

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/09/01199
	Ward: Whitechapel

1. APPLICATION DETAILS

Location:	Gem House, 122 -126 Back Church Lane, London, E1 1ND
Existing Use:	Office (use class B1)
Proposal:	Demolition of existing building and erection of a six storey building for business use (Use Class B1) and ancillary floorspace together with associated servicing, landscaping and other incidental works.
Drawing Nos/Documents:	<u>Drawing Numbers</u> 596_PL_BCL_000, 596_PL_BCL_001, 596_PL_BCL_099, 596_PL_BCL_100, 596_PL_BCL_101, 596_PL_BCL_102, 596_PL_BCL_103, 596_PL_BCL_104, 596_PL_BCL_105, 596_PL_BCL_106, 596_PL_BCL_111, 596_PL_BCL_112, 596_PL_BCL_113, 596_PL_BCL_114 and 596_PL_BCL_120
	<u>Documentation</u> Design and Access Statement (dated July 2009) Design and Access Statement: Supplementary Document (dated September 2009) Impact Statement (dated July 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 proposed redevelopment will provide high quality modern office floorspace, it will facilitate the associated scheme at 60 Commercial Road and will promote the success of the Central Activities Zone in accordance with the requirements of London Plan policies 5G.3 and 3B.2, Unitary Development Plan 1998 policies ST17, CAZ1 and EMP1 Interim Planning Guidance (2007) policies CP7, CP8, CP11 and EE2, which seek to promote office uses in the central activity zone and encourage the improvement of work environments.
- 2.3 The new building in terms of height, scale, design and appearance is acceptable in line with policies 4B.1 and 4B.8 of The London Plan 2008, policies DEV1 and DEV2 of the Unitary

Development Plan 1998 and policies DEV1 and DEV2 of the Council's Interim Planning Guidance 2007 which seek to ensure development is of a high quality design.

- 2.4 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.
- 2.5 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.
- 2.6 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.
- 2.7 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
- 8) Detail of landscaping scheme to include hard and soft finishes, external lighting and CCTV.
- 9) Further Energy Study to include feasibility of linking to 60 Commercial Road. Implementation and retention of approved study.
- 10) Amended details of cycle storage moving store to ground floor level.
- 11) Air quality assessment including biomass emissions
- 12) Details of privacy screens to prevent overlooking to 80 Commercial Road from North elevation and overlooking from terraces
- 13) Travel Plan
- 14) Enter into S278 Agreement
- 15) Implementation and retention of measures in wind assessment
- 16) Implementation and retention of measure in Service Management Plan
- 17) BREAM assessment demonstrating that the development achieves a minimum 'Excellent' rating
- 18) No installation roller shutters
- 19) Restriction on use of terraces to hours of 8.00am to 9.00pm on any-day.
- 20) Restriction of hours of construction.
- 21) Restriction of hours of piling
- 22) 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 60 Commercial Road (reference PA/09/1198), and as such has been reported to Members for a decision.
- 4.2 The applications are linked because the scheme at 60 Commercial proposes the demolition of the existing building on-site, which currently provides 1987 square metres of B1 office floorspace, and the erection of a new building providing student accommodation. To replace the lost office floorspace, this application proposes the demolition and re-build of the 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 6 storey building on-site and the erection of a replacement building. The proposed building would have a 35m frontage along Back Church Lane. The building would have a stepped form, falling in height from 21.5m to 14.8m to 7.8m high down Back Church Lane. Terrace areas would be provided on the south elevation at 2nd and 4th floor level.
- 4.5 The building would provide 3177 GEA square metres of office floorspace (Use Class B1) over 6 floors. The floorspace could be arranged flexibly to allow up to 4 different tenants per floor.
- 4.6 In addition to office space the ground floor would provide a reception area, refuse store and plant room. The existing basement would be retained and used to provide 12 cycle storage space and additional plant space.
- 4.7 The building would be accessed and serviced from Back Church Lane. No car-parking is proposed.
- 4.8 The building incorporates a biomass boiler and a brown roof.

Site and Surroundings

- 4.9 The application site occupies an area of 0.1 hectares and is rectangular in shape. It is located on the East side of Back Church Lane. The building is of late 20 century construction. The building is 5 storeys (20.1m) high. The building currently provides 952 GEA metres square of office floorspace (use class B1). The building only occupies part of the site, with the remainder providing 12 off-street car-parking spaces.
- 4.10 To the North of the site is the 12 storey (37.2m high at boundary with 126 Back Church Lane) residential block of 80 Commercial Road. This has windows serving habitable rooms in the south elevation. To the South of the site is the Harry Gosling Primary School, and beyond this residential properties. To the West of the site is the 4 storey residential block at 129 Back Church Lane. To the east is an area of surface car-parking.
- 4.11 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.

4.12 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.

4.13 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).

Relevant Planning History

4.14 The following planning decisions are relevant to the application:

PA/08/2322 Request for Screening Opinion as to whether redevelopment to provide a five storey building comprising business use (Use Class B1) 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
	ST17	To promote high quality work environments
	ST28	Restrain unnecessary use of private cars
	ST30	To improve safety for all road users
	ST35	To retain reasonable range local shops
	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV4	Planning Obligations
	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
	T16	Impact of Traffic
	T18	Pedestrian Safety and Convenience
	T19	Improve quality safety and convenience pedestrians

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
	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
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
	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
	EE2 Redevelopment /Change of Use of Employment Sites
	RT4 Retail Development
	RT5 Evening and Night-time economy
	CON4 Archaeology and Ancient Monuments
	CON5 Protection and Management of Important Views
	CFR1 City Fringe Spatial Strategy
	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
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.15	Archaeology
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.
- No parking proposed which is acceptable.
- Details of access to 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
 - o Section 278 Agreement for highway improvements necessary to serve development
- No objections subject to recommended conditions, contributions and informatives.

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 - Submitted report shows marginal impact on 80 Commercial Road and 129 Back Church Lane in terms of VSC, NSL, ADF and APSH.
 - No shadow impact on surrounding residential properties.
 - Environmental Health cannot recommend refusal.

6.8 Officer comment:

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

English Heritage- Archaeological Division (Statutory Consultee)

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

6.9 Officer Comment

A suitable condition would be imposed on any permission.

Health and Safety Executive

- 6.10 - Site falls outside of zone of revised safeguarding zone.

6.11 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)

- 6.12 - Provision of water supplies for Fire Service likely to be adequate. Plans indicate access for brigade unlikely to be problematic.

7. LOCAL REPRESENTATION

- 7.1 A total of 241 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 Following the submission of additional information a further round of neighbour consultation took place on 7th October 2009.
- 7.3 The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:
- 7.4 No of individual responses: 1 Objecting:1 Supporting: 0
- 7.5 The following issues were raised in the individual representation that are material to the determination of the application, and they are addressed in the next section of this report:
- Scheme is only required to support development at 60 Commercial Road – which has also been objected to.
 - Daylight / Sunlight study inadequate
 - Loss of light / overshadowing / increased sense enclosure
 - Increase in traffic pollution / vehicles on Back Church Lane.
 - Improvements should be made at street-level along back Church Lane.

7.6 Officer Comment:

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

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

- 8.2 The application proposes the demolition of 122 Back Church Lane. This building currently provides 952 GEA square metres of office floorspace (Use Class B1). The application proposes the erection of a new office building that will provide 3177 square metres of office floorspace (Use Class B1). This represents an uplift in floorspace on the site of 2225 square metres.

- 8.3 The additional floorspace is being provided to replace that lost at 60 Commercial Road. The merit of this approach to floorspace re-provision is discussed in more depth under the associated committee report for the linked planning application reference PA/09/1198). This report considers the acceptability of providing office floorspace at this location.

Principle of provision office floorspace

- 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.
- 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.
- 8.9 Interim Planning Guidance policy CP7 seeks to retain and promote a wide range of spaces for different types of employment uses. CP11 and EE2 seek to protect viable employment uses and resist the loss of employment floorspace.
- 8.10 The scheme would provide high-quality modern office space in an attractive building. The scheme would re-provide more office floorspace than is lost, and as such is acceptable in terms of land-use policy.

Design

Height, Mass, Scale and Appearance

- 8.11 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 f the UDP.
- 8.12 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.
- 8.13 Policy CFR12 in the City Fringe Area Action Plan states that building heights throughout the sub-area should respect and complement the central cluster.
- 8.14 The proposed building is rectangular in shape. It would have an approximately 35m long frontage along Back Church Lane and would be approximately 16.1m deep. It would largely cover the application site. The building would have a stepped design falling from 6 storey to 4 storey to 2 storey.
- 8.15 At 6 storeys and with a stepped design to reduce mass, the scale of the building is appropriate given the size of the site and the height of the neighbouring buildings. The

building successfully manages the transition from large buildings fronting Commercial Road to smaller scale buildings further to the South.

- 8.16 The building has an attractive modern design incorporating a ribbon-like brick band running through the façade. This sets the building apart from other more non-descript office blocks in the area, helping to create a sense of local distinctiveness. The glazed areas promote activity at street-level, and the terrace areas make good use of the site's southern aspect.
- 8.17 In overall terms the building is considered appropriate in terms of scale, bulk, use of materials and design. It is sensitive to the characteristics of site and would provide good quality office accommodation for future occupiers and would accord with relevant design policy.

Impact on Listed Buildings

- 8.18 The scheme would have no significant impacts on the setting of Conservation Areas or Listed Buildings.

Transport and Highways

- 8.19 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.
- 5.20 The existing building on-site has 12 off-street staff car-parking spaces accessed from Back Church Lane.
- 8.21 National guidance on transport provision is given in PPG13: Transport. London Plan polices 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.
- 8.22 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 the development at 60 Commercial Road.
- 8.23 The proposed building would not provide any car-parking spaces. It is proposed that the building would be serviced from Back Church Lane. The use is estimated to produce eight service / delivery trips a day. These trips would be managed to avoid the beginning and end of the school day when there is increased activity due to the neighbouring primary school. This would be secured via condition requiring compliance with a service management plan.
- 8.24 The Council's Highway Section and Transport for London are satisfied that the proposed arrangements are satisfactory.
- 8.25 Interim Planning Policy requires the provision of 1 cycle space for 250 square metres of

office floorspace. This equates to a requirement to provide 12 spaces. The submitted plans show the provision of a cycle store in the basement. This would not be particularly convenient to use, and a condition would require the submission of detail of an amended store located at ground floor level. With the imposition of this condition the development would be acceptable in terms of London Plan policy 3C.22 and IPG policy CP40.

Mitigation for additional pressure on transport infrastructure

- 8.26 The impact of the development on local transport infrastructure has been assessed on the basis of the combined impact of the development with the linked development at 60 Commercial Road.
- 8.27 These sites are 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.
- 8.28 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
- 8.29 The Developer has agreed to a financial contribution of £131, 1000 to pay for the costs of these improvement works.
- 8.30 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.
- 8.31 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.
- 8.32 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.
- 8.33 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

- 8.34 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.

Daylight:

- 8.35 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).
- 8.36 The main issue is the impact of the development on nearby residential properties and the potential overshadowing of public open-space.
- 8.37 The application has been accompanied by a Daylight/Sunlight/Overshadowing Assessment that considers the impact of the proposal on neighbouring properties. The study takes into account the cumulative impact of the development at 60 Commercial Road.
- 8.38 The assessment considers the impact of the proposal on the 'worst-case' properties closest to the application site. This includes the following residential properties: -
- 80 Commercial Road, first floor level
 - 129 Back Church Lane, ground to third floor level

80 Commercial Road

- 8.39 This building is located directly to the North of the application site. The building is in residential use (with the exception of the commercial use ground floor), and there are windows serving living and bedrooms in the south elevation facing the application site.
- 8.40 A distance of 6.9m to 10.9m separates the existing building at 126 Back Church Lane from 80 Commercial Road. The proposed building would be between 6.9m and 7.3m from 80 Commercial Road. The proposed building would also be higher than the existing building, with the increase in height varying given the variation in height of the existing building.
- 8.41 The results show that in the case of the six of the seven windows assessed the resultant VSC level is not less than 20% of the former value, the other window very marginally exceeds the recommended target with a reduction of 22%.

129 Back Church Lane, ground to third floor level

- 8.42 This building is located to the south-west of the application. The building is 4-storey in height and has windows serving habitable room windows in the west elevation. There are no windows in the North elevation. The submitted assessment considers the impact on the 16 'worst-case' windows closest to the application site.
- 8.43 The study shows that all the windows tested meet BRE VSC guidelines in the existing situation. The development would result in 7 windows failing the BRE VSC test, though one of these is a very marginal failure in the case of a window that receives 20.3% less daylight (over the standard of 20%). The results of the ADF test show that 8 windows fail in the resultant situation, and the NSL test shows 7 failures in the resultant situation.
- 8.44 When considering the impact of the proposal on this building consideration has been given to the fact that the part of the application site opposite the building is currently used for car-parking. As such the flats at 129 Back Church Lane benefit from an unusually open aspect for a urban location - with correspondingly good VSC/NSL levels.

8.45 Conclusion

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 levels of losses are considered marginal, and the resulting light-levels to the properties affected are not untypical in an urban environment and the impact is considered acceptable.

Sunlight:

8.46 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.

8.47 The submitted study shows that assessed windows at 129 Back Church Lane and 80 Commercial Road will continue to receive sunlight in excess of BRE requirements after the development.

Overshadowing of amenity spaces

8.48 The development would not have any significant overshadowing effect on amenity open-space, including the Harry Gosling Primary School, located to the South.

Privacy

8.49 There is potential for overlooking from windows in the North elevation of the proposed building into habitable room windows on the South elevation of 80 Commercial Road. At the closest, the window to window distance here is 6.9m. To prevent any loss of privacy, a condition would require the submission and installation of screening / use of obscured glazing. With this safeguard there would be no unreasonable loss of privacy.

8.50 There would also be some potential for overlooking from the terrace areas across Back Church Lane to 129 Back Church Lane. Again, a condition would ensure the installation and retention of suitable privacy screens to prevent unreasonable overlooking.

Sense of enclosure

8.51 At its highest the existing building is 20.1m high and the proposed building is 21.5m high. The main impact, in terms of increased sense of enclosure, would be on 80 Commercial Road. Though the overall height of the building only increase slightly, the mass of building at this height close to the boundary with no.80 does increase more significantly. However, given the size of the existing building, it is not considered that the increase in height or bulk would result in any unacceptable increase in sense of enclosure. Further to the South along Back Church Lane any increase in enclosure is ameliorated by the stepped design of the building, and the open-space link on the west side of the road.

Noise and Vibration

8.52 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.

8.53 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.

- 8.54 The proposed use is unlikely to generate any significant sources of noise. A condition would be placed on any permission to restrict the use of the outdoor terrace areas to 8.00am to 9.00pm. With this safeguard there would be no adverse impacts in terms of noise, vibration or disturbance.
- 8.55 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.
- 8.56 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.

Microclimate

- 8.57 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 wind-speeds on the proposed terraces are likely to exceed recommendations for target usage. 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

- 8.58 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.
- 8.59 To mitigate for the impact of this development, and the linked development at 60 Commercial Road, 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
- 8.60 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

- 8.61 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.
- 8.62 Conditions would require the submission and implementation of a construction management plan. This would ensure that adequate mitigation is made for any localised impacts on air quality. A condition would also require submission of detail in relation to extract arrangements and emissions from the proposed biomass boiler. With these safeguards the development would not have any significant adverse impacts on air quality, and the development is acceptable.

Renewable Energy and Energy Efficiency

- 8.63 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.
- 8.64 The application has been accompanied by an Energy Statement and a Sustainability Statement. The statements detail that the building would make use of sustainable design techniques to minimise carbon emissions. The building would be constructed to achieve BREAM 'Excellent' standards. A biomass boiler would be installed to generate 20% of the predicted energy demand on-site from renewable sources. The proposed measures would create a carbon saving of 28% above baseline standards.
- 8.65 A condition would require the implementation of the proposed measures, and for a further study to be carried to determine if it is feasible to link to the CHP system at 60 Commercial Road. With the imposition of these conditions the scheme would be acceptable.

Biodiversity

- 8.66 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.
- 8.67 The existing site provides no significant wildlife habitat. The proposal would incorporate a brown roof and landscaping on the roof terraces would also introduce additional habitat. The overall impact on biodiversity is likely to be beneficial and therefore acceptable.

Archaeology

- 8.68 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

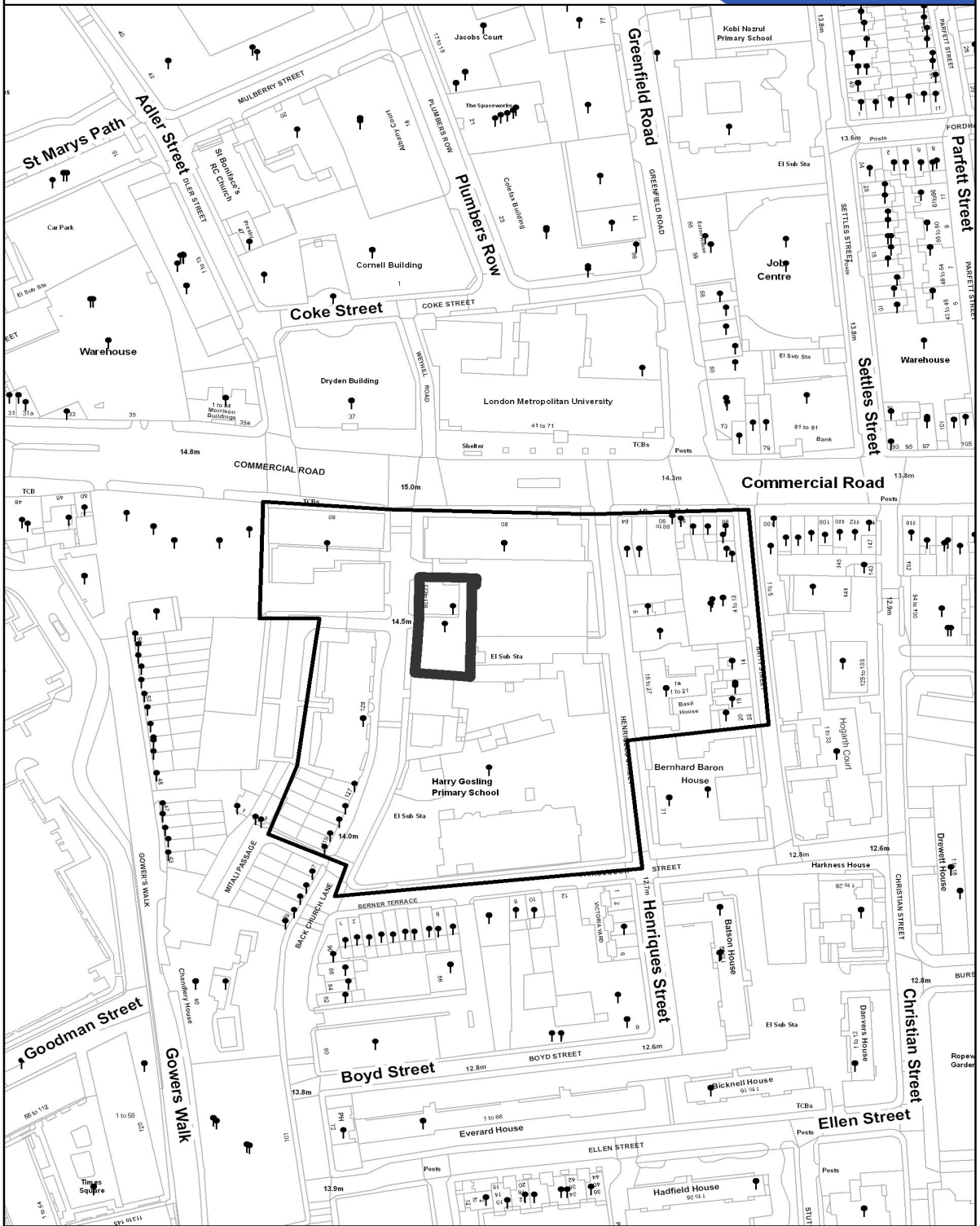
- 8.69 In accordance with the requirements of PPS23, saved UDP policy DEV51 and IPG policy DEV22 the application has been accompanied by an assessment of Ground Conditions to

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

- 8.70 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
 North Arrow

0 30 m

 1:2,000

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 Copy right. London Borough of Tower Hamlets LA100019288

