrees due south. The Daylight and Sunlight Report shows that there is full compliance with the standards for both annual and winter sunlight levels. The impact on sunlight levels is negligible.

Conclusion

- 12.17. The proposed development shows almost full compliance with the required daylight and sunlight standards. Two windows will experience small reductions in daylight levels; however, these are only marginally below the standards and they continue to achieve good levels of daylight resulting in a negligible to minor adverse impact to 88-90 Commercial Road. Given the overall impact of the proposal on surrounding properties is fairly negligible, the impact of the proposal on the amenity

of surrounding properties is acceptable, in accordance with Managing Development Document (2013) policy DM25.

Overshadowing

- 12.18. In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that “it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should receive at least 2 hours of sunlight of 21 March”.
- 12.19. There are no existing amenity spaces or park areas within close proximity to the development.

Privacy/outlook/sense of enclosure

- 12.20. Officers are satisfied that the proposed development has been sensitively designed to ensure acceptable separation distances will exist between the proposed new buildings and existing facing buildings on neighbouring sites.
- 12.21. In terms of separation distances, the proposal will directly adjoin the properties to the north and east and maintains a similar plot coverage to the existing situation. At its narrowest point the proposal is 15 metres from the existing flank wall of the London Metropolitan University and is separated by Greenfield Road. To the properties on the south side of Commercial Road, there is a 22 metre separation distance.
- 12.22. The proposal has been designed with no windows on the north and east elevations to allow for future development potential.
- 12.23. The adjacent site to the east, no.79 whilst in commercial use has been considered in terms of whether there would be any impact to this property given the future development potential of this site. The proposal does not include windows to the east or north and therefore there will be no issues regarding direct overlooking to this property. There could be some overshadowing during the late afternoon; however, given the constrained nature of the adjoining site and the urban context this impact is unlikely to be significant given the site is south facing.
- 12.24. Given the location and separation distance of surrounding facing residential properties and the tight urban grain in this part of the borough, it is considered that the proposal would not unduly result in a detrimental impact upon the amenity of the residents of the surrounding properties in terms of privacy, loss of outlook and sense of enclosure.
- 12.25. Overall, it is considered that the proposed development is suitably designed to ensure privacy is preserved, a level of outlook is maintained and there will be no sense of enclosure to surrounding residential properties.

13. Highways and Transportation

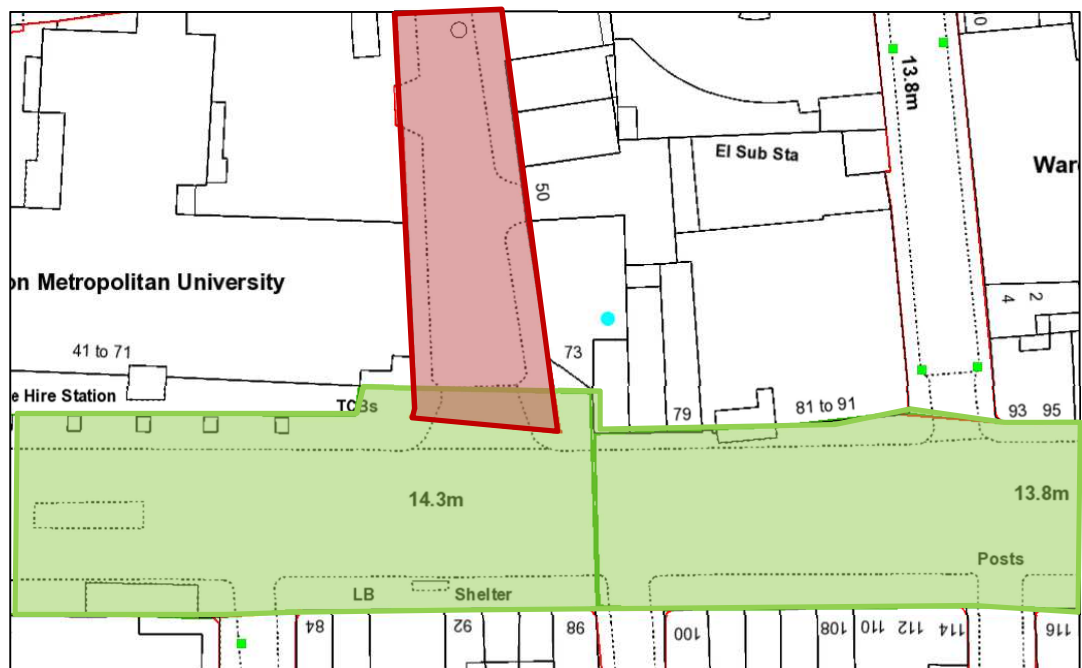
Policy Context

- 13.1. The NPPF and Policy 6.1 of the London Plan (MALP 2016) seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.

- 13.2. Core Strategy policies SP08 and SP09, together with policy DM20 of the MDD seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 13.3. Policies 6.13 of the London Plan, spatial policy SP09 of the CS and Policy DM22 of the MDD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.

Site context and proposal

- 13.4. The site has excellent public transport accessibility level (PTAL) of 6b. The site comprises three properties; these are currently in use as retail at ground floor level with commercial at the floors above.
- 13.5. The site is located on both the adopted highway under control of TfL and LBTH highways. The frontage to Commercial Road and the public realm to the front of the stepped element at 73 Commercial Road is within the control of TfL. Beyond the rounded corner of Greenfield Road the highway and public realm is within LBTH's control. The plan below shows the highway authority for the highways adjacent to the site.



- 13.6. The existing site has two accesses onto Greenfield Road and three accesses to Commercial Road from each of the retail units. There is no existing vehicular access into the site.

Car Parking and access

- 13.7. The applicant has proposed to enter a legal agreement to restrict the issuing of business permits to future occupants in order to ensure that the proposal is car free. This is supported by LBTH highways and TfL. The restriction on the issue of

parking permits for business occupants will be secured through the section 106 legal agreement.

- 13.8. Given the constrained nature of the site, there is limited scope for the inclusion of a disabled bay to be provided on site. The applicant is willing to fund an on street accessible bay and a commuted sum of £5000 has been agreed which is included in the S106 agreement to cover the costs of providing an on street bay in close proximity to the site.
- 13.9. In addition, a small amount of land around the edge of the building on Greenfield Road and Commercial Road (including the chamfered corner) will be subject to a stopping up order between TfL and the applicant. This was agreed in principle by the applicant and TfL during the pre-application stage and has been subsequently confirmed during the application process.

Servicing and deliveries

- 13.10. It is proposed to service the development on street as per the existing arrangements from the public highway using the yellow lines on Greenfield Road or using the servicing bay outside the site on Commercial Road within the restrictions of the servicing bay. Given the constrained nature of the site will be difficult to service the site from within the red line of the proposal.
- 13.11. It is noted that there will be an intensification of use and therefore the number of servicing trips and length of time vehicles will be required to wait will increase. The applicant has agreed that servicing will occur within the restrictions of the parking bay on Commercial Road and Greenfield Road will only be used as necessary. A Delivery and Service Management Plan will be required and secured by a planning condition.
- 13.12. The refuse collections are to occur from the access at the north west of the site. The bin store is located at basement level and will be brought up to the collection point on collection day. A holding area is proposed at ground floor level to ensure that the bins are not stored on the public highway. Further assessment of the proposed waste arrangements and conditions required to provide clarification on the arrangements as proposed are discussed in the 'waste' section of the report.

Walking and the public realm

- 13.13. During the course of the application, concerns were raised regarding pedestrian permeability and the public realm around the site given the chamfered corner and structural column which had the potential to impede pedestrian movements. Improvements have been made to the design including reducing the size of the structural column to ensure that pedestrians/users of the public realm are not restricted in their movement. This amendment in design is considered acceptable given it improves on the existing poor quality public realm and provides better permeability and more meaningful public realm around the site.

Cycling

- 13.14. The applicant has proposed 53 cycle parking spaces. This is beyond the London Plan FALP requirement for long term cycle parking for office use and the flexible commercial space at ground floor level. In addition, changing and washing facilities are also proposed.

- 13.15. The bike stores are accessed by the cycle lifts from ground floor to basement level. It is important to ensure that the cycle lifts are accessible and user friendly and therefore the access routes and lift detail will be controlled by way of condition. In addition, the design of the cycle stands (with reference to the London Cycling Design Standards (LCDS)) is required by condition.
- 13.16. Given the constrained nature of the application site, the applicant is unable to provide cycle parking in the public realm for visitors. Whilst the London Plan requires developers to provide short stay cycle parking as part of development proposals, it is recognised in this instance that this would not be feasible. In order to ensure there is cycle parking provision for visitors, the applicant has proposed additional cycle parking spaces within the basement for business visitors and has also agreed to enter into a highway agreement with TfL to provide two additional 'Sheffield' cycle stands in close proximity to the site. This will be secured by way of condition.

Trip Generation

- 13.17. A multi-modal assessment has been undertaken and is considered acceptable by LBTH highways officers and TfL.

Demolition and Construction Traffic

- 13.18. Should the application be approved, the impact on the road network from demolition and construction traffic would be controlled by way of conditions requiring the submission and approval of Demolition and Construction Management Plans. The Demolition and Construction Management Plan will need to consider the impact on pedestrians, cyclists and vehicles as well as fully considering the impact on other developments in close proximity.

Summary

- 13.19. Subject to the above it is considered the proposal would be acceptable in terms of supporting sustainable modes of transport, it should have no significant impacts on the safety or capacity of the highways network, in accordance with NPPF (2012) policy 6.1, London Plan (2015) policy 6.3, Core Strategy (2010) policies SP08 & SP09, and Managing Development Document (2013) policies DM20 & DM22.

14. Waste

- 14.1. MDD Policy DM14 requires developments to provide adequate storage capacity in accordance with the Council's waste storage standards.
- 14.2. Due to concerns raised by the waste team regarding the location of the bin stores (pulling distance and how to bring the bins to ground floor level), a revised basement and ground floor plan have been submitted.
- 14.3. The amended plans show that storage space for 11 Eurobins will be provided at basement level to the north west of the site. A further Eurobin will be permanently located at ground floor level. A refuse lift will be located to the north west of the site between basement and ground floor level which will allow bins to be brought to ground floor level via a lift and will be stored in a temporary storage area at ground floor. These changes in turn reduce the pulling distance from 20 metres to 9.5 metres to the collection point from the furthest bin.

- 14.4. It is anticipated that a daily waste collection will be undertaken and given the site will be mainly in B1(a) use, it is not anticipated that bulky bins will be required. Clarification is required on the breakdown of how many and what type of bins will be collected each day. This further information will be provided on this by way of a Servicing and Management Strategy which will be secured by way of condition.
- 14.5. Subject to further clarification on the proportion of recycling bins/landfill bins and timings of collection which will be sought by way of the Servicing and Management Strategy condition, the Borough's Waste Team have confirmed that the amended information is satisfactory and is acceptable in accordance with the Borough's MDD Policy DM14 in regard to managing waste.

15. Energy & Sustainability

- 15.1. The NPPF encourage developments to incorporate renewable energy and to promote energy efficiency.
- 15.2. The NPPF sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.
- 15.3. London Plan 2016 Chapter 5 deals with London's response to climate change and seeks to achieve an overall reduction in carbon dioxide emissions of 60% below 1990 levels by 2025 (Policy 5.1).
- 15.4. London Plan Policy 5.2 sets out the Mayor's energy hierarchy to:
- Be lean: Use Less Energy
 - Be clean: Supply Energy Efficiently
 - Be Green: Use Renewable Energy
- 15.5. The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO₂ emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. From April 2014 the London Borough of Tower Hamlets have applied a 45 per cent carbon reduction target beyond Part L 2013 of the Building Regulations, as this is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations.
- 15.6. Core Strategy Strategic objective SO3 of the Tower Hamlets seeks to incorporate the principle of sustainable development including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. Core Strategy Policy SP11 reiterates the Mayor's CO₂ reduction targets and requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.
- 15.7. Policy 5.2 requires major development, both residential and non-domestic, to achieve a minimum improvement in CO₂ emissions 40% above Part L of the Building Regulations 2010 in years 2013-2016. From 2016 residential buildings should be zero carbon while non-domestic should accord with Part L of the 2013 Building Regulations and be zero carbon from 2019.

- 15.8. Policy DM 29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require non-residential proposals to achieve BREEAM Excellent.
- 15.9. The submitted Energy Assessment Report (dated 03.03.2017) has followed the principles of the Mayor's energy hierarchy, and seeks to focus on reduction of CO2 emissions through energy efficiency measures and the integration of renewable energy technologies. Passive energy measures include lighting controls to common areas and the proposal includes renewable measures including photovoltaic panels on the roof. An indicative roof layout plan has been submitted as part of the Energy Assessment Report which demonstrates that a photovoltaic array could cover approximately 57sqm of the roof space. To ensure that the specification and design of the PV panels are appropriate, a condition will require a plan of the PV panels to be submitted.
- 15.10. The current proposals are anticipated to achieve CO2 emission reductions of 13.6% through Be Lean measures and 11.7% through Be Green measures. The cumulative CO2 savings from these measures are proposed to be in accordance with policy London Plan requirements at approximately 25.3%. However, the proposals fall short of the LBTH policy requirements to achieve a 45% reduction in CO2 emissions.
- 15.11. Based on the current proposals there is a shortfall to policy DM29 requirements which equates to an annual shortfall of 14 tonnes of regulated CO2. The Energy Statement identifies the requirement to meet the shortfall through a carbon offset payment and this approach is supported for the development.
- 15.12. The Planning Obligations SPD includes the mechanism for any shortfall in CO2 to be met through a cash in lieu contribution for sustainability projects. This policy is in accordance with Policy 5.2 (E) of the London Plan 2016 which states:
- '...carbon dioxide reduction targets should be met on-site. Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere.'*
- 15.13. It is proposed the shortfall in CO2 emission reductions will be offset through a cash in lieu payment. The current identified cost for a tonne of CO2 is £1,800 per tonne of CO2. This figure is recommended by the GLA (GLA Sustainable Design and Construction SPG 2014 and the GLA Planning Energy Assessment Guidance April 2016).
- 15.14. For the proposed scheme a figure of £25,200 is sought for carbon offset projects as identified in the submitted Energy Statement.
- 15.15. The GLA has raised concerns within their Stage I response that the energy strategy does not accord with London Plan policies 5.2, 5.6, 5.7 and 5.8.
- 15.16. The full BRUKL files in the 'Be Lean' and 'Be Green' scenario are required and have subsequently been provided. The BRUKL files demonstrate modelling assuming a gas-fired boiler system for space heating. The submitted information is now considered acceptable.

- 15.17. In terms of the local district heating connection, the GLA has identified that according to the London Heat Map the location of the site is within a district heating opportunity area and in proximity to a proposed network. The proposed development requires future proofing for connection to potential district heating networks and should include measures to ensure this. The applicant has sufficiently demonstrated that capped connections for future proofing can be provided either side of the building façade walls. This is acceptable.
- 15.18. The GLA required further detail regarding the site heating network where all uses will be connected on site and future proofed. The applicant has explained that the sprinkler tank room, domestic water services tank room and electrical intake room are proposed. A plan which illustrates the heat pump location at roof level has also been provided and space heating will be provided via the air source heat pumps with comfort cooling. This information is satisfactory.

16. Environmental Considerations

Landscaping and Biodiversity

- 16.1. Core Strategy SP04 is concerned with 'Creating a green and blue grid.' Among the means of achieving this, the policy promotes and supports new development that incorporates measures to green the built environment including green roofs and green terraces whilst ensuring that development protects and enhances areas of biodiversity value. MDD Policy DM11 addresses 'Living buildings and biodiversity.' Policy DM11-1 requires developments to provide elements of a 'living buildings' which is explained at paragraph 11.2 to mean living roofs, walls, terraces or other building greening techniques. DM11-2 requires existing elements of biodiversity value be retained or replaced by developments.
- 16.2. The existing site has limited ecological value given the site consists of an existing building and there will be no significant impacts on biodiversity as a result of the proposal.
- 16.3. In terms of biodiversity enhancements, the applicant has investigated the option of providing a biodiverse roof; however, given the roof will largely accommodate plant and PV and the site is constrained, it will not be feasible to provide a biodiverse roof in this instance.
- 16.4. The applicant has engaged with the biodiversity officer and has provided an indicative plan showing where bird, bat and invertebrate boxes could be located at roof level. The roof level has sufficient space to accommodate the suggested boxes and will contribute to LBAP targets. The biodiversity officer has confirmed that a condition would be appropriate that secures as a minimum 2 bat boxes, 2 sparrow terrace nest boxes, 2 insect boxes and 6 nest boxes for swifts.
- 16.5. The Council's Biodiversity officer is satisfied that with appropriate conditions the proposed development would result in a net gain in biodiversity. Accordingly, the proposal will serve to improve the biodiversity value as sought by policy SP04 of the CS and DM11 of the Managing Development Document.

Noise, Vibration and odour

- 16.6. Chapter 11 of the NPPF gives guidance for assessing the impact of noise. The document states that planning decisions should avoid noise giving rise to adverse impacts on health and quality of life, mitigate and reduce impacts arising from noise

through the use of conditions, recognise that development will often create some noise, and protect areas of tranquillity which have remained relatively undisturbed and are prized for their recreational and amenity value for this reason.

- 16.7. Policy 7.15 of the London Plan, policies SP03 and SP10 of the CS and policy DM25 of the MDD seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 16.8. The submitted Noise and Vibration Assessment considers existing noise levels from a variety of noise sources mainly consisting of the dominant road traffic and distant construction noise.
- 16.9. In terms of the completed development, plant locations are proposed on the roof and at basement level of the site. The proposed plant noise emissions will not exceed the 10 dB below the lowest measured background noise levels through the use of screening and attenuation measures.
- 16.10. In order to ensure the noise is acceptable for the occupants of the building, mechanical ventilation and facade glazing will be used.
- 16.11. In addition, any potential noise from the flexible ground floor use could also be controlled by an “hours of use” condition and similarly with deliveries and servicing. Relevant conditions would be included on any permission if granted.
- 16.12. In relation to odour, a condition could ensure any food /drink use with a kitchen extract system would be adequate to mitigate any odour nuisance should the ground floor element come forward as an A3 – A5 type use.
- 16.13. It is considered that proposed arrangements would ensure that the development would be compliant with the NPPF and development plan policy.

Demolition and Construction Noise and Vibration

- 16.14. The Noise and Vibration Assessment acknowledges the potential for adverse effects from demolition and construction noise and vibration. Noise and vibration levels as a result of the demolition and construction phase can be minimised by mitigation methods such as hoarding with good acoustic qualities, briefing staff on noise and vibration measures, use silenced and well-maintained plant, locate plant away from sensitive, carrying out inspections of noise mitigation measures and the switching off of plant and equipment when not in use which would be employed to ensure that the noise levels are acceptable.
- 16.15. The six nearest noise sensitive receptors have been identified around the site including the residential premises on the opposite side of Commercial Road, the commercial premises to the north and east of the site (including no 79 Commercial Road, the Job Centre and the London Enterprise Academy) and the London Metropolitan University. Four of the receptors will experience no adverse effects as a result of the construction vibration. This includes the residential properties opposite, the London Metropolitan University, the London Enterprise Academy and the Job Centre. The two remaining receptors (the commercial premises adjoining the site) are likely to be impacted by piling vibration due to their close proximity to the development. Measures will be put in place to minimise impact to these two properties during the construction phase.

- 16.16. Demolition and construction works, are likely to include activities that would be likely to increase noise and vibration levels. The submission of a construction management plan via condition would therefore be required to reduce the noise and vibration impacts on the neighbouring properties and ensure that all works are carried out in accordance with contemporary best practice.
- 16.17. Should planning permission be granted there would also be conditions controlling the hours of construction (Monday – Friday 08:00 – 06:00, Saturdays 08:00 – 13:00 and no work on Sundays and Bank Holidays).
- 16.18. Subject to safeguarding conditions, officers consider that the proposed development would therefore not result in the creation of unacceptable levels of noise and vibration during demolition and construction in accordance with the NPPF, policy 7.15 of the London Plan, policies SP03 and SP10 of the CS and policy DM25 of the MDD.

Air Quality

- 16.19. Policy 7.14 of the London Plan seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality, Policy SP03 and SP10 of the CS and Policy DM9 of the MDD seek to protect the Borough from the effects of air pollution, requiring the submission of air quality assessments demonstrating how it would prevent or reduce air pollution in line with Clear Zone objectives.
- 16.20. The borough is designated an Air Quality Management Area and the Council produced an Air Quality Action Plan in 2003. The Plan addresses air pollution by promoting public transport, reducing the reliance on cars and by promoting the use of sustainable design and construction methods. NPPF paragraph 124 requires planning decisions to ensure that new development in Air Quality Management Areas is consistent with the local air quality plan.
- 16.21. The main source of pollutants is road traffic. The air quality monitoring data from monitoring sites in close proximity to the application site demonstrates that existing air quality consistently exceeds the annual mean NO₂ air quality objective at road side locations close to Commercial Road, but would be expected to reduce away from the roadside and at more elevated floor levels.
- 16.22. Given the proposed development is for commercial and retail use the proposal would not introduce new residential exposure. However, employees and visitors to the development could be exposed to elevated concentrations of air pollutants. To protect future workers a mechanical ventilation system fitted with heat recovery. Offices below sixth floor level would have sealed windows and air for the ventilation system would be sourced from air handling units located at the roof top. Above the sixth floor level it is considered that pollutant concentrations would have reduced to below the objective concentration and therefore windows can be openable to allow for summer cooling and purge ventilation as necessary.
- 16.23. The air quality assessment shows that the development will have a negligible impact on the local air quality and that the development meets the air quality neutral requirements by a wide margin.
- 16.24. The LBTH Air Quality officer reviewed the Air Quality Assessment and after some further points of clarification from the applicant in relation to the testing of the

backup diesel generator has confirmed that the Air Quality Assessment is acceptable.

- 16.25. Finally, in terms of the construction phase this is acceptable and any relevant dust and emissions mitigation must be included in a Construction Environmental Management Plan, along with a program for dust monitoring. All on site non road mobile machinery must comply with the GLA's emission limits for Non Road Mobile Machinery.
- 16.26. As such, the proposal is generally in keeping Policy 7.14 of the LP, Policy SP02 of the CS and Policy DM9 of the MDD which seek to reduce air pollution

Contaminated Land

- 16.27. In accordance with the requirements of the NPPF and policy DM30 of the MDD, the application has been accompanied by a Land Contamination Assessment which assesses the likely contamination of the site.
- 16.28. The Council's Environmental Health Officer has reviewed the documentation, and advises that subject to conditions to ensure that appropriate mitigation measures are in place there are no objections on the grounds of contaminated land issues. Relevant conditions would be included on any planning permission if granted.

Water Resources

- 16.29. The NPPF, policy 5.12 of the London Plan, and policy DM13 of the MDD and SP04 of CS relate to the need to consider flood risk at all stages in the planning process. Policy 5.13 of the London Plan seeks the appropriate mitigation of surface water run-off
- 16.30. In relation to surface water run-off, the site is already built upon and therefore subject to a planning condition to ensure the scheme incorporates Sustainable Drainage Measures in accordance with the London Plan's hierarchy the proposal is considered acceptable in accordance with adopted policy NPPF, Policies 5.12, 5.13 of the London Plan, Policies SP04 of the Core Strategy and DM13 of the Managing Development Document.
- 16.31. Thames Water advises that conditions could also appropriately address the matters raised regarding piling and the site drainage strategy.
- 16.32. In summary, subject to the inclusion of conditions to secure the above, the proposed development complies with the NPPF, Policies 5.12 and 5.13 of the London Plan and Policy SP04 of the CS.

Health Considerations

- 16.33. Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.
- 16.34. Policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.

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

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

16.36. As detailed in the previous section, the proposed development would promote sustainable modes of transport and will be car free. In addition, the proposal will seek to improve the appearance of the existing building and provide active frontages/public realm within the chamfered corner of the site. It is therefore considered that the proposed development as a consequence would broadly promote public health within the borough in accordance with London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy.

17. Impact upon local infrastructure / facilities

17.1. Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's Planning Obligations SPD (2016) sets out in more detail how these impacts can be assessed and appropriate mitigation.

17.2. The NPPF requires that planning obligations must be:

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

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

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

17.5. The Council's Planning Obligations Supplementary Planning Document (2016) carries weight in the assessment of planning applications. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. This identifies the council's priorities as Affordable housing, Sustainable transport, publicly accessible open space, education, health, training, employment and enterprise etc.

17.6. The SPG seeks planning obligations for the following priority areas which are not covered by CIL:

- Affordable Housing (and wheelchair accessible accommodation)
- Employment, Skills, Training and Enterprise
- Transport and highways
- Public access and children's play space

- Environmental sustainability
- 17.7. The proposal would also be subject to an LBTH Community Infrastructure Levy. The types of infrastructure project that may be partly or wholly funded by CIL can include:
- Public education
 - Community and leisure facilities
 - Public open space
 - Road and other transport facilities
 - Health facilities
- 17.8. The development is predicted to generate a significant number of jobs once complete. Therefore, the development will place some additional demands on local infrastructure and facilities, including transport facilities, public open space and the public realm and streetscene.
- 17.9. As outlined in the following financial considerations section of the report LBTH CIL is now applicable to the development would help mitigate the above impacts.
- 17.10. The applicant has agreed to the full financial contributions as set out in the s106 SPD in relation to:
- Enterprise and Employment Skills and Training;
 - End User;
 - Carbon Off-Set
 - Wheelchair accessible bay contribution
 - Monitoring contribution
- 17.11. The developer has agreed to provide 6 construction phase apprenticeships and 1 end-use phase apprenticeship.
- 17.12. The developer has also offered to use reasonable endeavours to meet at least 20% local procurement of goods and services, 20% local labour in construction and 20% end phase local jobs and agreed to enter a permit-free agreement for business permits.
- 17.13. The financial contributions offered by the applicant are summarised in the following table:

Heads	Planning obligation financial contribution
Employment, Skills, Construction Phase Skills and Training	£18,540
Access employment and end user	£120,749
Carbon off set initiatives	£25,200
Wheelchair accessible bay	£5,000
Crossrail	£106,972
Monitoring	£4,500
Total	£280,951

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

18. OTHER

Financial Considerations

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

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

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

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

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

18.3. As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and would be payable on this scheme if it were approved.

18.4. The mechanism for contributions to be made payable towards Crossrail has been set out in the Mayor’s Supplementary Planning Guidance (SPG) “Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy” (April 2013). The SPG states that contributions should be sought in respect of uplift in floorspace for B1 office, hotel and retail uses (with an uplift of at least 500sqm). These are material planning considerations when determining planning applications or planning appeals. In this case the Crossrail charge would be approximately £106,972. This would be secured through the section 106 agreement with the Mayoral CIL credited with this contribution.

18.5. This application is located within an area that is not subject to the Borough’s Community Infrastructure Levy for office use or retail use (except for convenience supermarket, superstores and retail warehousing which are defined as shopping destinations in their own right, meeting weekly food needs and catering for a significant proportion of car-borne customers). Given the small scale of the flexible commercial space (381sqm), it is not considered that the proposal would fall within this category. The CIL Levy came into force for application determined from 1st April 2015. This is a standard charge, based on the net floor space of the proposed development, the level of which is set in accordance with the Council’s adopted CIL charging schedule.

18.6. As regards to Community Infrastructure Levy considerations, following the publication of the Inspector’s Report into the Examination in Public in respect of the London Mayor’s Community Infrastructure Levy, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and will be payable

on this scheme. The likely Mayoral CIL payment associated with this development would be £108,395.

- 18.7. Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. The proposed S.106 package has been detailed in full which complies with the relevant statutory tests and adequately mitigates the impact of the development.

Human Rights Considerations

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

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

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

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

- 18.11. Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified.

- 18.12. 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.

- 18.13. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

- 18.14. As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the

European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

- 18.15. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

Equalities Act Considerations

- 18.16. The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty, inter alia, when determining all planning applications. In particular the Committee must pay due regard to the need to:

1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 18.17. The requirement to use local labour and services during construction and at end phase enables local people to take advantage of employment opportunities, supports community wellbeing and social cohesion.

- 18.18. The proposed development allows for an inclusive and accessible development for, employees, visitors and workers. Conditions secure accessibility for the life of the development.

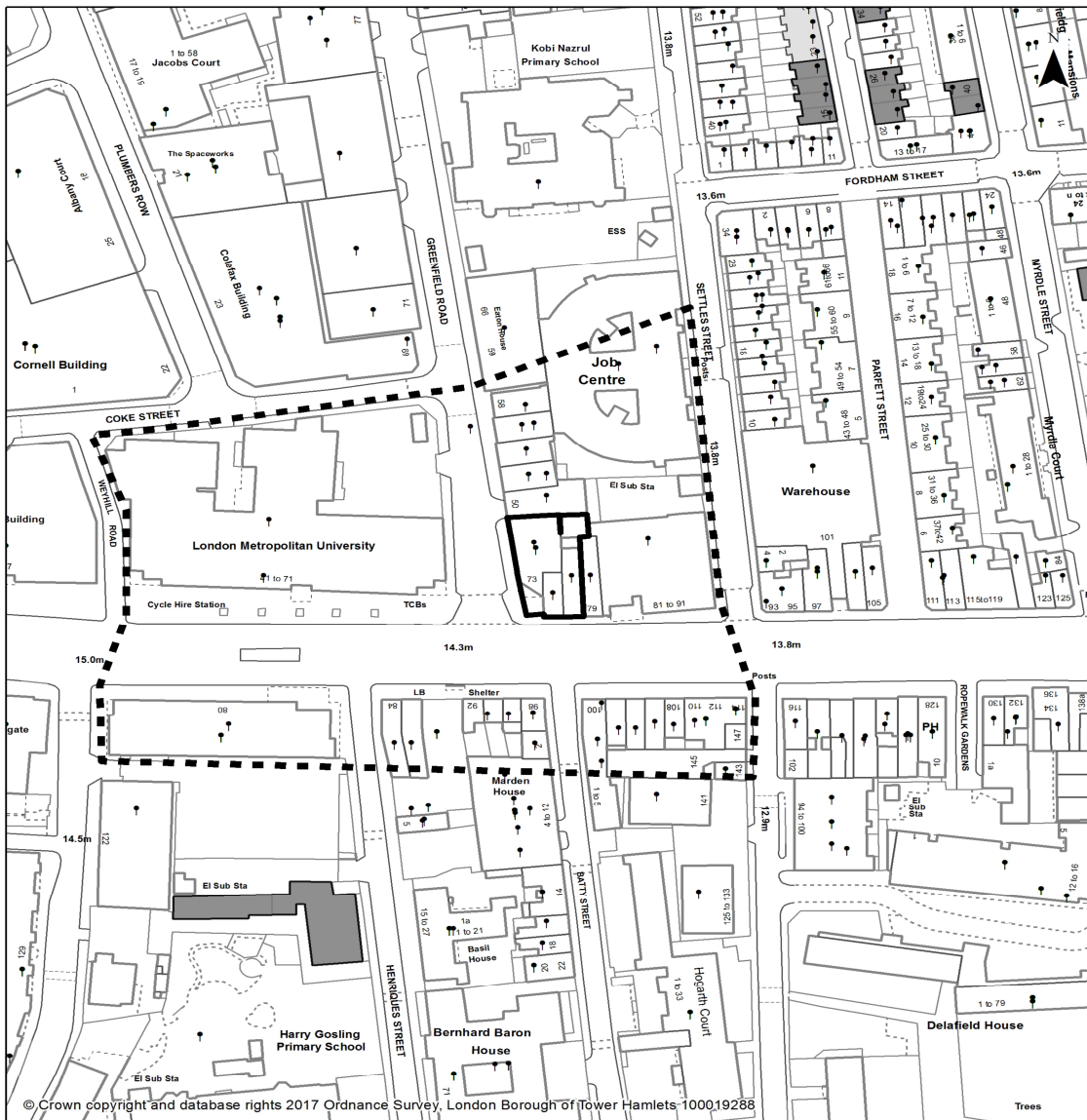
- 18.19. The proposed development and uses as a consequence are considered to have no adverse impacts upon equality and social cohesion.

Conclusion

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

APPENDIX 1

Planning application site map




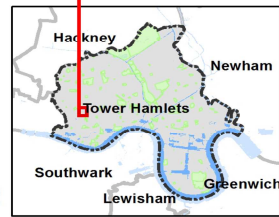
- ↑ Land Parcel Address
- Consultation Area
- ▭ Planning Application Site Boundary
- Statutory Listed Buildings
- ▭ Locally Listed Buildings

Scale @ 1:1,250
 10 5 0 10 20 30 Meters

Planning Application Site Map PA/17/00734

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

 GIS for Place Directorate
 LONDON BOROUGH OF TOWER HAMLETS
 Date: 20/07/2017



APPENDIX 2

List of plans for approval

Schedule of Drawings

AM(10)002 Rev 9 Proposed GIA Area plans
TP(00)001 Rev 5 Site location plan
TP(00)002 Rev 4 Existing site plan
TP(00)003 Rev. 3 Proposed Site plan
TP(10)002-Q Rev 1 Proposed ground level TP Queries
TP(10)003 Rev 8 Proposed First Level, Second - Fifth Level Typical
TP(10)006 Rev. 5 Proposed sixth – tenth level, typical roof
TP(10)007 Rev 1 Existing basement, ground level
TP(10)008 Rev 1 Existing first level, second level
TP(10)009 Rev 1 Existing third level, roof level
TP(11)001 Rev 2 Existing site elevations and sections
TP(11)002 Rev 3 Proposed site elevations
TP(11)003 Rev 6 Proposed south elevation
TP(11)004 Rev 6 Proposed west elevation
TP(11)005 Rev 6 Proposed north elevation
TP(11)006 Rev 6 Proposed east elevation
TP(11)007 Rev 1 Existing south elevation
TP(11)008 Rev 1 Existing west elevation
TP(12)004 Rev 1 Existing section 1
TP(12)005 Rev 1 Existing Section 2
TP(12)002 Rev 6 Proposed section 1
TP(12)003 Rev 5 Proposed section 2

Schedule of Documents

Planning and Regeneration Statement prepared by DP9 dated March 2017
Heritage and Townscape Statement prepared by KM Heritage dated March 2017
Daylight and Sunlight Report prepared by Point 2 Surveyors Ltd dated February 2017
Transport Statement prepared by Icen projects dated March 2017
Sustainability Statement prepared by Ramboll Environ dated March 2017
Air Quality Assessment prepared by Ramboll Environ dated May 2017 (issue 2)
Energy Assessment Report prepared by Bespoke Builder Services Ltd dated 03.03.17
Noise and Vibration Assessment prepared by Ramboll Environ dated March 2017
Ecological Impact Assessment prepared by Ramboll Environ dated March 2017
Land Contamination Assessment prepared by Ramboll Environ dated March 2017
Historic Environment Assessment prepared by MOLA dated March 2017
Statement of Community Involvement prepared by Quatro dated March 2017
Utility Services Report Revision A prepared by FHP dated 3rd March 2017