

Committee: Strategic Development	Date: 10 th November 2009	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Richard Murrell	Ref No: PA/09/01198
	Ward: Whitechapel

1. APPLICATION DETAILS

Location: Jobcentre Plus, 60 Commercial Road, London E1 1LP
Existing Use: Job Centre Plus (Use Class A2/B1)
Proposal: Demolition of existing building and erection of a 21 storey building plus basement to provide retail/commercial/community unit (Use Class A1/A2/A3/A4/B1/D1) at ground floor and student accommodation and ancillary uses together with associated servicing, landscaping and other incidental works.

Drawing Nos/Documents:

Drawing Numbers

596_PL_CR_000, 596_PL_CR_001 REVA, 596_PL_CR_099 REVA, 596_PL_CR_100 REVA, 596_PL_CR_101 REVA, 596_PL_CR_102 REVA, 596_PL_CR_103, 596_PL_CR_104, 596_PL_CR_106, 596_PL_CR_110 REVA, 596_PL_CR_111 REVA, 596_PL_CR_120 REVA, 596_PL_CR_121 REVA, 596_PL_CR_125, 596_PL_CR_131 REVA, 596_PL_CR_132, 596_PL_CR_133 REVA, 596_PL_CR_134 REVA, 596_PL_CR_135 REVA, 596_PL_136, 596_PL_CR_150 and 596_PL_CR_151

Documentation

Design and Access Statement (dated July 2009)
Design and Access Statement: Supplementary Document (dated September 2009)
Impact Statement (dated July 2009)
Impact Statement Addendum (dated September 2009)

Applicant: Palaville Ltd
Ownership: Palaville Ltd
Historic Building: No
Conservation Area: No

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of these applications against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, the Council's Interim Planning Guidance (2007), associated supplementary planning guidance, the London Plan and

Government Planning Policy Guidance and has found that:

- 2.2 The loss of the site for office use is considered acceptable given the re-provision of higher quality office floorspace at a nearby site, the benefits of providing student accommodation to support London Metropolitan University, and the improvements to the built environment from the development as a whole. The development is therefore considered to accord with the aims of London Plan policies 5G.3 and 3B.2, Unitary Development Plan 1998 policies ST17, CAZ1, EMP1 and EMP3 and Interim Planning Guidance (2007) policies CP7, CP8, CP11 and EE2, which seek to retain viable employment sites.
- 2.3 The provision of student accommodation, and ancillary facilities, in this location is acceptable given the proximity to the London Metropolitan University campus and the excellent public transport links. The development will support the improvement and expansion of higher educational facilities and is acceptable in terms of London Plan (2008) policies 3A.1 and 3A.25; Unitary Development Plan 1998 policies ST25, ST45, ST46 and HSG14; and Interim Planning Guidance (2007) policy CP24, which encourage the provision of education facilities and special needs housing at accessible locations.
- 2.4 The new building in terms of height, scale, design and appearance is acceptable in line with policies 4B.1, 4B.8, 4B.10, 4B.11, 4B.12, 4B.14 and 4B.16 of The London Plan 2008, policies DEV1, DEV2 and DEV3 of the Unitary Development Plan 1998 and policies C48, DEV1, DEV2 and CON2 of the Council's Interim Planning Guidance 2007 which seek to ensure development is of a high quality design.
- 2.5 The impact of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy, increased sense of enclosure or increased disturbance is acceptable given the urban context of the site and as such accords with policies DEV1 and DEV2 of the Unitary Development Plan 1998 and policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to ensure development does not have an adverse impact on neighbouring amenity.
- 2.6 Transport matters, including vehicular and cycle parking, vehicular and pedestrian access and servicing arrangements are acceptable and accord with policy T16 of the Tower Hamlets Unitary Development Plan 1998, policies DEV16, DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance 2007, and national advice in PPG13 which seek to ensure developments can be supported within the existing transport infrastructure.
- 2.7 Sustainability and renewable energy matters are appropriately addressed and accord with policies 4A.7 – 4A.9 of The London Plan, policies DEV5 – 9 and DEV 11 of the Interim Planning Guidance 2007, which seek to ensure development is sustainable due to reduced carbon emissions, design measures, water quality, conservation and sustainable construction materials.
- 2.8 Contributions have been secured towards projects in the Aldgate Masterplan area, highway improvements and bus capacity enhancements. This is in line with Circular 05/2005, policies 3B.3 and 5G3 of The London Plan 2008, policy DEV4 of the Unitary Development Plan 1998 and policy IMP1 of the Interim Planning Guidance 2007, which seek to secure contributions toward infrastructure and services required to facilitate development.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:
- 3.2 A. Any **direction** by **The Mayor**

3.3 B. The prior completion of a **legal agreement (covering both this development and the linked development at 122 Back Church Lane)** to secure the following planning obligations:

- a) A financial contribution of £222, 230 towards community projects in the Aldgate Masterplan Area
- b) A financial contribution of £131, 100 to LBTH Highways
- c) A financial contribution of £100, 000 to TfL for Highway works
- d) A financial contribution of £109, 000 towards Bus Capacity enhancements
- e) Completion of linked development at 122 Back Church Lane prior to occupation of 60 Commercial Road
- f) Commitment to use local labour in construction
- g) Commitment to implement Student Management Plan
- h) Commitment to enter into S106 agreement to prevent student occupiers from apply for car-parking permits
- i) TV/Radio Reception Monitoring
- j) any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

3.4 That the Corporate Director Development & Renewal is delegated authority to negotiate the legal agreement indicated above.

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

3.6 **Conditions**

- 1) Time Limit
- 2) Building constructed in accordance with approved plans

Details of the following to be submitted and approved prior to commencement:-

- 3) Programme of archaeological investigation
- 4) Contaminated Land Survey
- 5) Construction Management Plan
- 6) Code of Construction Practice
- 7) Sample of all external facing materials / sample board / Mock up typical bay
- 8) Detail of landscaping scheme to include hard and soft finishes, planting, external lighting, CCTV and future management arrangements
- 9) Further Energy Study to include feasibility of linking to 122 Back Church Lane. Implementation and retention of approved study.
- 10) Amending Travel Plan including details for monitoring uptake of cycle stands. Provision of all approved measures including cycle parking prior to occupation
- 11) Enter into S278 Agreement

Prior to occupation:-

- 12) Implementation and retention of measures in wind assessment
- 13) Implementation and retention of measures in air quality assessment
- 14) Implementation and retention of measures in noise assessment
- 15) Implementation and retention of measure in Service Management Plan
- 16) BREAM assessment demonstrating that the development achieves a minimum 'Excellent' rating
- 17) Prior to occupation of commercial unit written approval from LPA for hours of operation. No deviation from approved hours unless otherwise agreed in

writing.

- 18) No installation of extraction / air conditioning plant to ground floor student café without prior approval of LPA.
- 19) No installation of extraction / air conditioning plant to ground floor commercial unit without prior approval of LPA.

Compliance:-

- 20) Removal of PD rights to erect fencing along South boundary
- 21) Retention of shop-front display in commercial unit. No installation roller shutters
- 22) Retention of privacy screening around high-level terraces. Restriction on use of terraces to hours of 8.00am to 10.00pm on any-day.
- 23) Restriction of hours of construction.
- 24) Restriction of hours of piling
- 25) Height not to exceed that shown on plans (including cranes for construction) unless further consultation with London City Airport.
- 26) Any other informative(s) considered necessary by the Corporate Director Development & Renewal

3.7 **Informatives**

- 1) Thames Water Comments
- 2) Contact LBTH Building Control
- 3) Contact LBTH Highways
- 4) Any other informative(s) considered necessary by the Corporate Director Development & Renewal

- 3.8 That, if within 3 months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

4. **PROPOSAL AND LOCATION DETAILS**

Background

- 4.1 This planning application is linked to an associated planning application at 122 Back Church Lane (reference PA/09/1199). This application is also before Members for a decision.
- 4.2 The applications are linked because this application proposes the demolition of the existing building at 60 Commercial Road. This building currently provides 1987 square metres of B1 office floorspace. The application proposes to replace the building on 60 Commercial Road with student accommodation. To replace the lost floorspace, the linked application seeks planning permission for the demolition and re-build of an existing office building at 122 Back Church Lane. The resulting office building at Back Church Lane would re-provide sufficient floorspace to replace that lost at 60 Commercial Road and at 122 Back Church Lane – ensuring that overall there is no unacceptable loss of employment floorspace.
- 4.3 It therefore follows that the grant of permission for the development at 60 Commercial Road is dependent on the grant of planning permission for the development at 122 Back Church Lane.

Proposal

- 4.4 The application proposes the demolition of the existing building on-site and the erection of a replacement building. The proposed building would have a 38.4m frontage along

Commercial Road. It has a stepped form, rising from 6 storey high (18.2m) to 10 storey (29.2m) to 21 storey (59.25), then back down to 11 storey high (31.95m) adjacent to Back Church Lane.

- 4.5 The upper floors of the building would provide student accommodation. In total 442 student bedrooms are proposed. Of these 22 (5%) are wheelchair accessible. A further 5% are capable of being fitted out for wheelchair use. The study units vary in size from 16.2 square metres for a single studio to 31.5 square metres for a twin studio. The units include a living/sleeping area, a workspace, a cooking area and a separate bathroom.
- 4.6 The ground floor would comprise a reception/communal area and café for the student accommodation. A commercial unit 205 square metre (flexible use classes A1/A2/A3/A4/B1 or D1) would be provided fronting Commercial Road.
- 4.7 A gym, laundry and communal study area would be provided on the first floor. An outdoor terrace would be provided at the 10th floor. The 21st floor would provide a lounge area, external terrace and plant room.
- 4.8 The basement would provide additional plant room.
- 4.9 To the South (rear) of the site the scheme would include an area of open-space and a secure cycle parking area.
- 4.10 The scheme provides two disabled parking spaces accessed from Back Church Lane. The cycle parking area is sufficient in size to accommodate 111 bicycles, with the space to increase this to 222 if demand requires.
- 4.11 The scheme incorporates a Combined Heat and Power System, a green roof, a brown roof and photovoltaic panels.

Site and Surroundings

- 4.12 The application site occupies an area of 0.12 hectares. It is located on the southern side of Commercial Road at the junction with Back Church Lane. The site is currently occupied by the 6 storey Job Centre Plus. The building is of late 20 century construction and has no particular architectural merit. The ground and first floor of the building are accessible to visiting members of the public (Use Class A2). The upper floors are used to provide back office support for the centre's operations (Use Class B1). The building fronts Commercial Road and has a return frontage along Back Church Lane.
- 4.13 To the rear (south) of the site there is a green-link running from Gower's Walk to Back Church Lane. Further to the south on the West side of Back Church Lane there is a 4 storey block of residential properties. On the East side of Back Church Lane there is the 6 storey Gem House, and further to the South, a school.
- 4.14 To the East of the site is the 12 storey (39.73m high) residential block of 80 Commercial Road. To the West of the site is the recently completed residential development at 54 – 58 Commercial Road. This building varies in height with two tower elements rising to 40.51m and 51.82m high – with the higher tower adjacent to the application site.
- 4.15 The site is located opposite the London Metropolitan University (Art, Media and Design) building.
- 4.16 The site is located in an area with very good access to public transport. It has a Public Transport Accessibility Level (PTAL) of 6a. The site is approximately 470m from Aldgate East Underground Station. Frequent bus services pass along Commercial Road.

- 4.17 In the adopted Tower Hamlets Unitary Development Plan the site falls within the Central Activities Zone and is within an Area of Archaeological Importance. In the Council's Interim Planning Guidance the site is located in the City Fringe Area Action Plan. The site also falls within the boundary of the Aldgate Masterplan, and in this plan the area to the South of the site is identified as open space.
- 4.18 Commercial Road forms part of Transport for London's Strategic Road Network.
- 4.19 The site is not located within a Conservation area, nor is it immediately adjacent to any Listed Buildings. The site is in the vicinity of Listed Buildings at 46 – 50 Commercial Road (Grade II) and 40 Gower's Walk (Grade II).
- 4.20 In longer views the site forms part of the background to the Tower of London.

Relevant Planning History

- 4.21 The following planning decisions are relevant to the application:

PA/08/2321 Request for Screening Opinion as to whether redevelopment to provide a 19 storey building comprising 18 floors of student accommodation over retail/commercial use at ground and basement level requires an Environmental Impact Assessment.

The Council determined on the 19th November 2008 that an Environmental Impact Assessment was not required.

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 1998 (as saved September 2007)

Proposals:		Central Activities Zone
		Area Archaeological Importance
Policies:	ST1	Addressing needs of all residents
	ST12	Encourage range of cultural activities
	ST15	Facilitate expansion of local economy
	ST17	To promote high quality work environments
	ST23	To ensure high standard of new housing
	ST25	To ensure new housing served by infrastructure
	ST28	Restrain unnecessary use of private cars
	ST30	To improve safety for all road users
	ST34	To support range of shopping
	ST35	To retain reasonable range local shops
	ST37	To improve physical appearance of parks and open-spaces
	ST41	To encourage new arts and entertainment facilities
	ST47	To support training initiatives
	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use development
	DEV4	Planning Obligations
	DEV8	Protection of local views
	DEV12	Provision of Landscaping in Development
	DEV43	Protection of Archaeological Heritage

DEV44	Preservation of Archaeological remains
DEV50	Noise
DEV51	Soil Tests
DEV51	Contaminated Land
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
DEV69	Water Resources
CAZ1	Location of Central London Core Activities
EMP1	Encouraging Employment
EMP3	Office floorspace
HSG14	Special Needs Housing
HSG16	Housing Amenity Space
T16	Impact of Traffic
T18	Pedestrian Safety and Convenience
T19	Improve quality safety and convenience pedestrians
T26	Promoting of Waterways for Freight
S7	Special Uses
S11	Roller Shutters

5.3 Interim Planning Guidance for the purposes of Development Control

Proposals:	City Fringe Area Action Plan
Core Strategies:	IMP1 Planning Obligations
	CP1 Creating Sustainable Communities
	CP2 Equality of Opportunity
	CP3 Sustainable Environment
	CP4 Good Design
	CP5 Supporting Infrastructure
	CP7 Job Creation and Growth
	CP8 Global Financial and Business Centre
	CP11 Sites in Employment Use
	CP16 Vitality of Town Centres
	CP24 Special Needs Housing
	CP25 Housing Amenity Space
	CP29 Improving Education and Skills
	CP30 Improving Open-spaces
	CP31 Biodiversity
	CP38 Energy Efficiency and Production of Renewable Energy
	CP39 Sustainable Waste Management
	CP40 A sustainable transport network
	CP41 Integrating Development with Transport
	CP42 Streets for People
	CP46 Accessible Environments
	CP48 Tall Buildings
	CP49 Historic Buildings
	CP50 Important Views
Policies:	DEV1 Amenity
	DEV2 Character & Design
	DEV3 Accessibility & Inclusive Design
	DEV4 Safety & Security
	DEV5 Sustainable Design
	DEV6 Energy Efficiency & Renewable Energy
	DEV7 Sustainable Drainage
	DEV9 Sustainable Construction Materials
	DEV10 Disturbance from Noise Pollution

DEV11	Air Pollution
DEV12	Management of Construction
DEV13	Landscaping and Tree Preservation
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
EE2	Redevelopment /Change of Use of Employment Sites
RT4	Retail Development
RT5	Evening and Night-time economy
CON1	Listed Buildings
CON2	Conservation Areas
CON3	Protection of World Heritage Sites
CON4	Archaeology and Ancient Monuments
CON5	Protection and Management of Important Views
CFR1	City Fringe Spatial Strategy
CFR4	Educational provision
CFR6	Infrastructure and Services
CFR9	Employment uses in Aldgate
CFR12	Design and Built Form in Aldgate
-	Aldgate Masterplan

5.4 Core Strategy 2025 Development Plan Document

Aldgate Vision: Priorities and Principles

5.5 Spatial Development Strategy for Greater London (London Plan)

1.1	London in its global context
2A.1	Sustainability Criteria
2A.4	Central Activities Zone
3A.13	Special needs housing
3A.25	Higher education
3B.1	Developing London's economy
3B.2	Office demand and supply
3B.3	Mixed use development
3C.1	Integrating transport and development
3C.2	Matching development to transport capacity
3C.21	Improving Conditions for Walking
3C.22	Improving Conditions for Cycling
3C.23	Parking Strategy
3D.8	Realising value of open-space
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.11	Living Roofs
4A.18	Water and sewerage infrastructure
4A.19	Improving Air Quality
4A.20	Reducing noise and enhancing townscapes
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 and Security
4B.8	Respect local context and communities
4B.9	Tall buildings - location
4B.10	Large-scale buildings – design & impact
4B.11	London's Built Heritage
4B.12	Heritage Conservation
4B.15	Archaeology
4B.16	London view management framework
4B.17	View management plans
5C.1	The strategic priorities for North East London
5C.3	Opportunity areas in North East London
5G.2	Priorities in Central Activities Zone
5G.3	Central Activities: Offices

5.6 Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS9	Biodiversity and Conservation
PPG13	Transport
PPG15	Planning and the Historic Environment
PPS22	Renewable Energy

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

- A better place for learning, achievement and leisure
- A better place for creating and sharing prosperity
- A better place for living safely
- A better place for living well

6. CONSULTATION RESPONSE

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

6.1 The following were consulted regarding the application:

LBTH Highways

- 6.2
- The subject site is in an area with excellent access to public transport, which can accommodate the additional persons trips.
 - Impact on highway & public transport network acceptable.
 - Provision of 2 disabled car parking spaces acceptable
 - Details of cycle parking should be submitted for approval.
 - Servicing and Refuse collection from Back Church Lane acceptable.
 - Service Management Plan requested.
 - Section 106 Agreement
 - o Car – Free Agreement
 - o Financial contribution of £131, 1000 to pay for improvement works comprising:-
 - Two speed tables to calm traffic on Back Church Lane
 - Widen footpath on western side Back Church Lane
 - New Gullies on Back Church Lane
 - Resurfacing Back Church Lane on approach to Commercial Road
 - Reconstruction footway outside Harry Gosling Primary School

- Section 278 Agreement for highway improvements necessary to serve development

- No objections subject to recommended conditions and contributions

6.3 Officer comment:

The Developer has agreed to the requested financial contribution. These matters are considered in more detail under the Transport section of this report.

LBTH Environmental Health (Contaminated Land)

- 6.4 - The site is located in an area that has been subjected to former industrial uses. A condition is requested to ensure developer carries out a site investigation to investigate this and remediate as necessary.

6.5 Officer comment:

A suitable condition would be imposed on any permission.

LBTH Environmental Health (Noise and Vibration)

- 6.6 - No comments

LBTH Environmental Health (Daylight and Sunlight)

- 6.7 - The submitted Daylight / Sunlight Report has been reviewed. It is noted that the separation distance between Tower 17 and 60 Commercial Road has been increased from 5.6m to 12.9m, whilst the distance between Tower 17 and Tower 13 of 52 – 58 Commercial Road is 7.4m.
- The main concern is the impact of 60 Commercial Road on Tower 17 (52-58 Commercial Road) from 1st floor to 10th floor in terms of VSC, NSL and ADF while Sunlight shows some impact from 5th Floor to 10th floor in terms of APSH.
 - With the increase in separation distance, the proposed scheme is much better than the previous scheme.
 - The Shadow analysis is acceptable, no obvious impact on amenity space.
 - The Consultant/Agent has also sited the severe impact between Tower 17 and 13 which been approved by the Council also the Consultant sited an appeal case in Chelsea of a similar situation which was approved by the Inspector and the Secretary of State.
 - EH cannot recommend a refusal
 -

6.8 Officer comment:

This matter is discussed under the amenity section of the report.

Commission for Architecture and the Built Environment

- 6.9 - Applaud high design aspirations
- Commend active frontage to Commercial Road and rear communal area that will animate linear park to the south
 - Building massing skilfully handled
 - For cladding approach to be successful a high degree of control in relation to building junctions and shifts in façade plane required.

6.10 Officer Comment:

Design is considered under main issues

English Heritage (Statutory Consultee)

- 6.11 - No objection on grounds of setting of the Tower of London World Heritage Site in

view LVMF 25A.2.

- Little assessment undertaken with regard to the impact on surrounding historic environment.
- Encourage applicants to consider reducing height of building. Additional information and rendered views should be provided.

6.12 Officer Comment

Design is discussed under main issues.

English Heritage- Archaeological Division (Statutory Consultee)

- 6.13 - Site located in area with high potential for archaeological remains. Recommend condition to secure a programme of architectural work.

6.14 Officer Comment

A suitable condition would be imposed on any permission.

Greater London Authority (Statutory Consultee)

- 6.16 Stage One response received. Following discussions with Applicant additional comments have been received from the GLA case officer:-

- Scheme will result in loss of office use in Central Activities. Updated GLA Officer view considers that change of use likely to be acceptable.
- Scheme is consistent in townscape terms with Commercial Road.
- Concerns over impact on open-space to rear. Updated GLA officer view considers that this is acceptable in strategic terms and that conditions should be imposed to ensure quality and permeability of space.
- Noted that the Mayor had a particular concern with the existing view 25A.2, which is amended under the draft LVMF but still carries weight. In the view of the GLA case officer, the impact on the draft views does not raise strategic concerns.
- Scheme follows London Plan energy hierarchy. No renewable energy measures included and further information and revisions requested. Updated GLA Officer view considers that the incorporation of PV cells is welcome and consistent with policy 4A.1 and 7 of the London Plan in principle.
 - o Conditions requested to present finding of study into supply of energy to Back Church Lane site.
 - o Condition requested to ensure detailed design is 'district heating ready'.
- Support car-free development.
- S106 Financial Contributions towards bus capacity enhancement and local pedestrian/cycle environment improvements requested.
- Travel plan requested.
- Construction Logistics Plan and Service Management Plan requested.

6.17 Officer Comment

Additional information was submitted following the stage one response in relation to the Energy Strategy and Strategic views. Negotiations have also taken place between the Applicant and TfL over the level of financial contributions requested. LBTH Officer's are satisfied that the matters addressed in the GLA stage one report have been addressed, and that the scheme is now compliant with the London Plan.

Health and Safety Executive

- 6.18 - Site falls outside revised safeguarding zone.

6.19 Officer comment:

- The Council's consultation system will be updated. No further consideration of the proximity of the site to sites for the storage of explosives is required.

London Fire and Civil Defence Authority (Statutory Consultee)

- 6.20 - Provision of water supplies for Fire Service likely to be adequate. Ground floor plan indicates access for brigade unlikely to be problematic.

London City Airport

- 6.21 - No safeguarding objection subject to condition requiring additional consultation if construction method requires crange of scaffolding that extends above the height of the building.

6.22 Officer comment: A suitable condition would be imposed on any permission.

Thames Water (Statutory Consultee)

- 6.23 - No objection in terms of sewage / water infrastructure.

National Air Traffic Services (Statutory Consultee)

- 6.24 - No safeguarding objection

Transport for London (Statutory Consultee)

- 6.25 - Satisfied with Transport Assessment methodology
- Financial contributions requested:
 - o £109, 350 Bus service capacity enhancements
 - o £100, 000 to fund dropped kerbs, contribute to wider pooled fund for works at the Commercial Road / Allie Street junction and a possible new crossing facility on Commercial Road.
 - Cycle parking should be provided at rate of one stand per student
 - Travel Plan / Service and Delivery Plans should be secured by condition

6.26 Officer Comment

The Developer has agreed to the financial contributions. Conditions would require the provision of cycle parking, travel plans and service delivery plans.

7. LOCAL REPRESENTATION

- 7.1 A total of 340 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. Site notices were also posted.
- 7.2 It should be noted that the building adjacent to the site, at 52 – 58 Commercial Road, is only just being completed. The Council does not have postal address details for this building, and it is unknown whether the flats are yet occupied. To ensure residents / potential residents of these properties are aware of this planning application a site notice was displayed directly outside of the main entrance.
- 7.3 Following the submission of revised plans an additional round of neighbour consultation took place on 7th October 2009.
- 7.4 The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

7.5 No of individual responses: 3 Objecting:3 Supporting: 0

7.6 The following groups / organisations were also consulted regarding the proposals.

- London Metropolitan University: No comments received.

7.7 The following issues were raised in the individual representations that are material to the determination of the application, and they are addressed in the next section of this report:

- No demand for student accommodation
- High density of student accommodation in area / coming on stream including units recently constructed at 52 – 58 Commercial Road and 100 Middlesex Street.
- CABE review recommended
- Loss of light / overshadowing
- Increase in traffic pollution / vehicles on Back Church Lane.
- Increase in antisocial behaviour
- No demand for street-level units
- Improvements should be made at street-level along back Church Lane.
- Building too high, should not be taller than neighbours

7.8 Officer Comment:

The issues raised are discussed under the main issues section of the report.

7.9 The following issues were also raised that are not planning matters.

- Financial arrangements of developer.
- Covenants on land
- Impact of current financial crises on scheme's future
- Impact of job centre moving to 122 Back Church Lane. (*Officer comment: In is understood the job centre lease expires in March 2012. Re-locating the job centre does not form part of this proposal*)

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use
2. Design
3. Transport and Highways
4. Amenity
5. Other issues

Land Use

8.1 The application proposes the demolition of 60 Commercial Road. This building is currently used to provide a 'Job Centre Plus'. The centre provides employment services to members of the visiting public on the ground and first floors (993 square metres GEA – Use Class A2). The upper floors provide back-office support and not generally accessed by the public (1987 square metres – Use Class B1).

8.2 The proposed uses include 8, 815 NIA square metres (442 bedrooms) of student accommodation and a 205 square metre flexible use commercial unit.

8.3 The application is linked with planning application reference (PA/09/01199) that seeks to re-provide office floorspace on a nearby site. This scheme would provide a total of 3, 177

GEA square metres of B1 Office Space.

- 8.4 The application site is located in the designated Central Activities Zone. The site also falls within the City Fringe Area Action Plan and the Aldgate Masterplan.
- 8.5 Strategic London Plan policy 5G.3 recognises the Central Activities Zone as the country's most important strategic office location. London Plan policy 3B.2 seeks the renovation and renewal of existing office stock, and requires Borough's to promote the provision of additional space and the rejuvenation of existing office space in the Central Activity Zone.
- 8.6 Saved UDP policy CAZ1 states that a balance of uses of a scale and type compatible with fostering London's role as a financial, commercial, tourist and cultural centre will normally be permitted in the Central Activities Zone.
- 8.7 In the City Fringe Area Action Plan, policy CFR1 seeks to protect viable employment sites and policy CFR9 states that employment uses are supported as the dominant use. Policy CFR1 and CFR4 also promote the expansion of London Metropolitan University and support the consolidation of educational uses around Aldgate.
- 8.8 Saved UDP policy ST17 seeks to promote and maintain high quality work environments in order to attract investment. Saved Policy EMP1 seeks to encourage employment growth through the redevelopment and upgrading of sites already in employment uses. Saved policy EMP3 relates specifically to proposals for the change of office floorspace to non-B1 use classes.
- 8.9 Interim Planning Guidance policy CP7 seeks to retain and promote a wide range of spaces for different types of employment uses. It also notes that the Council will support the improvement and expansion of higher education facilities around London Metropolitan University in Aldgate. Policy CP8 states that new housing may be appropriate in the CAZ where it does not replace viable employment sites. CP11 and EE2 seek to protect viable employment uses and resist the loss of employment floorspace.
- 8.20 The thrust of these policies is to presume against i) the loss of office/employment floorspace *per se*, and ii) in particular the loss of office floorspace to other uses in the Central Activity Zone. However, weight must also be given to policy objectives to promote Aldgate as an area for educational uses.
- 8.21 The proposal site and the linked site are both suitable for office use. The application will lead to the loss of one site from office use, and the more efficient use of the other.
- 8.22 Officers consider that the acceptability of the scheme is dependent on two factors. Firstly, whether the proposed re-provision of office floorspace at Back Church Lane provides appropriate mitigation for the loss of 60 Commercial Road; and secondly whether the benefits of allowing the scheme at 60 Commercial Road outweigh the loss of this site for office use. The assessment of the second issue therefore needs to consider the need to provide student accommodation at this location.
- Re-provision of office floorspace at 122 Back Church Lane
- 8.23 The existing building at 122 Back Church Lane 'Gem House' provides 952 GEA square metres of B1 floorspace. The proposed redevelopment of this building would create 3, 177 GEA square metres of B1 floorspace i.e. a net gain of 2225 GEA square metres.
- 8.24 As existing 60 Commercial Road provides 1987 GEA square metres of B1 floorspace. The redevelopment of the Back Church Lane site will therefore re-provide 238 squares more B1 floorspace than is lost.

- 8.25 In terms of floorspace the scheme does not re-provide the existing A2 floorspace at 60 Commercial Road. However, it is recognised that the new B1 floorspace is likely to have a higher employment density than the floorspace lost, which results in acceptable mitigation for the loss of employment floorspace.
- 8.26 The scheme would provide a significant benefit in that the replacement office floorspace would be of high quality and fit for modern business use, which would contribute to the future success of the CAZ.

Provision of student accommodation

- 8.27 London Plan policy 3A.13 and saved UDP policy HSG14 recognise that student accommodation is a form of specialised housing. Saved UDP policy HSG14 states that the Council will seek to encourage the provision of new housing to meet the needs of students.
- 8.28 London Plan policy 3A.25 supports the provision of student housing to ensure that the needs of the education sector are addressed. London Plan Policy 3A.8 recognises that purpose built student housing adds to the overall supply of housing and may reduce pressure on the existing supply of market and affordable housing.
- 8.29 The Sub-Regional Development Framework for East London 2006, provides guidance to East London boroughs on the implementation of policies in the London Plan. In terms of education, the Framework recognises the significance of the sector in terms of London's overall economic base. It notes that the East London sub-region accommodates five higher education institutions and over 44, 000 students (12% of the London total), and encourages the provision of academic facilities and student housing.
- 8.30 Interim Planning Guidance policy CP24 seeks to promote specialist housing by focusing purpose built student housing within 5 minutes walking distance of the London Metropolitan University campus at Aldgate.
- 8.31 Policy CFR1 and CFR9 of the City Fringe Area Action Plan encourage the provision of educational facilities around Aldgate to support London Metropolitan University. Policy CFR1 specifically promotes the provision of a small quantity of student accommodation in close proximity to London Metropolitan University at Aldgate.
- 8.32 The site is very well located to provide student accommodation. It is located within a short walking distance of London Metropolitan Aldgate and City Campus, and has very good transport links for those studying at other institutions. The site is located on a busy thoroughfare, which would mean that late-night activity / increase in general activity can be accommodated without significant prejudice to residential amenity.
- 8.33 The provision of student accommodation would help to support London Metropolitan University and the educational role of Aldgate, which is recognised as a policy objective. Officer's therefore consider that the provision of student accommodation will meet an identified need, which in turns helps to provide a justification for the loss of the office site.

Provision of commercial unit

- 8.34 The application also proposes a small (205 GEA square metre) commercial unit on the ground floor. The unit would front Commercial Road. The unit would receive a flexible permission for use within Classes A1 (Retail Shops), A2 (Financial/Professional Services), A3 (Restaurants & Cafes), A4 (Drinking Establishments), B1 (Business) or D1 (Non-residential institutions).
- 8.35 UDP policy ST34 seeks to support and encourage improved provision in the range and

quality of shopping in the Borough. UDP policy S7 relates to the provision of 'Special' Uses including restaurants and pubs. Policy DEV3 seeks to encourage mixed-use developments.

- 8.36 The unit would add activity to the Commercial Road frontage and would contribute to employment in the area. In principle there is no objection to the proposed uses given the location of the site on a main thoroughfare, and it accords with the objectives of policies DEV3 and S7. Conditions would limit hours of future operation and require the submission of detail of extract flues and ventilation equipment. With this safeguard the amenity impacts of the uses would be acceptable and in accordance with London Plan and Council policies.

Conclusion:

- 8.37 Officer's are satisfied that the approach taken by the linked applications achieves a good overall planning outcome. The developments will not result in the actual net loss of any office floorspace. The office floorspace that is re-provided at the Back Church Lane site would be of high quality and would contribute to the attractiveness of the Central Activities Zone.
- 8.38 There is an identified need for student accommodation to support the Borough's universities. The application site is a good location for student accommodation given the close proximity to London Metropolitan University and the very good public transport links in the area. It is also noted that Commercial Road is a busy thoroughfare where issues of late-night activity / disturbance of residents are less likely to be noticeable than in quieter locations.
- 8.39 Furthermore, consideration is also given to the design quality of the scheme, and the improvements that will be made to the public realm in the area, which accord with overarching policies that seek to improve the quality of the built environment in the Borough.
- 8.40 In overall land-use terms the scheme is therefore considered acceptable.

Design

Height, Mass, Scale and Appearance

- 8.41 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 promoting the principles of high quality design. These principles are also reflected in saved policies DEV1 and DEV3 of the UDP.
- 8.42 Policy 4B.9 of the London Plan states that tall buildings will be promoted where they create attractive landmarks enhancing London's character, help to provide a coherent location for economic clusters of related activity or act as a catalyst for regeneration and where they are also acceptable in terms of design and impact on their surroundings. Policy 4B.10 of the London Plan (February 2008) provides detailed guidance on the design and impact of such large-scale buildings, and requires that these be of the highest quality of design.
- 8.43 Policies CP1, CP48, DEV2 and DEV27 of the IPG October 2007 states that the Council will, in principle, support the development of tall buildings, subject to the proposed development satisfying a list of specified criteria. This includes considerations of design, siting, the character of the locality, views, overshadowing in terms of adjoining properties, creation of areas subject to wind turbulence, and effect on television and radio interference. The document 'Guidance on Tall Buildings' produced by English Heritage / CABE is also relevant.
- 8.44 Policies DEV1 and DEV2 of the UDP and policy CP4 of the IPG October 2007 state that

the Council will ensure development create buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings.

- 8.45 Policy CFR12 states that high quality tall buildings will be focused around the existing Aldgate Union, and that building heights throughout the sub-area should respect and complement the central cluster. The Aldgate Masterplan states that tall buildings will also be appropriate in certain locations outside the gyratory area where they play a role in design terms to mark street junctions, arrival points or assist with legibility, but they must be subservient to the building heights within the gyratory. The tallest building at the Aldgate gyratory is consented at 102m high.

Impact on Listed Buildings

- 8.46 Interim Planning Policy CON1 states that development will not be permitted where it adversely affects the setting of a Listed Building. When assessing a proposal that affects the setting of a Listed Building the Council must have 'special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses'. The site is in the vicinity of Listed Buildings at 46 – 50 Commercial Road (Grade II) and 40 Gower's Walk (Grade II).

Protected Views

- 8.47 London Plan policies 4B.16 and 4B.18 provide a policy framework for the management of strategically important views. IPG policies CON3 and CON5 also require development to protect important views, including those from World Heritage Sites. UDP policy DEV8 seeks the protection of view of local importance.
- 8.48 The proposed building fall does not sit in any protected vistas. However, it is near the background assessment area for the Tower of London. Consideration therefore needs to be given to the impact on protected views from City Hall towards the Tower of London (LVMF views 25A.1 and 25A.2).

Assessment

- 8.49 The existing building on-site has no particular merit and redevelopment of the site offers the opportunity to deliver significant improvements to the Borough's built environment. When assessed against relevant tall building and design policy it is considered that:-
- The design of the building responds well to the context of the site and follows a similar podium and tower form as the adjoining development at 52 – 54 Commercial Road. The height and scale of the building is acceptable given the precedent set by the neighbouring development and the general mass of buildings along Commercial Road.
 - The building has a striking and attractive design that will add much needed architectural quality to this section of Commercial Road. The proposed façade system and choice of materials reflects the residential character of the building.
 - The building will animate and enliven the green-link running along the south boundary of the site by incorporating active uses and a colonnade at ground floor level. This would contribute significantly to the future success of this link by increasing footfall and promoting natural surveillance.
 - The application has been accompanied by visual material which demonstrates that the the building will achieve the highest design standards. The verified views demonstrate that the development would not have an adverse impact on strategic or local views or on the setting of the Tower of London.

- The proposed student rooms would offer a good standard of accommodation with well sized study rooms ranging from 16 to 31.5 squares. The building would make good provision of ancillary facilities including a study area, laundry, café, amenity terraces and a gym.
- The building includes the provision of 22 (5%) wheelchair accessible study rooms in accordance policies promoting accessibility.
- The building would meet BREEAM 'Excellent' sustainability standards and would be designed to deliver a 29% carbon saving over baseline requirements.
- The impact of the development on microclimate (including wind-tunnel modelling) has been assessed, and any potential adverse impacts can be mitigated against during the detailed design phase. This would be secured by condition and is acceptable.
- The impact of the development on the amenity of neighbouring occupiers is considered in detail under the 'Amenity' section of the report, and is acceptable. Conditions would secure adequate mitigation to ensure future occupants do not suffer from excessive noise or exposure to air pollution.
- The site is located in an area with excellent access to public transport and the scheme provides adequate mitigation for additional impacts on transport infrastructure. The scheme promotes permeability by improving the quality of the green-link running to the south of the development.
- The development would not cause unacceptable interference to telecommunication and radio transmission networks (subject to appropriate monitoring and mitigation as required under the S106 agreement). London City Airport have confirmed that there is no safeguarding objection to the proposal.

8.50 The building is considered to meet the requirements for a tall building and the proposal accords with relevant design policy.

Transport and Highways

- 8.51 The site falls in an area with excellent access to public transport (PTAL 6a). It is within easy walking distance of Aldgate (9 minutes), Aldgate East (6 minutes) and Whitechapel (11 minutes) stations. There are also frequent bus routes operating on along Commercial Road and Whitechapel Road. Commercial Road is a TfL 'Red-Route' and Back Church Lane is identified as a 'route on quieter roads' for cyclists.
- 5.52 The existing building on-site has 8 off-street staff car-parking spaces accessed from Back Church Lane. There is also an existing servicing bay outside the building on Commercial Road.
- 8.53 National guidance on transport provision is given in PPG13: Transport. London Plan policies 2A.1, 3C.1, 3C.2, 3C.3, 3C.21, 3C.22 and 3C.23; and IPG policies CP1, CP41, DEV16, DEV17, DEV18 and DEV19 in broad terms seek to promote more sustainable modes of transport by reducing car-parking and improving public transport. Saved UDP policy T16 requires that consideration is given to the traffic impact of operational requirements of a proposed use and T18 seeks to ensure priority is given to the safety and convenience of pedestrians. Policy ST28 seeks to restrain the unnecessary use of private cars.
- 8.54 The application has been accompanied by a detailed Transport Assessment and Travel

Plan Framework. The report details the policy context and baseline conditions in respect of the local area's public transportation and road network. The report then considers the likely impact of additional trip generation. The study includes an assessment of the development during the construction phase and the cumulative impact with other consented developments.

- 8.55 The proposed student accommodation and commercial unit would be accessed by pedestrians from Commercial Road.
- 8.56 Two disabled parking spaces would be provided for the student accommodation on Back Church Lane. The developer would enter into a legal agreement to ensure that students are not eligible for on-street parking permits. This is acceptable in terms of policy.
- 8.57 A secure cycle parking store would be provided at the rear of the site. This would be accessed from Back Church Lane. Policy requires the provision of 1 cycle space per two students. The developer has suggested from their experience that this is an over-provision. It is therefore proposed that the store will initially provide space for 111 cycles. There is space available for this to be increased to 222 cycles should demand exist. A condition would require the submission of an amended travel plan which should incorporate monitoring arrangements to ensure the enlargement of the store as required. The development would therefore accord with the requirements of London Plan policy 3C.22 and IPG policy CP40.

Servicing

- 8.58 The Transport Assessment estimates that the commercial unit would generate 3, and the student accommodation 6, service vehicle movements a day. It is expected that deliveries would be made in rigid vehicles up to 10m in length. These servicing arrangements could be accommodated in the existing service bay located outside the site on Commercial Road.
- 8.59 The travel plan details the steps that would be undertaken to avoid congestion during the student moving-in process at the start of the academic year. This includes the allocation of a date and time for arrival, which would allow the distribution of vehicle movements over a period of time. To avoid disruption to Commercial Road it is envisaged that cars and taxis dropping off new arrivals will access the site from Back Church Lane. Additional staff would be located to assist loading/unloading and to ensure vehicles do not block the highway.
- 8.60 The Council's Highway Section and Transport for London are satisfied that the proposed arrangements are satisfactory.

Mitigation for additional pressure on transport infrastructure

- 8.61 The site is located in a sustainable location and the development (and the linked development at Back Church Lane) is likely to result in a significant increase in walking, cycling and bus trips in the area.
- 8.62 The Council's Highways Section have identified works that need to be carried out in the vicinity to improve the highway network to be able to safely accommodate these additional trips. The works include:
 - Two speed tables to calm traffic on Back Church Lane
 - Widen footpath on western side Back Church Lane
 - New Gullies on Back Church Lane
 - Resurfacing Back Church Lane on approach to Commercial Road
 - Reconstruction footway outside Harry Gosling Primary School

- 8.63 The Developer has agreed to a financial contribution of £131, 1000 to pay for the costs of these improvement works.
- 8.64 Transport for London have also identified deficiencies in their highway network in the vicinity of the site. This includes a requirement for the installation and improvements of dropped kerbs and tactile paving. TfL have also highlighted the installation of pedestrian signals and streetscape improvements at the Commercial Road / Allie Street junction as a priority. In the longer term TfL are also considering the feasibility of introducing an additional crossing point on Commercial Road to the West of Back Church Lane.
- 8.65 The Developer has agreed to a financial contribution of £100, 000 to fully fund the dropped kerbs and to contribute to a wider fund (pooled with contributions from other developments) for the other studies and works.
- 8.66 The scheme is also likely to result in additional pressure on bus services in the area. To mitigate for this impact a contribution of £109, 350 has been agreed with the Developer to fund bus capacity enhancements.
- 8.67 With the proposed mitigation, and the imposition of conditions requiring the submission and implementation of a travel plan, a construction logistics plan and a delivery and servicing plan, the development would be acceptable.

Amenity

Sunlight, Daylight and Overshadowing

- 8.68 Policy 4B.10 of the London plan requires all large scale buildings, including tall buildings, to be sensitive to their impact on micro-climates in terms of sunlight, daylight and overshadowing. Saved policy DEV2 of the UDP and policies DEV1 and DEV27 of the IPG October 2007 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.
- 8.69 The main issue is the impact of the development on nearby residential properties and the potential overshadowing of public open-space.
- 8.70 The application has been accompanied by a Daylight/Sunlight/Overshadowing Assessment that considers of the impact of the proposal on Daylight, Sunlight and Overshadowing of neighbouring properties. The study takes into account the cumulative impact of the development at 122 Back Church Lane. The assessment considers the impact of the proposal on the 'worst-case' properties closest to the application site. This includes the following residential properties: -
- 1 – 34 Morrison Building,
 - 37 The Dryden Building,
 - 80 Commercial Road, and
 - 52 – 58 Commercial Road.

Impact on residential properties

Sunlight

- 8.71 BRE guidance states that a window facing within 90 degrees of due south should receive adequate sunlight if it receives 25% of annual probable sunlight hours including at least 5% of annual probable hours during the winter months.
- 8.72 The submitted assessment concludes that only 2 windows would not meet the BRE criteria for sunlight in both winter and annually. These windows are located on the 6th and 7th floor of 52 – 58 Commercial Road and serve kitchen/livingrooms. A further 10 windows on

other neighbouring buildings would only meet the BRE criteria for either winter hours or annual hours.

Daylight

- 8.73 The submitted study includes the results of BRE Vertical Sky Component, No-Sky Line and Average Daylight Factor tests.
- 8.74 Daylight is normally calculated by three methods - the vertical sky component (VSC), daylight distribution/No Sky Line (NSL) and the average daylight factor (ADF). BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be less than 20% of the former value, to ensure sufficient light is still reaching windows. These figures should be read in conjunction with other factors including the NSL and ADF. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value. The ADF calculation takes account of the size and reflectance of room surfaces, the size and transmittance of its window(s) and the level of VSC received by the window(s).

1 – 34 Morrison Building

- 8.75 The assessment considers the impact on a ground floor bedroom window. The results show that in the existing and proposed situation the room does not meet BRE recommended VSC levels. The window does receive adequate light if the ADF assessment is used. The NSL test is passed in the existing situation, but not in the proposed.

Dryden Building

- 8.76 The assessment considers the impact on bedroom and living windows. The results show that of the nine windows assessed 4 do not currently meet BRE VSC in the existing situation. All would fail in the resultant situation. If the ADF test is employed, all rooms pass in both the existing and resultant situations. One window currently fails the NSL test, and in the resultant situation 7 windows fail.

80 Commercial Road

- 8.77 The study assesses the impact of the scheme on the windows serving a living room at first floor level. The results show that in the existing and proposed situation the BRE VSC test is not passed. However, both the ADF and NSL tests are passed, with the NSL actually improving.

52 – 58 Commercial Road

- 8.78 The study includes an assessment of the impact on the east block, known as Tower 17, of 52 – 58 Commercial Road. This block has windows serving habitable rooms in the flank elevation facing the application site. The scheme was amended during the course of the application to increase the separation distance between this building and the development to a generous 12.9 metres.
- 8.79 The results of the study show that of the 25 windows tested 2 currently fail BRE VSC targets. After the development 23 windows would fail on the VSC measure. Currently 24 of the windows pass the ADF target, which falls to 14 after the development. If the NSL test is applied, one room fails in the existing situation and 17 after the development.

Conclusion

- 8.80 The submitted assessment has considered the impact of the development on the 'worst-case' windows i.e. those closest to the development. Windows further away would receive a lesser impact. In overall terms the results shown that in terms of day lighting there will be failures against BRE standards. In some cases the impact would affect a large proportion

of the windows assessed and the effect of this is likely to be noticeable to the occupiers of these properties. However, the Councils specialised Environmental Health Officer has reviewed the study and does not recommend that the scheme should be refused.

- 8.81 It is well recognised that BRE standards must be applied flexibly, as the legitimate expectation of light-levels in a low rise suburban town would have to differ from those in a densely built-up area. The site is located in an area where large-scale development is expected. The resulting light-levels to the properties affected are not untypical in an urban environment and the impact is considered acceptable.

Overshadowing of amenity spaces

- 8.82 The development would not have any significant overshadowing effect on amenity open-space located to the South including the green-link, the Harry Gosling Primary School or nearby tennis courts to the South-west.

Privacy

- 8.83 The development does not include any windows in the west elevation which ensures that there is no issue of over-looking into the habitable room windows on the east flank of 52 – 58 Commercial Road. A condition would ensure the retention of suitable privacy screening to ensure that overlooking is not possible from any of the high-level terrace areas. The distance to neighbouring properties in other directions is sufficient to ensure that, in an urban context, there is no significant loss of privacy to other nearby residential properties.

Sense of enclosure

- 8.84 The scheme incorporates a generous separation distance of 12.9m from the adjoining development at 52 – 58 Commercial Road. Distances to other nearby properties are also considered sufficient to prevent any unacceptable increase in sense of enclosure.

Noise and Vibration

- 8.85 PPG24 provides national planning guidance regarding the impact of noise, which is identified as a material consideration in the determination of planning applications. It advises that wherever practicable, noise sensitive developments should be separated from major sources of noise. When separation is not possible, local planning authorities should consider whether it is practicable to control or reduce noise levels or to mitigate the impact of noise through conditions.
- 8.86 The London Plan seeks to reduce noise, by minimising the existing and potential adverse impacts of noise on, from, or in the vicinity of development proposals (Policy 4A.20). Policy DEV50 of the UDP states that the Council will consider the level of noise generated from developments. Policy DEV2 seeks to preserve the amenity of neighbouring occupiers.
- 8.87 The application has been accompanied by an Environmental Noise and Vibration Assessment. The study notes that the main source of noise is traffic on Commercial Road. The study did not find any significant sources of vibration.
- 8.88 The study recommends the use of appropriately specified glazing and ventilation to ensure that noise levels in rooms do not exceed recommended levels. The study also notes that unscreened roof-top plant will achieve a noise level 10db below prevailing background noise levels, which accords with policy.
- 8.89 The study does not include an assessment of potential noise / vibration associated with any extraction equipment that might be required for the ground floor commercial unit or student café. This detail would be required by condition prior to the installation of any necessary equipment.

- 8.90 With the imposition of suitable conditions the development would accord with relevant policy in relation to these issues.

Microclimate

- 8.91 In respect of saved UDP policy DEV2 and IPG policy CP1, CP3 and DEV5 the application is supported by a microclimate assessment. The report considers whether the proposed development is likely to produce unacceptably high wind flows within or around the proposed building. The assessment notes in some locations likely wind-speeds exceed recommendations for target usage. This includes wind-speeds in the green walk to the rear of the development that are more appropriate in the summer for standing/walking rather than sitting. However, this can be mitigated for by suitable detailed design including planting / screening. This, and other required mitigation, described in the report would be required by condition and with this safeguard the development is acceptable.

Other Planning Issues

Planning Obligations

- 8.92 Saved Policy DEV4 of the UDP and policy IMP1 of the Interim Planning Guidance state that the Council will seek planning obligations or financial contributions to mitigate for the impact of the development.
- 8.93 To mitigate for the impact of this development, and the linked development at 122 Back Church Lane, on local infrastructure and community facilities the following contributions have been agreed.
- £222, 230 Contribution towards community projects in the Aldgate Masterplan Area.
 - £131, 100 LBTH Highways Contribution
 - o Two speed tables to calm traffic on Back Church Lane
 - o Widen footpath on western side Back Church Lane
 - o New Gullies on Back Church Lane
 - o Resurfacing Back Church Lane on approach to Commercial Road
 - o Reconstruction footway outside Harry Gosling Primary School
 - £100, 000 TfL Highways Contribution
 - o Installation of dropped kerbs and tactile paving
 - o Fund towards pedestrian signals and streetscape improvements at Commercial Road/Allie Street junction and feasibility of introducing an additional crossing point on Commercial Road to the West of Back Church Lane.
 - £109, 000 Bus Capacity Enhancement Contribution
- 8.94 In overall terms Officer's consider that the level of agreed financial contributions is appropriate and that they adequately mitigate for the impacts of the development.

Air Quality

- 8.95 London Plan policy 4A.19 and IPG policy DEV11 require the potential impact of a development on air quality to be considered. IPG policy DEV12 requires that air and dust management is considered during demolition and construction work. The application includes an air quality assessment. This notes that the site is located in an Air Quality Management Area and that Nitrogen Dioxide levels on the Commercial Road frontage exceed objective values.
- 8.96 The study recommends mitigation measures including the use of positive venting with

sealed front windows to prevent future occupants being exposed to high pollution levels. Mitigation would also be required to prevent adverse impacts on local air quality during the construction phase. Once completed the building would have no significant impacts on air quality.

- 8.97 Conditions would be imposed on any permission requiring the implementation of the mitigation measures outlined in the submitted air quality assessment, and with this safeguard the development would accord with relevant policy.

Renewable Energy and Energy Efficiency

- 8.98 London Plan energy policies aim to reduce carbon emissions by requiring the incorporation of energy efficient design and renewable energy technologies. Policy 4A.3 seeks to ensure developments meet the highest standards of design and construction. Policy 4A.6 seeks to ensure that where a CHP system is proposed consideration is given to extend the scheme beyond the site boundaries. Policy 4A.7 states that new developments should achieve a reduction in carbon dioxide emissions of 20% from on-site renewable energy generation. IPG policies CP28, DEV5 and DEV6 have similar aims to London Plan policy.

- 8.99 The application has been accompanied by an Energy Statement and a Sustainability Statement. The statement has been reviewed following the concerns expressed by the GLA in their Stage I comments.

- 8.100 The revised statement notes that the building will make use of passive measures to reduce energy demand. The energy demand will be met using a gas fired Combined Heat and Power system. Photovoltaic cells have also been introduced to provide a source of on-site renewable energy. The technologies employed will result in 29% carbon savings over the standard baseline.

- 8.101 The design of the scheme would facilitate connection to a district heating system should one become available in the City Fringe Area. In response to GLA comments the Applicant has confirmed that further study work will be undertaken to ascertain if it is possible to link the CHP system at this site with the proposed development at Back Church Lane, and to carry this out if feasible. The completion of this study would be required by condition to ensure compliance with London Plan policy 4A.6.

- 8.102 The sustainability study states that the building will be constructed to BREEAM 'Excellent' standard.

- 8.103 The implementation of the measures outlined in the submitted study, including the need for a further assessment of the possibility of creating a link to the scheme at Back Church Lane, would be required by condition to ensure full compliance with relevant policy.

Biodiversity

- 8.104 Saved UDP policies DEV57 and DEV63 require development to retain and enhance the Borough's wildlife and natural resources. Policy DEV12 seeks the provision of landscaping in new development; London Plan policy 3D.14 also requires the Borough to take a proactive approach to promotion of biodiversity.

- 8.105 The existing site provides no significant wildlife habitat. The proposal would incorporate a green roof at the 6th floor, and a brown roof on the 21st floor. Landscaping would also be introduced on the amenity terraces, and more importantly to the rear of the site. The proposal will increase the amount of available wildlife habitat on the site and is acceptable.

Archaeology

- 8.106 The application was accompanied by a desk-top assessment that considered the potential

of the site to house archaeological remains. English Heritage have considered the study and concluded that the site is located in an area with a high potential for archaeological remains. A condition requesting further site works was requested, and with this safeguard the Council is satisfied the proposal accords with the requirements of saved UDP policies DEV42, DEV43 and DEV44, which seek to ensure that development proposals do not have an adverse impact on archaeological remains.

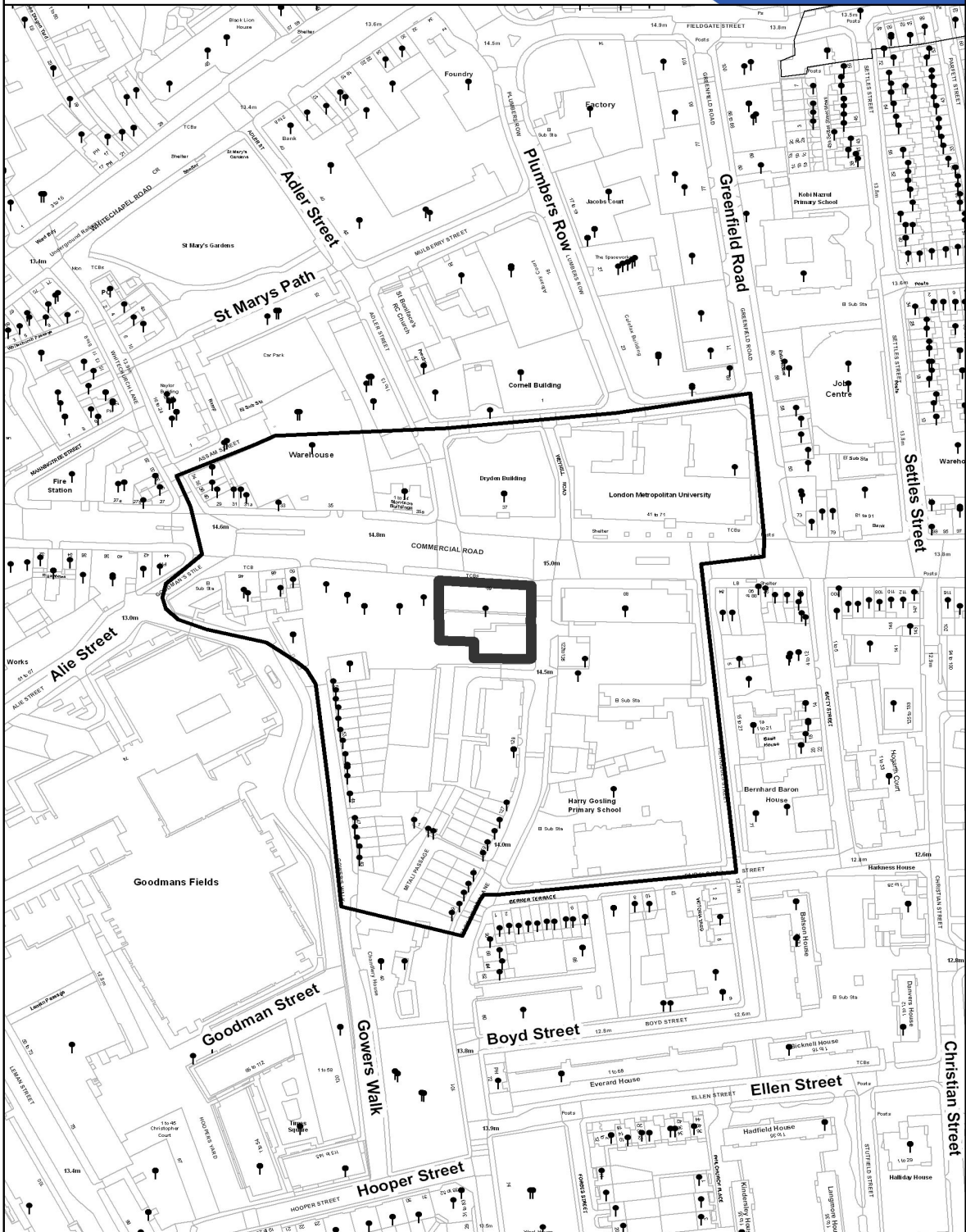
Site Contamination

- 8.107 In accordance with the requirements of PPS23, saved UDP policy DEV51 and IPG policy DEV22 the application has been accompanied by an assessment of Ground Conditions to assess whether the site is likely to be contaminated. The study has been reviewed by the Council's Environmental Health Officers who have concluded that there is a potential threat of contamination. The study identifies the need for further intrusive investigations and the mitigation. This would be secured by condition.

Conclusions


- 8.108 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




 Planning Application Site Boundary

 Land Parcel Address

 Consultation Area

0 30 m




1:2,500

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.
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