

<b>Committee:</b> Strategic Development Committee	<b>Date:</b> 17 <sup>th</sup> August 2018	<b>Classification:</b>	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director of Place		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Gareth Gwynne		<b>Ref No:</b> PA/16/03552 <b>Ward(s):</b> Whitechapel	

## 1.0 APPLICATION DETAILS

**Location:** Enterprise House, 21 Buckle Street, London, E1 8NN  
**Existing Use:** Vacant Office (B1 Use Class)  
**Proposal:** Demolition of existing office building and erection of a 13 storey building (plus enclosed roof top level plant storey) rising to 56.32m (AOD) containing 103 unit aparthotel (C1 Use) with B1 Use Class office workspace at ground and mezzanine level with an ancillary café (A3 Use Class) and hotel reception space at ground floor, together with ancillary facilities, waste storage and associated cycle parking store.

**Applicants:** OCM Luxembourg Buckle Street Apart-Hotel SARL  
**Owner:** OCM Luxembourg Buckle Street Apart-Hotel SARL  
**Historic Building:** N/A  
**Conservation Area:** N/A

**Drawing Numbers**

a-098.0 Rev. A;	a-099.0 Rev. B;	a-100.0 Rev. C;
a-101.0 Rev. B;	a-102.0 Rev. B;	a-103.0 Rev. B;
a-103.1 Rev. B;	a-104.0 Rev. A;	a-104.1 Rev. A;
a-105.0 Rev. A;	a-106.0 Rev. A;	a-107.0 Rev. A;
a-107.1 Rev. A;	a-108.0 Rev. A;	a-109.0 Rev. A;
a-110.0 Rev. C;	a-111.0 Rev. C;	a-112.0 Rev. C;
a-113.0 Rev. C;	a-113.1 Rev. C;	a-113.2 Rev. B;
a-114.0;	1-114.1;	z-100.0 Rev. C;
z-101.0 Rev. C		

**Supporting Documents**

Planning Statement, December 2016  
Design and Access Statement, December 2016  
Townscape and Visual Impact Assessment, November 2016  
Townscape and Visual Impact Assessment Addendum, June 2017  
Heritage Assessment, November 2016  
Historic Environment Report Rev 2, November 2016  
Daylight / Sunlight Report, 1<sup>st</sup> December 2016  
Daylight/ Sunlight addendum report, 21<sup>st</sup> March 2017  
Consultation Statement, 30<sup>th</sup> November 2016  
Economic Benefits Statement, June 2017  
Sustainability Statement, November 2016  
Building Survey Report  
Office Marketing Report, November 2016  
Construction Management Plan, November 2016  
Waste Management Strategy, April 2016

Phase 1 Environmental Assessment, 1st December. 2016  
Needs Assessment for an Aparthotel, July 2017  
Transport Statement, 26<sup>th</sup> April 2017  
Draft Travel Plan, 29<sup>th</sup> November 2016  
Framework Construction Logistic Plan, 30<sup>th</sup> November 2016  
Acoustic Design Report 30th November 2016  
Wind Microclimate Assessment, 28th November 2016  
Air Quality Assessment, November 2016  
Surface Water Disposal Report Rev. 1 (20-3-2017)  
Energy Strategy Rev. E  
Sustainability Statement, November 2016

## **2. EXECUTIVE SUMMARY**

- 2.1 Officers have considered the particular circumstances of this application against the provisions of the development plan and other material considerations as set out in this report, and recommend approval of planning permission.
- 2.2 The proposed development is considered to be acceptable in planning policy terms and, on balance, the adverse impacts of the development are considered acceptable when weighed against the benefits of the proposal. The benefits of the proposal include new jobs on site (circa 60 full time equivalent), additional visitor expenditure benefiting the local economy, and a raft of employment and training initiatives which would be secured through planning obligations. The employment and training initiatives exceed those typically secured for a development of this size and nature, and have been successfully negotiated and agreed with the applicant SACO. These include an Employment Training Pool Fund, four (4) approved Apprenticeships/Traineeships, and a Social Compact with the Council.
- 2.3 In land use terms the principle of development is accepted with the net reduction in office employment floor space considered acceptable based on the two year marketing evidence providing for the existing office accommodation and evidence of continuing high market demand for short stay guest accommodation in the Borough and across London more widely.
- 2.4 The proposed architectural treatment of the building is well considered with a strong and distinctive design involving a clear and coherent base, a well-defined middle and top – ‘crown’ treatment to the building. The arrangement of the ground and mezzanine first floor provide for an externally attractive, and well activated relationship to street. The aforementioned architectural features set alongside the reduction are considered to address the detrimental townscape/canyon effects of the scheme upon Buckle Street and beyond that contributed to the previously refused scheme exhibiting clear and demonstrable signs of overdevelopment of the site.
- 2.5 The scheme marks a significant reduction in height compared to the previously refused mixed use office/short stay serviced apartment scheme for the site. The reduction in height is considered to address the previous reasons of refusal in terms of the impact of a tall building in this location upon the setting and streetscape views of a cluster of statutorily listed building located immediately to the south west of the application site.

- 2.6 The scheme, like its refused predecessor, presents adverse daylight/sunlight impacts to neighbouring residential neighbours and tangible issues surrounding outlook and sense of enclosure. However officers on balance consider based on the reduction in height of the scheme, the alterations to design and with further analysis provided of the degree and source of the amenity impacts to neighbours it is not considered the degree of adverse amenity impacts to residential neighbours is such as to warrant a recommendation for refusal.
- 2.7 Subject to imposition of relevant planning conditions and a legal agreement the scheme raises no unacceptable issues in respect of highways and transportation, servicing, energy, sustainability, inclusive design and quality of future visitor and office accommodation.

### **3.0 RECOMMENDATION**

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

- a) Any direction by the Mayor of London
- b) The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following planning obligations:

3.2 Financial Obligations:

- a) A contribution of £13,296 towards employment, skills, training for construction job opportunities;
- b) A contribution of £6,476 towards employment, skills, training for end phase job opportunities;
- c) To set aside the Employment Training Pool Fund which shall be made available and publicised to all persons employed as part of the construction or end user phases of the Development – proposed as £30k which means a fund of thirty thousand pounds (£30,000.00) to be set aside and made available for persons employed as part of the construction or end user phases of the Development to provide financial support for such persons to gain a recognised diploma or higher qualification in hospitality management with such fund to be targeted at employees from within the Borough.
- d) Crossrail ‘Top Up’ of £73,483 (approximate figure after discounting payment of Mayor of London Community Infrastructure Levy (CIL) subject to indexation); and
- e) Monitoring fee £6,000 (£500 per s106 Head of Term)

Total: £129,255

3.3 Non-financial Obligations:

- a) Owner agreeing to a restriction on hotel/ serviced apartment (use class C3) operator taking block bookings from travel operators using coach drop offs/collection through use of Section 16 of the Greater London Council (General Powers) Act 1974.

- b) Owner agreeing to a commuted sum towards future provision of an on-street accessible parking and service bays through use of Section 16 of the Greater London Council (General Powers) Act 1974.
  - d) Access to employment, involving:-
    - Reasonable endeavours to gain minimum 20% local procurement.
    - Reasonable endeavours to gain minimum 20% local labour in Construction.
  - e) Provide a minimum of four (4) approved Apprenticeships/Traineeships for Local Residents during the construction phase and end-user phase of the Development.
  - f) 50% discounted rents to the workspace for those living in the Borough.
  - g) Use Reasonable Endeavours to ensure that all persons who take jobs in relation to the construction and end-user phases of the Development shall be given information in relation to the document titled SACO Mentoring Programme in the form annexed to this Schedule
  - h) Use Reasonable Endeavours to ensure that all jobs in relation to the construction and end-user phases of the Development are recruited, offered and managed in accordance with the documents titled Social Compact with the London Borough of Tower Hamlets and LEAD SACO Personal Growth and Development Programme
  - f) S278 agreement to address the surrounding highway.
  - g) End user Travel Plan
  - h) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.
- 3.4 That the Corporate Director of Place is delegated authority to negotiate and approve the legal agreement indicated above.

3.5 That the Corporate Director of place is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

3.6 **Conditions**

Compliance

1. Three year time limit
2. Compliance with approved plans and documents
3. Cycle parking facilities shall be retained for the lifetime of the development
4. Demolition between months of September and February
5. 10% of C1 units shall be fully wheelchair accessible
6. maximum stay of 90 consecutive days
7. 24hr servicing shall be provided
8. telephone line shall be provided within each room with no opportunity for personal lines
9. rooms shall be charged at weekly rates
10. the use shall be secured in the form of a license not a lease

10. occupants of the rooms shall not have exclusive possession of the room, and access will be provided for substantial services including room cleaning
11. Bins shall not be left for any time on the pavement

#### Pre-commencement

12. Archaeology - written scheme of investigation
13. Land contamination
14. Construction Environmental Management Plan, including details of working hours, construction traffic movements, control of dust, air pollution and noise pollution, mitigating measures to minimise impact on adjoining residential and commercial occupiers.

#### Pre-commencement (other than demolition of the existing building)

15. Detailed drawings and samples of all external materials
16. Details of measures to mitigate overlooking and light spill out
17. Landscaping and public realm (including the following):
  - a) Roof top soft landscaping
  - b) Biodiversity improvement measures
  - c) Hard landscaping
  - d) Street cycle stands
  - e) CCTV and other external security measures
  - f) Ground levels & thresholds – inclusive access
18. Details of surface water drainage and SUD's (to include reducing existing site discharge by 50%)
19. Piling Impact and Method Statement
20. End specification energy strategy, to include details of delivery of 50% reductions in CO2 emissions, plus air quality neutral assessment for CHP

#### Pre-occupation

21. Delivery and Servicing Management Plan including end user waste management strategy and plan
22. Travel Plan
- 23: Secure by Design Accreditation
24. Details of all roof top and other externally ventilated plant and mechanical equipment including details of break out noise levels
25. Water supply infrastructure capacity study

#### Post-occupation

26. Review of microclimate with requirement to provide wind mitigation measures for any adverse wind impacts not previously modelled for

#### Informatives

1. Thames Water - Groundwater Risk Management Permit
  2. Environmental Health – Noise & Vibration
  3. Subject to a S106 agreement
  4. CIL
  5. Subject to a S278 agreement (Highways improvements)
- 3.7 Any other conditions considered necessary by the Corporate Director of Place.

## 4 PROPOSAL

- 4.1 The proposal is to demolish the existing 5 storey building and erect a 13 storey building, plus enclosed roof top plant storey, rising 42.6m in total from pavement level (56.32m AOD).
- 4.2 The proposed development would occupy 3,447sq.m (GEA) of floor space. The building would house 103 one bedroom serviced apartments and one two bedroom serviced apartments (C1 use class) on the upper floors. The mezzanine floor level would provide office (B1(a) use class) floor space. The 'front of house' section of the ground floor level would occupy 130sq.m and provide accommodation for some additional employment workspace (B1 use class) alongside a small ancillary café (A3 use class) and hotel reception space. The rear section of the ground floor level would provide back of house function spaces, including cycle storage, a laundry room and a waste storage room.



**Figure 1:** CGI of scheme showing north elevation (with the Altitude development to left of scheme and City Reach, 19 Leman Street to right)

4.3 Aparthotels and short stay serviced apartments fall into the same C1 use class as hotels with stay limited to less than 90 consecutive days.

## 5 SITE, SURROUNDINGS and DESIGNATIONS

5.1 The application site of No 21 Buckle Street is located in Aldgate and is office (B1 Use) building known as Enterprise House. The applicant states the site has been vacant since May 2014.

5.2 The site is small and is almost square in shape measuring approximately 18 metres by 15.5 metres and occupies an area of approximately 279sqm.



**Figure 2: Application Site, (also showing the cluster of listed buildings set around corner of Alie Street and Leman Street)**

5.3 The existing building occupies the entirety of the site and sits within an established street building block. The street block is bounded by Buckle Street to the north, Leman Street to the west, Alie Street to the south and Plough Street to the east.

5.4 The existing building on site fronts onto Buckle Street and this street serves as the northwest edge of the site and Enterprise House also fronts onto Plough Street (to the northeast) a very small short cul-de-sac street that runs off Buckle Street. The south western edge of the site attaches to the flank end wall of No. 19 Leman Street (also known as City Reach a 6 storey building).

5.5 To the rear of the site (on the south eastern site edge) there is a small courtyard space that serves a complex of listed buildings associated with the St George's German Church. No. 55-57 Alie Street contains the Grade II listed former St George's German and English Schools, a three storey building facing onto Alie Street (that has been converted into a set of residential flats). To the rear of the

School building and within the courtyard and physically abutting the development site is the two storey Grade II listed former St George's German and English Infants' School (converted into two residential flats).

- 5.6 The Grade II\* St George's German Church opens onto Alie Street and is attached to the western end of No 55-57 Alie Street. To the west of the Church is attached the Grade II Dispensary Building that occupies the street corner site of Alie Street and Lemman Street.
- 5.7 The site is in a designated Archaeological Priority Area. The site is not located within a conservation area. There are a number of conservation areas in the vicinity, the nearest being the Whitechapel High Street Conservation Area set approximately 70m to the north. The site falls within the background 'viewing corridor' of View 25.A.1, 25.A.2, 25.A.3 of the London View Management Framework in respect of views of Tower of London World Heritage Site as viewed from the side of the Thames outside City Hall.
- 5.8 The site is within the Central Activities Zone and the City Fringe (Tech City) Opportunity Framework Area as defined by the London Plan and falls within the boundaries of the Borough's (2007) Interim Framework Aldgate Masterplan.
- 5.9 The nearest underground station is Aldgate East less than 150m walk from the site and the site has excellent public transport accessibility with a PTAL rating of 6b.
- 5.10 The core of Aldgate has been an area of rapid change in terms of built development as well benefiting from significant degree of recent improvements in the public realm, as the road gyratory is largely dismantled and new developments have been built.
- 5.11 To the immediate north of the application site, on the north side of Buckle Street, is the mixed use Aldgate Place development that is partially occupied and moving towards full completion. The scheme contain three tall towers set alongside the recently completed 23 storey serviced apartment development at No 1 Buckle Street/ No 15-17 Lemman Street site (also operated by SACO the site owner to this application scheme). A new pedestrian route runs northeast through the Aldgate Place development to Commercial Road and Whitechapel High Street, containing an identified 'pocket' green space'. To the south of the site and set on the south side of Alie Street is the 3.65 hectare mixed use residential led Goodman's Field development that is a mix of mid height buildings and taller slender towers.
- 5.12 Set just to the east of the site is the completed Altitude residential led development that rises to 28 storeys but which also includes a lower part 8 and part 4 storey podium base residential building that wraps around the corner of Buckle Street and Plough Street (known as Goldpence Apartments).

## **6 RELEVANT PLANNING HISTORY**

### **Application site**

- 6.1 PA/15/01141 Planning permission refused 11<sup>th</sup> December 2015 for "demolition of existing office building and erection of a ground plus 17 storey mixed use building (AOD 74.7m to parapet) comprising 1,185sq.m of office space (B1 Use Class) and 106 (C1 Use

Class) serviced apartments (2,985sq.m) together with ancillary facilities and associated cycle parking.

The four grounds of refusal are set out below

- 1) The development would cause substantial harm to the amenities and living conditions of occupiers of adjoining and adjacent residential properties through substantial loss of daylight and sunlight, significant loss of outlook, overbearing nature of the development including undue sense of enclosure.
- 2) The proposed development exhibits clear and demonstrable signs of overdevelopment by virtue of:
  - a) Its adverse amenity impacts to residential neighbours;
  - b) from its detrimental townscape impacts resulting from the proposed height, scale and mass of the development set on a small, tightly confined site situated upon a narrow street and set within an established lower scale urban street block;
  - c) the unacceptable relationship to other tall development set to the east and north of the site that limits the opportunity to achieve a tall building on this site that is compatible with objectives of sustainable development and delivering high quality place-making within Aldgate.
- 3) The proposed development would result in significant harm to the setting of the Grade II\* listed St George's German Church and to the Grade II listed Dispensary Building, the former St George's German and English Schools, the former St George's German and English Infants' School by reason of the height, scale, mass of the development set in immediate proximity to these designated heritage assets and the developments impact upon local townscape views of this cluster of listed buildings. The public benefits associated with the proposal, include upgraded employment floorspace, additional short term visitor accommodation housing were not considered to overcome the harm to the setting of the neighbouring listed buildings.
- 4) In the absence of a legal agreement to secure agreed and policy compliant financial and non-financial contributions including for Employment, Skills, Training and Enterprise, Highways and Energy and Sustainability the development would fail to mitigate its impact on local services, amenities and infrastructure.

### **Surrounding Sites**

#### ***Aldgate Place***

- 6.2 PA/13/00218 Planning permission was granted on 10th October 2013 for a mixed use scheme comprising three towers of 22, 25 and 26 storeys and a series of lower buildings ranging from 6 to 9 storeys. The scheme includes 463 residential units, office space (2,687sqm), hotel (7,980sqm), retail and leisure (1,334sqm) uses along with new areas of open space. This development is currently under construction.

### **15-17 Lemn Street and 1A Buckle Street**

- 6.3 PA/14/ 00286 Planning permission granted 28<sup>th</sup> March 2014 to change from 251 room hotel to an apart-hotel (168 short stay suites) with associated changes to the internal layout and elevation
- PA/11/03693 Planning permission was granted on 14th June 2012 for erection of a 23 storey (86.20m AOD) 251 bedroom hotel with ancillary A3/A4 uses
- PA/09/02430 Planning permission was refused on 11th February 2010 for erection of a 23 storey with ancillary A3/A4 uses. Allocation was subject to an appeal, the Planning Inspectorate dismissed the appeal on 17th December 2010

### **Altitude Towers, at 61-75 Alie Street, 17-19 Plough Street and 20 Buckle Street**

- 6.4 PA/07/01201 On 14 March 2008 planning permission was granted for demolition of existing buildings and erection of two buildings of 7 and 28 storeys (93.8m AOD) in height to provide 235 units, A1/A3 on ground floor and 1351sq,m of B1 office space (set over 6 floors). This development is completed

### **Goodman's Fields**

- 6.5 PA/09/00965 On 17th February 2011 planning permission was granted for a mixed use residential led scheme involving erection of four courtyard buildings of 5-10 storeys, 6 buildings of 19-23 storeys and erection of a 4 storey terrace along Gower's Walk containing 772 residential flats, student accommodation, a hotel, a primary care health centre, retail space, commercial uses (Class A1-A4) and creation of public open spaces 15-1 7 Lemn Street. This development currently under construction

### **City Reach, 19 Lemn Street and turning the corner into Buckle Street**

- 6.6 PA/02/1748 On 31<sup>st</sup> March 2003 planning permission was granted for a part six part seven storey building comprising offices on the basement and ground floor level and 22 x 2 bed residential units on the upper floors.

## **7 POLICY FRAMEWORK**

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of planning applications must be made in accordance with the plan unless material considerations indicate otherwise.
- 7.2 For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. For a complex application such as this one, the list below is not an exhaustive list of policies; it contains some of the most relevant policies to the application:

7.3 LBTH Local Plan - Core Strategy (CS) adopted 2010

Policies:

- 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
- SP07 Improving education and skills
- SP08 Making connected places
- SP09 Creating attractive and safe streets and spaces
- SP10 Creating distinct and durable places
- SP11 Working towards a zero-carbon borough
- SP12 Delivering Place-making
- SP13 Planning Obligations

7.4 LBTH Local Plan - Managing Development Document (MDD) adopted 2013

Policies:

- DM0 Delivering Sustainable Development
- DM1 Development within the Town Centre Hierarchy
- DM7 Short Stay Accommodation
- 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
- DM20 Supporting a Sustainable Transport Network
- DM21 Sustainable Transport of Freight
- DM22 Parking
- DM23 Streets and Public Realm
- DM24 Place Sensitive Design
- DM25 Amenity
- DM26 Building Heights
- DM27 Heritage and Historic Environment
- DM28 World Heritage Sites
- DM29 Zero-Carbon & Climate Change
- DM30 Contaminated Land

7.5 LBTH Supplementary Planning Guidance/Documents

- Planning Obligations SPD (2016)
- Aldgate Masterplan Interim Guidance (2007)

7.6 London Plan (as amended March 2016)

Policies:

- 1.1 Delivering Strategic vision and objectives London
- 2.1 London in its global, European and UK Context
- 2.5 Sub-regions
- 2.9 Inner London
- 2.10 Central Activity Zone – strategic priorities
- 2.11 Central Activity Zone – strategic functions
- 2.12 Central Activities Zone – predominantly local activities
- 2.13 Opportunity Areas and Intensification Areas

- 2.14 Areas for Regeneration
- 2.18 Green Infrastructure
- 3.1 Ensuring Equal Life Chances for All
- 4.1 Developing London's Economy
- 4.2 Offices
- 4.5 Visitor Infrastructure
- 4.7 Retail and Town Centre Development
- 4.3 Mixed-use Developments and Offices
- 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 Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.5 Funding Crossrail
- 6.9 Cycling
- 6.10 Walking
- 6.11 Congestion and traffic flow
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings
- 7.8 Heritage Assets and archaeology
- 7.9 Access to Nature and Biodiversity
- 7.10 World Heritage Sites
- 7.11 London View Management Framework (LVMF)
- 7.12 Implementing the LVMF
- 7.13 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

7.7 London Plan Supplementary Planning Guidance/Opportunity Frameworks/ Best Practice Guidance documents

- London View Management Framework SPG (2012)
- Character and Context SPG (2012)

- Sustainable Design & Construction SPG (April 2014)
- Accessible London: Achieving an Inclusive Environment SPG (October 2014)
- Control of Dust and Emissions During Construction and Demolition SPF (July 2014)
- Shaping Neighbourhoods: Character and Context SPG (June 2014)
- London World Heritage Sites SPG – Guidance on Settings (March 2012)
- Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy SPG (April 2013)
- Central Activities Zone (March 2016)
- Sustainable Design and Construction SPG (April 2014)
- City Fringe Opportunity Area Planning Framework (December 2015)
- Mayor’s Climate Change Adaptation Strategy
- London World Heritage Sites (March 2012)
- Mayor’s Climate Change Mitigation and Energy Strategy
- Mayor’s Water Strategy

7.8 Government Planning Policy Guidance/Statements

- The National Planning Policy Framework 2012 (NPPF)
- The National Planning Policy Guidance (NPPG)

7.9 Other documents

- Tower Hamlets *Aldgate Connections* study (May 2011)
- Tall Buildings: Historic England Advice Note 4 (December 2015)
- Understanding The Demand For And Supply of Visitor Accommodation In London to 2036 (GLA, 2013)
- Projection of Demand and Supply for Visitor Accommodation in London to 2050 (GLA , April 2017)

8.0 **CONSULTATION RESPONSES**

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

8.2 The following were consulted and made comments regarding the application, summarised below:

**Internal LBTH Consultees**

Energy Officer

8.3 No objections to the proposed energy and sustainability strategies for the development.

Biodiversity Officer

8.4 No objection subject to imposition of condition that ensure (a) demolition shall be undertaken between September and February inclusive to avoid harm to nesting birds and (b) biodiversity enhancements are gained including installation of nest boxes including swifts and possibly house martins and the inclusion of nectar-rich planting on the biodiverse roofs

## Employment & Economic Development

- 8.5 No objection subject to the following obligation secured by legal agreement, if the scheme is granted
- 8.6 20% of the construction and end phase workforce to be local residents of Tower Hamlets. A financial contribution of £13,296 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development and a monetary contribution of £6,480 towards training and development of unemployed residents in Tower Hamlets towards them gaining access to the end phase employment opportunities this development shall bring. Two apprenticeships required during the construction phase.

## Environmental Health

### *EH air quality*

- 8.7 No objection, subject to appropriate planning conditions .
- The choice of heating plant has not yet been finalised therefore the Air Quality Neutral Assessment for building emissions is only indicative and will need to be conditioned for re-assessment once the chosen plant has been finalised to ensure that it complies with the Air Quality Neutral Policy.
  - Construction mitigation measures have been set out. These need to be instigated throughout the duration of construction. A finalised construction/demolition environmental management plan detailing air quality effects will need to be prepared

### *EH - land contamination*

- 8.8 No objection subject to a condition to deal with potential land contamination.

## Highways & Transportation

### 8.9 *Transport Assessment*

The submitted transport assessment is acceptable. The scheme will not adversely affect the safety or capacity of the local highway network. However the demolition / construction phase of the proposal will have a significant impact on Buckle Street with cumulative impacts arising from other intensive development in the area. A Construction Management Plan will be required to be submitted to address this matter in full.

### 8.10 *Car Parking*

The proposal is for a car free development, which is acceptable. No provision is being proposed for accessible parking. There are concerns regarding the pressure on the current accessible parking space in Buckle Street. A commuted sum to be provided for the provision of additional on street facilities if required. Travel Plan need to include measures to curb patrons and visitors to the site arriving by private vehicles.

### 8.11 *Cycle parking*

Cycle parking provision complies with minimum London Plan standards.

#### 8.12 *Servicing*

Servicing proposed to take place on-street in Buckle Street, with refuse being collected from Plough Street, a cul-de-sac. This replicates how current building operates: whilst far from ideal to have servicing take place from street is acceptable given the site is constrained and off-street servicing would be difficult.

8.13 There is a suggestion of a new service bay on-street as part of the serviced apartment consent for the site. This bay is on public highway and accessible to anyone who is legitimately carrying out loading / unloading and is not designated to one development alone. It will, therefore, be available (if empty) for the development to use. The quantum of development in this area which relies on the public highway for servicing means that Buckle Street will be in danger of becoming little more than a service road. A commuted sum needs to be agreed for a period of 3yrs from occupation to provide for additional formalised service bays if required.

8.14 The following would be required by condition or legal agreement to any planning permission which may be granted:

- Travel Plan for staff and C2 guests.
- A commuted sum for additional formalised disabled bay and service bays if required.
- Details of design of on street secure cycle stands.
- Construction Logistics Management Plan, with deliveries avoided at peak hours.
- Service Management Plan with details of joint servicing arrangements using off street servicing from their partner serviced apartment hotel site at No 1 Buckle Street.
- Compliance condition that bins will not be left for any time on public highway.
- A S278 agreement is required.
- All cycle storage facilities are to be retained and maintained for their permitted use throughout the life of the development.
- A legal agreement that restrict operator from taking block bookings from travel operators using coach drop offs/collection.

#### Waste & Recycling Team

8.15 No objection, subject to S278 agreement including works to ensure there is a dropped kerb from pavement to carriageway (to manoeuvre refuse and recycling bins to the vehicles) plus imposition of a prior to occupation condition requiring provision of a Waste Management Plan (WMP) that includes

- Evidence of commercial waste contract in place in respect of daily collection.
- A commitment that development's facilities management will ensure bins are available at the doors (inside) on a 'just in time' basis on day of collection.
- Evidence of scheme compliance with relevant British Standards: BS5906:2005 Waste management in buildings – Code of practice; Building Regulations 2000, Part H6; British Standard EN 840

#### Sustainable Urban Drainage System (SUDS) Officer

- 8.16 The updated surface water drainage strategy in principle complies with the local and London plan. No objection subject to a pre-commencement condition should be applied to ensure flood risk is not increased.

**External Consultees**

Historic England (HE)

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

As per Historic England's comments in respect of a previous application (PA/15/01141), *"Historic England maintain that the proposal will have an impact on the setting of nearby designated heritage assets, including the Grade II\* listed German Lutheran Church of St George. As such we continue to remind your council of its statutory duty to pay special regard to the desirability of preserving the setting of listed buildings Planning (Listed Buildings and Conservation Areas) Act 1990, and that the National Planning Policy Framework specifies that the significance heritage assets can be harmed through development within their setting (Paragraph 130).*

Georgian Group (formerly Georgian Society)

- 8.18 No comments received.

Historic Chapels Trust

- 8.19 No objection to scheme, following further dialogue between the Trust and the applicant and further information provided that addressed our previous concerns (subject to a planning condition to secure the design measures to avoid overlooking and light pollution)

Ancient Monument Society

- 8.20 No objection to scheme, following amendments received to the application

Historic Royal Palaces

- 8.22 No comments received.

Greater London Archaeology Advisory Service (GLAAS)

- 8.23 Appraisal of this application using the Greater London Historic Environment Record and desk top information submitted with the application indicates that the development would not cause sufficient harm to justify refusal of planning permission provided that a condition is applied to require an written scheme of investigation to be undertaken to advance understanding and ensure any remains found are suitably recorded and safeguarded if appropriate.

Metropolitan Police Designing Out Crime Officer

- 8.24 Following a review of the scheme, no objection, subject to a condition for the scheme to achieve Secured by Design accreditation, which should be achievable.

Greater London Authority (including Transport for London's comments)

*Principle of development*

- 8.25 The re-provision of an element of B1 office space on the site, and the introduction of hotel and café is supported

*Urban design and tall buildings*

- 8.26 The layout, massing, architecture and materials are supported. The use of different materials, and in particular the glazed masonry top section, introduces a distinctive piece of architecture to the area

*Strategic Views, World Heritage Sites and historic environment*

- 8.27 The proposal will not be visible in any strategic views, it will not have any impact on the World Heritage Site and it will not cause harm to the significance or the setting of neighbouring listed buildings and conservation areas.

*Inclusive design*

- 8.28 10% of the apart-hotel units shall be wheelchair accessible

London Fire and Emergency Planning Authority (LFEPA)

- 8.29 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.

Thames Water (TW)

- 8.30 No objection in respect to scheme's impact on sewerage infrastructure capacity. Should scheme be approved conditions should be attached in respect of (a) impact piling and methodology statement, (b) the inclusion of a non-return valve or other suitable device to avoid the risk of backflow from the sewerage to ground level during storm conditions to minimise groundwater discharges into the public sewer and informatives in respect of (c) Groundwater Risk Management Permit and (d) Thames Water providing customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves and the developer should take account of this minimum pressure in the design of the development

National Grid

- 8.31 No specific comments to make on application.

EDF Energy

- 8.32 No comments received.

NATS

- 8.33 No objection. The proposed development does not conflict with safeguarding criteria

London City Airport

8.34 No comments received.

London Underground Infrastructure Protection

8.35 No comment to make on the application.

BBC Reception Advice

8.36 No comments received.

Hackney Council

8.37 No comments received

Corporation of London

8.38 No comment to make on the application.

Southwark Council

8.39 No comment to make on the application.

Environment Agency

8.40 No comments to make as consider the proposal to be low risk in respect of the environmental constraints that fall under their remit.

**9.0 LOCAL REPRESENTATION**

9.1 Over 440 neighbouring properties were notified about the application by letters issued on 9<sup>th</sup> January 2017 and invited to comment. The application has also been subject of a press notice and benefited from the display of site notices located on Buckle Street and Alie Street. Following receipt of amended drawings the application was consulted upon again in May 2017 including fresh site notices, letters to neighbours and a press notice, with the 21 day period of public consultation completed on 2<sup>nd</sup> June 2017.

9.2 A petition has been received and 28 individual representations. 23 of the individual representations object to the scheme and 3 representations write in support of the proposal. The Ancient Monument Society and Historic Chapel Trust have withdrawn their letters of objection as reported paragraph 8.19 and 8.20.

9.3 The grounds of objection relate to:

- Loss of daylight and sunlight, loss of outlook, loss of privacy
- Scale of development considered out of character with the rest of the low rise street block in which the site exists
- Give undue sense of enclosure, visually be overbearing
- Loss of relief between taller buildings and lower buildings
- Proposal does not meet local needs including new housing
- Greater additional vehicular traffic, congestion, risk pedestrian safety
- Detract from the sense of local community,

- Be detrimental to resident's well being;
- Health concerns from removal of asbestos
- Result in loss of property value.
- No new development on the site should exceed the height of the existing building on site
- Any new development in the area should provide new parking and publically accessible parking space

*(Officer Comment: Loss of property value is not a material planning consideration)*

9.4 The three letters set out that the scheme will help support local businesses and be a positive addition to the area.

9.5 The petition is signed by 42 individual residents from 33 flats within the Goldpence Apartments, Buckle Street, within the Altitude development). The petition states they oppose the planning application for the following reasons

- 1) *"The development would take away the light from our street, flats and surrounding area severely impacting the health and wellbeing of Tower Hamlet residents. A number of flats will lose between 50-100% of each window's light if the development is allowed.*
- 2) *The development does not in any way meet the resident's needs, we need more play areas, parks, community centre and other local amenities*
- 3) *The development would lead to an increase traffic and congestion in an already busy and small street. This will lead to increased pollution and danger to the children here who have nowhere to walk and play safely*
- 4) *The development would take away from our community feel. We do not want a hotel being building when there are so many hotels within a few hundred metres. We want the building and any proposed development to significantly contribute to the local fabric of the community*
- 5) *The development would take away privacy from a large number of local flats. This would lead to a significant sense of enclosure and being caged in. This is even more pertinent following the completion of Aldgate Place*
- 6) *The development would overlook Goldpence and not be in keeping with the low rise nature of the local area. This so called 'stepping up' profile of the building does not take account of the lower and smaller Goldpence apartments meaning we feel ignored and not considered by the proposals*
- 7) *The negative impact this proposal will have on us is comparable to the similar application which was rejected a couple of teats ago. We request that the Council reject this application again. We also very concerned about the pollution noise and required access for the construction of such a significant building on such a small site"*

## **10. MATERIAL PLANNING CONSIDERATIONS**

10.1 The main planning issues raised by the application that the committee must consider are set out below (with report section number in brackets):

- Land Use (11)
- Design (12)
- Heritage and townscape Implications (13)
- Amenity (14)

Other Considerations

- Highways & Transportation (15)
- Noise and Dust (16)
- Contaminated Land (17)
- Flood Risk & Water Resources (18)
- Energy and Sustainability (19)
- Biodiversity (20)
- Waste (21)
- Microclimate (22)
- Planning Obligations (23)
- Other Financial Considerations (24)
- Human Rights (25)
- Equalities Considerations (26)

## **11.0 Land Use**

- 11.1 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.
- 11.2 The site is located within the London Plan designated Central Activities Zone (CAZ) and City Fringe Opportunity Area. London Plan Policy 4.2 sets out the strategic need for new office space within the CAZ, and supports the renewal of existing stock.
- 11.3 Core Strategy Policy SP06 concerns economic development and supports the provision of a range of employment land uses and spaces. Policy DM15 of the Managing Development Document concerns Local Job Creation and Investment. Policy DM 15(1) states upgrading and redevelopment of employment sites outside of spatial policy area will be supported. Development should not result in the loss of active and viable employment uses, unless it can be shown that the site has been actively marketed or that the site is unsuitable for continue employment use due to its location, viability, accessibility and condition.
- 11.4 The applicant has provided over 2 years marketing evidence that meets the marketing requirement of Policy DM15. In addition the applicant has provided a report detailing how the existing building is in poor condition, is not fit for purpose, nor readily lends itself to meeting the current needs of the office supply market
- 11.5 The site is not in the borough's designated Preferred Office Location (POL) and based on the 2 year marketing information provided and given the poor suitability of the existing building to meet office demand the net loss of office floor space on site is considered acceptable in planning terms. A number of employment and training initiatives are recommended to be secured through planning obligations. The employment and training initiatives significantly exceed those typically secured for a development of this size and nature, and are provided in-kind by the applicant SACO. These include an Employment Training Pool Fund, four (4) approved Apprenticeships/Traineeships, and a Social Compact with the Council as set out in the planning obligations section of this report.

### Short Term Visitor Accommodation

- 11.6 London Plan Policy 4.5 – *Visitor Infrastructure* – seeks new visitor accommodation to be located in appropriate locations. Within the CAZ, Policy 4.5 states strategically important visitor accommodation provision should be focussed in CAZ fringe locations and where this is an existing concentration it should be resisted, except where provision will not compromise local amenity or the balance of local land uses. Policy 4.5 recognises the need for apart-hotels, subject to consideration of the potential impacts on housing capacity.
- 11.7 Policy SP06 of the Core Strategy seeks to concentrate hotels, in specific locations, including the City Fringe and Central Activities Zone in which the application site lies. Policy SP06 also recognises hotels and related tourism uses contribute a significant amount to the borough’s economy with over one half of this spend coming from overseas.
- 11.8 Local Plan Policy DM7 – Short Stay Accommodation - seeks to ensure serviced apartments will be managed as short-term accommodation (up to 90 days) and will meet the following criteria applicable to all hotel accommodation, namely:
- a) The size is proportionate to its location within the town centre hierarchy;
  - b) There is a need for such accommodation to serve visitors and the borough’s economy;
  - c) It does not compromise the supply of land for new homes and the Council’s ability to meet its housing targets;
  - d) It does not create an over-concentration of such accommodation or cause harm to residential amenity; and
  - e) There is adequate road access and servicing for coaches and other vehicles undertaking setting down and picking up movements.

Analysis assessed against policy DM7 criteria

- 11.9 Hotel and serviced apartment accommodation is becoming an increasingly common feature of the Aldgate area; including a 168 serviced apartments scheme recently completed opposite this site, at No 1 Buckle Street/15-17 Leman Street (built and currently occupied by SACO the applicant to this current proposal) as well as a 178 apart-hotel suites scheme being built out less than 120 metres to the east of this site at No. 27 Commercial Road plus more traditional type hotels within the Aldgate Place development (also opposite this site) and on Alie Street within the Goodman’s Fields development. The applicant has provided details of 556 existing short stay serviced apartments located within ½ mile of the development and a confirmed supply chain from years 2016 to 2019 (inclusive) of 378 alongside an additional 1577 regular type hotel rooms.
- 11.10 Serviced apartments/aparthotels are relatively new and emerging sub sector of the visitor accommodation industry. In the past corporate companies often purchased flats and apartments in close proximity to their offices with a view to utilising them for visitors (whether clients or employees). This is a costly exercise if the unit is vacant for parts of the year and helps to explain some of the rise in this sub sector and helps explain why this visitor accommodation tends to attract longer stay guests compared with traditional hotels.
- 11.11 The applicant has stated the average guest length of stay at their recently completed ‘Leman Locke’ aparthotel (at No 1 Buckle Street) is 10 days. The proximity of the application site to the City of London, the growth of creative and TMT (Technology, Media and Technology) sectors in City Fringe (including within the Aldgate area), the proximity of many tourist attractions, good public transport

links including to Canary Wharf all appear to be features that generate demand within Aldgate and surrounds for visitor accommodation.

- 11.12 The London Plan seeks to achieve 40,000 net additional serviced visitor bedrooms by 2036 and recognises the need for serviced apartments as part of this provision. This is an annual target of 1,800 serviced visitor rooms per annum London wide. A recently published GLA report estimates demand for 5,158 net additional serviced accommodation rooms for 2015 -2041. Tower Hamlets is estimated to provide 12.5% of the active serviced visitor accommodation 2016-2018 (the 2nd highest in numerical and percentage terms of any London borough) and is estimated to provide the greatest supply increase of any borough from 2016 to 2041, bar the City of Westminster. .
- 11.13 The GLA 2016 report considers that to understand the future need for visitor accommodation it is necessary to come to a view on the likely future demand (namely that within the visitor accommodation sector demand and need are largely indivisible) this contrasts markedly to the housing sector.
- 11.14 London is one of the most visited cities in the world. The 2016 GLA report sets out that visitor accommodation numbers have reached 31.4 million overnight visitors in 2015, up from 26.3 million in 2006 with international growth increasing 50% since 1997. In terms of future demand the report projects “*a need to add a net additional 58,140 rooms to the serviced accommodation supply by 2041, at an average of 2,236 rooms per annum*” and a total of 2,962 new rooms per annum when account is taken for closures. The existing supply of rooms in London is described as tight driving high customer costs for guest accommodation.
- 11.15 Pursuant of Local Plan Policy DM7 (b & d) (i.e. development does not create an over-concentration of such accommodation or cause harm to residential amenity, and there is need for such accommodation to serve visitors and the borough’s economy) the applicant has detailed how within ½ mile of the application site there is a confirmed supply chain (Years 2016-2019) within the Borough of 1,481 serviced visitors rooms, of which 477 are committed to be aparthotel/serviced apartments. The supply pipeline of traditional hotel rooms in this local area is high and this offer of an apart-hotel/ serviced apartments provides for a different type of guest (e.g. business people on extended trips) which allows the economic benefit of an additional segment of the hotel market to be captured within the borough. It also further supports the global financial centre function of the City (Square Mile) and, as evidenced by the applicant, an apart-hotel is likely to cater for these business people given its close proximity.
- 11.16 The applicant estimates the scheme will contribute an annual £1.3m expenditure in the local economy, of which 50% is estimated by the applicant to be the Borough) from visit expenditure. The figure comes from a model of guest spending profile based on Visit Britain data. In the absence of specific evidence on locational spend for guests as a proxy the 2016 Tower Hamlets Retail Capacity Study was reviewed which indicates that 51% of the Borough’s residents stay within the borough for eating out and drinking with Whitechapel being one of the more popular centres (eating out and drinking representing the majority of ancillary guest spending according to Visit Britain). On this basis it has been assume that approximately 50% of guest spend (the £1.3m) will be retained in the Borough and the remainder retained within the London economy (with further supply chain effects). These figures do not include the economic benefits of hotel staff direct jobs which are considered separately as GVA uplift in the Economic Benefits report.

- 11.17 With regard to Policy SP06 (c) the proposal does not conflict with supply of a significant quantum of new homes given the planning policy constraints of delivering new homes on the site and the strategic London Plan Policy 4.2 for renewal of existing outmoded office stock with upgraded office space to help meet the need for employment space in the City Fringe.
- 11.18 With regard to Policy SP06 (e), as set out in further detail in the Highways and Transportation section of this report, the lack of parking provision for coaches is not on balance considered a bar to the delivery of serviced apartment given the legal agreement to exclude bookings involving coach drop off and collections.
- 11.17 As with regard compliance with Policy SP06 (a) and (d) these matters are dealt with in detail later in this report within the Design and Amenity sections below.
- 11.17 The site lies within the designated City Fringe Opportunity Area and is within the CAZ. Site specific constraints means the plot does not lend itself for major redevelopment to provide C3 housing accommodation. Taking these three collective stands together and given the apparent demand for visitor accommodation the scheme is considered consistent with London Plan Policy 4.5, subject to the scheme not compromising local amenity.

## **12.0 Design**

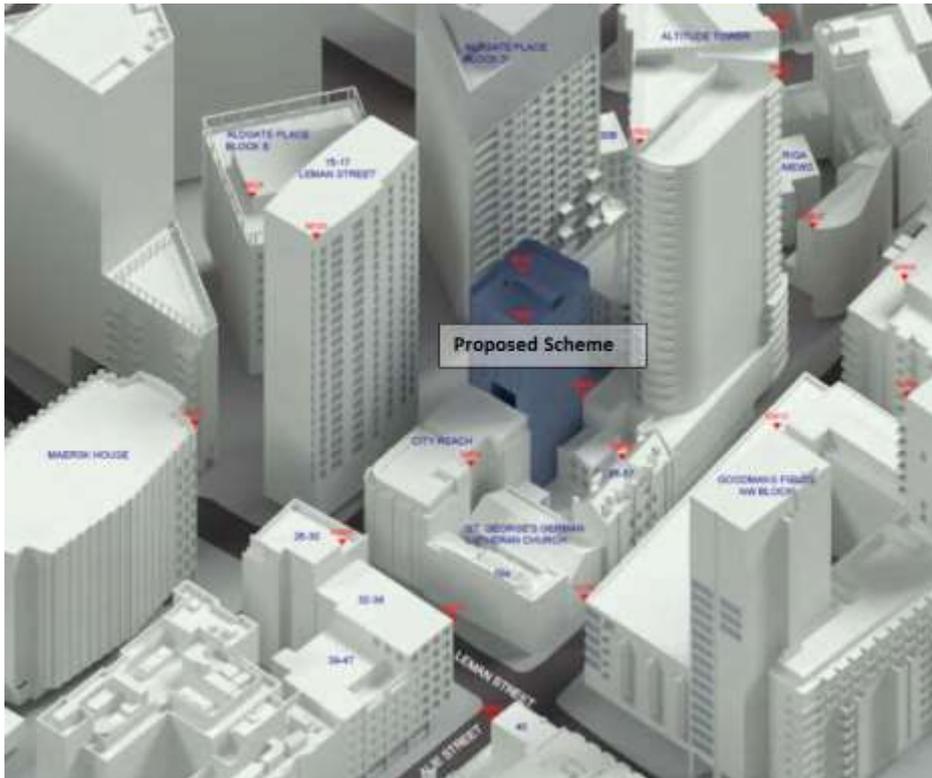
- 12.1 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 12.2 National Planning Practice Guidance sets out seven qualities a well-designed new or changing place should exhibit:-
- be functional;
  - support mixed uses and tenures;
  - Include successful public spaces;
  - be adaptable and resilient;
  - have a distinctive character;
  - be attractive; and
  - encourage ease of movement
- 12.3 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design and having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable spaces and urban design that optimises the potential of the site.
- 12.4 SP10 and Policy DM23 and DM24 of the Local Plan seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 12.5 Policy DM26 of the Borough's Managing Development Document sets out criteria that proposals for tall buildings should satisfy, as follows:
- 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 waterbodies, 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.

12.6 Policy DM26 also seeks (where feasible) tall buildings to provide publicly accessible areas within the building including on the ground floor.

#### Principle of a Tall Building

12.7 Core Strategy Spatial Policy SP10 identifies Canary Wharf and an area of Aldgate, containing the designated Preferred Office Location, as appropriate locations for tall buildings. This policy consideration is reflected on the ground in Aldgate with a set of tall buildings built or emerging including: (i) immediately to the north and north west of Buckle Street; (ii) with Altitude development to the east and (iii) Goodman's Fields to the south that contains a set of tall buildings dispersed across amongst a development of lower rise building. Within the policy context of SP10 and the emerging urban context there is no objection per se to the principle of a tall building in this area of Aldgate, providing the height is subordinate to those found in the adjacent POL and the design approach satisfies all the criteria set out in Policy DM26 and Policy 7.7 of the London Plan with respect to tall buildings.



**Figure 2: Proposed Scheme (centre of image in darker shade) shown in relation to neighbouring development and built out tall buildings.**

- 12.8 Whilst the proposed development is significantly lower in height than the previously refused scheme for this site and is relatively modest in height compared to some other buildings in the immediate locality, it nevertheless remains a proposal that falls within the category of a tall building; given it would be over the 30m threshold for tall building set out in the London Plan and given the building would be substantially taller than other buildings within the established lower storey street grid block in which it would be located.
- 12.9 The physical constraints of the site are many and limiting in respect of successfully delivering a tall building in urban design terms. The site is:-
- very small at 279sqm,
  - located on a narrow street and with a pavement set immediately in front of the development less than 1.5m wide,
  - backs onto a site containing a set of lower storey statutory listed buildings,
  - is located south, at a minimum 10m metre distance from the 1 Buckle Street serviced apartment set at 86.6m (AOD),
  - located less than 17m from the predominantly residential Block D 83.97m (AOD) within Aldgate Place.
- 12.10 As set out in the planning history section to this report, the previous 18 storey scheme for the site was refused as it failed to demonstrate the scheme could overcome site constraints, was overdevelopment of the site, gave rise to an unacceptable relationship to other tall buildings, had detrimental townscape impacts upon Buckle Street and gave rise to an unacceptable degree of adverse amenity impacts to residential neighbours. The form of the previous proposed development failed to conform with the Local Plan Policy DM26 criteria for a successful tall building.

- 12.11 Whilst the current proposal would rise immediately off the back of the pavement, as the previous scheme did, officers on balance consider the scheme would address previously stated concerns over a tall building on this site in respect to giving rise to an unduly cramped overbearing appearance to Buckle Street and a canyon effect to street by virtue of this scheme's; (a) reduction in overall height; (b) through the introduction of a spacious double height ground floor with mezzanine that would help to contribute some sense of space and human scale to the development within the streetscene; and (c) through the enhanced animation to street through gained from the mix of uses within (café, hotel foyer, workspace) at ground and mezzanine floor being readily visible from street and attractively framed by the building superstructure clad in rusticated nickel finish.
- 12.12 The proposed 13 storey height will be surrounded by much taller development, which will limit the scheme's visibility from surrounding streets, as is demonstrated by the applicant's townscape and visual impact assessment.
- 12.13 Longer street views of the development would be limited by the degree of enclosure received from other tall buildings. The scheme would be visible from the street junction of Buckle Street and Leman Street, with oblique view of the north elevation and an oblique view of the upper storeys of the west elevation. A longer street view would also be present from Commercial Road. The latter view of the development would be framed by the new hotel and Building D of the Aldgate Place development. The impact to this latter view is modest enclosing some of the skyline set to the rear of this new pedestrian route through Aldgate Place. The scheme would appear a relatively discrete built element viewed as it would be against the two aforementioned taller and bigger scaled buildings within the Aldgate Place consent and the existing hotel opposite the site at No 1 Buckle Street. The street view of the scheme from corner of Alie Street and Leman Street is dealt with separately in paragraph 13.7 of the report, under heritage considerations.

### *Architecture*

#### Treatment of Elevations

- 12.14 The elevations incorporate vertical bands of windows and cladding, set within a clearly defined base, middle and top. The base of the proposed building will have a strong and distinctive quality with its rusticated nickel panels, with storeys 4-11 finished in grey brick, which are considered to contrast but relate sympathetically to the stucco and brown and red brick of the listed buildings on Alie Street. A projecting soldier course marking the floor levels helps articulate these middle storeys and provide greater visual interest to the facades.



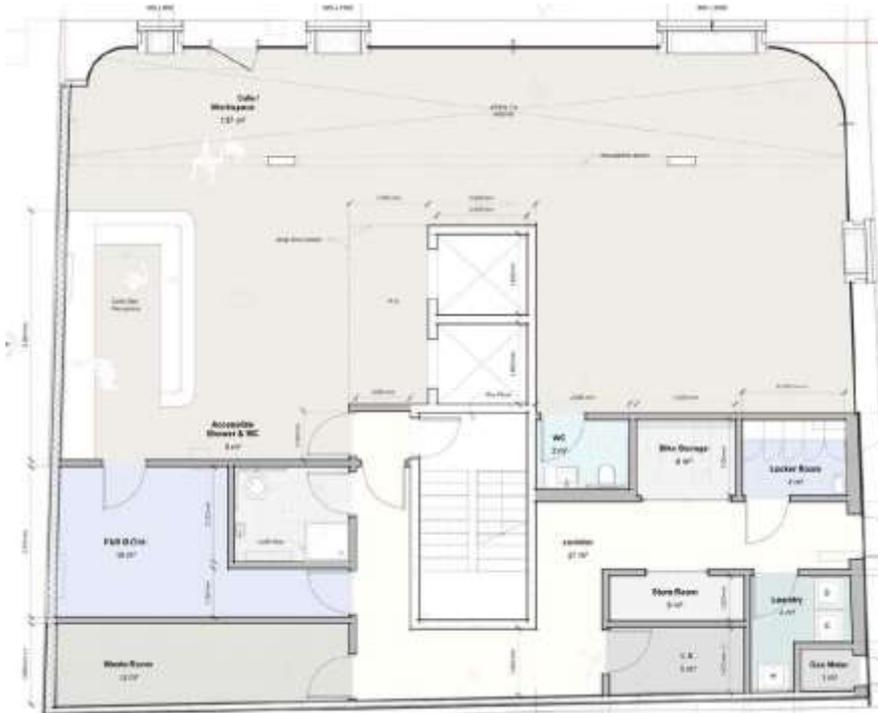
**Figure 3: CGI of glazed ground and 1<sup>st</sup> (mezzanine) floor incorporating rusticated nickel cladding finish to base with soldier course brick detail set above**

- 12.15 The top 2 storeys and the enclosed roof top plant would be a glazed masonry unit, that is intended to reduce the perceived weight of the top section and create a 'diaphanous' appearance, particularly when viewed from the south west, where these floors will be visible over the listed buildings. The lower 7 storeys of the south elevation of the building facing the courtyard to the rear of the former St George's German School would be finished in render following feedback from public consultation of residents of the listed school buildings.
- 12.16 The use of different materials, and in particular the glazed masonry top section, introduces a distinctive piece of architecture to the area, which is welcomed and architecturally contrasts with the undistinguished treatment of the elevation within the previously refused scheme. The top two storeys are also set slightly back from the main line of the façade below with this change set above a projecting cornice detail that helps articulate this subtle change of the façade plane will help alleviate the degree to which the full height of the building would create a shear wall along Buckle Street.



**Figure 4: CGI of top and middle treatment of elevation.**

- 12.17 The ground floor layout would provide office workspace set alongside a hotel reception area and café open to the general public. Over 80% of the Buckle street elevation would be glazed at both ground floor and mezzanine level providing a high degree of visual permeability that will reinforce the open character of the development derived from the café and the public membership system intended for the workspace (based upon initial engagement the applicant has undertaken with a workspace provider).



**Figure 5: Ground floor layout with front of house active frontages from ancillary café, hotel foyer and B1 use workspace with mezzanine set above**

- 12.18 At street level, Plough Street will also benefit from an open glazed appearance with the back of house area to the development as a whole restricted to the rear of the site with back of pavement servicing areas occupying a minimal length of street frontage (a result of servicing and waste collection from the street and access to the bin stores and back of house spaces limited to a single door).
- 12.19 As set out earlier in the report the general arrangement of the ground floor is considered imaginative and should ensure the scheme provides an active and inviting appearance to Buckle Street. The proposed design and mix of workspace and café space lends itself well to the avoidance of unwelcome screening devices set towards the windows that would detract from the open character of the development. The ground floor uses are also integral to the service apartment 'offer' and as such should also help safeguard the future retention of the scheme's well considered ground floor layout.
- 12.20 In light of the above the proposal is considered to comply with London Plan Policy 7.6 which seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable spaces and urban design that optimises the potential of the site, and local policies SP10 and Policy DM23 and DM24 which are concerned with securing well designed new developments.

### 13.0 Heritage and Townscape

- 13.1 Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan, the Mayor of London SPG's, Local Plan Core Strategy policies SP10 and SP12 and Managing Development Document policies DM24, DM26, DM27 and DM28 of the Borough Managing Development Document (MDD) seek to protect the character, appearance and setting of heritage assets and the historic environment, including World Heritage Sites.

- 13.2 London Plan policies 7.11 and 7.12, policy SP10 of the CS and policies DM26 and DM28 of the MDD 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.
- 13.3 The Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the tests for dealing with heritage assets in planning decisions. In relation to listed buildings, all planning decisions should “*have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*”. 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.

Impact on the setting of nearby conservation areas.

- 13.4 The site is not located within a conservation area although there are number of conservation areas in the vicinity including Whitechapel High Street Conservation Area, Brick Lane and Fournier Street Conservation Area, Myrdle Street Conservation Area and Wentworth Street Conservation Area.
- 13.5 A heritage statement was submitted with the application alongside a townscape and visual impact assessment (TVIA). With respect to impact upon views from the above conservation areas, including Whitechapel High Street Conservation Area (the nearest conservation area) officers consider the scheme would have limited impact given (a) sight of the scheme from these conservation areas would be largely shielded by other tall building (built out or consented), (b) the building would be viewed only in long vistas from any conservation area and within the context of a cluster of other tall developments.

Setting of listed building

- 13.6 There are four Listed Buildings within the immediate vicinity of the site; the Church of St George (German Lutheran Church and Vestry) (Grade II\*), 19A Lemn Street (Grade II), St George’s German and English Schools (Numbers 55, 57 and 59) (Grade II) and St George’s German and English Infants School (Grade II). Together, the first three of these form an attractive group at an important corner location along Lemn Street (the latter being located to the rear and out of view).
- 13.7 The townscape and visual impact assessment, submitted in support of the application, helps illustrate the effect of the proposed development on this group of listed buildings including from the junction of Lemn Street and Alie Street. In contrast to the previously refused scheme the impact of the development from this key townscape view is considered broadly neutral. This is a result first and foremost from the reduction in height of the development but also through the sensitive architectural handling of the top storeys of the development. The Borough Conservation Officer considers the lower height, compared to the refused scheme, would reduce the degree to which it would overbear the listed structures. Notably, as shown in the viewpoint within the TVIA, the proposed building would occupy a similar degree of sky above the listed buildings as the recently constructed Building D of Aldgate Place building set behind the view.

The impact of the development rising up from the back of the churchyard, upon the interior of the church, upon setting of the listed church from within the churchyard and to the setting of the rear of the listed George's German and English Schools and to the Infants Schools from within the church yard /court yard space is considered limited.



**Figure 6: Photograph of existing site from corner of Alie Street and Leman Street with CGI image showing top of scheme (to left of crane) set above Grade II Dispensary. Built out serviced apartment hotel (1 Buckle Street) to left of crane in image an Altitude (to right).**

#### Strategic Views

- 13.9 The Site lies within the backdrop to the Protected Vista obtained from Viewing Location 25A of the London View Framework at Queen's Walk, in the vicinity of City Hall, looking towards the White Tower of the Tower of London. The applicant has submitted views analysis and it satisfactorily demonstrates the development will not impinge upon this protected vista, upon any views of the Tower of London or any of the LVMF viewpoints.

#### Archaeology

- 13.10 The National Planning Policy Framework (Section 12) and Policy 7.8 of the London Plan (2015) Policy 7.8) emphasise that the conservation of archaeological interest is a material consideration in the planning process.
- 13.11 A desk based archaeological assessment has been submitted in support of the planning application. It concludes the level of disturbance caused by previous phases of development, and from possible quarrying mean the redevelopment is considered unlikely to result in widespread significant archaeological impact. The desk top study has been reviewed by Greater London Archaeology Advisory Service (GLAAS) who advises that the submitted documentation appropriately assesses the likely archaeological remains. Given the likely nature, depth and

extent of the archaeology involved, GLASS advise that further fieldwork prior to the determination of the application is not necessary and recommend a condition to agree and implement a written scheme of investigation. Subject to this condition, the impact of the development on archaeology is acceptable.

#### 14.0 **Amenity**

14.1 Policy DM25 of the Borough's adopted Managing Development Document (MDD) requires development to protect, and where possible improve, the amenity of surrounding neighbours, have a concern for the amenity of future occupants of a building and have regard to users of the surrounding public realm to a new development. The policy states that this should be by way of:

- (a) protecting privacy, avoiding an unacceptable increase in sense of enclosure;
- (b) avoiding an unacceptable loss of outlook;
- (c) ensuring adequate level of daylight and sunlight for new residential development;
- (d) not resulting in an unacceptable material deterioration of sunlighting and daylighting conditions including habitable rooms of residential dwellings, community uses and offices nor result in unacceptable levels of overshadowing to surrounding open space development; and
- (e) not result in an unacceptable level of overshadowing to surrounding open space and create unacceptable levels of noise, vibration, light pollution or reductions in air quality during construction phase or operational life of the development.

14.2 In applying Policy DM25 supporting paragraph 25.6 states, "*that Council will take account of the sense of enclosure created by the new development. It is important that layout and massing are considered carefully in order to ensure that they do not create an oppressive sense of enclosure for adjoining development*". In respect to avoiding an unacceptable loss of outlook paragraph 25.4 of Policy DM26 again reiterates that "*the Council will expect careful consideration of the layout and massing of buildings*" to avoid a loss of outlook.

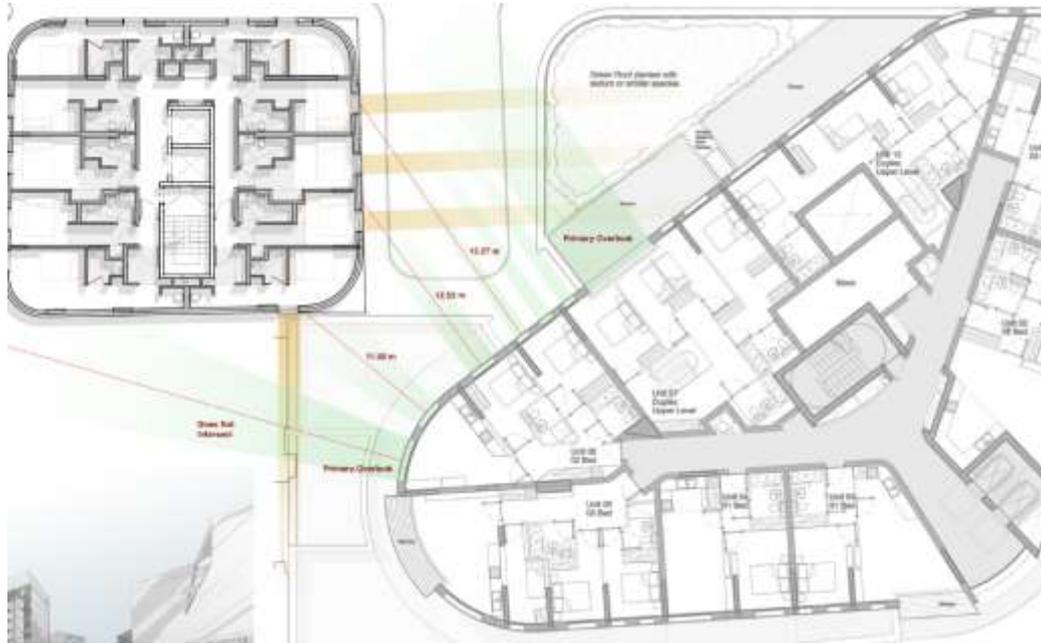
14.3 The previous application as set out earlier report was refused on grounds it would fail to safeguard neighbours residential amenity in terms of loss of daylight and sunlight, undue sense of enclosure, an overbearing nature of the development and unacceptable degree of loss of outlook resulting from the location, proximity and scale of the development.

#### Privacy/Overlooking

14.4 The scheme has a tight relationship to neighbouring development. The design of the scheme avoids introducing unduly adverse privacy/ overlooking issues to neighbours, specifically to the tall tower within the Altitude development through the careful arrangement of the window openings at the tightest point between the two buildings and through the use of frittered glass to curb the direction of view out from the windows.

14.5 There are habitable room windows within the lower rise section of the Altitude development including within the Goldpence Apartments that face square onto Plough Street and the east elevation of the proposal at a distance of just over 9m. However this closest of window to window relationships is set 'square on' across Plough Street and is a neighbour relationship that already takes place from existing windows set within the street and accordingly officers do not consider this introduces an overall new and unacceptable overlooking issue; albeit the scheme

will be taller than existing building and therefore present some additional privacy issues at upper storey levels. In reaching this conclusion officers are mindful the scheme mitigates the current scope of overlooking, through the introduction of frittered glazing that will limit the direction of view occupants of the serviced apartments will have to look out from the windows, thus avoid privacy issues to neighbouring residents.



**Figure 7: Plan showing relationship between scheme upper floor plan scheme and floors within the tall building of Altitude**

- 14.6 Within the main tower element of Altitude the minimum separation distances from habitable rooms within the tower and serviced apartment rooms is approximately 9m but these closest separation distance are all set at oblique angles which limits any potential privacy issues that otherwise might arise. The scheme will use frittered glazing on the windows set closest to the tower of Altitude to mitigate overlooking still further.
- 14.7 The scheme contains windows on the south elevation that would face onto the rear of No 55-57 Alie Street. The minimum separation would be approximately 14m. The windows set below 9<sup>th</sup> storey would have fixed external louvers set on them to avoid overlooking issues and also designed to minimise light spill from the rooms. Other measures secured by condition will be a room lighting strategy to ensure all lights specified are dimmable, use of guest room key cards to mean no lighting of unoccupied guest rooms remaining lit, and guest rooms will contain lamps in addition to ceiling lights.
- 14.8 The development will be set over a minimum 18m distance from habitable rooms within Block D of Aldgate Place as such it is considered there is no undue overlooking issues as this is consistent with the recommended separation distance set out in Policy DM25 of the Local Plan

### *Conclusions*

- 14.9 The proposed design measures described above if secured by planning condition are considered, on balance, sufficient to address the potential unacceptable issues of privacy resulting from the proximity of the development to neighbouring

residential properties. It is not therefore considered to be a sustainable reason of refusal in respect to overlooking. Furthermore, the previously refused scheme was not refused on privacy/overlooking grounds.

- 14.10 Whilst the development will contain windows set within 11m minimum distance of serviced apartment windows within the development at No. 1 Buckle Street/ 15-17 Lemn Street given the proposed scheme's impacts to this building are limited to visitor accommodation and the relationship is across an established street with an established tight relationship in terms of privacy the scheme is considered acceptable to this site. An opportunity also exists for guests to draw curtains or blinds to gain additional privacy.

#### Outlook

- 14.11 As with the previously refused scheme the proposed building lies in close proximity to the tall tower within the Altitude development. Between 5<sup>th</sup> storey and 13<sup>th</sup> storey the minimum separation distance would be approximately 7m (compared to approximately 10m with the refused scheme).
- 14.12 Within the previous refused scheme the tight relationship between the sites two tall buildings was considered to give rise to a significant impact in terms of outlook from the single aspect residential rooms set between Level 4 and 18 within the Altitude tower, and as such was contrary to Policy DM25 (b) of the Borough's Managing Development Document and this aspect of the design contributed to the 1<sup>st</sup> reason of refusal. The current applicant has set out within the Design and Access Statement how the individual single aspect residential unit on each floor (within the Altitude tower) would retain long views past the proposed development from the main affected living room on each floor. On balance officers considers within this current scheme the impacts are not considered of a magnitude to sustain a reason of refusal given: (a) the reduction in height compared to the refused scheme reducing the number of habitable rooms affected; (b) given the other design alterations that have reduced the overall degree of adverse amenity impacts to neighbours, and: (c) given the benefit the applicant's perspective drawing (within the Design and Access Statement) provide in understanding how residents would maintain long views past the development from the main window to the affected single aspect living rooms.

#### Sense of enclosure

- 14.13 Assessing whether a development provides an acceptable or unacceptable sense of enclosure or is unduly overbearing cannot be readily measured in terms of a percentage or a measurable loss of outlook. Rather it is about how an individual feels about a space. It is consequently difficult to quantify and is somewhat subjective.
- 14.14 Within the previous scheme the Council concluded the scheme gave rise to an undue sense of enclosure. In arriving at this conclusion (in the strategic development committee report accompanying the previous refusal) officers considered and gave weight to the cumulative impacts of other tall buildings in the immediate vicinity and the height in the context of overall height and design of the refused scheme.
- 14.15 In relation to the current scheme whilst officer recognise the development would still give rise to a greater sense of enclosure to neighbouring development than currently exists on balance these impacts are not of a fact and degree of impact

as to be considered to warrant a reason refusal that could be sustained at a Planning Appeal.

- 14.16 The reduction in height of the current scheme (compared against the refused scheme) set alongside the treatment of the proposed south elevation to the development means the overbearing sense of enclosure to the residents of the existing low rise residential dwellings at No 55-57 Alie Street would be significantly less than would have been experienced on the previous scheme.
- 14.17 In relation to the residents in the part 4 storey part 8 storey blocks of the Altitude facing Plough Street and Buckle Street (identified as Goldpence Apartments) whilst it is acknowledged the proposed 13 storey development would give rise to a greater degree of enclosure than currently exists to the existing 5 storey office building on site it is not considered the relationship provides a reason of refusal in respect to undue sense of enclosure.

#### Daylight/Sunlight

- 14.18 The daylighting conditions at neighbouring properties are normally calculated by two main methods, namely the Vertical Sky Component (VSC) and No Sky Line (NSL). Building Research Establishment (BRE) guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should be reduced to no less than 0.8 times their former value, in order to ensure that sufficient light is still reaching windows.
- 14.19 Sunlight is assessed through the calculation known as the Annual Probable Sunlight Hours (APSH), which considers the amount of sunlight available during the summer and winter for each window facing within 90 degrees of due south (i.e. windows that receive direct sunlight). The amount of sunlight that a window receives should not be less than 5% of the APSH during the winter months of 21 September to 21 March, so as to ensure that such windows are reasonably sunlit. In addition, any reduction in APSH beyond 20% of its former value would be noticeable to occupants and would constitute a material reduction in sunlight.
- 14.20 The applicant submitted a daylight and sunlight report in support of the application. The Council appointed independent daylight/sunlight consultants to review the submitted report. The applicant's assessment shows that the impact of the development on the daylighting and sun lighting to neighbouring residential developments is within BRE guideline levels (i.e. reductions of less than 20%) and are therefore considered to be negligible with the exception of impact to three neighbouring developments, namely 55-57 Alie Street, Altitude development (including the Goldpence Apartments) and the residential Block D within the Aldgate Place development.
- 14.21 The Council independent daylight/sunlight consultant's agree with the authors of the applicant's daylight/sunlight report that the significant impacts to residential neighbours are limited to these three identified residential developments which are considered in detail below and set out in tabulated summary for VSC and NSL and (Tables 1 and 2 respectively) and for comparison purposes the figures for Altitude and No 55 and No 57 Alie Street for the previously refused for the site.

**Table 1: Vertical Sky Component (VSC)**

Addresses	Number of Windows Tested	Windows Meeting BRE Guidance	BRE guidance exceeding		
			>20-30% (Minor adverse)	>30-40% (Moderate adverse)	>40% (Major adverse)
55-57 Alie Street	25	11	4	10	0
Aldgate Place Block D	181	115	26	27	13
Altitude	551	430	28	28	65

**Table 2: No Sky Limit (NSL)**

Addresses	Number of Rooms Tested	Rooms Meeting BRE Guidance	BRE guidance exceeding		
			>20-30% (Minor adverse)	>30-40% (Moderate adverse)	>40% (Major adverse)
55-57 Alie Street	11	4	5	1	1
Aldgate Place Block D	113	103	4	1	5
Altitude	297	259	15	6	17

**Table 3: Vertical Sky Component Previously Refused Scheme (PA/15/001141)**

Addresses	Number of Windows Tested	Windows Meeting BRE Guidance	BRE guidance exceeding		
			20-30% (Minor adverse)	30-40% (Moderate adverse)	40%+ (Major adverse)
55-57 Alie Street	21	1	1	4	14
Altitude	309	94	52	73	90

**Table 4: No Sky Limit (NSL) Previously Refused Scheme (PA/15/001141)**

Addresses	Number of Rooms Tested	Rooms Meeting BRE Guidance	BRE guidance exceeding		
			>20-30% (Minor adverse)	>30-40% (Moderate adverse)	>40% (Major adverse)
55-57 Alie Street	20	2	3	2	13
Altitude	166	130	13	3	20

55-57 Alie Street

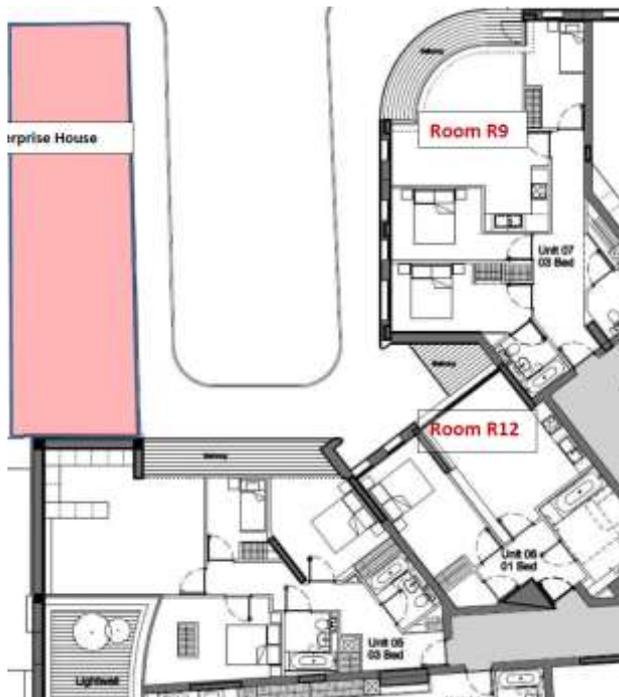
- 14.22 Daylight to 53-55 Alie Street is heavily constrained by the presence of substantial buildings around it making it reliant upon light across the site.
- 14.23 Within the main former school building windows were tested to 6 living areas, 4 kitchens and 1 bedroom. All 6 living rooms are dual aspect. All the rear facing windows serving the living rooms would experience significant VSC reductions of 33%-35% based upon small VSC changes in absolute terms of approximately 3% at ground floor level up to 5% at 3<sup>rd</sup> storey. All these living rooms would continue to receive VSC results for the windows on the front elevation that meet BRE guidance.
- 14.24 In terms of BRE daylight distribution criteria 1 of the living rooms would meet the BRE guidance, another living room would fall fractionally outside the 20% daylight area and 3 other living rooms would receive reductions of a minor significance set between 23%-27%, with the remaining 1 living room experiencing a more significant 34% reduction. The other five rooms tested (4 kitchens and 1

bedroom) would experience VSC reductions of between 25% to 27% of their existing values. The kitchens are not large rooms so 3 of them would meet the daylight distribution criteria and the 4th would be very close to the BRE guidance target. The affected bedroom would experience a larger daylight distribution loss of 40% but this is a comparatively large room served by a single offset window and as such the Council's consultants do not raise this impact as a major concern.

- 14.25 No failures of VSC or NSL would result from the development in respect of the former Infants school, set at the back of the inner court yard.
- 14.26 The Council's independent consultants conclude although the results for 55-57 Alie Street are not BRE compliant there are mitigating circumstances including the main living rooms all being dual aspect with acceptable daylight distribution maintained to the windows facing the street. The kitchens are relatively shallow so the daylight distribution results are better than one might otherwise expect reflected by the results showing 3 out of 4 kitchens meeting BRE's NSL target. Taking the above considerations into account officers conclude overall the daylight impacts to 53-55 Alie Street are acceptable.

Altitude

- 14.27 551 windows were assessed within the Altitude development for VSC and 297 rooms tested for (NSL) daylight distribution. The Council's daylight consultants note compliance with BRE daylight standards (both VSC and NSL) is largely achieved in Altitude from eighth floor level and above.
- 14.28 65 windows would experience VSC reductions in excess of 40%, 28 windows would experience reduction between 30%-40% and 28 windows experience between 20%-30% losses. Focussing on the windows that would experience more than 30% reduction it is noted 33 of the windows serve main living room or shared kitchen/living dining spaces that are set either below balconies or next to projecting wings.



**Figure 8: Typical lower floor layout facing site in Goldpence Apartments**

- 14.29 The most significant BRE daylight guide transgressions occur to rooms from 1<sup>st</sup> to 7<sup>th</sup> floor level facing Plough Street, specifically to the living rooms served by the curved balconies (R9), to the corner through to the recessed living rooms (R12) and the set of bedrooms located between R9 and R12. 7 of these 33 living room windows are to a room on 1<sup>st</sup> to 7<sup>th</sup> floor set adjacent to a projecting wing (R12) and have low baseline VSC values from 2.4% to 9.3%. The overall changes in daylight conditions the Council's consultant conclude would be difficult to perceive on the lowest floors but would become more perceptible as one rises further up the 8 storey building. The Council's daylight consultants note given their location adjacent to the projecting wing and tucked into a corner means these rooms will be very sensitive to any change in massing on the site. This is illustrated through the testing of a counterfactual scheme that involves extending the existing building vertically by only 9m (3 storeys in total height). NSL results show that currently, the areas of these rooms with access to direct skylight are from 20% at 1<sup>st</sup> floor level to 65% at 7<sup>th</sup> floor. The lit areas would fall to 17% at 1<sup>st</sup> floor to 29% at 7<sup>th</sup> floor which translates to percentage reductions of between 25% at 2<sup>nd</sup> floor level to a maximum 59% at 6<sup>th</sup> floor (with the losses at 1st floor meeting BRE targets).
- 14.30 It is noted 5 of the windows that fail BRE VSC guidance have a 2<sup>nd</sup> window which retains better VSC and means the room as a whole maintains good daylight distribution.
- 14.31 7 of the windows that fail are identified as Window W17 (at 1<sup>st</sup> to 7<sup>th</sup> floor) with baseline VSC values at 7.8% at 1<sup>st</sup> floor to 25% at 7<sup>th</sup> floor and which would experience significant reductions from approximately 45% at 1<sup>st</sup> floor to 71% at 6<sup>th</sup> and 7<sup>th</sup> floor. The findings of the counterfactual 8 storey scheme record noticeable improvements in VSC on 6<sup>th</sup> and 7<sup>th</sup> floor (as one might expect as rooms are able to see over the development) but upon the 6<sup>th</sup> floor the breaches of BRE criteria remain largely the same as with the submitted 13 storey scheme.

#### Sunlight

- 14.32 29 rooms living rooms or kitchen were tested for loss of direct sunlight. 23 of these rooms would comply with BRE sunlight guidance with the 6 remaining rooms all served by the curved balcony at corner of Plough Street and Buckle Street on floors 2<sup>nd</sup> to 7<sup>th</sup>.
- 14.33 14 bedrooms were also tested that face west to the development on floors 1<sup>st</sup> to 7<sup>th</sup> on Plough Street. These bedrooms would experiences total loses losses of APSH by up to 60% from 2<sup>nd</sup> floor to 7<sup>th</sup> floor. However the winter APSH levels would still remain close to or above BRE 5% target from 3<sup>rd</sup> floor and above. The 2<sup>nd</sup> floor adversely affected bedroom already fail BRE's 5% guidance figure.

#### Conclusions on daylight/sunlight impacts to Altitude

- 14.34 The scheme would have significant daylight impacts on windows set below 8<sup>th</sup> floor that face the development. However the applicant's daylight reports document highlight how these impacts arise in part from particular design features of the Altitude development notably from the balconies and wings which obstruct daylight to rooms and the fact a series of single aspect flats cluster around the tightly contained Plough Street. The Council's daylight consultants acknowledge these mitigating circumstances help explain the quantity and degree of failures as measured against BRE guidance.

- 14.35 The submitted report shows the daylight impacts of the proposal to the lowest three residential floors of Goldpence Apartments would be limited given the baseline daylight values and sunlight levels are already low. Using as a secondary measure Average Daylight Factor (ADF) it can be evidenced (based on analysis undertaken from the previously refused scheme) that 19 habitable rooms on 1<sup>st</sup> to 6<sup>th</sup> floor within Goldpence Apartments already experience an ADF of 0.5% or below and therefore already will rely on electric lighting to light these rooms during the day.
- 14.36 Officers note that to a large degree comparable daylight impacts would be experienced with a 3 storey extension on the application site. The daylight analysis sets out the notable exception to this statement is in respect to reduced impacts gained from a 3 storey to rooms situated on 6<sup>th</sup> and 7<sup>th</sup> floor of the Goldpence Apartments.
- 14.37 Taking due consideration of the above factors officers are of the opinion that, on balance, the daylight/sunlight impacts on this site in isolation do not provide a sustainable reason of refusal.

#### Aldgate Place Block D

- 14.38 181 windows tested within Block D. At 7<sup>th</sup> floor level and above all the tested rooms and windows meet their respective VSC and NSL targets. At 2<sup>nd</sup> and 4<sup>th</sup> floor there will be 2 living rooms with VCS losses of 40% and 45% respectively leaving the rooms with access in absolute terms to direct skylight to 31% and 35% respectively of their room areas. The significant adverse daylight distribution results would be limited to these 2 living rooms and eight bedrooms in similar locations up to 6<sup>th</sup> floor level.
- 14.39 VSC results to windows facing the site at 1<sup>st</sup>, 3<sup>rd</sup> and 5<sup>th</sup> floor would not meet the BRE recommendations. However the daylight distribution to all the corner living rooms remains very good and virtually unaffected. As such the daylight impacts to these rooms are considered broadly acceptable.
- 14.40 For sunlight, all the west corner living rooms would meet the recommendations of the BRE guide as would all the east corner living rooms and the 4<sup>th</sup> floor living room behind the winter garden. Most would retain sun in excess of the BRE targets of 25% total APSH and 5% winter APSH. Regarding the bedrooms, although all would fail to meet the recommendations of the BRE guide at 1<sup>st</sup> floor with a diminishing number of non-compliant rooms on the floors above until all meet the targets at 8<sup>th</sup> floor. The Council's independent consultants consider the retained values for the majority windows which do not meet the BRE recommendations would still be considered to be good in an urban environment particularly for a bedroom.
- 14.41 In conclusion whilst there are transgressions in BRE guidelines for Block D they are relatively limited and officers draw the conclusion these failings should be treated with a degree of flexibility given the very dense built environment that characterises the whole of the Aldgate Place development.
- 14.42 Daylight/sunlight impacts St Georges Church

With respect to St Georges Church VSC and NSL results have been prepared for the church. APSH sunlight results are not required, given the orientation of the

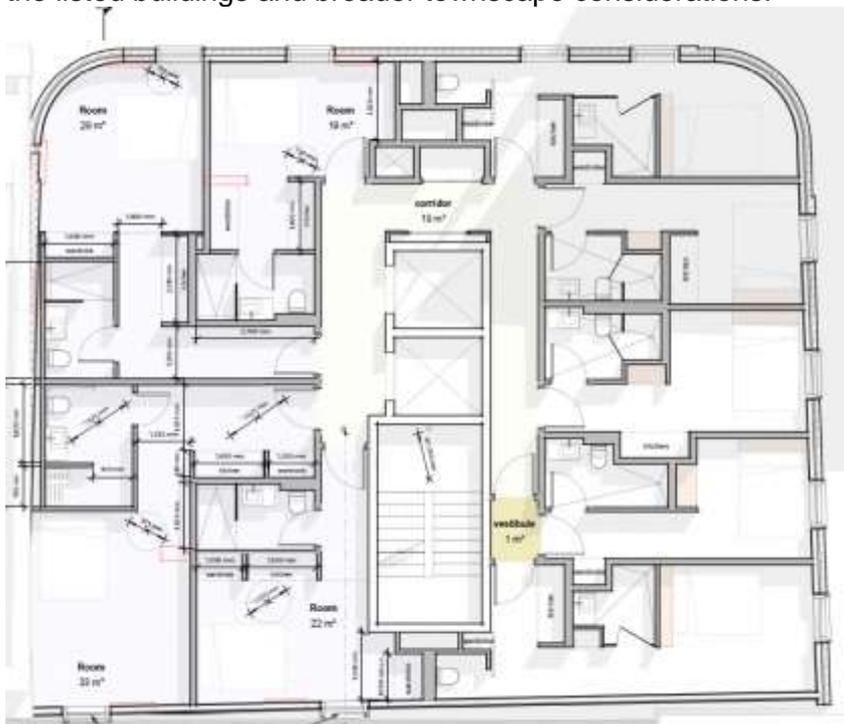
Church relative to the site. The Council's independent daylight consultants have confirmed (a) the daylight distribution meet the BRE targets), (b) whilst there are VSC transgressions to windows in the elevation facing the site these are not considered unacceptable as they stem from low existing VSC values and small VSC losses in absolute terms.

#### Inclusive design

- 14.43 The scheme is designed with proper regard to the principles of inclusive design and would provide 10% of the guest rooms as fully wheelchair accessible units in accordance with policy.

#### Amenity – for future users of the scheme

- 14.44 The development has considered noise and air quality to ensure a suitable internal environment
- 14.45 All bar one of the hotel bedrooms would benefit from natural daylight with external windows providing outlook. With respect to the single guest unit that lacks a window this in isolation is acceptable as there is no planning policy stipulation that hotel bedrooms need to benefit from natural daylight; notwithstanding there London Plan Policy 7.7 requirement for tall buildings to incorporate the highest standards of design and architecture which leads to a reasonable expectation hotel rooms would have windows.
- 14.46 The scheme was originally submitted with windows in the west elevation at 6<sup>th</sup> and 7<sup>th</sup> floor. However these were removed and additional windows inserted into the south elevation to address concerns regarding west facing windows neutralising the neighbouring site (namely City Reach, at 19 Leman Street) from gaining a relatively modest vertical extension. It is considered there is no prospect of a significantly taller extension on City Reach, given the relationship to the listed buildings and broader townscape considerations.



**Figure 9: Typical Serviced Apartment Floor Layout**

- 14.47 Taken overall the quality of the limited office accommodation and the serviced apartments in terms of internal layout, access to natural light and outlook is considered acceptable.

## **OTHER MATERIAL CONSIDERATIONS**

### **15 Highways and Transportation**

- 15.1 The NPPF and Policy 6.1 of the London Plan seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 of the London Plan requires transport demand generated by new development to be within the relative capacity of the existing highway network. London Plan Policy 6.13 states that developments need to take into account business delivery and servicing. This is also reiterated in MDD Policy DM20 which requires a transport assessment submitted with a development scheme to assess adequate regard has been made for servicing and for safe vehicular movements associated with this.
- 15.2 Core Strategy policies SP08, SP09 and Policy DM20 of the MDD together 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. Cycle provision would comply with relevant London Plan standards.
- 15.3 The applicant submitted a Transport Statement detailing trip generation, servicing arrangements, including waste collection on-street from Plough Street. The scheme proposes no on-site car parking.
- 15.4 The Borough' Highway and Transportation team reviewed the submitted documentation and is satisfied: (i) the completed development would have no adverse impact on the road network; and (ii) the proposed waste collection and servicing arrangements from the street whilst far from ideal is acceptable given it replicates the existing site servicing arrangements, and given the small size of the site that limits opportunity to provide an off-street servicing arrangement on site. It is recommended that the applicant shall prepare a Service Management Plan, secured by planning condition, that will set out details of the scope for joint servicing arrangements using off street servicing from the applicant' other serviced apartment hotel site opposite at No 1 Buckle Street.
- 15.5 To conclude the Borough's Highway & Transportation Team have no objection to the scheme, subject to any consent being granted with planning condition or legal agreements to secure:
- Travel Plan for staff and hotel guests.
  - Commuted sum for additional formalised disabled bay and service bays, if subsequently considered necessary.
  - Details of design of the on-street secure cycle stands.
  - Construction Logistics Management Plan, with deliveries avoided at peak hours.
  - Service Management Plan with details of joint servicing arrangements using off street servicing from their partner serviced apartment hotel site at No 1 Buckle Street.

- Compliance condition that bins will not be left for any time on public highway.
- A S278 agreement is required.
- All cycle storage facilities are to be retained and maintained for their permitted use throughout the life of the development.
- A legal agreement that restrict operator from taking block bookings from travel operators using coach drop offs/collection.

## **16. Noise and Dust**

- 16.1 A Noise and Vibration Impact Assessment has been submitted with the planning application. The assessment concludes that the demolition and construction will not result in adverse impacts to neighbours greater than those experienced from other major developments under construction or completed in the immediate vicinity.
- 16.2 The Council's Environmental Health Team have reviewed the documentation and are satisfied the development's impact in terms of control of noise, dust and vibration to neighbours and future occupants during demolition, construction and occupation phases, subject to the imposition of relevant planning conditions and the powers available to the Council under other legislative frameworks, should planning permission be granted, including construction management plan.

## **17.0 Contaminated Land**

- 17.1 In accordance with the requirements of the NPPF and local plan policy DM30 of the MDD, the application has been accompanied by a land contamination assessment which assesses the likely contamination of the site.
- 17.2 The Council's Environmental Health Officer has reviewed the submitted assessment, and advises that subject to conditions to ensure that further site based assessments and appropriate mitigation measures are taken should contamination be found there are no objections to the scheme on grounds of contaminated land issues, subject to the appliance of an appropriately worded planning condition.

## **18. Flood Risk & Water Resources**

- 18.1 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.
- 18.2 The site is located in Flood Zone 1 and therefore the main risk is from surface water run-off from the development. The site is already built upon and therefore subject to a planning condition to ensure the scheme incorporates SUDS and grey water recycling to reduce surface water discharge to 50% of existing rates in accordance with relevant policy and guidance and recycle water the proposed development complies with the NPPF, Policies 5.12, 5.13 of the London Plan, Policies SP04 and DM13 of the Borough adopted Local Plan.

## **19 Energy and Sustainability**

- 19.1 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.
- 19.2 The climate change policies as set out in Chapter 5 of the London Plan 2015 and the Borough's Core Strategy (Policies SO24 and SP11) and MDD (Policy DM29) collectively require new development to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 19.3 From April 2014 the London Borough of Tower Hamlets have applied a 45% carbon reduction target beyond Part L 2013 of the Building Regulations as this is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations. 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.
- 19.4 The scheme includes a Combined Heat and Power Unit HP will achieve a BREEAM Excellent and as currently specified would achieve the 50% reduction in CO2 emissions in accordance with the London Plan and Local Plan.
- 19.5 To conclude the scheme complies with Chapter 5 of the London Plan and Policy DM29 of the MDD subject to the imposition of planning conditions to (i) secure BREEAM Excellent rating, (ii) to secure the draft energy strategy set out CO2 emissions and (iii) provision of energy saving measures including use of renewable energy technologies on-site.

## **20 Biodiversity**

- 20.1 The Borough's Biodiversity Action Plan (2009), Policy 7.19 of the London Plan, Policy SP04 of the Borough's CS and Policy DM11 of the MDD seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity.
- 20.2 An ecology report was submitted with the application. The Borough's Biodiversity Officer is of the view the application site is not of any significant biodiversity value and there will therefore be no significant adverse biodiversity impacts.
- 20.3 The Council's Biodiversity Officer is satisfied subject to the application of an appropriate landscape condition that will result in a net gain in biodiversity including biodiverse roof and provision for nesting boxes/spaces for swifts and possibly house martins.

## **21 Waste**

- 21.1 Commercial waste would be collected on a daily basis through a private contractor. Given the constraints of the site refuse collection would be on-street. The Borough's Waste Management Team has reviewed the details of the scheme and is satisfied with the proposed waste storage and collection arrangements, subject to: preparation of a waste management plan detailing opportunities to co-ordinate servicing / waste collections with Lemn Locke level access to street;

provision of a dropped kerb; and an undertaking that the site's future facilities management team present the bins inside the doors before being returned immediately back to bin store after collection.

## **22 Microclimate**

- 22.1 Tall buildings can have an impact upon the microclimate, particularly in relation to wind. Where strong winds occur as a result of a tall building it can have detrimental impacts upon the comfort and safety of pedestrians and cyclists. It can also render landscaped areas unsuitable for their intended purpose.
- 22.2 A wind assessment study was submitted with the scheme that involved the testing of the scheme with neighbouring consented schemes in a wind tunnel to model microclimate wind impacts. The study analysis indicated the scheme would not result in any areas on the site or in neighbouring locations being unsafe for people.
- 22.3 The localised wind impacts have been assessed against the Lawson Comfort Criteria for long periods of sitting, short periods of standing/sitting pedestrian transit and so forth in the worst month and summer. The analysis shows there will be no adverse impacts upon a series of tested locations in Buckle Street, Plough Street, or upon roof top podium amenity space with the Altitude development. Within the site boundaries of Aldgate Place development, upon Lemn Street and in the courtyard set between Altitude and No. 77-81 Alie Street there are a few isolated adverse impacts anticipated. However all these spaces are liable to remain both safe and comfortable for their intended use and provide at minimum conditions as suitable for leisure walking.
- 22.4 To conclude, the methodology and the findings of the wind study submitted are considered to not provide a cause for undue concern. Were the scheme granted planning consent a planning condition would be attached to undertake further analysis post occupation to test outcome of predicated wind conditions and address any unanticipated adverse outcomes.

## **23.0 Planning Obligations**

- 23.1 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.
- 23.2 The NPPF requires that planning obligations must be:
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and,
  - Are fairly and reasonably related in scale and kind to the development.
- 23.3 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.
- 23.4 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.

23.5 The current Planning Obligations SPD was adopted in 2016. The Borough's four main priorities are:

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

The Boroughs other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

23.5 The proposed heads of terms are:

23.6 Financial Obligations:

- a) A contribution of £13,296 towards employment, skills, training for construction job opportunities;
- b) A contribution of £6,476 towards employment, skills, training for end phase job opportunities;
- c) To set aside the Employment Training Pool Fund which shall be made available and publicised to all persons employed as part of the construction or end user phases of the Development – proposed as £30k which means a fund of thirty thousand pounds (£30,000.00) to be set aside and made available for persons employed as part of the construction or end user phases of the Development to provide financial support for such persons to gain a recognised diploma or higher qualification in hospitality management with such fund to be targeted at employees from within the Borough.
- d) Crossrail 'Top Up' of £73,483 (approximate figure after discounting payment of Mayor of London Community Infrastructure Levy (CIL) subject to indexation); and
- e) Monitoring fee £6,000 (£500 per s106 Head of Term)

Total: £129,255

23.7 Non-financial Obligations:

- a) Owner agreeing to a restriction on hotel/ serviced apartment (use class C3) operator taking block bookings from travel operators using coach drop offs/collection through use of Section 16 of the Greater London Council (General Powers) Act 1974.
- b) Owner agreeing to a commuted sum towards future provision of an on-street accessible parking and service bays through use of Section 16 of the Greater London Council (General Powers) Act 1974.
- d) Access to employment, involving:-
  - Reasonable endeavours to gain minimum 20% local procurement.
  - Reasonable endeavours to gain minimum 20% local labour in Construction.

- e) Provide a minimum of four (4) approved Apprenticeships/Traineeships for Local Residents during the construction phase and end-user phase of the Development.
- f) Discounted rents to the workspace for those living in the Borough. The % discount to be agreed.
- g) Use Reasonable Endeavours to ensure that all persons who take jobs in relation to the construction and end-user phases of the Development shall be given information in relation to the document titled SACO Mentoring Programme in the form annexed to this Schedule
- h) Use Reasonable Endeavours to ensure that all jobs in relation to the construction and end-user phases of the Development are recruited, offered and managed in accordance with the documents titled Social Compact with the London Borough of Tower Hamlets and LEAD SACO Personal Growth and Development Programme
- f) S278 agreement to address the surrounding highway.
- g) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

23.8 All of the above obligations are considered to be in compliance with aforementioned policies, the NPPF and Regulation 122 and 123 tests. Nonetheless, it needs to be emphasized that the applicant's commitment to utilise all reasonable endeavours to deliver the wider public realm vision does not and should not constitute a reason for the granting of planning permission.

#### **24.0 Other Financial considerations**

24.1 Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires that in considering an determining application for planning permission the local planning authority must 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.

24.2 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.

24.3 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. The approximate net Mayoral CIL contribution is estimated as £147,463.

25.4 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. Prior to final adjustment for payment Mayor of London CIL (determined at time of CIL liability notice is issued on commencement of development) the Crossrail top up is £73,483.

24.5 This application is also subject to the Borough's Community Infrastructure Levy, which came into force for application determined from 1st April 2015. This is a standard charge, based on the uplift of floor space of the proposed development. The estimated chargeable Borough CIL contribution for this development is approximately £630,030

## **25 Human Rights**

25.1 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:-

25.2 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with 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".

25.3 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.

25.4 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.

25.5 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.

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

25.7 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.

## **26. Equalities Considerations**

26.1 When deciding whether or not to proceed with the project, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't (the public sector duty). Some form of equality analysis will be required which is proportionate to proposed projects and their potential impacts.

26.2 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:

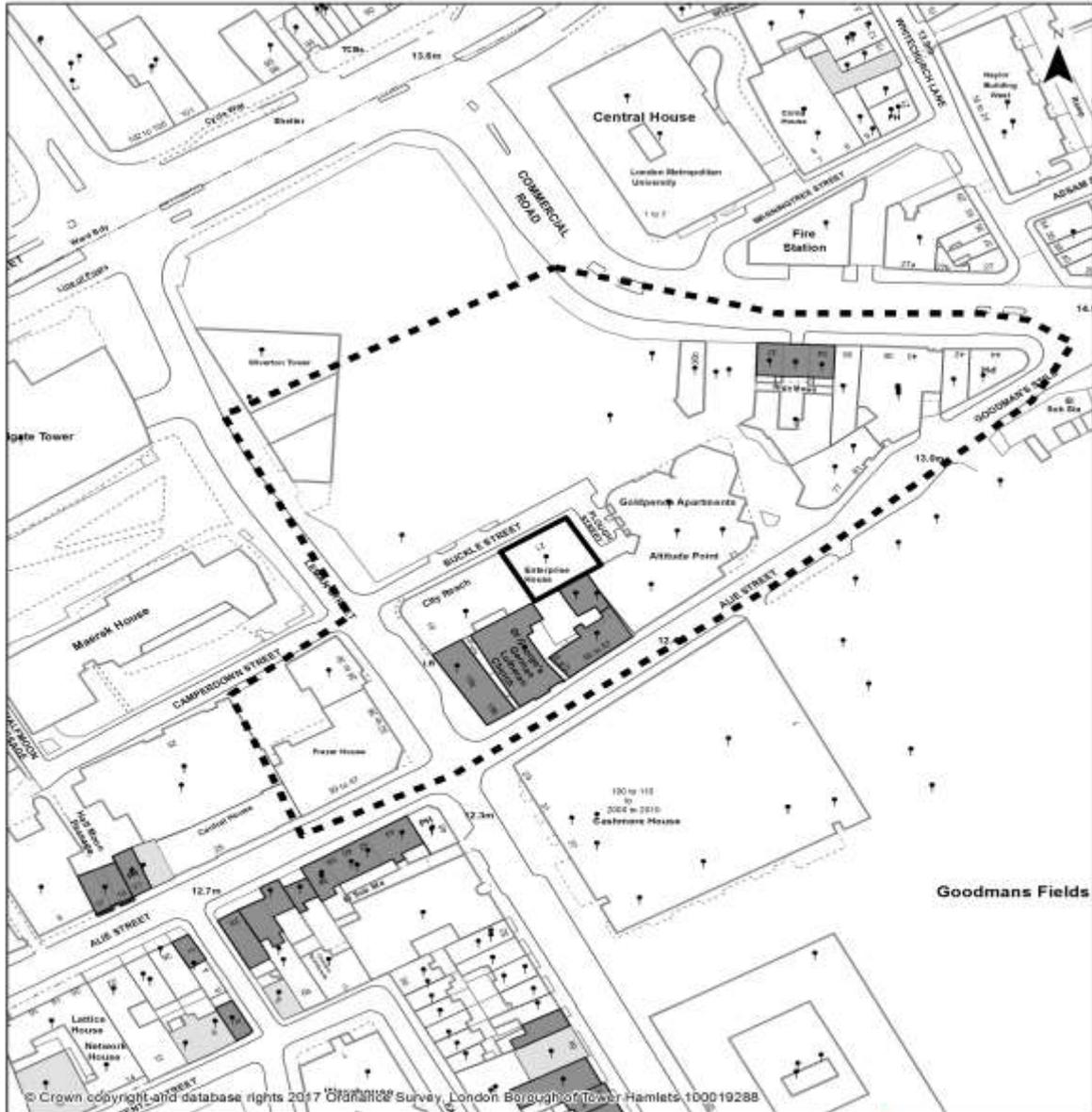
1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
3. Foster good relations between persons who share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

26.3 The workspace within the scheme lends itself for use by local start-up businesses with the opportunities and flexibility it provides in enabling people to take up the B1 space on a short term basis and an ability to rent as few as one individual desk space. This component of the scheme, taken alongside the requirement to use local labour and services during construction and at end phase, supports community wellbeing and social cohesion.

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

## **27 Conclusion**

27.1. All other relevant policies and considerations have been taken into account. Planning permission should be GRANTED for the reasons set out in the EXECUTIVE SUMMARY and MATERIAL PLANNING CONSIDERATIONS sections and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.



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

### Planning Application Site Map PA/16/03552

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: 03/07/2017

