

Committee: Strategic Development	Date: 13 th May 2009	Classification: Unrestricted	Agenda Item No: 7.x
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Ila Robertson		Ref No: PA/08/002690	
		Ward(s): Whitechapel	

1. APPLICATION DETAILS

- 1.1 **Location:** Site Bounded by Lemn Street, Whitechapel High Street, Commercial Road and Buckle Street
- 1.2 **Existing Use:** Part of the old Aldgate Gyratory, cleared construction site and a three storey building at 35 Whitechapel High Street and four storey multi-storey car parking building that affronts Buckle Street and Braham Street
- 1.3 **Proposal:** Demolition of the existing buildings and erection of a part 19-storey, part 21-storey building (102.5 Above Ordinance Datum (AOD)) comprising office floorspace (Use Class B1) and retail floorspace (Use Class A1-A4) at ground floor level, together with underground parking, associated plant, servicing and landscaping
- 1.4 **Drawing Nos:** WE-455-100a REV A, WE-455-100b REV B, WE-455-100c REV A, WE-455-110, WE-455-111, WE455-119 REV A, WE-455-197 REV E, WE-455-198 REV E, WE-455-200 REV F, WE-455-201 REV E, WE-455-202 REV E, WE-455-204 REV E, WE-455-211 REV C, WE-455-212 REV C, WE-455-217 REV E, WE-455-219 REV E, WE-455-220 REV E, WE-455-221 REV E, WE-455-222 REV E, WE-455-300, WE WE-455-310 REV C, WE-455-311 REV C, WE-455-312 REV C, WE-455-313 REV C, WE-455-400 REV A, WE-455-402 REV A, WE-455-600, WE-455-601, WE-455-602, WE-455-603, WE-455-605, WE-455-610 and WE-455-625 Rev B.
- 1.5 **Supporting Documents**
- Design and Access Statement dated December 2008
 - Environmental Statement Volume I dated December 2008
 - Environmental Statement Volume II: Townscape, Conservation and Visual Impact Assessment Report dated December 2008
 - Addendum ES Volume II dated March 2009
 - Environmental Statement Volume III: Technical Appendices dated December 2008
- 1.6 **Applicant:** TST Aldgate Holdings LLC
- 1.7 **Owner:** TST Aldgate Holdings LLC
- 1.8 **Historic Building:** N/A
- 1.9 **Conservation Area:** Part of the site being the north-eastern corner falls within the Whitechapel High Street Conservation Area.

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Plan (Consolidated with Alterations since 2004), the London Borough of Tower Hamlets Unitary Development Plan 1998 and associated supplementary planning guidance, the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, and Government Planning Policy Guidance and has found that:
- 2.2
- The proposal is in line with the Mayor and Council's policy, as well as government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 3A.3 of the London Plan (Consolidated with Alterations since 2004) and HSG1 of the Council's Interim Planning Guidance (2007) which seeks to ensure this.
- 2.3
- Office use is acceptable in principle being identified for such a use within policy CP8 of the Council's Interim Planning Guidance (2007) which seeks to direct major office development to the City Fringe and in particular to safeguard Aldgate as a preferred office location.
- 2.4
- The building height, scale, bulk and design is acceptable and in line with regional and local criteria for tall buildings. As such, the scheme is in line with policies 4B.8, 4B.9 and 4B.10 of the London Plan 2008, saved policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998 and policies CP48, DEV1, DEV2, DEV3 DEV27 and IOD16 of the Council's Interim Planning Guidance (October 2007), which seek to ensure buildings are of a high quality design and suitably located.
- 2.5
- The development would form a positive addition to London's skyline, without causing detriment to local or long distant views, in accordance policies CP48 and CP50 of the Council's Interim Planning Guidance (2007) and policies 4B.1, 4B.8, 4B.9 and 4B.10 of the London Plan (2008) which seek to ensure tall buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- 2.6
- The development is of a high quality design, which will provide a landmark gateway from the city into the Borough and allow for the regeneration of the Aldgate area. As such, it enhances the settings of both Whitechapel High Street and adjacent Conservation Areas and Listed Buildings. Overall, the proposal is considered to be appropriate in accordance with policies CON1 and CON2 Council's Interim Planning Guidance (2007) and policies 4B.11 and 4B.12 of the London Plan which seek to protect, preserve and enhance London's historic environment.
- 2.7
- The development would enhance the streetscape and public realm through the provision of a public realm, improved public linkages and the provision of a contribution towards the Braham Street Park. As such, the proposal is considered to be in accordance with the Aldgate Masterplan (2007) and policies CFR1, CFR2, CFR12 and CFR13 of the Council's Interim Planning Guidance City Fringe Area Action Plan (2007).
- 2.8
- It is not considered that the proposal would give rise to any undue impacts in terms of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents. As such, the proposal is considered to satisfy the relevant criteria of saved policy DEV2 of the Council's Unitary Development Plan (1998) which seeks to protect residential amenity.

- 2.9 • Transport matters, including parking, access and servicing, are acceptable and in line with policy 3C.23 of the London Plan (Consolidated with Alterations since 2004), policies T16, T18 and T19 of the Council's Unitary Development Plan 1998 and policies DEV18 and DEV19 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure there are no detrimental highways impacts created by the development.
- 2.10 • Sustainability matters, including energy, are acceptable and in line with policies 4A.3 to 4A.7 of the London Plan (Consolidated with Alterations since 2004) and policies DEV 5 to DEV9 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to promote sustainable development practices.
- 2.11 • The development is in accordance with the Aldgate Masterplan (2007) and Interim Planning Guidance City Fringe Area Action Plan (2007) in terms of the location of a tall building on the Aldgate Gyratory, provision of a contribution towards the Braham Street Park and creation of a east-west link across the southern boundary of the site and re-provision of the Drum Street thoroughfare.
- 2.12 • Contributions have been secured for the Braham Street Park, for employment initiatives, healthcare, air quality and public art in line with Government Circular 05/05, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (2007), which seeks to secure contributions toward infrastructure and services required to mitigate the impact of the proposed development.

3. RECOMMENDATION

- 3.1 That the Committee resolve to GRANT planning permission subject to:
- A. **Referring the application to the Secretary of State** in accordance with the powers conferred by articles 10(3), 14(1) and 27 of the Town and Country Planning (General Development Procedure) Order 1995. Given English Heritage have objected to the scheme on the grounds of adverse impact and harm to The Tower of London World Heritage Site.
 - B. Any **direction by The London Mayor**
 - C. The prior completion of a **legal agreement**, to the satisfaction of the Chief Legal Officer, to secure the following:
 1. Provide £2,000,000 towards the provision of a landscaped park to the western end of Braham Street.
 2. Preparation of a right of way "walking agreement" for crossing through the proposed site across all areas of public realm created by the proposal.
 3. Provide £140,000 towards employment initiatives such as the Local Labour in Construction (LliC) or Skillsmatch in order to maximise the employment of local residents.
 4. Provide £140,000 towards healthcare to mitigate the demand of the additional population on health care services.
 5. Provide £150,000 for the preparation and implementation of a public art strategy

including involvement of local artists to be managed by Whitechapel Art Gallery.

6. Provide £30,000 for the monitoring of air quality within the Aldgate area.
 7. TV reception monitoring and mitigation.
 8. Preparation of a Green Travel Plan.
 9. Commitment towards utilising employment initiatives in order to maximise the employment of local residents.
- 3.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.
- 3.3 That the Corporate Director of Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

Conditions

1. Three year time limit.
2. Details of materials, typical details and
3. Detailed design of ground floor frontages through the central route.
4. Landscaping and public realm works including management plan and temporary landscaping
5. Park required to be completed prior to occupation of buildings
6. Monitoring Control Regime for construction phase to be implemented
7. Parking – maximum of 40 cars (25% designated disabled) and a minimum of 37 motorcycle and 442 cycle spaces
8. Code of Construction Practice (referred to as Construction Method Statement in the ES), including a Construction Traffic Management Assessment required
9. Details of insulation and assessment of the ventilation system and any associated plant required, including routing of the ventilation systems from ground floor uses.
10. Window glazing specification for noise insulation.
11. Black redstart habitat provision required
12. Land contamination study required to be undertaken
13. Implementation programme - archaeological works
14. Full particulars of the refuse/ recycling storage required
15. Microclimate mitigation measures
16. Details of the design of the cycle store required
17. Bat roosts and bird nest boxes to be incorporated into the fabric of the new buildings
18. Water supply and local infrastructure
19. Disabled drop-off area to be located on Leman Street
20. Provision of a service and delivery plan
21. Gas fired fuel cell and renewable energy measures to be implemented, including hydrogen commitment
22. Lighting Strategy and CCTV locations
23. Ecological protection measures in accordance with ES
24. Surface water drainage
25. Water Management Strategy for water efficiency measures
26. Provision of two car charging points

Informatives

1. Thames Water advice

2. Environment Agency advice
 3. Surface water drainage advice
 4. Site notice specifying the details of the contractor required
 5. Standard of fitness for human habitation, means of fire escape and relevant Building Regulations
- 3.4 That, if by 11th June 2009 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions is delegated power to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Background

- 4.1 This application follows the approval of outline planning permission for the site's redevelopment on the 10th July 2007 (PA/06/00510) for the demolition of existing buildings and redevelopment of three buildings ranging from 4 to 22 storeys to provide 84,305sq.m. of offices (B1) and 2,805sq.m retail (A1) use, new pedestrian route to Drum Street, closing off Braham Street for the purpose of a new park, new entrance to Aldgate East Underground Station, basement car park for 40 vehicles and associated plant accommodation.
- 4.2 Following the grant of the above permission the applicant discovered that the approved servicing arrangements could not be implemented given the location of primary utilities running under the site. The changes to the access arrangements have as a result necessitated a new planning application. Therefore the application is in many ways in lieu of a reserved matters application for the extant outline permission as it now deals with the detailed design which was not required as part of the outline permission. The key difference between the two schemes is the removal four-storey building (identified as building C) which adjoined Buckley Street due to the alternative access and servicing arrangements. There have also been some slight amendments to the design in terms of the width of the building and the connection between the two buildings, known as 1 and 2 Aldgate Place.
- 4.3 The applicant has started to implement the parts of the original permission in that the majority of the buildings have been demolished. The reserved matter application for Braham Street Park has been approved and works have started on site. Furthermore, the Aldgate Gyratory works required to allow for the development have been completed by TfL.

Proposal

- 4.4 Demolition of the existing buildings and erection of a part 19-storey, part 21-storey building comprising office floorspace (Use Class B1) and retail floorspace (Use Class A1-A4) at ground floor level, together with underground parking, associated plant, servicing and landscaping.
- 4.5 The part 21-storey building known as Aldgate 1 is located on the northern part of the site with Aldgate 2 being the 19-storey building to the south. The two buildings are connected with a bridging element that forms part of the main floorplate, however it reads as separate element of the design. The lower levels of the building feature a double height colonnade.
- 4.6 At ground floor level, the bridging element would not start until the fourth storey thereby providing a tall and wide covered space. This space will form a diagonal central route across the site. The main entrances and foyers for the office uses and the retail accommodation will be accessed off this route. The proposal includes an east-west route

through the site along the southern boundary. This route would be adjoined at ground floor level by retail units.

- 4.7 The proposal includes a number of landscaped areas of public realm across the site and along the key routes through and around the site and on two roof terraces. The proposal continues to provide the Braham Street park secured under the original consent and currently under construction.
- 4.8 The servicing areas and access to the basement car park lifts would be located at the south eastern end of the central route with direct access off Commercial Road. There would be 40 car parking spaces of which 25% would be disabled, 37 motorcycle spaces and 426 cycle spaces provided within two levels of basement and 16 cycle spaces within the new public realm for visitors.
- 4.9 An Environmental Impact Assessment (EIA) was submitted with the application.

Site and Surroundings

- 4.10 The application site covers an area of approximately 0.77ha. The site is bound to the north by Whitechapel High Street, to the east by Commercial Road and Leman Street to the south. The site also includes Drum Street and Braham Street with parts of the building being constructed over these roads.
- 4.11 The majority of the existing buildings on site have been demolished over the last 18 months. Two existing buildings remain being a branch of the Lloyds Bank fronting Whitechapel High Street and a four storey multi storey car parking building that affronts both Braham Street, Buckle Street and Commercial Road.
- 4.12 The site is within a highly accessible location, with a Public Transport Access Level (PTAL) score of 6b. The closest tube station is Aldgate East which is located directly to the north west of the site on Whitechapel High Street. The station is served by the District and the Hammersmith and City lines. The mainline station of Fenchurch Street which provides mainline services to stations in Essex and the Tower Gateway DLR station which provides access east towards Canary Wharf, Woolwich, Stratford and Lewisham are within 5 minutes walking distance. The area is also served by ten bus routes.
- 4.13 The area surrounding the site comprises a variety of buildings and includes a mix of uses. Immediately to the north of the site is Whitechapel with a mix of high street uses including banks, Aldgate East tube station and Whitechapel Art gallery. London Metropolitan University is located to the east of the site, on the opposite side of Commercial Road. To the south of the site is a mix of predominantly commercial uses including offices, workshops and cafes.
- 4.14 The heights of buildings adjacent to the site vary from 3-4 storeys to 7-9 storeys. Generally, larger scale buildings are located to the south of the site, with smaller scale buildings located to the north along Whitechapel.

Planning History

- 4.15 PA/06/00525 - Conservation Area Consent was granted consent on the 10th July 2007 for the demolition of all the existing buildings on site.
- 4.16 PA/06/00510 - Outline Planning Permission granted on the 14th August 2007 for the demolition of existing buildings and redevelopment of three buildings ranging from 4 to 22

storeys to provide 84,305sq.m. of offices (B1) and 2,805sq.m retail (A1) use, new pedestrian route to Drum Street, closing off Braham Street for the purpose of a new park, new entrance to Aldgate East Underground Station, basement car park for 40 vehicles and associated plant accommodation. The application was supported by an Environmental Impact Assessment.

- 4.17 PA/08/01598 - Approval of reserved matters relating to the conversion of Braham Street into a public open space, pursuant to Outline Planning Permission ref. PA/06/510 was granted on the 7th October 2008.

5. POLICY FRAMEWORK

- 5.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

5.2 Unitary Development Plan (as saved September 2007)

- Proposals:
- (1) Central Area Zone
 - (2) Strategic Roads
 - (3) Major Proposals (118) Employment Uses - B1 and A1
 - (4) Archaeological Importance or potential
 - (5) Flood Risk Zone (1)

Policies:

- DEV1 Design
- DEV2 Amenity
- EMP1 Encouraging New Employment Uses
- T7 The Road Network
- T10 Strategic Traffic Management
- T15 Transport and Development
- T16 Impact of Traffic
- T18 Pedestrians
- T19 Pedestrians
- T21 Pedestrians
- T23 Cyclists
- S6 New Retail Development
- S10 New shopfronts
- ART5 Arts and entertainment facilities

5.3 Interim Planning Guidance for the purposes of Development Control (Oct 2007)

- Proposals:
- (1) City Fringe Area Action Plan
 - (2) City Fringe Development Sites – CF12c Allocation – Mixed Use, Residential, Public Open Space
 - (3) Archaeological Importance or potential
 - (4) Strategic Road
 - (5) Flood Risk (1)

Core Strategies

- IMP1 Planning Obligations
- CP1 Creating Sustainable Communities
- CP2 Equal Opportunity
- CP3 Sustainable Environment
- CP4 Good Design
- CP5 Supporting Infrastructure
- CP7 Job Creation and Growth
- CP8 Global Financial Business Centre and the Central Activities

	Zone
CP38	Energy Efficiency and Production of Renewable Energy
CP39	Sustainable Waste Management
CP41	Integrating Development with Transport
CP46	Accessible and Inclusive Environments

Policies: Development Control Policies

DEV1	Amenity
DEV2	Character & Design
DEV3	Accessibility & Inclusive Design
DEV4	Safety & Security
DEV5	Sustainable Design
DEV6	Energy Efficiency & Renewable Energy
DEV10	Disturbance from Noise Pollution
DEV11	Air Pollution and Air Quality
DEV12	Management of Demolition and Construction
DEV13	Landscaping
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV22	Contaminated Land
DEV27	Tall Buildings
RT4	Retail Development
CON1	Setting of a Listed Building
CON2	Conservation Area

City Fringe Area Action Plan Policies

CFR1	City Fringe Spatial Strategy
CFR2	Transport and Movement
CFR5	Open Space and Flooding
CFR6	Infrastructure and Services
CFR9	Employment Uses in Aldgate and Spitalfields Market Area
CFR11	Retail and Leisure in Aldgate and Spitalfields Market Area
CFR12	Design and Built Form in Aldgate and Spitalfields Market Area
CFR13	Local Connectivity in Aldgate and Spitalfields Market Area
CFR14	Site Allocations in Aldgate and Spitalfields Market Area

5.5 **Masterplans**

Aldgate Masterplan 2007

5.6 **Supplementary Planning Guidance/Documents**

Landscape Requirements
Archaeology and Development

5.7 **The London Plan (consolidated with alterations since 2004) - the Mayor's Spatial Development Strategy**

2A.1	Sustainability Criteria
2A.2	The Spatial Strategy for Development

3B.1	Developing London's Economy
3B.2	Office Demand and Supply
3C.1	Integrating Transport and Development
3C.2	Matching Development to Transport Capacity
3C.23	Parking
4A.3	Sustainable Design and Construction
4A.4	Energy Assessment
4A.5	Provision of Heating and Cooling Networks
4A.6	Decentralised Energy: Heating, Cooling and Power
4A.7	Renewable Energy
4A.9	Adaptation to Climate Change
4A.10	Overheating
4A.11	Living Roofs and Walls
4A.12	Flooding
4A.14	Sustainable Drainage
4A.16	Water Supplies and Resources
4A.19	Improving Air Quality
4A.20	Noise
4B.1	Design Principles for a Compact City
4B.2	Promoting world class architecture and design
4B.3	Enhancing the Quality of the Public realm
4B.5	Creating an Inclusive Environment
4B.6	Safety, Security and Fire Protection
4B.8	Respect Local context and communities
4B.9	Tall Buildings-Location
4B.10	Large scale buildings, design and impact
4B.11	London's Built Heritage
4B.12	Heritage Conservation
4B.14	World Heritage Sites
4B.15	Archaeology
4B.16	London View Management Framework
4B.17	View Management Plans
4B.19	Assessing Development Impact on Designated Views
5C.1	The Strategic Priorities for North East London
5C.3	Opportunity Areas in North East London

5.8 Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPG13	Transport
PPG15	Planning and the Historic Environment
PPG16	Archaeology and Planning
PPS22	Renewable Energy

5.9 Community Plan The following Community Plan objectives relate to the application:

- A better place for creating and sharing prosperity
- A better place for learning, achievement and leisure
- A better place for excellent public services

6. CONSULTATION RESPONSE

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

6.2 The following were consulted regarding the application:

LBTH Cleansing

- 6.3 No comments received.

LBTH Environmental Health

Contaminated land

- 6.4 Council records identify that the site and surrounding area have been subjected to former industrial uses, which have the potential to contaminate the area. Given ground works and soft landscaping are proposed and therefore a potential pathway for contaminants may exist and will need further characterisation to determine associated risks. The first Phase of investigation has been carried out, i.e. a Desk Study, however, a condition should be included to ensure the developer carries out an intrusive site investigation.

Air Quality

- 6.5 The EIA and subsequent additional response are acceptable. However, conditions in respect to dust monitoring to be conducted during the demolition/construction phase as part of the EMP.

Furthermore, given the scope of the development and location being one of the most poorly performing are in terms of air quality a contribution to the assessment of air quality in the area of £30,000 is requested to achieve objectives of the Air Quality Action Plan.

Noise

- 6.6 (1) The site is a PPG24 category "C", adequate glazing specification of (6/12/6)-RW 33-35 as a minimum to meet BS8233 on all facades.
- (2) Vibration impacts are acceptable.
- (3) The Construction/Demolition methodology with the application of DCMS/EMP should be conditioned by COCP.
- (4) There is no assessment in relation to building services plant noise to meet BS4142, EH will require further information before planning permission can be considered. (**OFFICER COMMENT:** It is recommended that a condition is included for full details of the service plant noise).

Sunlight/ Daylight

- 6.7 No comments received.

Health and Safety

- 6.8 The development should comply with the Construction (Design and Management) Regulations 2007 specifically in order to secure the incorporation of safety matters in the development from the start, including the production of a "Health and Safety File" for the client and future users(s). (**OFFICER COMMENT:** An Informative will be included on the application to ensure the Applicant is aware of the above requirements).

LBTH Highways

6.9 No objection.

Greater London Authority (Statutory)

6.10 The Stage One response raised the following points:

Principle of Use

(1) The principle of the proposed development on the site is established and is consistent with the London Plan and draft City Fringe Opportunity Area Planning Framework. The consented scheme brought a number of significant benefits including the re-modelling of the gyratory and the creation of a new public park.

(2) The s106 obligations from the consented scheme should be transferred over were they have not been fulfilled.

Design and layout

(3) The layout of the ground floor has been revised to incorporate servicing access for the building. The revisions and means of access are consistent with the requirement of strategic design policy.

(4) In terms of design quality the information submitted illustrates that the appearance of the building will be exceptionally high quality, with both buildings including floor-to-floor glazing. A Condition should be included to ensure the quality of the materials is maintained.

(5) The scale of the building is as previously consented reaching a maximum of 102.5m AOD and the massing is substantively similar. The massing and scale is appropriate to the immediate context as demonstrated by the supporting townscape, conservation and visual impact assessment. However, the building would breach the threshold plain of the background assessment for the geometrically protected vista of the view from City Hall to The Tower of London.

(6) The scheme is consistent with the London Plans requirements for inclusive design principles.

Strategic Views and Conservation

(7) The building would be visible in the backdrop of the designated view from City Hall to The Tower of London. There are two assessment points to be considered 25A.1 and 25A.2. In terms of 25A.1 the proposed development would be directly behind the White Tower and there be almost completely hidden from view. A Fragment of the upper eastern corner of the building would potentially be visible if the trees in the foreground were removed but would otherwise be barely perceivable, even during the winter months. The remainder of the eastern part of the building would be obscured by existing development. The impact from this view is acceptable. In respect to 25A.2 the uppermost glazed part of the proposed development would appear between the trees to the left (west) of the White Tower. The visual assessment only assesses the impact on this view in the summer months when the trees are in full leaf. The applicant should provide an assessment of this view in the winter months when the trees are not in leaf and at night during the winter months. Until this is completed it is not possible to determine whether the proposals would preserve or enhance the ability to recognise or appreciate The Tower of London and setting of the World Heritage Site. The proposal is therefore inconsistent with London Plan policies. (**OFFICER COMMENT:** The additional views have been provided by the applicant to the GLA).

(8) The impact of the building on local conservation areas is consistent with the London Plan policies.

Sustainability and Climate Change

(9) Further information needs to be provided to firstly demonstrate that further energy efficiency measures are not achievable and details of the actual measures proposed. The building energy model needs to be re-calculated to demonstrate that the measures have been maximised.

(10) The applicant should demonstrate that it would allow for future connection to a district energy network in Aldgate.

(11) A feasibility study needs to be provided to demonstrate that the fuel cell proposed can achieve the estimated 20% reduction in carbon emissions and that there is sufficient space on site to allocate the proposed plant and flexibility to connect into other technologies in the future.

(12) Further information on the cooling strategy and use of renewable green technology needs to be provided and further justification for the disregard of a number of technologies.

(13) Supportive of the landscaping proposed within the areas of public realm and roof terraces in terms of the cooling and shading benefits these will bring in summer.

(14) Further supporting information should be provided in respect to surface water run-off is consistent with policy 4A.14 and a water management strategy setting out all water efficiency measures that would be incorporated.

Transport

(15) Transport for London comments are as detailed below.

Transport for London (Statutory)

6.11 The following comments were made:

(1) TfL welcome the substantial package of alterations to the public realm and highway network that were secured under the previous consent. These works are now substantially complete.

(2) The amended servicing arrangements is regrettable as it could result in conflicts between pedestrians in vehicles. Therefore, to ensure that the scheme still provides a safe and convenient pedestrian access the public realm should be clearly delineated pedestrian and service routes. (**OFFICER COMMENT:** It is considered that the proposals will allow this, however, a condition to ensure that the actual as-built design can secure this is recommended).

(3) A service and delivery plan should be adopted to ensure that the access arrangements work successfully. (**OFFICER COMMENT:** It is recommended that a condition is included to secure this).

(4) TfL does not support the provision of a disabled bay on Lemn Street as it would be subject to abuse from taxis and other vehicles recommend the relocation of the drop off zone to the servicing area. (**OFFICER COMMENT:** Refer section 8.58 of the report for discussion on this point).

(5) Require clarification on the cycle provision on site. (**OFFICER COMMENT:** The number of cycle spaces has been confirmed).

(6) The car parking provision is consistent with the previous scheme and the London Plan policies.

(7) Crossrail contribution of £1,149,000 requested if it is demonstrated that there is an uplift in office floorspace.

English Heritage - Historic Environment (Statutory)

6.12 Objection to the scheme on the following grounds:

- Adverse impact on the settings of both nearby conservation areas and listed buildings.
- Adverse impact and harm to The Tower of London world heritage site. In terms of the impact on views 25A.1 and 25A.2 with the building being partially visible to the right of the towers in view 25A.1 and to west of the towers in view 25A.2.
- Loss of Drum Street by the bridging over of the building.

English Heritage – Archaeology – (Statutory)

6.13 No objection subject to a condition securing archaeological mitigation being secured.

Metropolitan Police

6.14 No comments received.

Historic Royal Palaces (Statutory)

6.15 No comments received to date.

London Borough of Southwark (Statutory)

6.16 No comments received to date.

City of London (Statutory)

6.17 No comments received to date.

London City Airport

6.18 No objection.

London Underground

6.19 No objection.

Thames Water Ltd

6.20 No objection, subject to a number of comments and conditions in respect to water supply infrastructure, public sewers crossing the site, surface water drainage and waste supply protection.

Network Rail

6.21 No objection.

Natural England (Statutory)

6.22 No comments received.

National Grid

6.23 No objection.

National Air Traffic Services

6.24 No safeguarding objections.

London Wildlife Trust

6.25 No comments received.

London Fire and Emergency Planning

6.26 No comments received.

London Development Agency

6.27 No comments received.

EDF Energy

6.28 No objection.

CABE

6.29 No comments received.

Environment Agency (Statutory)

6.30 No objection but recommends the inclusion of an advice note to the applicant.

Health and Safety Executive (HSE) – Explosives Inspectorate

6.31 No objection.

7. LOCAL REPRESENTATION

7.1 A total of 232 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The scheme was re-advertised due to additional information being required under Regulation 19 of the EIA regulations on the 14th April 2009.

No of individual responses: Objecting:0

Supporting: 0

8. MATERIAL PLANNING CONSIDERATIONS

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

- Land Use
- Design
- Amenity
- Highways
- Other

Land Use

8.2 The majority of the site is currently vacant following demolition of the existing buildings. The only remaining building on the site is a two storey building occupied by a branch of the Lloyds Banking Group. The site is inside the “Central Area Zone” designation of the UDP.

Principle of Office Led Development

Office Use

8.3 Saved policy EMP1 of the Adopted Unitary Development Plan (UDP) 1998 seeks to promote economic growth and employment opportunities.

8.4 Policy CP8 of the Council’s Interim Planning Guidance (2007) seeks to direct major office development to the City Fringe and in particular to safeguard Aldgate as a preferred office location. The Aldgate Masterplan identifies that commercial and office uses will be concentrated in the area west of Commercial Road, with an emphasis on active retail uses on the ground floor.

8.5 Policy 3B.1 and 3B.2 of the Consolidated London Plan 2008 seeks to develop London’s economy by seeking additional office space within the Central Activity Zone (CAZ). The policy identifies that Boroughs need to promote the provision of additional office space within the CAZ this is specifically what both the Aldgate Masterplan and the IPG are seeking to do.

8.6 The approved outline scheme included the provision of 84,305sqm office floorspace, this application now includes 93,440sqm. However, the overall gross external area of the scheme has reduced by 8,401sqm by the loss of servicing areas and building C. The office component complies with the saved employment policies EMP1 of the UDP. The existing employment site was underdeveloped considering its location and the office-led-mix of uses proposed would provide new exceptional quality office and retail spaces. This would result in a significant increase in the density of jobs in the Aldgate area and would maximise employment on individual sites thereby increasing employment opportunities as required by Council policies.

8.7 It is considered that the proposed office led development is in accordance with both strategic and local policies and will deliver an appropriate use within a preferred office location within the city fringe.

8.8 In addition, to ensure local people gain access to employment during and post construction, contributions would be sought from the applicant via a Section 106 agreement.

Retail Use

- 8.9 Saved policy ST34 of the UDP supports and encourages improvements to the range and quality of shopping facilities in the Borough. Furthermore, saved policy S6 identifies that new retail development will be permitted where there is no detrimental impact on any district shopping area, the development is well served by public transport and sufficient provision is made for cyclist and pedestrians.
- 8.10 Policy RT4 of the IPG states that applicants would need to demonstrate a need, sequential approach and that the vitality and viability of nearby town centres will not be undermined. It does identify that the clustering of shops and services for large new development may be required.
- 8.11 Importantly, at paragraph 4.9 of the IPG it states that in preferred office locations that such uses will need to be supported by retail uses to achieve a sustainable office environment.
- 8.12 The development would comprise 1,144sqm of retail floor space that is proposed to be utilised by seven retail units. These units are located adjacent Whitechapel High Street and Commercial Road, within the new pedestrian only central and southern routes through the site.
- 8.13 The uses proposed via the retail floorspace will largely support the office development, but more importantly will provide an active and animated ground floor to the new pedestrian routes and areas of open space. This is in accordance with the Aldgate Masterplan which seeks to ensure that there is an emphasis on active ground floor uses on frontages that adjoin streets and areas of public open space.
- 8.14 Given the size of the retail area and the nature of the shops that would come forward to support an office scheme of this size, it is not considered that this would impact on the existing nearby shopping area on Whitechapel Road.
- 8.15 Overall, in terms of use it is considered that the scheme is integral to the achievement of the objectives and vision of the Aldgate Masterplan and necessary to service and support the office development.

Design

Bulk and Massing

- 8.16 Good design is central to all the objectives of the London Plan. Chapter 4B of the London Plan refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at achieving good design. These principles are also reflected in policies DEV1 and 2 of the UDP and the IPG.
- 8.17 Policy CP4 of the IPG states that LBTH will ensure development creates buildings and spaces that are of high quality in design and construction, are sustainable, accessible, attractive, safe and well integrated with their surroundings. Policy DEV2 of the IPG reiterates DEV1 of the UDP and states that developments are required to be of the highest quality design, incorporating the principles of good design.
- 8.18 The bulk and massing of the scheme is largely identical to the extant outline permission with key changes being to the bridging element and slight changes to the width. These changes were as a result of the as-built design being progressed following approval and as a result of the reconfiguration of the servicing arrangements to the building.
- 8.19 The external appearance of the building is of an exceptional high quality with a highly

glazed façade that wraps around the building form. The southern elevation will feature extensive louvered screens to deal with solar gain, which would result in a more textured appearance thereby breaking up the form of this elevation.

- 8.20 The form of the bridging element would follow the line of Commercial Road providing a link back to the historic form of the area.
- 8.21 The massing and bulk of the building is assessed within the submitted Townscape, Conservation and Visual Impact Assessment Report, which forms part of the EIA submitted with the scheme. This assessment illustrates that the massing is appropriate to the immediate context.
- 8.22 Council's Design and Conservation Team have advised that the bulk, massing, height and external appearance of the scheme is acceptable and that conditions should be included to ensure material quality is maintained through to construction.
- 8.23 On balance, the bulk and massing of the development is considered to be acceptable. The proposal meets the Council's UDP design & conservation policies. The site layout and contribution to public realm responds well to the urban context and is consistent with the Aldgate Masterplan. The scheme should be conditioned appropriately to ensure that a high quality detailing of the development is achieved.

Tall Building

- 8.24 The Aldgate Masterplan identifies that Aldgate location is suitable for tall buildings. It is considered that the tall buildings as it will mark the gateway to Tower Hamlets and will reflect the proximity to the City of London. In particular, the master plan identifies that:

"The proposed cluster of tall buildings between Whitechapel High Street and Braham Street should represent the apex of building heights in Aldgate. Planning permission has been recently been granted for a group of three buildings in the centre of the gyratory, the tallest of which will be 22 commercial storeys (102 metres). Building heights in the remainder of the Masterplan area should decrease away from this central cluster if buildings".

- 8.25 The building identified at 102m in the Masterplan above is the extant outline permission identified at section 4 of this report.
- 8.26 Policy 4B.9 of the London Plan promotes tall buildings where they create attractive landmarks, act as a catalyst for regeneration and are acceptable in term of their design and impact on their surroundings. Policy 4B.10 follows on to provide a suite of criteria which require tall buildings to be of the highest quality design.
- 8.27 Policy CP48 of the IPG states that the Council will support the development of tall buildings at Aldgate for the regeneration of the area for large-scale commercial development.
- 8.28 Policy DEV27 of the IPG provides a suite of criteria that applications for tall buildings must satisfy. In consideration of the above comments and policy requirements, the proposal is considered to satisfies the relevant policy criteria as follows:
- The design is sensitive to the local and wider context.
 - The architectural quality of the building is considered to be of a high design quality, demonstrated in its scale, form, massing, footprint, materials, relationship to other buildings and the public realm provision.
 - The proposed development does fall within the strategic views designated in Regional

Planning Guidance 3A (Strategic Guidance for London Planning Authorities, 1991) and the Mayor's draft London View Management Framework SPG (2007). In terms of these relevant views the building is considered to provide an appropriate contribution to the skyline and would not result in an unacceptable impact on the Tower of London. (Further discussion on this point occurs at section 8.36 to 8.49 of the report).

- The building is integrated into the streetscape and the surrounding area as a landmark building.
- Presents a human scaled development at the street level by the provision of the double height colonnade.
- There will be no adverse impact on the privacy, amenity and access to sunlight and daylight for surrounding residents.
- The proposal demonstrates consideration of sustainability throughout the lifetime of the development, including the achievement of high standards of energy efficiency.
- The scheme will contribute positively to the social and economic vitality of the surrounding area at the street level through its proposed mix of uses, active frontages and quality of the public realm provision.
- Incorporates principles of inclusive design.
- The site is located in an area with excellent public transport access.
- Takes into account the transport capacity of the area and will not have an adverse impact on transport infrastructure and transport services.
- Improves permeability with the surrounding street network and open spaces through the provision of two through routes and provision and contributions towards public open spaces
- The scheme provides publicly accessible areas both through and around these sites. A walking agreement to ensure pedestrian access is included within the s106 heads.
- The scheme would conform to Civil Aviation requirements.
- A TV reception report was submitted that demonstrated that suitable mitigation measures will ensure any adverse impacts are negligible. A s106 agreement will be secured ensure the mitigation measures for TV reception are implemented.

8.29 On balance, in accordance with London Plan and the IPG, the proposal scores merit for its response to the context, evolution of form, distinct character, high design quality and generous public realm. Furthermore, the building delivers on the objectives of the Aldgate Masterplan for a landmark building marking the gateway from the city into the Borough.

Built Heritage

8.30 PPG15 (Planning and the Historic Environment) requires local planning authorities who consider proposals which affect a listed building or Conservation Area to have special regard to the preservation or enhancement of the setting of the listed building or Conservation Area, as the setting is often an important part of the building or areas character.

8.31 Policy 4B.11 of the London Plan seeks to protect and enhance London's historic environment. Further, Policy 4B.12 states that Boroughs should ensure the protection and enhancement of historic assets based on an understanding of their special character. Policy CON1 of the IPG states that planning permission will not be granted for development which would have an adverse impact upon the setting of a listed building. Further, CON2 states that development that would affect the setting of a Conservation Area, will be granted only where it would preserve or enhance the special architectural or historic interest of the Conservation Area.

8.32 The eastern part of the site falls within the southern edge of Whitechapel Road conservation area and will be visible from Myrdle and Fournier Conservations areas. It is in proximity to a

number of listed buildings on Alie Street, Commercial Road and Lemn Street.

- 8.33 The Councils Design and Conservation team has advised that the proposal is an acceptable addition to the local area in accordance with the Aldgate Masterplan, which identifies that it is an appropriate location for tall buildings.
- 8.34 English Heritage have identified that they raise objections to the impact of the scheme on the settings of both nearby conservation areas and listed buildings. Whilst officers note the concerns raised by English Heritage one needs to consider the application in respect to the existing outline permission and the vision set out by the Aldgate Masterplan which seeks to regenerate this area. Furthermore, Council Design and Conservation officers support the scheme.
- 8.35 It is considered that the scheme is of a high quality design, which will provide a landmark gateway from the city into the Borough and allow for the regeneration of the Aldgate area. As such, it enhances the setting of both adjacent Conservation Areas and Listed Buildings. Overall, the proposal is considered to be appropriate in accordance with PPG15, the London Plan and the IPG.

Strategic Views

- 8.36 In respect of views, pursuant to Policy 4B.16 of the London Plan, the site falls within the background assessment of Townscape View 25 (City Hall to the Tower of London). This view has two assessment points, 25A.1 and 25A.2, which are defined in the London View Management Framework (LVMF).
- 8.37 In respect of regional policy, The London Plan (Consolidated 2008), Policy 4B.10 requires schemes to meet requirements of the LVMF and be suited to wider context in terms of proportion and composition and in terms of their relationship to other buildings. Policy 4B.14 states that boroughs should take account of and give appropriate weight to the provisions of World Heritage Site Management Plans. Policy 4B.16 states that boroughs should base their management of local views in their DPDs on policies 4B-16-18. Policy 4B.18 indicates that the Mayor and boroughs should assess development where it falls within a view against general principles of good design set down in the London Plan, local policy and management principles of 4B.17. Policy 4B.17 states that, in management plans prepared by the Mayor and strategic partners, the LVMF in this case, townscape views should be managed so the ability to see specific building(s) in conjunction with the surrounding environment is enhanced.
- 8.38 The Mayor's Draft City Fringe Opportunity Area Planning Framework 2007 at paragraph 2.4 introduces LVMF which is used to qualitatively assess impacts on designated views, in this case Townscape View 25.
- 8.39 The Mayor's LVMF defines Townscape View 25 as being the view from City Hall across to the Tower of London (TOL). The framework acknowledges the status of the TOL as a World Heritage Site (WHS) and the need to consider its management (paragraph 2.4). It states the need to consider seasonal and night-time appearance (paragraph 3.15). It sets the criteria for assessing the impact a) scale and magnitude b) aspects of the view and its features that require management to protect it (paragraph 3.27). Paragraph 3.30 deals with the assessment of the effects i.e.:
- Scale grain and massing of the proposal
 - Appearance/materials
 - Effect on the skyline

- Obstruction and loss of views
- Visual relationship in the setting and surroundings
- Night-time effects
- Seasonal effects

- 8.40 Paragraph 3.47 of the LVMF refers to the background assessment and the very specific characteristics of townscape views. Paragraph 4.22 refers to the Landmark Background assessment area and that development in this should not detract from the ability to recognise and appreciate the Strategically Important Landmark.
- 8.41 In respect of local policy CP50 of the IPG states that the Council will seek to protect and enhance regionally important views including those of the Mayor's LVMF. Policy DEV1 states that development should not adversely impact on visual amenity. Policy CON5 states that developments are required to preserve and enhance the ability to recognise and appreciate landmarks, as well as prevent impacts to strategic views by using the LVMF.
- 8.42 Policy CFR1 of the IPG states that development should preserve or enhance regionally important views including the TOL from City Hall.
- 8.43 The Aldgate Masterplan notes that tall buildings would not be appropriate where they would harm listed buildings nor preserve or enhance the background setting of the TOL (page 47). Importantly, the Masterplan also identifies that an existing permission has already been approved for the Aldgate gyratory site.
- 8.44 The Historic Royal Palaces have produced the Tower of London World Heritage Site Management Plan, which guides the consideration of development affecting the TOL. The Plan refers to the townscape view and policy 4B.15 and 4B.17 of the London Plan (paragraph 2.5.23) as well as the Mayor's tall buildings policies 4B.8-9 (paragraph 2.5.24). The Plan refers to Chapter 6 of the LVMF and need to consider Accurate Visual Representations (AVRs) as well as the need to consider views within an Environmental Impact Assessment (paragraph 6.3.11). The management plan states that "*The most iconic view [of The Tower of London] is from City Hall*". Also, the need to ensure new buildings are not unduly prominent in views of The Tower from Queens Walk (paragraph 6.3.53). The Plan also makes reference to the draft SPG produced by English Heritage which is complimentary to the LVMF (paragraphs 6.3.43 –6.3.49).
- 8.45 The application has been accompanied by an Environmental Impact Assessment, which includes a Townscape and Visual Assessment. This document includes a number of computer generated views from strategic locations including view 25. These images demonstrate that the building sits below the towers and would not impact on any views of the towers. The views demonstrate that the building would not affect the ability to appreciate and recognise the Tower of London when viewed from the strategic locations.
- 8.46 The GLA requested further studies within their Stage I response as detailed in section 6.9 of the above report in respect to winter views for view 25A.2. These studies have been undertaken and provided in an addendum to the visual assessment. The studies specifically provide further information to illustrate that the building would be acceptable in terms of the views during winter months and at night time. In respect to view 25.1 the GLA advised that the view of the building was acceptable.
- 8.47 As detailed in section 6.17 of this report English Heritage have raised objections to the proposal in terms of adverse impact and harm to The Tower of London world heritage site. In terms of the impact on views 25A.1 and 25A.2 with the building being partially visible to the right of the towers in view 25A.1 and to west of the towers in view 25A.2. Given these

objections the application would need to be referred to the Secretary of State under the new call-in powers that came into effect on the 20th April 2009.

- 8.48 The London Borough of Southwark and Historic Royal Palaces have also been consulted, however, to date no comments have been received from these bodies.
- 8.49 Whilst the Council appreciates the concerns raised by English Heritage it is important to note that the Council has previously approved a scheme of the same height on the exact site. Furthermore, as stated by the LVMF, one must consider if a scheme would be unduly prominent in views of The Tower from Queens Walk. It is not considered that the proposed building would be prominent in these views or affect the ability to appreciate and recognise The Tower of London. The scheme is either obscured by other schemes or trees, and in any event would be read as being subservient to The Tower.

Public Realm

- 8.50 London Plan policy 4B.3 identifies that development should create and enhance the public realm. CABE and English Heritage guidance on Tall Buildings states that public realm around the base should successfully interact with the building.
- 8.51 Policy CP4 of the IPG states that well designed developments assists in creating a well connected public realm and should promote the inclusion of public art. Furthermore Policy CP27 of the IPG requires that tall building development will aim to improve permeability within the surrounding street network.
- 8.52 A core vision of the Aldgate Masterplan is to establish an east-west link through the Aldgate Union and to provide a link through from Altab Ali Park to the City of London via the new Braham Street Open space.
- 8.53 The scheme includes a large amount of public realm and open space with the southern route providing a crucial connection in the east-west green link and the central covered pedestrian route, which is reinstating Drum Street from the old gyratory system. It is noted that the s106 contribution towards the park secured under the previous application will be re-secured again under the current permission.
- 8.54 In addition, with the demolition of the four storey car parking building on Buckle Street there will be a large vacant site available for re-development. It is recommended that this area is secured as part of the adjacent public realm improvements on a temporary basis until the site comes forward. As such a condition requiring a landscaping plan for this area is recommended.
- 8.55 It considered that the spaces and routes are carefully considered and well designed with high quality material precedents identified within the submitted design and access statement. Overall, the development achieves the vision identified within Council policy and the Aldgate Masterplan.

Accessibility and Inclusive Design

- 8.56 Under saved policy DEV1 of the UDP and policy CP46 and DEV3 of the IPG the Council seeks to ensure that all new development is designed to secure the principles of inclusive design. This policy imperative is crucial to the success and usability of both internal and external spaces for all potential users and to prevent barriers forming in the local environment.
- 8.57 This policy is supported by the London Plan at policy 4B.5 requires all new development to

achieve the highest standards of accessibility and inclusion through design.

- 8.58 The design and access statement submitted identifies that the architects have engaged access consultants in collaboration with the architects from the initial design to ensure access was considered at the onset of the proposal.
- 8.59 It is noted that the TfL comments included in the stage one GLA response raised concerns in respect to the provision of a dedicated drop off zone for people with disabilities on Leman Street; on the basis that it could be prone to abuse by other unauthorised vehicles. TfL have recommended that instead the drop off area should be incorporated into the proposed servicing area off Commercial Road. The Council contends that such a location would bring drop off users into conflict with other vehicles and raise safety issues. Furthermore this exit is further away from the main entrances for the office buildings. Any misuse is surely an enforcement and management issue. As such it is recommended that a condition is included on the permission requiring the drop off area as originally proposed off Leman Street.
- 8.60 Overall, it is considered that the principles of inclusive design into the design is high and clearly welcomed by the Borough. However, the Councils Access Officer has identified a number of ways in which the design can be further improved on. As such in order to secure further amendments on the final as-built design of the public realm it is recommended that a condition is included to secure the final design details of the public realm areas and final location of the public art.

Safety and Security

- 8.61 Policy CP47 and DEV4 of the IPG requires development to take account crime prevention in terms of the design of development.
- 8.62 The scheme includes a dedicated security office within the southern block behind the main reception and a ground floor security kiosk at the serving and parking area off Commercial Road. In addition a CCTV system is proposed that will monitor all accessible areas across the site at ground floor level.
- 8.63 The proposal has been reviewed by the Council's Crime Prevention Officer who has advised that the scheme incorporates wide open footpaths between the scheme and around the sites edge with good use of straight lines to prevent hiding places. The only concerns raised were the large undercroft areas at the edge of the buildings, which may make it an easy place for groups to gather in the early hours. However, this can be mitigated by the use of good security, lighting and CCTV.
- 8.64 Overall, it is considered that the scheme accords with both Council and London Plan policy. It is recommended that a condition is included to ensure that final details of the security arrangements, CCTV and lighting strategies are agreed by the Council.

Amenity

Daylight /Sunlight Access

- 8.65 DEV 2 of the UDP seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. Supporting paragraph 4.8 states that DEV2 is concerned with the impact of development on the amenity of residents and the environment.
- 8.66 Policy DEV1 of the Interim Planning Guidance states that development is required to

protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The policy includes the requirement that development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms.

8.67 The EIA submitted as part of the application contains a chapter dealing with Daylight and Sunlight report which looks at the impact upon the daylight, sunlight and overshadowing implications of the development on neighbouring residential properties and areas of open space.

8.68 The following properties were assessed for daylight and sunlight as they were considered to represent worst case scenarios in terms of the sensitive receptors identified in the EIA:

- 88A Whitechapel High Street
- 89 Whitechapel High Street
- 90A Whitechapel High Street
- 92-93 Whitechapel High Street
- 29 Commercial Road
- 32-34 Commercial Road
- City Reach Apartments
- 1 Commercial Street

8.69 According to the UDP, habitable rooms include living rooms, bedrooms and kitchens (only where the kitchen exceeds 13sqm).

1. Daylight Assessment

8.70 Daylight is normally calculated by two methods - the vertical sky component (VSC) and the average daylight factor (ADF). The latter is considered to be a more detailed and accurate method, since it considers not only the amount of sky visibility on the vertical face of a particular window, but also window and room sizes, plus the rooms use.

8.71 British Standard 8206 recommends ADF values for residential accommodation. The recommended daylight factor level for dwellings are:

- 2% for kitchens;
- 1.5% for living rooms; and
- 1% for bedrooms.

8.72 The results of the assessment demonstrate that 60% of the neighbouring windows and rooms assessed within the existing properties will fail under the BRE VSC method. However, under the No Skyline Line method 84% will meet the BRE assessment and in terms of the ADF method 187 of 202 windows assessed will pass the BRE guidelines.

(a) Daylight Results: Impacts on Neighbouring Properties

- City Reach Apartments - 32 windows were assessed and 12 fail with the failures ranging from 1.49-0.5%.
- 1 Commercial Street - 148 windows were assessed and 4 fail with the failures ranging from 1.0-1.5%.

Overall it is considered that a 92.6% pass rate in terms of ADF highlights that the scheme has been well considered in terms of massing given the urban context of the locality and that any impact in terms of daylight is acceptable.

2. Sunlight Assessment

8.73 Sunlight is assessed through the calculation of what is known as the annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter, for each windows within 90 degrees of due south. The results identified that one property was affected as detailed below.

(a) Sunlight Results: Impacts on Neighbouring Properties

1 Commercial Road – 73 windows were tested and of those 20 will fall below APSH, however the loss was limited to 20-29%.

8.74 On balance, it is acknowledged that there will be a loss of daylight/sunlight to a small number of existing neighbouring buildings as a result of the proposal in particular to 1 Commercial Road and the City Reach Apartments. It is also acknowledged that the urban character of the area and the flexibility and suburban basis of the BRE guidelines, some impact on daylight and sunlight is expected to occur in such locations. Indeed, it can be argued that the amount and quality of light received is not untypical in an urban environment and therefore difficult to refuse on these grounds.

8.75 National, strategic and local planning policy of relevance to the sites redevelopment encourages the development of higher density developments and schemes which maximise the use of accessible sites. Furthermore, this scheme has previously been approved by the Council and is critical to achieving regeneration in the Aldgate area. On this basis, the proposal can be supported.

(b) Shadow Analysis for Amenity Spaces

8.76 The BRE report advises that for a garden area or amenity area to appear adequately sunlit throughout the year no more than two-fifths and preferably no more than one-quarter of such garden or amenity areas should be prevented by buildings from receiving any sun at all on 21st of March.

8.77 The applicants assessment assessed overshadowing impact on the following spaces:

- St Mary's Gardens, Whitechapel High Street
- Goodmans Fields (amenity areas surrounding site)
- Braham Street Park

8.78 The assessment considers the impacts upon the spaces as identified above. The analysis identifies that on the 21st March the proposed development would create 0% additional permanent shadow over the existing condition to any of the relevant amenity areas adjacent to the site. Therefore the scheme complies with the BRE criteria in this regard.

Privacy/ Overlooking

8.79 The assessment of overlooking is to be considered in line with Policy DEV2 of the UDP, where new developments should be designed to ensure that there is sufficient privacy for residents. A distance of about 18 metres (60 feet) between opposite habitable rooms reduces inter-visibility to a degree acceptable to most people. This figure is generally applied as a guideline depending on the design and layout concerned and is interpreted as a perpendicular projection from the face of the habitable room window.

- 8.80 The site is will set back from adjoining buildings which include residential buildings providing a separation distance of over 18m in all instances. As such, it is considered that the scheme is acceptable in terms of privacy and overlooking.

Sense of Enclosure/ Loss of Outlook

- 8.81 Unlike, sunlight and daylight assessments or privacy, these impacts cannot be readily assessed in terms of a percentage. Rather, it is about how an individual feels about a space. It is consequently far more difficult to quantify and far more subjective. It is considered that the building is well considered in terms of the neighbouring buildings. Whilst it is noted that the width of the building has changed slightly, especially on the south-eastern side of the building, it is considered that this amendment is acceptable and will not result in any adverse impacts on adjoining sites.

Wind/ Microclimate

- 8.82 DEV27 of the IPG identifies that tall buildings must not adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces.
- 8.83 The submitted EIA states the proposed development at the entrance locations and along the thoroughfares would be windier than desired without mitigation. The roof terraces would also be windier than desired in the absence of mitigation. Consequently, The EIA identified a number of mitigation measures being landscaping, screening and art work, with the measures in place the proposed development would be negligible to moderate beneficial. It is therefore crucial that mitigation measures proposed are implemented. As such, a condition should be included to ensure that this occurs.

Noise and Vibration

- 8.84 The London Plan seeks to reduce noise by minimising the existing and potential adverse impacts of noise, from, within, or in the vicinity of development proposals. The plan also states that new noise sensitive development should be separated from major noise sources wherever practicable (policy 4A.14).
- 8.85 Policy DEV50 of the LBTH UDP states that the Council will consider the level of noise generated from developments as a material consideration in the determination of applications. This policy relates particularly to construction noise created during the development phase or in relation to associated infrastructure works.
- 8.86 The submitted EIA assessed potential impacts under three main areas, being:
- Construction noise levels
 - Operational Noise from the building services plant of the completed development
 - Any increases to road traffic attributed to the proposed development i.e. servicing
- 8.87 The assessment under these three areas identifies that mitigation is necessary in terms of construction noise and operational noise from building service. This mitigation would be in the form of a Code of Construction Practice during the construction phase time to limit noise impacts on sensitive receptors and by using enclosures, screening and mufflers/silencers on all building services to minimise both structural borne vibration and noise impacts. In terms of noise from vehicle servicing and traffic generated from the scheme the submitted EIA concluded that such impacts would be negligible on sensitive receptors and that no mitigation was required in this respect.

- 8.88 The Councils Environmental Health Officer has reviewed the application and has advised that a Code of Construction Practice should be secured, via condition, to manage noise on the site during the construction phase and that the façade design specifications should be conditioned. It is noted that they have requested further information in respect to servicing plant. It is recommended that this is dealt with by condition.

Air Quality

- 8.89 Air Quality is identified under policy DEV11 of the IPG as being an importance consideration, given the entire Borough has been declared an Air Quality Management Area. The policy requires all development to undertake air quality assessment.
- 8.90 Councils Environmental Health Officer has reviewed the assessment lodged with the application and has advised that this area of the Borough experiences very poor levels of air quality. However, given the building will be completely sealed office building there would be minimal chance of transfer to occupants of the building. However, during construction it is important to carefully control dust emissions and a condition is recommended to allow the Council to review the methodology for monitoring dust during construction.
- 8.91 Furthermore, given the importance of the Aldgate area in the Air Quality Action Plan for the Borough, it is recommended that a s106 contribution should be sought from the applicant to allow for additional monitoring and profiling of air quality surrounding the site.

Highways

- 8.92 In consideration of national policy, PPG13 'Transport' seeks to integrate planning and transport from the national to local level. Its objectives include: promoting more sustainable transport choices; promoting accessibility using public transport, walking and cycling; and reducing the need for travel, especially by car.
- 8.93 Pursuant to regional policy, The London Plan (Consolidated 2008), 2A.1 states that developments should be located in areas of high public transport accessibility. In addition to this criteria Policy 3C.1 also seeks to promote patterns and forms of development that reduce the need for travel by car. Policy 3C.2 advises that, in addition to considering proposals for development having regard to existing transport capacity, boroughs should *"...take a strategic lead in exploiting opportunities for development in areas where appropriate transport accessibility and capacity exists or is being introduced"*. Policy 3C.19 indicates that boroughs (as well as TFL) should make better use of streets and secure transport, environmental and regeneration benefits, through a comprehensive approach of tackling adverse transport impacts in an area. Policy 3C.21 identifies that development must provide a safe and convenient pedestrian access.
- 8.94 In respect of local policy, the UDP 1998, saved policy ST28 seeks to reduce unnecessary dependency on cars. Saved policy ST30 seeks to improve safety and convenience for all road users including cyclists and pedestrians. Saved policy T16 states that the consideration of planning applications will take into account the requirements of the proposed use and any impact posed. Saved policy T18 indicates that priority will be given to pedestrians in the management of roads and the design and layout of footways. Improvements to the pedestrian environment will be introduced and supported in accordance with saved policy T19, including the retention and improvement of existing routes and where necessary, their replacement in new management schemes in accordance with saved policy T21.
- 8.95 Having regard for the IPG, DEV17 'Transport Assessment' states that all developments, except minor schemes, should be supported by a transport assessment. This should

identify potential impacts, detail the schemes features, justify parking provision and identify measures to promote sustainable transport options. DEV18 'Travel Plans' requires a travel plan for all major development. DEV19 'Parking for Motor Vehicles' sets maximum parking levels pursuant to Planning Standard 3.

Access and Parking

- 8.96 The site is within a highly accessible location, with a Public Transport Access Level (PTAL) score of 6b. The closest tube station is Aldgate East which is located directly to the north west of the site on Whitechapel High Street. The station is served by the District and the Hammersmith and City lines. The mainline station of Fenchurch Street which provides mainline services to stations in Essex and the Tower Gateway DLR station which provides access east towards Canary Wharf, Woolwich, Stratford and Lewisham are within 5 minutes walking distance. The area is also served by ten bus routes.
- 8.97 The proposal includes a total of 40 car parking spaces, 10 of which will be for disabled parking use, 426 cycle parking spaces at basement level and 16 at ground level for visitor use. All vehicular access for parking and servicing is via Commercial Road. The access and servicing is the key change from the extant outline permission and has resulted in a previous pedestrian plaza being secured instead for access and servicing.
- 8.98 In addition, a financial contribution of £3,373,800 towards transport infrastructure and highways improvements for the removal of the Aldgate gyratory were agreed and paid under the previous extant outline permission directly with TfL under a s278 agreement. These monies have already been paid and the works completed on site. In addition, the scheme will provide two public thoroughfares through the site one running along the original Drum Street and another along the southern boundary of the site.

Servicing, parking and taxi pick up/drop off area

- 8.99 The scheme proposes to provide 40 car parking spaces, 10 of which are for disabled use. This provision is to be located in the basement and will be accessible via two car lifts. The parking provision is the equivalent of approximately 1 spaces per 2365sqm, and is within the maximum standards of policy DEV19 (Parking for Motor Vehicles) of the IPG and London Plan 2008 policies 3C.17 (Tackling congestion and Reducing Traffic) and 3C.23 (Parking Strategy). The disabled parking provision provides 25% in excess of the IPG standard of 10% of all spaces. It is recommended that the number of spaces is secured by condition.
- 8.100 In terms of parking provision TfL have agreed that the provision of 40 spaces is acceptable.
- 8.101 The application was reviewed by TfL as part of the GLA stage one response they have commented that the scheme must continue to provide a safe and convenient pedestrian access in order to reduce conflicts between pedestrians and vehicles. They have requested that the applicant demonstrate the pedestrian and service routes can be clearly delineated in this area to be consistent with London. The applicant provided further plans demonstrating this and TfL have agreed that the arrangement is acceptable.
- 8.102 TfL have also required that under policy 3C.25 of the Consolidated London Plan a service and delivery plan should be adopted to ensure that vehicles do not queue onto the Highways and cause delays. This plan would also manage potential conflicts with the pedestrian plaza area. It is recommended that the provision of this plan should be conditioned.
- 8.103 As detailed at section 8.58 of the report it is identified that TfL has raised concerns about

the disabled drop-off area on Leman Street. As detailed in this section the Council contends that such a location would bring drop off users into conflict with other vehicles and raise safety issues. Furthermore this exit is further away from the main entrances for the office buildings. Any misuse is surely an enforcement and management issue. As such it is recommended that a condition is included on the permission requiring the drop off area as originally proposed off Leman Street.

- 8.104 TfL have identified that a Crossrail levy is required for the scheme if it can be demonstrated that there is an uplift in office floor space. It is the Councils understanding that the GLA will take a final view on this within the stage two response.

Cycle Parking

- 8.105 The application proposes 426 secure cycle parking spaces at basement level, together with 16 visitor spaces at ground floor level. This represents a provision in excess of 1 space per 250sqm of commercial floor area, and is therefore in excess and in accordance with Planning Standard 3: Parking and policy DEV16 of the IPG. It is recommended that a condition is included to secure these spaces in perpetuity.

- 8.106 It is noted that TfL raised a query in terms of the number of cycle spaces. The numbers of spaces is as above and is in excess of the minimum requirements.

Other

Biodiversity

- 8.107 The site and surroundings are not designated for nature conservation, and neither the Environment Agency nor natural England have raised any objections to the proposal on such grounds. The application proposes mitigation measures such as the provision of new habitats for wild birds within and around the proposed building. As such, it is considered that the proposed development would not have a direct adverse impact on the biodiversity of the area. Through the implementation of the proposed mitigation measures, the proposal is considered acceptable and in accordance with policy guidance.

Archaeology

- 8.108 PPG16 Archaeology and Planning advises on procedures for dealing with archaeological remains and discoveries. Whilst the site is located within an Archaeological Priority Zone as specified within the UDP and the IPG, English Heritage is happy to accept appropriate conditioning of the scheme where planning approval is granted.

Sustainability

- 8.109 The London Plan 2008 has a number of policies aimed at tackling the increasingly threatening issue of climate change. London is particularly vulnerable to matters of climate change due to its location, population, former development patterns and access to resources. IPG and the policies of the UDP also seek to reduce the impact of development on the environment, promoting sustainable development objectives.

- 8.110 Policy 4A.3 (Sustainable Design and Construction) of The London Plan 2008 states that boroughs should ensure future developments meet the highest standards of sustainable design and construction, seeking measures that will among other matters will:

- Reduce the carbon dioxide and other omissions that contribute to climate change;
- Minimise energy use by including passive solar design, natural ventilation and

- vegetation on buildings;
- Supply energy efficiently and incorporate decentralised energy systems and renewable energy; and

Promote sustainable waste behaviour in new and existing developments, including support for local integrated recycling schemes, CHP and CCHP schemes and other treatment options.

8.111 Policies 4A.4 (Energy Assessment), 4A.5 (Provision of heating and cooling networks) and 4A.6 (Decentralised Energy: Heating, Cooling and Power) of the London Plan 2008 further the requirements for sustainable design and construction, setting out the requirement for an Energy Strategy with principles of using less energy, supplying energy efficiently and using renewable energy; providing for the maximising of opportunities for decentralised energy networks; and requiring applications to demonstrate that the heating, cooling and power systems have been selected to minimise carbon dioxide emissions. Policy 4A.7 (Renewable Energy) of the London Plan goes further on this theme, setting a target for carbon dioxide emissions as a result of onsite renewable energy generation at 20%. Policy 4A.9 promotes effective adaptation to climate change.

8.112 The applicant submitted an Energy Strategy with the application. The following reductions in carbon dioxide emissions are proposed to be achieved:

Table 2: Energy Efficiency

Approaches		Reduction in Carbon Dioxide Emissions
"Be Lean" - Energy Efficiency Measures		3.8%
"Be Clean"	Gas Fired Fuel Cell	20%

8.113 In response to comments made by the GLA the proposal has been revised as follows:

1. A further feasibility study for the proposed 200kWe gas fired fuel cell has been undertaken.
2. Information has been provided to demonstrate that under the previous extant permission the fuel cell was deemed accepted subject to a changeover from natural gas to hydrogen once hydrogen infrastructure is in place adjacent the site. This changeover would increase carbon reduction from 20% to 32.83%.

8.114 Whilst final comments have not yet been received from the GLA on the amended energy strategy, it is considered that during the stage two response the final GLA response will be achieved and suitable conditions can be imposed to provide the final design details before the commencement of the development.

Environmental Impact Assessment

8.115 The application is supported by an EIA addressing the following topics:

- Socio-economics;
- Transport and access;
- Noise and vibration;
- Air quality;
- Land quality;
- Water resources;
- Townscape and visual amenity;
- Microclimate (wind);

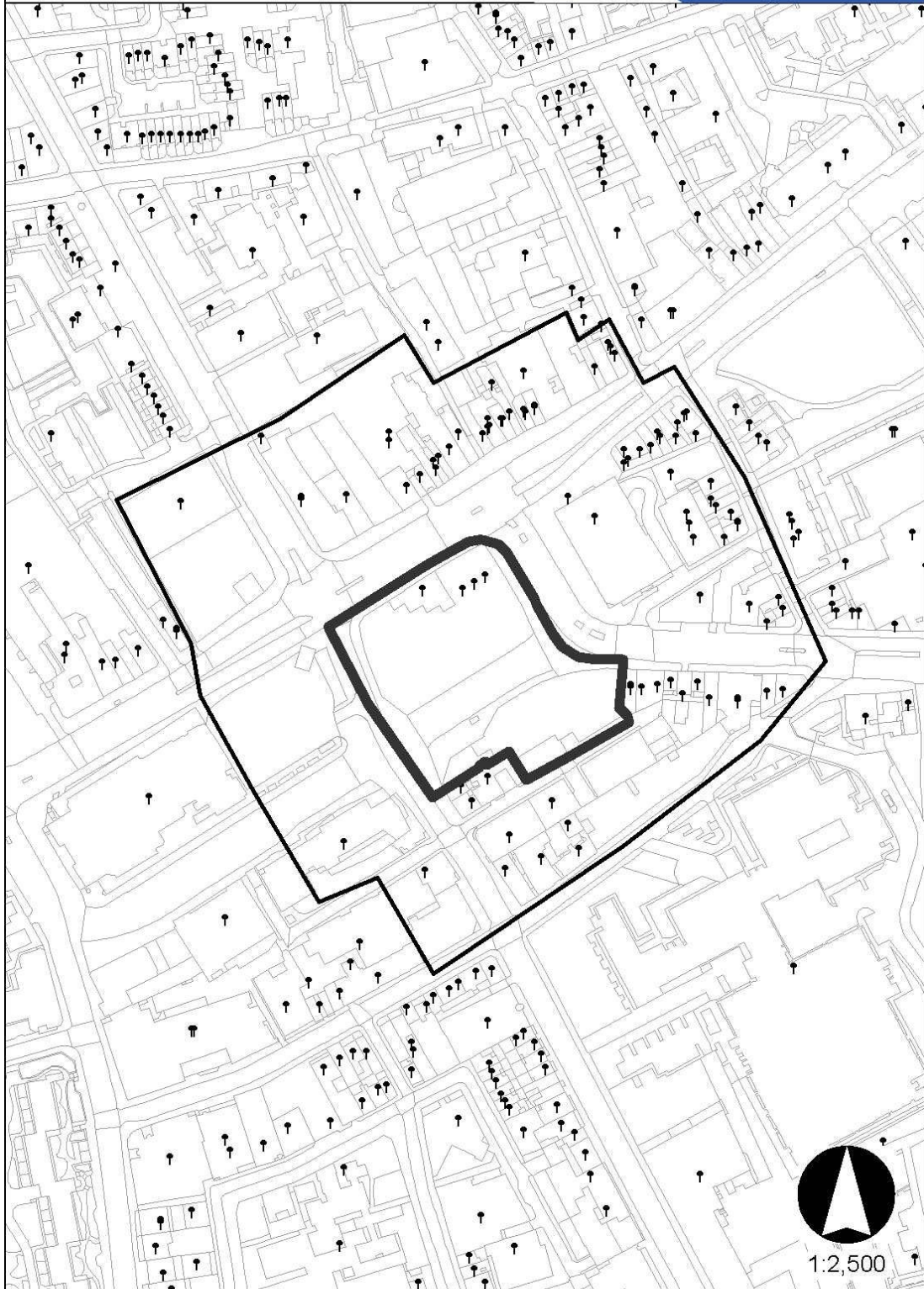
- Daylight and Sunlight;
- Aviation safety;
- Television and radio interference;
- Waste resources;
- Sustainability; and
- Mitigation and residual effects

8.116 The Environmental Statement and further information/clarification of points in the ES have been assessed as satisfactory by Council's independent consultants Bureau Veritas and Council Officers. Mitigation measures required are to be implemented through conditions and/ or Section 106 obligations.

9. Conclusions

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

Planning Application Site Map



1:2,500

0 30 m



Planning Application Site Boundary



Consultation Area



Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office (c) Crown Copyright. London Borough of Tower Hamlets LA100019288