Decision Level: Strategic Development Committee	Date: 15th December 2009	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Development & Renewal **Case Officer:** Jason Traves		**Title:** Planning Application for Decision **Ref No:** PA/09/965 **Ward(s):** Whitechapel	

1. APPLICATION DETAILS

Location: Former Goodmans Fields, 74 Alie Street (Land north of Hooper Street and east of 99 leman Street, Hooper Street) London

Existing Use: Offices (vacant)

Proposal: Redevelopment to provide four courtyard buildings of 5-10 storeys incorporating 6 buildings of 19-23 storeys, erection of a 4 storey terrace along Gower's Walk, change of use to residential (Class C3) and construction of an additional storey to 75 Leman Street. The overall scheme comprises of 772 residential units (Class C3), 650 bedroom student accommodation (sui generis), 351 bedroom hotel (Class C1), primary care centre (Class D1), commercial uses (Class A1, A2, A3, A4, A5, B1 and D2), public open space, landscaping, servicing, plant accommodation, car parking and access and associated works.

Note the application is supported by and Environmental Statement.

Drawing Nos: 0722A P0001; P0002; P0003; P0004; P0005; P0006; P0099A; P0100B; P0101A; P0102B; P0103A; P0104A; P0105A; P0106A; P0107A; P0108B; P0109A; P0110A; P0111A; P0112A; P0113A; P0115A; P0116A; P0117A; P0118A; P0119A; P0120A; P0121A; P0122A; P0123A; P0128A; P0130A; P0160B; P0161A; P0162B; P0162B; P0163A; P0164B; P0165C; P0166A; P0167B; P0168C; P0169B; P0170C; P0171B; P0172A; P0173A; P0174A; P0175A; P0176B; P0177; P0178; P0179; P0180; P0181A; P2500; P2501; P2502; P2503; P2505; P2506; P2508; P2509; P2510A; P2511; P2512A; P2513A; P2515; P2516; P3500A; P3501A; P3502A; P3503A; P3504A; P3505A; P3508A;

4723/C/SK002RevI02

07/2472-TS1; TS2; TS3; TS4; TS5; TS6; TS7; TS8; TS9; TS10; TS11; TS12; TS13

07/2517-MBS-B

2537/B-2; G-1; G-2; 1-1-REVA; 1-2-REVA; 2-1-REVA; 2-2-REVA; 3-1-REVA; 3-2-REVA; 4-1-REVA; 4-2-REVA; 5-1-REVA; 5-2-REVA; 6-1-REVA; 6-2-REVA

2723/E2; E3; S1; S2; S3
2472/KEYPLAN; E1; E2; E3; E4; E5; E6; E7; E8; E9; E10; E11; E12; E13; E14; E15; E16; E17; E18

ELEV16.DWG; 1-4.DWG

TOWN371(08)1002R04; 5000R01; 5001;R04; 5003R04; 5004R03; 5005R03; 5006R03; 5007R03; 5008R03; 0023R01

SK01; SK01A (x10 Individual dwgs)

Documents:
Submission 29 May 09
Environmental Statement Vol1
Environmental Statement Vol2
Environmental Statement Vol3 Heritage, Townscape and Visual Assessment
Environmental Statement Vol3 appendices
Environmental Statement Vol4 Transport Assessment
Environmental Statement Vols 5a & 5b technical appendices
Planning Statement
Design and Access Statement Vols 1 & 2
Statement of Community Consultation
Sustainability and Quality of Life Statement
Energy Statement
S106 heads of terms

Further information 04 August 09 to address Mayor's Stage 1
LVMF photographic images 1808-0529 v090731; 2705 v090710; 2805 v090723B
Roamer animation and stills
Supporting tower plan 0722A P0005

Further information 14 August 09 to address LBTH comments
Arup dwg 123182-00, 123182-00-019

Further information 15 October 09 to address LBTH Comments
Updated schedules ref Nos. 0722A 10.01 AA rev F; 10.01AG rev B x 5 dwgs
Updated Environmental Statement Vol1 (for regulation 19)
Updated Environmental Statement Vol6 (for regulation 19)

Applicant: Mourant Property Trustees Ltd and Mourant & Co. Trustees Ltd as Trustees of the Omega No. 3 Property Unit Trust
Owner: Berkley Homes, Berkley Gemini Ltd, LBTH, EDF, AHL City Quarter Trading Limited
Historic Building: No
Conservation Area: No

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, Interim Guidance, associated supplementary planning guidance, as well as the London Plan and Government Planning Policy Guidance and has found that:

a) A mixed use approach to the redevelopment of the site which incorporates residential, hotel, student accommodation, PCT and commercial uses is acceptable and in accordance with Policies 2A.4, 2A.5, 2A.7, 5C.1 of the London Plan (Consolidated 2008), the Mayor's draft City Fringe OAPF, Policy ST12, CAZ1 of the LBTH UDP 1998, Policies CP8, CP19 of the LBTH IPG 2007, Policies CFR9, CFR14 of the City Fringe Area Action Plan (AAP), as well as the LBTH Aldgate Masterplan 2007 which promote a mixed use approach to the redevelopment of the site;
b) The scheme would result in considerable job opportunities in accordance with Policies EMP1, EMP 2, EMP 6, EMP8 of the LBTH UDP 1998 as well as Policies CP1, CP15 of the LBTH IPG 2007 seek to promote employment including opportunities for local people;
c) The site layout, comprising a network of streets, will improve connectivity and permeability of the site and links with the surrounding area in accordance with Policies Policy 4B.1, 4B.10 of the London Plan (Consolidated 2008), Policy DEV1 of the LBTH UDP 1998, Policies CP4, CP48, Dev27 of the LBTH IPG 2007 as well as the Aldgate Masterplan which seek to improve connectivity;
d) The scheme incorporates energy efficient, renewable and sustainable measures thereby reducing its demand on non-renewable energy resources in accordance with Policies 4A.2 – 4A.7 of the London Plan (Consolidated 2008) as well as Policy DEV5 of the LBTH IPG 2007 which seek to ensure developments are efficient and environmentally sustainable;
e) The scheme, in particular the six (6) residential towers are designed to ensure they preserve the views and setting of the Tower of London. As such, the proposal accords with Policies 4B.1 and 4B.8 of the London Plan (Consolidated 2008), Policy DEV1 of the LBTH Unitary Development Plan 2008, CP4, CP48, CP49, DEV2, and CON3 of the LBTH Interim Planning Guidance 2007 as well as the provisions of the LBTH Aldgate Masterplan 2007, HRP Tower of London World Heritage Site Management Plan 2007 and PPG15 which seek to preserve and enhance the setting of listed buildings, conservation areas and World Heritage Sites.
f) The scheme, in particular the six (6) residential towers which are visible in the Background Assessment Area of Townscape View 25 of the Mayor's LVMF, pose no significant impact upon views of the Strategically Important Landmark, The Tower of London. The proposal is therefore in accordance with Policies 4B.10, 4B.14, 4B.16, 4B.18 of the London Plan (Consolidated 2008), Policies CP50, DEV1 and CON5 of the LBTH Interim Planning Guidance 2006, Policies CFR1, and CFR12 of the LBTH City Fringe Area Action Plan 2006 and well as the provisions of the LBTH draft Aldgate Masterplan 2007, HRP Tower of London World Heritage Site Management Plan 2007, the Mayor's London View Management Framework 2007, The Mayors draft London View Management Framework 2009, the Mayor's City Fringe Opportunity Area Planning Framework 2008 and EH draft guidance 'Seeing the history in View' which seek to protect strategically important views.
g) The scheme suitably addresses criteria for consideration of the acceptability of a tall building. The proposal is therefore in accordance with Policies 4B.9, 3A.3, 4B.1, 4B.10 of the London Plan (Consolidated 2008), Policies CP48 and DEV27 of the LBTH Interim Planning Guidance 2007, Policy CFR12 of the LBTH City Fringe Area Action Plan 2006 as well as the provisions of the LBTH Aldgate Masterplan 2007 and the Mayor's daft City Fringe Opportunity Area Planning Framework 2008, which seek to ensure that proposals for tall buildings are appropriate to their context, are high quality and minimise impacts.
h) The public open space provision exceeds 0.8Ha and is considered to be a standard of design that will cater for the needs of residents and users, in an area that currently suffers from a deficiency of open space. The proposal is therefore in accordance Policy CP30 of the LBTH Interim Planning Guidance, as well as the site specific guidance of Policies CFR1 and CFR5 of the LBTH City Fringe Area Action Plan 2007, as well as the LBTH Aldgate Masterplan which seeks to ensure provision of sufficient public amenity space to meet the needs of the community;

i) The application provides 35% affordable housing based on habitable rooms, thereby catering for housing need in accordance with Policy CP1, CP2, CP19, CP21, CP22, HSG1, HSG3 of the LBTH IPG 2008 and Policy 3A.5, 3A.10, 3A.11 of the Mayors London Plan (Consolidated 2008) which seek to address housing need;

j) Although the scheme provides a quantum of communal and private space meeting the requirements of the IPG but not the UDP, on balance, the variety of amenity space provision and the intended design treatment is considered to be good quality and of benefit to the amenity of future occupiers in accordance with PPS3 Housing, Policy ST23, HSG3 of the LBTH UDP 1998, and associated Residential Space SPG which seek to provide sufficient amenity space to address the needs of occupiers;

k) Subject to an appropriately worded condition for the final materials and detailed elevation treatments to be agreed, the appearance of the development is considered to be high quality and will contribute positively to the varied character of the immediate area in accordance with Policy 4B.16 of the London Plan, , Policy CP50, DEV1, CON5, of the LBTH IPG 2007, Policy CFR1 of the LBTH City Fringe Area Action Plan, as well as the LBTH Aldgate Masterplan and PPG15 which seek the highest possible quality of design and appearance of buildings.

l) Subject to an appropriately worded condition for the final materials and detailed elevation treatments to be agreed, the scheme is considered to enhance the streetscene and local context, posing no significant adverse impact on the character, appearance and setting of any immediately adjacent or nearby listed buildings and conservation areas, in accordance with PPG15, Policy 4B.1 and 4B.8 of the Mayor's London Plan (Consolidated 2008) as well as Policy DEV1 of the LBTH UDP 1998 and Policy CP4, CP48, CP49, DEV2 and CON3 of the LBTH UDP 1998 as well as the adopted Aldgate Masterplan which seek to protect the appearance and setting of listed buildings and conservation areas;

m) The scheme poses no significant amenity impacts to future occupiers other than impacts to lighting which are considered to be balanced by the benefits of the scheme and financial viability considerations. On balance the scheme has considered PPS1, Policy 4B.1 of the Mayor's London Plan (Consolidated 2008), Policy CP4 of the LBTH IPG in seeking to provide the best possible amenity for future occupiers.

n) No significant impacts to neighbours are posed other than in terms of loss of light to some residential properties. This is balanced by the dual aspect nature of those properties, the benefits of these scheme and financial viability considerations. Therefore, the proposal has considered Policies 4B.10 of the Mayor's London Plan (consolidated 2008), DEV1 of the LBTH Interim Planning Guidance, and DEV2 of the LBTH Unitary Development Plan 1998 which seek to protect the amenity of neighbours;

o) No significant traffic and parking impacts posed in accordance with Policies 2A.1, 3A.7, 3C.1, 3C.2, 3C.19, 3C.20 of The London Plan (Consolidated 2008), PPS1, PPG13, Policy ST25, ST28, ST30, T16, T18, T19, T21 of the LBTH UDP 1998, Policies DEV17, DEV18, DEV19 of the LBTH IPG 2007 which seek to ensure the proposal does not impact on the local road system.

3. RECOMMENDATION

3.1 That the Committee resolve to ***grant*** planning permission subject to:

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

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

- Affordable housing - **35%**
- Public realm improvements - **£600,000**
- Sustainable transport - **£339,300**
- Open space - **£699,200**
- Indoor sport and recreation - **£909,325**

- Education - **£1,468,698**
- Healthcare - **£1,060,786 plus shell and core plus peppercorn rent for 3 years**
- Local business support, employment and training - **£204,640**
- Public art - **£60,000**

- **Total - £5,341,949**

Other contributions:

- Car free agreement for residential units with no parking spaces.
- Provision of a Travel Plan framework and monitoring.
- Provision of a car club on site including: a)The undertaking and costs associated with establishing a Car-Plus accredited car club on site which includes 2 cars and 2 parking bays reserved exclusively for this purposes; b) the undertaking and costs of any supporting service requirements of the car-club operator in providing the car club at this site; c) The promotion of the car club to occupiers;
- PCT shell and core to NHS specification
- PCT peppercorn rent for 3 years
- TV reception mitigation measures
- Air quality monitoring during construction.
- Commitment to participate in Council's local labour in construction initiatives.
- Considerate contractor scheme.

(For avoidance of doubt and as per advice in the 'transport' section of this report, s278 agreement pursuant to the Highway Act 1980, is a matter with financial obligations which is completely separate and in addition to the s106 planning agreement set out in this report)

That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above. If by the date nominated in the Planning Performance Agreement the legal agreement has not been completed, the Corporate Director development & Renewal is delegated power to refuse planning permission.

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

Conditions:

1) Time limit for Full Planning Permission
2) Development in accordance with the approved plans
3) Final plan of phasing to be agreed
4) Detailed design treatment: elevations, balconies, PCT skylights, connection at roof level between 75 leman street extension and the building to the south; extract vents/bicycle pavilion
5) Frosted glass for communal space windows adjacent private amenity space at first floor
6) Restriction on class A3/A5 use to ground floor areas where future extract ventilation has been shown as specified on the plans
7) Full vent details and detailed plans including A3 & A5 and basement
8) Provide for not more than 199 car spaces (of which at least 29 to be accessible), 64 motorcycle spaces, 29 motor scooter spaces
9) Details of electric charging points in accordance with the ES Vol1 & 6 to be submitted prior to commencement
10) Provide 132 cycle spaces at ground level and elsewhere, 1928 in basement as shown on the approved basement and ground floor plans, giving total of 2068 spaces
11) Details of the means by which access to the basement will be restricted and controlled in the interest of safety, security and minimising crime and terrorist threat per Metropolitan Police Crime Prevention Officer
12) CHP plus other measures per ES for renewable, sustainable and efficient measures to be incorporated, maintained and utilised for the lifetime of the development

13) Low carbon and renewable technologies to be operated and retained for lifetime of the development
14) Code for sustainable homes
15) BREEAM for non-res C3 uses
16) Lifetime homes and 10% wheelchair housing
17) Surface water control
18) Basement access controls and management
19) Landscaping details and management plan incl. bat and bird box provision
20) Secured by design statement and certification
21) Details of design of ecological (green) roof
22) Full details of the CHP plant including emissions and their mitigation
23) Microclimate mitigation incl. roof terraces
24) Juliet balconies for all units that do not already benefit from a Juliet or private amenity space unless otherwise agreed in writing
25) Mechanical ventilation and enclosure of balconies on Alie and Leman Streets to address noise and air quality
26) Glazing to address NEC D
27) Wind mitigation measures as per ES to be constructed and maintained for life of development
28) Further wind testing of final landscape design
29) Amended servicing management plan to be agreed in writing
30) Waste and recycling storage in accordance with submitted documents
31) Construction environmental management plan as recommended in ES Ch5
32) Construction logistics plan
33) Final travel plan including consideration of all uses
34) Archaeology
35) Development in accordance with the FRA
36) Hours of construction
37) Hours of piling
38) Wheel cleaning equipment
39) Contamination including Gas monitoring program and notice/inspection of remediation works per contamination officer
40) Program of archaeology
41) Scheme of highway improvements (s278)
42) Access to garden behind PCT limited to daylight hours
43) Cycle routes through the development
44) Public walking and cycling access across the site in perpetuity
45) Public access to open space in perpetuity
46) Any additional conditions as directed by the Corporate Director Development and Renewal

Informatives

1) construction crainage per London City Airport
2) Precautionary advice per National Grid
3) Surface water drainage is developer's responsibility per Thames Water
4) Stormwater attenuation via on or off-site storage per Thames Water
5) Manhole requirements for connection to public sewer per Thames Water
6) No groundwater removal per Thames Water
7) Prior approval from Thames Water required for discharge to public sewer
8) Petrol/oil interceptors per Thames Water
9) Fat trap per Thames Water
10) Diversion of Thames Water infrastructure is at the applicant's expense
11) Advice in respect on minimum water pressure per Thames Water
12) Separate notification and approval for perm highway works and temp highway works during construction per Traffic Management Act 2004 and TFL.
13) Consideration of the following matters relevant to the Building Regulations per Building Control:

- Advice not intended as a complete review or assessment
- Notice of demolition prior to commencement
- Section 20 application under the London building Act applicable
- Attention should be paid to Party Wall Act
- Fire service access including shafts in accordance with B5 requirements
- Fire mains in accordance with section 15
- Consideration of means of escape and dead end distances in respect of Requirement B1
- Hotel corridor ventilation
- Alternative means of escape or sprinklers for 4 storey houses
- Separate routes of escape for each use
- Single staircase buildings not to be connected to the basement
- Building separation distances
- Fire compartmentation between buildings
- Solid waste storage and collection
- Means of access to comply with Part M
- Safe cleaning of windows is accordance with Approved Document N

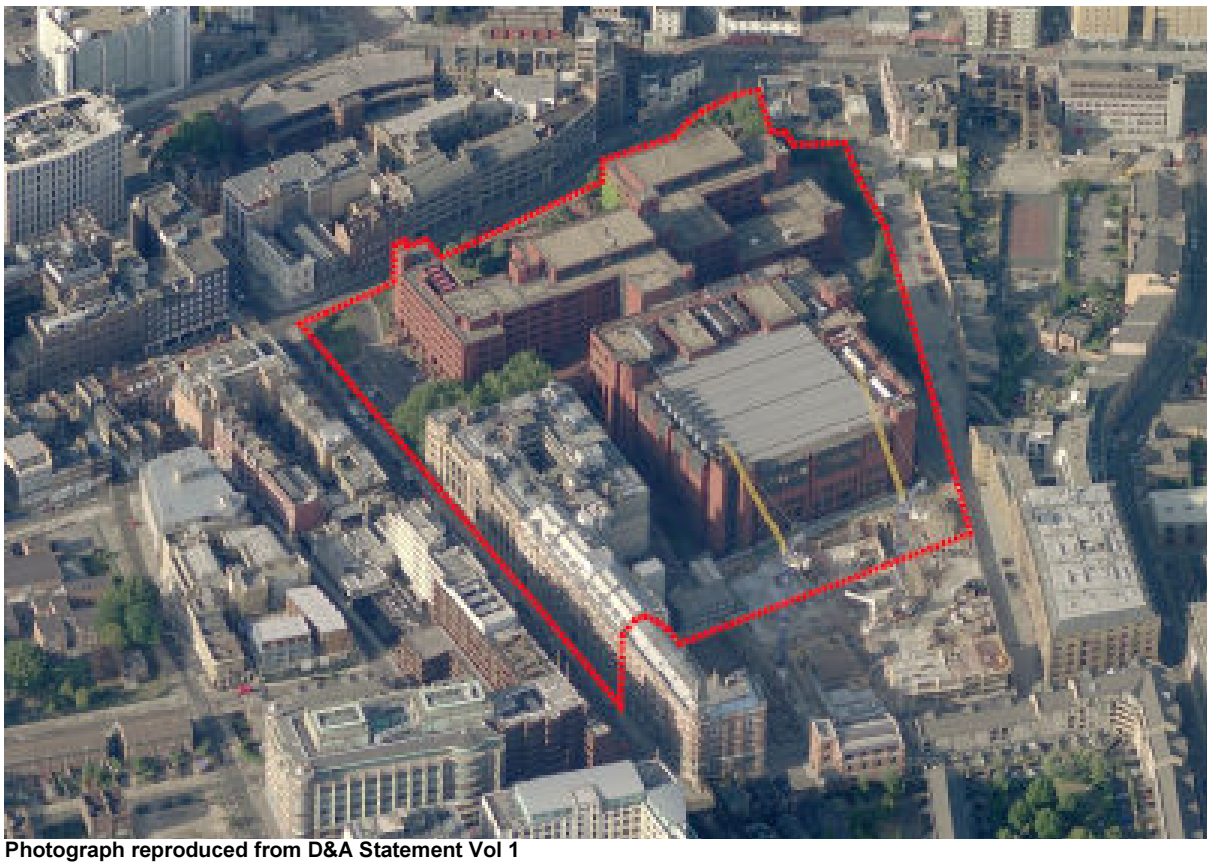
14) Consideration of increasing provision of facilities for people with a disability in the hotel per Access officer
15) Soil cap and geotextile membrane for private gardens per contamination officer
16) Construction noise to address BS5228 and COPA section 61 per env. Health
17) D1 stack height calculation for domestic emission per env. Health
18) Dust monitoring methodology per construction mgt plan to be agreed in advance with env. Health
19) Future detailed floorplan design to consider separate kitchen and living rooms in social rent tenure to satisfy housing need per Housing
20) Archaeological design project per English Heritage(arch)
21) Efficient water use per Environment Agency
22) Construction crainage per London City Airport
23) Contact Env. Health Commercial regarding construction phase, operational phase, notifications regarding working with Asbestos, Notification of Cooling Towers and Evaporative Condenser Regulations 1992, establishment for special treatments, exemptions, animal establishment related legislation
24) Contact LFEPA regarding fire fighting main access, domestic sprinklers and basement storage
25) Section 61 agreement to agree construction methodology per Control of Pollution Act 1974 per environmental health
26) Precautionary Guidance of National Grid

4. PROPOSAL AND LOCATION DETAILS

Proposal

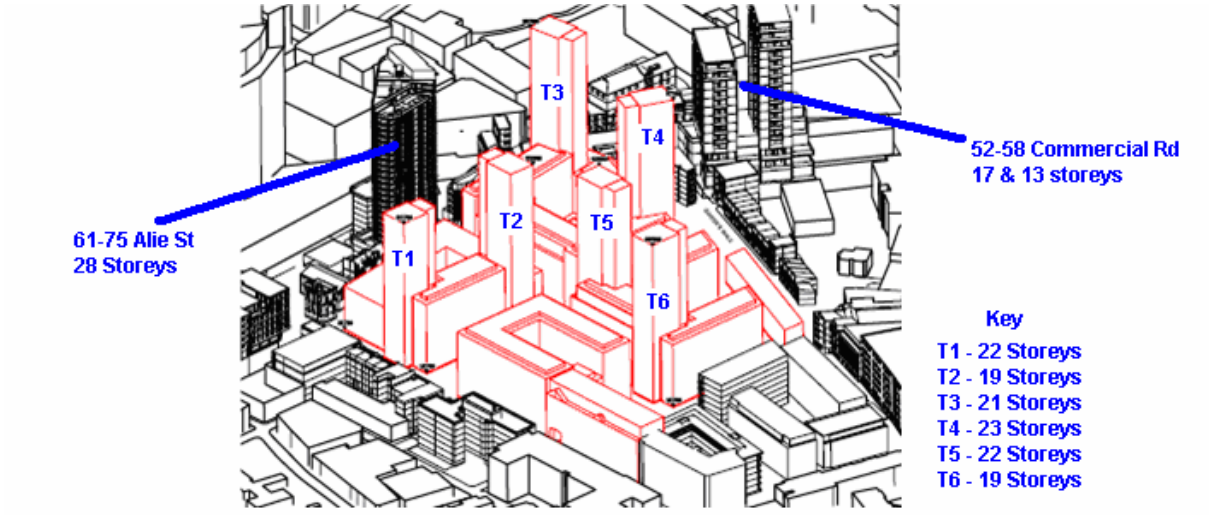
4.1 The application is for demolition of the existing 3-8 storey office complex (pictured below) and redevelopment with a mixed-use scheme. The scheme comprises of four courtyard blocks ranging in height between 5-10 storeys. Each block has a central courtyard at first floor above commercial and servicing space at the ground floor. In addition, 6 towers project up from corners of the North-East, North-West and South-East Blocks. Tower heights range between 19-23 storeys.

4.2 Other features of the scheme include the erection of a 4 storey terrace along Gower's Walk, as well as conversion of 75 Leman Street to residential (Class C3) as well as construction of an additional storey. The scheme also includes a series of public opens spaces and pedestrian thoroughfares as well as a basement car park.



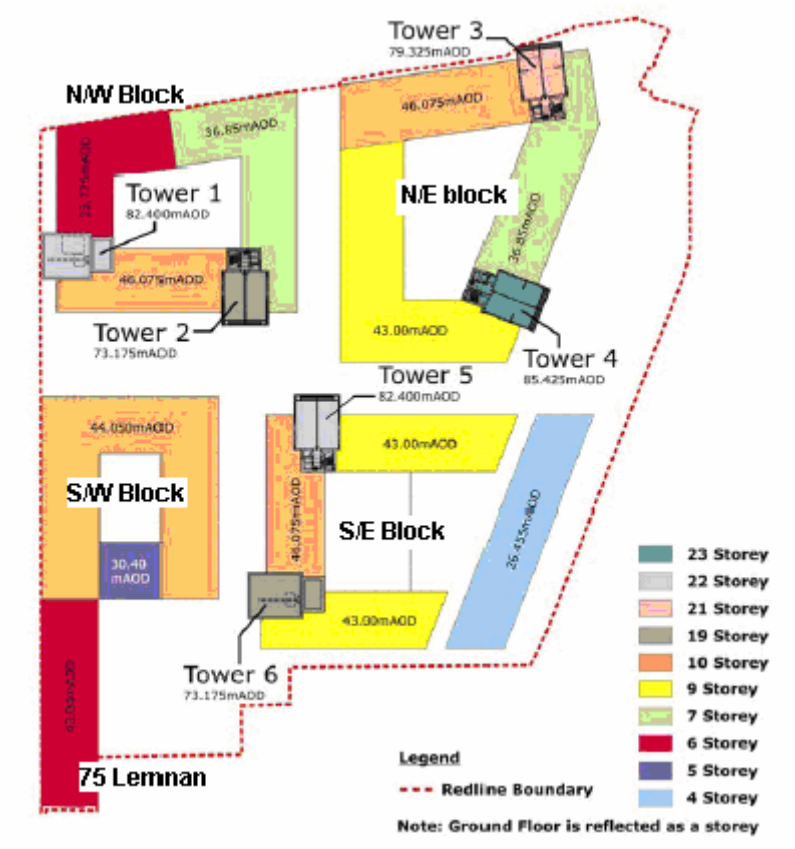
Photograph reproduced from D&A Statement Vol 1

4.3 Overall, the scheme (pictured below) comprises of 722 residential units (Class C3) (33 x studios, 221 x 1bed, 254 x 2bed, 240 x 3bed, 24 x 4bed)(includes flats and terrace housing), student accommodation (Sui Generis)(650 bedrooms), hotel (Class C1)(351 bedrooms), a 1756sqm primary care centre (Class D1), 9098sqm commercial uses (Classes A1, A2, A3, A4, A5, B1 & D2). Also, public open space, landscaping, servicing, mechanical plant, basement car parking (199 spaces), access and associated works.



Drawing reproduced from the original ES Vol 5B

4.4 The different aspects of the scheme, identified in the site plan below, will now be discussed in more detail.



Drawing reproduced from the updated ES Vol 1.

4.5 The North-West block on the corner of Alie Street and Leman Street is a perimeter block with a central courtyard at first floor. The perimeter block is between 6 to 10 storeys (33.725m – 46.075m) in height with green roofs and roof gardens. This block also has two tower elements projecting above the perimeter form. These are T1 being 22 storeys (82.4m) and T2 being 19 storeys (73.175m) in height respectively. At the ground floor, the scheme comprises of 3 x commercial units, all of which show future potential for extract ventilation ductwork to facilitate food premises (Class A3/A5). The hotel entrance is also located in this block. Upper levels of this block are the hotel rooms (351 rooms) as well as 153 residential C3 dwellings (25 x studios, 60 x 1beds, 51 x 2beds, 17 x 3beds).

4.6 The North-East block fronts Alie Street. A perimeter building is proposed with a central courtyard at first floor. The block is between 7 and 10 storeys (36.85m – 46.075m) in height with roof gardens. Two tower elements project above the perimeter form and are T3 being 21 storeys (79.325m) and T4 being 23 storeys (85.425m) in height. The ground floor comprises 4 x commercial premises and of which only one shows future potential for extract ductwork to facilitate food premises (Class A3/A5). The upper levels comprise of 316 residential C3 dwellings (83 x 1beds, 96 x 2beds, 137 x 3beds).

4.7 The South-West block fronts Leman Street and is a perimeter block. It is between 5 to 10 storeys in height. The ground floor comprises of 3 x commercial units. The upper floors are composed entirely of student accommodation (661 bedrooms) with a central courtyard at first floor level. The roof tops are entirely used as communal terraces and roof gardens.

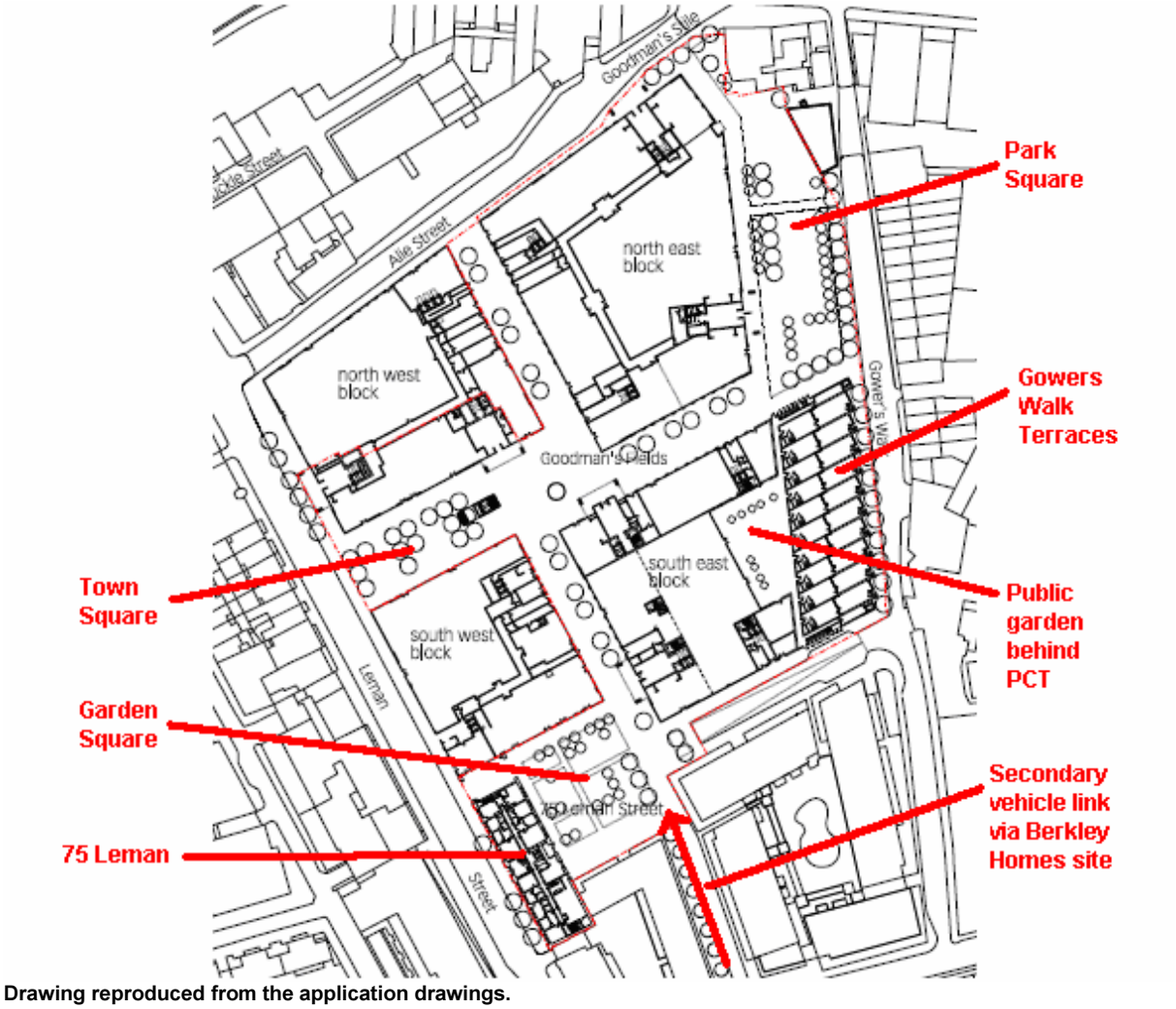
4.8 The South-East block is located within the site and will benefit from internal streets created as part of the application. A perimeter building is proposed with a central courtyard space at first floor as well as a publicly accessible space at ground floor behind the Primary Care Trust facility (PCT). It is between 9 and 10 storeys (43m – 46.075m) in height with roof gardens. Two tower elements project above the perimeter form and are T5 being 22 storeys (82.4m) and T6 being 19 storeys (73.175m) in height respectively. The ground floor

comprises of a 1756sqm PCT as well as 1 x commercial unit. Note that the commercial unit does not show future potential for extract ductwork to facilitate food premises (Class A3/A5). The upper floors comprise of 227 residential C3 dwellings (8 x studios, 53 x 1beds, 76 x 2beds, 75 x 3beds, 15 x 4beds). A communal terrace is situated above the PCT facility on the first floor.

4.9 A terrace of 20 maisonette dwellings (11 x 3beds and 9 x 4beds) are proposed along Gowers Walk, behind the South-East block. The ground-first floor maisonettes benefit from a private garden. The second-third floor maisonettes have private balconies. Access to the upper maisonette flats is via deck access, with lift and staircase cores at either ends of the buildings.

4.10 No 75 Leman Street is an existing building of 6 storeys (plus sub-ground level). The proposal is to add an additional 7th floor (43m) and convert the building into 56 residential dwellings (24 x 1beds and 31 x 2 beds).

4.11 In between these blocks are internal streets, connecting a series of open spaces (pictured below) which are discussed in more detail below.



Drawing reproduced from the application drawings.

4.12 Park Square is located to the north east of the site and is one of the four main public open spaces proposed. It is the largest of the four spaces with a total area of approximately 2757.05sqm (measurements taken from plans). It is bound by the North-East block, the Gowers Walk maisonette block, Gowers Walk and the adjacent site to the north which fronts Commercial Road. It is for use by all age groups and has a variety of uses including an active play space (a ball games area is included in the intended detailed design).

4.13 Town Square is located between the North-West and South West blocks along Leman Street. It is approximately 1938.22sqm in area (measurements taken from plans). The space contains a lift access point for cyclists to the basement storage rooms. A mix of hard and soft landscaping will be incorporated into this area. The space has the potential to accommodate public art that would form part of the planning obligations for the scheme.

4.14 Garden Square is located to the south of the South-West block and behind No. 75 Leman Street. This space will provide a link into the Berkley Homes development further to the south. Garden Square is approximately 1856.74sqm in area (measurements taken from plans).

4.15 A public garden of approximately 630.30sqm (measurements taken from plans) is located behind the PCT of the South East Block and is accessible via either end of the Gowers Walk terraces. Public access will be restricted to daylight hours.

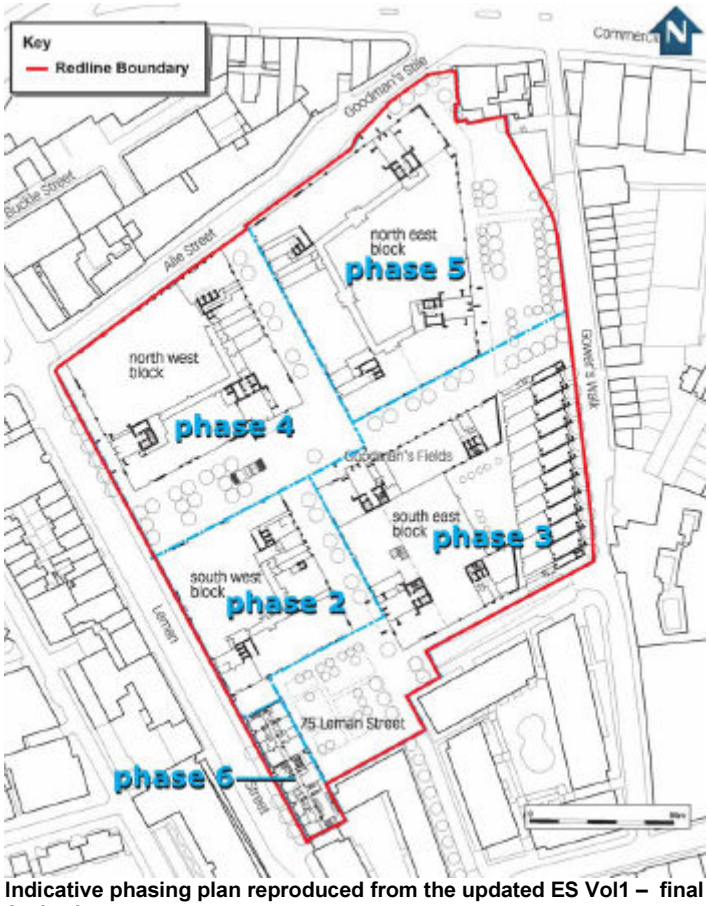
4.16 In addition, connecting spaces which also serve a public amenity space function are located between the North-East and South-East block as well as between the South-east and South-West blocks and provide 327.6sqm and 595.5sqm respectively (measurements taken from the plans).

4.17 These open spaces contribute a total area of approximately 8105.17sqm which will be genuinely publicly accessible.

4.18 In respect of servicing, a basement level is proposed which will provide for car parking (199 spaces including 37 for people with a disability), motorcycle parking (69 spaces), motor scooter parking (29 spaces), bicycle storage (1928spaces), as well as plant/mechanical storage. The basement will service all the development with dedicated loading bays. Visitor parking is located close to the access ramp to Gower's Walk. Beyond the visitor parking, a gated tenant parking area is proposed. Extract ventilation is provided for the basement with vents terminating in Park Square and Town Square. Two bicycle lifts provide direct access between the basement and Town Square.

4.19 The development specifics as reported in the Planning Statement are summarised as follows:

- A total of 772 residential dwellings (90,471sqm Class C3 floorspace)
- Six residential tower elements of varying heights, the tallest of which is 23 storeys or 85.425m (T4 on the North-East Block)
- A total of 650 student rooms (20,326sqm)
- A 351 bedroom hotel (11,935sqm)
- Ground floor commercial uses (Classes A1-A5, B1 and D2) totalling 9098sqm of floorspace
- PCT facility (1756sqm)
- A total of 35% affordable housing based on habitable rooms
- Affordable housing split of 71:29 between social rent and shared ownership based on habitable rooms
- A total of 34.2% family-sized housing based on unit numbers
- Four public spaces and connecting spaces with a total area of 8105.17sqm
- A total of 199 Car parking spaces, including 37 spaces for people with a disability
- A total of 69 motorcycle and 29 motor scooter parking spaces
- A total of 2068 bicycle parking spaces (includes 132 spaces at ground floor level)
- Predicted employment generation of between 610-750 full-time jobs
- Future construction in phases as shown below, noting that the plan shown is indicative and subject to agreement in writing by the local planning authority



Indicative phasing plan reproduced from the updated ES Vol1 – final plan to be agreed by the Local Planning Authority.

Site and Surroundings

4.20 The application site has an area of 2.9Ha and is bounded by Leman Street, Alie Street and Gowers Walk. It is suggested that this site represents the largest redevelopment opportunity in the Aldgate Masterplan area.

4.21 The application site comprises of a complex of red-brick, purpose-built offices between 3 to 8 storeys in height. The Royal Bank of Scotland (RBS) previously occupied the complex although, it has since become vacant. Across the site are various mature trees which are not protected by any Tree Preservation Orders.

4.22 No. 75 Leman Street also forms part of the property. It comprises of a 7 storey building (including sub-ground floor level) which is currently vacant. The total floorspace of all the existing buildings is 51,000sqm.

4.23 Pursuant to regional Policy, the Mayor's adopted London Plan (Consolidated 2008), as well as the draft City Fringe Opportunity Area Planning Framework (OAPF), the application site is within the Central Activities Zones (CAZ), an Opportunity Area and an Area for Regeneration.

4.24 Further in pursuance to the Mayor's adopted London View Management Framework (LVMF) July 2007, the north-west corner of the site falls within the background assessment area for Assessment Points 25A.1 and 25A.2 which are within the Viewing Place of Queens Walk, known as Townscape View No. 25, 'City Hall to Tower of London'. Assessment Point 25A.1 is protected by a Geometric Definition and Qualitative Visual Assessment (QVA). It's management is also the subject of a Secretary of State direction. Assessment Point 25A.2 is protected by a Qualitative Visual Assessment (QVA) only.

4.25 On the 5th June 2009, the Mayor published a revised draft LVMF. The north west corner of

the scheme remains in the background assessment area of the Townscape View. Although, three assessment Points 25A.1, 25A.2 and 25A.3 are proposed. 25A.1 remains protected by a Geometric Definition.

4.26 Pursuant to local Policy, the Tower Hamlets Unitary Development Plan (UDP) 1998, the application site is located within the Central Area Zone and also within an area of archaeological importance or potential. Pursuant to the Interim Planning Guidance 2008, as well as the City Fringe Area Action Plan (AAP) 2006 the site is allocated for development, being identified as site 'CF12a' (Residential C3, Employment B1 and Public Open Space). Pursuant to the Aldgate Masterplan 2007, the site is identified for a new public open space and PCT. In addition, pedestrian links are to be provided across the site, as well as well linking the site with the area in general.

4.27 The site is not listed nor within a conservation area. However, there are conservation areas and listed buildings in close proximity. They include:

- The Tower conservation area, located to the south east;
- Whitechapel High Street, Fournier Street and Wentworth Street conservation areas, located to the north;
- Myrdle Street, London Hospital and Whitechapel market conservation areas, to the east
- Nos 19a, 62, 66, 68, 70 and 99 Leman Street are Grade II listed buildings;
- St Georges Lutheran Church, Alie Street is Grade II* listed;
- The German and English School, Alie Street is Grade II listed; and
- Two warehouses on Black Church Lane are each Grade II listed.

4.28 In addition to being listed, The Tower of London is a UNESCO World Heritage site.

4.29 The surrounding area is diverse in its architectural style, building scale and land use activities. It covers a spectrum, from small-scale commercial/residential uses in terraces of several stories to modern commercial office towers with substantial floorplates. The development of Aldgate is being progressed through the masterplan including the closing of the gyratory to the north and creation of Braham Street open space for example.

Surrounding site histories

4.30 The following planning decisions on surrounding sites are noted:

99 Leman Street

4.31 PA/04/01916 On 15 May 2008, planning permission was granted for amendments to Phase 1 of the Goodmans Fields Masterplan to for 252 residential units with associated works. Also, a reduction in the basement car park to 108 car parking spaces from 150 was agreed.

4.32 PA/05/01396 On 19 September 2006, a further application for 99 Leman Street was granted for a change of use of offices to 40 residential units and 860 sq.m. of A1/A2/A3/A4/B1/D2 floorspace in the basement together with external alterations (Amendments to Phase 1 of the Goodmans Fields Masterplan).

4.33 PA/07/01246 On the 3 September 2007, the agent withdrew an application for minor amendments to the application PA/05/01396, comprising sub-division of a single residential unit into three duplex units, approved 19 September 2006 for change of use from office to 40 residential units and 860 sq.m. of A1/A2/A3/A4/B1/D2 in the basement together with external alterations (Amendments to Phase 1 of the Goodmans Fields Masterplan).

61-75 Alie Street, 17-19 Plough Street and 20 Buckle Street

4.34 PA/07/01201 On 14 March 2008, planning permission was granted for demolition of existing buildings and erection of two buildings of 7 and 28 storeys in height to provide 235 residential units, A1/A3 (retail/restaurant/cafe) and B1 (business) floorspace, formation of associated car and cycle parking and highway access, hard and soft landscaping and other works associated to the redevelopment of the site.

Aldgate Union 3 & 4, land bound by Whitechapel High Street, Colchester Street, Buckle Street and including car park of Braham Street

4.35 PA/07/1201 On 14 August 2007, outline planning permission was granted for the demolition of existing buildings and redevelopment of three buildings ranging from 4 to 22 storeys in height to provide 84,305sq.m. of offices (B1) and 2,805sq.m retail (A1) floorspace, new pedestrian route to Drum Street, closing off Braham Street for the purpose of a new park, new entrance to Aldgate East Underground Station, basement car park for 40 vehicles and associated plant accommodation.

Aldgate Union 1 & 2, Former Sedgwick centre, 27, 28 & 29 Whitechapel High Street and 2-4 Colchester Street

4.36 PA/04/01190 On 13 December 2004, planning permission was granted for the refurbishment and extension of the existing Marsh Centre Building, demolition of other remaining buildings and redevelopment of the site to provide new office accommodation.

52-58 Commercial Road

4.37 PA/03/00766 On 22 December 2005, planning permission was given for demolition of the existing buildings and redevelopment of the site to provide a mixed-use complex of four buildings comprising of a seventeen storey tower and a thirteen storey tower on the Commercial Road frontage, a six storey block and a five storey block either side of Gowers Walk, along with the provision of linear public open space. The scheme proposed a total of 136 x 1, 2 and 3 bedroom flats, including 38 affordable units; six live/work units; 25 parking spaces, storage and plant space in the basement; café (A3), retail (A1), health club (D2) and office space (B1) on the ground floor along with six reinstated car parking spaces from the social housing, west of Gowers Walk; offices, flats and live / work units on the second and third floors; offices, flats, live/work units and a health club on the third floor and flats on all of the floors above. The two blocks, either side of Gowers Walk, were to provide 22 of the affordable housing units only. The proposal included the redevelopment of the "triangle" site west of Gowers Walk and supersedes the previous application ref: PA/02/1111 received 29th July 2002. (Development affecting the setting of a Listed Building).

4.38 PA/07/1180 On 11 June 2007, condition 13 (elevation treatment for 5 storey block of flats to either side of Gower's Walk) of the abovementioned consent was discharged. Amongst other drawings submitted as part of the application, of note on the western elevation is a light-well servicing bedroom windows from ground to fifth floor.

Planning History

Application site

4.39 PA/02/00678 On 26 September 2005, outline planning permission was granted for consideration of siting and means of access for a change of use from offices to mixed development including residential (class C3); financial and professional (class A2), restaurant/public house (class A3), retail (class A1), offices (class B1), live/work (sui generis) and ancillary services.

4.40 PA/08/1634 On 05 March 2009, a similar scheme albeit with taller towers was withdrawn by the agent following extension discussions with the Council.

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:

Unitary Development Plan 1998 (as saved September 2007)

Proposals:		Central Area Zones; area of archaeological importance or potential
Policies:	ST1	Core Objectives
	ST12	Central Area Zones
	ST15	Central Area Zones
	ST17	Central Area Zones
	ST23	Housing
	ST25	Housing
	ST 28	Transport
	ST30	Transport
	ST34	Shopping
	ST35	Shopping
	ST37	Open Space, Leisure and Recreation
	ST41	Arts, Entertainment and Tourism
	ST43	Arts, Entertainment and Tourism
	ST47	Education and Training
	ST49	Social and Community Facilities
	ST50	Social and Community Facilities
	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Developments
	DEV4	Planning Obligations
	DEV8	Protection of Local Views
	DEV9	Control of Minor Works within the Borough
	DEV12	Provision of Landscaping in Development
	DEV15	Retention and Replacement of Mature Trees
	DEV50	Noise
	DEV51	Soil Tests
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	DEV69	Efficient Use of Water
	CAZ1	Developing London's Regional, National and International Role
	EMP1	Promoting Employment Growth
	EMP3	Promoting Employment Growth
	EMP6	Access to Employment
	EMP7	Work Environment
	EMP8	Small Businesses
	HSG6	Vacant Accommodation
	HSG7	Dwelling Mix and Type

	HSG13	Conversions and Internal Standards for Residential Development
	HSG14	Special Needs Accommodation
	HSG15	Development Affecting Residential Amenity
	HSG16	Housing Amenity Space
	T16	Traffic Priorities for New Development
	T18	Pedestrians
	T19	Pedestrians
	T21	Pedestrians
	OS9	Children's Playspace
	ART1	Promotion and Protection of Arts and Entertainment Uses
	ART6	Arts, Culture and Entertainment (ACE) Area
	ART7	Tourist Accommodation

Interim Planning Guidance for the purposes of Development Control

Proposals:	'CF12a'	Residential C3, Employment B1 and Public Open Space; Archaeological Priority Area Central Activity Zone
Core Policies:	CP1	Creating Sustainable Communities
	CP2	Equality of Opportunity
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP7	Job Creation and Growth
	CP9	Employment Space for Small Businesses
	CP11	Sites in Employment Use
	CP12	Creative and Cultural Industries and Tourism
	CP13	Hotels, Serviced Apartments and Conference Centres
	CP14	Combining Employment and Residential Use
	CP15	Provision of a Range of Shops and Services
	CP16	Vitality and Viability of Town Centres
	CP17	Evening and Night-time Economy
	CP19	New Housing Provision
	CP20	Sustainable residential Density
	CP21	Dwelling Mix and Type
	CP22	Affordable Housing
	CP24	Special Needs and Specialist Housing
	CP25	Housing Amenity Space
	CP27	High Quality Social and Community Facilities to Support Growth
	CP28	Healthy Living
	CP30	Improving the Quality and Quantity of Open Spaces
	CP31	Biodiversity
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP40	A Sustainable Transport Network
	CP41	Integrating Transport and Development
	CP42	Streets for People
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
	CP48	Tall Buildings
	CP49	Historic Environment
	CP50	Important Views
Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security

DEV5	Sustainable Design
DEV6	Energy Efficiency and Renewable Energy
DEV7	Water Quality and Conservation
DEV8	Sustainable Drainage
DEV9	Sustainable Construction Materials
DEV10	Disturbance and Noise Pollution
DEV11	Air Pollution and Air Quality
DEV12	Management of Demolition and Construction
DEV13	Landscaping and Tree Preservation
DEV14	Public Art
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routed and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity for Utility Infrastructure
DEV21	Flood Risk Management
DEV22	Contaminated Land
DEV23	Hazardous Development and Storage of Hazardous Substances
DEV24	Accessible Amenities and Services
DEV25	Social Impact Assessment
DEV27	Tall Buildings Assessment
EE2	Redevelopment/Change of Use of Employment Sites
RT3	Shopping Provision Outside of Town Centres
RT4	Retail Development and the Sequential Approach
RT5	Evening and Night-Time Economy
HSG1	Determining Residential Density
HSG2	Housing Mix
HSG3	Affordable Housing Provisions in Individual Private Residential and Mixed-Use Schemes
HSG4	Varying the Ratio of Social Rented to Intermediate Housing
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating the Provision of Affordable Housing
SCF1	Social and Community Facilities
CON1	Listed Buildings
CON3	Protection of World Heritage Sites, London Squares, Historic Parks and Gardens
CON4	Archaeology and Ancient Monuments
CON5	Protection and management of Important Views

Supplementary Planning Guidance/Documents

Designing Out Crime Pts 1 and 2 (2002)
Sound Insulation (1998)
Archaeology and Development (1998)
Residential Space (1998)
Landscaping Requirements (1998)
City Fringe Area Action Plan (2006)
Aldgate Masterplan (2007)

Spatial Development Strategy for Greater London (London Plan)

2A.1	Sustainability Criteria
2A.4	The Central Activities Zone
2A.5	Opportunity Areas
2A.7	Areas for regeneration
2A.8	Town Centres

3A.1	Increasing London's Supply of Housing
3A.3	Maximising the Potential of Sites
3A.5	Housing Choice
3A.6	Quality of New Housing Provision
3A.7	Large Residential Developments
3A.8	Definition of Affordable Housing
3A.10	Negotiating Affordable Housing in Individual Private residential and Mixed Use Schemes
3A.11	Affordable Housing Thresholds
3A.17	Addressing the Needs of London's Diverse Population
3A.18	Protection and Enhancement of Social Infrastructure and Community Facilities
3A.21	Locations for Health Care
3A.23	Health Impacts
3A.28	Social and Economic Impact Assessments
3C.1	Integrating Transport and Development
3C.2	Matching Development to transport Capacity
3C.23	Parking Strategy
3D.7	Visitor Accommodation and Facilities
3D.8	Realising the Value of Open Space and Green Infrastructure
3D.13	Children and Young People's Play and Informal Recreation Strategies
3D.14	Biodiversity and Nature Conservation
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 and Walls
4A.13	Flood Risk Management
4A.14	Sustainable Drainage
4A.17	Water Quality
4A.19	Improving Air Quality
4B.1	Design Principles for a Compact City
4B.2	Promoting World Class Architecture and Design
4B.3	Enhancing the Quality of the Public Realm
4B.5	Creating an Inclusive Environment
4B.6	Safety, Security and Fire Prevention and Protection
4B.8	Respect Local Context and Communities
4B.9	Tall Buildings – location
4B.10	Large-scale Buildings – Design and Impact
4B.12	Heritage Conservation
4B.14	World Heritage Sites
4B.15	Archaeology
4B.18	Assessing Development Impact on Designated Views

Draft City Fringe Opportunity Area Planning Framework (2008)
London View Management Framework (LVMF)(July 2007)
Revised Draft London View Management Framework (LVMF)(June 2009)

Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPS25	Development and Flood Risk
PPG13	Transport

PPG15 Planning and the Historic Environment
PPG24 Planning and Noise

Community Plan The following Community Plan objectives relate to the application:
A great place to live
A prosperous community
A safe and supportive community
A healthy community
One Tower Hamlets

Other
CABE/EH 'Guidance on Tall Buildings'
CABE 'By Design'
EH 'Seeing the History in the View: A Method for Assessing Heritage Significance within Views' (Draft for Consultation, April 2008)
HRP 'Tower of London World Heritage Site Management Plan'
DCMS White Paper ' Heritage Protection for the 21st Century' (2007)
RTPI/RICS/IHBC 'Response to the heritage White Paper…' (June 2007)
DCLG 'Protection of World Heritage Sites Consultation Paper' (May 2008)

6. CONSULTATION RESPONSE

6.1 The views of officers within the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application:

LBTH Arborculturalist

6.3 No objection to the proposal and recommends a s106 planning contribution of £40k for tree planting of approximately 50 new street trees to improve connectivity of the site with the Aldgate.

(Officer comment: This planning contribution request could be considered in the future within the 'public realm' contribution secured as part of this application.)

LBTH Access Officer

Queries raised in respect of the details floorplan layouts of residential flats in terms of compliance with Lifetime Homes and wheelchair accessibility.

(Officer comment: An appropriate condition is recommended requiring compliance with Lifetime Homes standards and for minimum 10% wheelchair housing if the Council resolves to grant planning permission.)

LBTH Crime Prevention Officer

6.5 In general, happy with the proposal. The following queries are raised:

- Whether or not the garden behind the PCT will be 24hrs and consequently, the vulnerability of the rear gardens of the Gowers Walk Terraces
- The arrangements for access to the basement including the cycle lift

(Officer Comment: Informal discussions with the Crime Prevention Officer confirmed that access to the public garden behind the PCT would be restricted to daylight hours and secured by suitable gates and fencing. Appropriately worded conditions of approval restricting the hours of entry as well as the design of the space and boundary treatments fences and gates are recommended if the Council was to consider approval.

In respect of access to the basement, an appropriately worded condition is recommended for details of access controls and management to be submitted for approval prior to

commencement if the Council was to consider approval.)

LBTH Ecology

6.6 No comments received

(Officer comment: It should be noted that LBTH Ecology previously commented on the similar withdrawn scheme (PA/08/1634) in which they advised that the review of the ES indicates the site currently has low ecological value and no evidence of any protected species. The proposed green amenity spaces as well as the ecological roofs would ensure a net gain in habitat for birds and bats, therefore, representing an enhancement of biodiversity.)

LBTH Biodiversity

No comments received.

LBTH Education

6.7 Planning contribution is sought based on calculation of the scheme generating the need for 120 additional school places at £12,342 per space.

(Officer comment: See section 8 for discussion.)

LBTH Energy Efficiency Unit

6.8 Advice that the applicant has followed the energy hierarchy set out in the London plan policy 4A.1 and standard conditions for energy and sustainability can be applied to the scheme.

(Officer comment: Appropriately worded Conditions are recommended if the Council was to consider approval.)

LBTH Environment Health – Commercial Food safety

6.9 No comments received

LBTH Environmental Health – Commercial Health and Safety

6.10 Comments are provided in respect of the construction phase, operational phase, notifications regarding working with Asbestos, Notification of Cooling Towers and Evaporative Condenser Regulations 1992, establishment for special treatments, exemptions, animal establishment related legislation.

(Officer comment: An appropriately worded informative is recommended for the Environmental Health – Commercial Team to be contacted to discuss these non-planning related matters if the Council was to resolve to grant planning permission.)

LBTH Environmental Health – Contaminated Land

6.11 The proposed remediation strategy is sufficient and a standard condition and informatives are recommended.

(Officer comment: An appropriately worded condition and informative are recommended if the Council resolves to grant planning permission.)

LBTH Environmental Health – Noise and vibration, microclimate

6.12 <u>Microclimate:</u>

- The wind assessment is acceptable provided mitigation measures are applied to courtyards and roof-top terraces

<u>Other Issues:</u>

- Further clarification sought on A3,A4,A5,D1,D2 mitigation i.e. future mechanical ventilation

<u>Noise and Vibration:</u>

- Glazing façade details have been provided for each building and the ventilation

systems are adequate

(Officer comment: Appropriately worded conditions of approval requiring the wind mitigation, mechanical ventilation and glazing are recommended if the Council resolves to grant planning permission.)

LBTH Environmental Health – Smell/Pollution

6.13 Confirmed that the most up-to-date data and policy guidance has been used to undertake the assessment and recommends an appropriately worded condition and informative to ensure air quality levels for future occupiers.

(Officer comment: An appropriately worded condition and informative are recommended if the Council resolves to grant planning permission.)

LBTH Highways

6.14 The Team has considered site accessibility, parking, s106 requirements including car free development and a car club, accessible parking for people with a disability, site access to the public highway, servicing/refuse/deliveries, visibility splays, cycle parking, pedestrian infrastructure and advise that there are no significant detrimental impacts to consider. In addition, the need for a s278 agreement has been identified which is separate and exclusive to any s106 improvements and financial sums secured therein. Appropriately worded conditions and informatives are recommended).

(Officer comment: An appropriately worded condition and informative are recommended if the Council resolves to grant planning permission)

LBTH Landscape

6.15 Queried the design of the publicly accessible garden behind the PCT in particular, the narrow access points as well as the relationship with the private gardens of the Gowers Walk terraces.

(Officer Comment: Amended plans have been received to enlarge the access points into the garden which is considered satisfactory and supported by the Landscape Team. The relationship to the adjacent private gardens will be subject to an appropriately worded landscape condition to ensure that the detailed design of fencing and planting achieves a suitable relationship.)

LBTH Parks and Open Spaces

6.16 Requested a s106 planning contribution for open space in addition to the provision of publicly accessible space on site.

(Officer comment: This contribution has been negotiated as part of the package and is referred to in section 2 of this report.)

LBTH Waste Management

6.17 Happy with the arrangement for waste collection including time-restricted servicing on some servicing roads in the development.

LBTH Youth and Community Services

6.18 No comments received.

British Broadcasting Corporation (BBC)

6.19 No comments received.

British Telecom

6.20 No comments received

British Waterways

6.21 BW advise they have no comments to make.

City of London Corporation

6.22 Advice that it has no objection to make on this proposals.

Commission for Architecture & Built Environment (CABE)

6.23
- Welcome principles of the scheme like towers marking entrances, mix of uses, sustainability measures;
- Welcome the tower heights in respect of their relationship to the Tower of London;
- LPA to ensure it is satisfied with block massing creates high quality streets, spaces and accommodation;
- Courtyard blocks: concern in respect of the quality of spaces between blocks as well as the residential units therein due to the quantum of development. Notes that streets are narrow and there may be problems with light particularly for the South-East Block. Concerned about the choice of building materials;
- LPA to be satisfied that balconies do not exacerbate overlooking;
- LPA to carefully consider materials;
- Student accommodation: concern for overshadowing and oppressive nature of the central courtyard of this block. Also concern for the privacy relationships with neighbouring blocks;
- Amenity space: Potentially strong urban scheme creating public and private spaces with a clear function and character;
- Pleased that public spaces are located at the edge of the site;
- Recommends the LPA needs to consider the light penetration into the public and private spaces will be sufficient;
- Microclimate (wind) effects should also be considered ;
- Recommends puublic realm to be of highest quality; and
- Sustainability: Flexibility for reuse of buildings, the inclusion of a CCHP and Code Level 4 Sustainable Homes are all welcomed.

(Officer comment: See section 8).

EDF Energy Networks Ltd

6.24 No comments received.

English Heritage (Statutory)

6.25
- Welcomes the reductions in tower height and therefore does not object to the proposal on grounds of possible harm to the setting and views of the World Heritage Site, The Tower of London;
- However, continues to object to the impact on the proposal on the setting of nearby listed buildings particularly in Alie and Leman Streets as well as the setting of nearby conservation areas particularly Osborn Brick Lane Conservation area and Fournier Street Conservation Area.

(Officer comment: See section 8.)

English Heritage (Archaeology)

6.26 Recommends conditions of approval to secure the program of mitigation.

(Officer comments: Appropriately worded conditions are recommended if the Council was to consider approval.)

Environment Agency (Statutory)

6.27 No comments received although, the Authority previously commented on the similar withdrawn scheme (PA/08/1634) and therein recommended appropriately worded conditions

of approval for surface water control.

(Officer comments: Appropriately worded conditions are recommended if the Council was to consider approval.)

Government Office for London (Statutory)

6.28 No comments received.

Greater London Authority (Statutory)

6.29
- The density successfully maximises the site's potential in accordance with Policy 3A.3;
- The scheme is of high quality including public realm, maximising site potential and sustainability in addressing policy 4B.1;
- The tower heights have not adequately addressed LVMF views of the Tower of London from City Hall as required by Policy 4B.16 and 4B.18;
- Adequate playspace is provided in accordance with policy 3D.13;
- The unit sizes and bedroom mix complies with policy 3A.5;
- The affordable housing offer still needs to be appraised against policy 3A.10;
- The landuses proposed are supported in line with policies 3A.7, 3B.9 5G.2, 3A.25 and 5C.3 with particularly strong support for including the PCT facility pursuant to policies 3A.18 and 3A.21;
- The design is inclusive in accordance with policies 4B.5 and 3D.7;
- The energy strategy is well considered but further information is needed to satisfy policies 4A.5 and 4A.6;
- Water use and consideration of flooding suitably addresses policies 4A.14 and 4A.16;
- Despite a challenging environment in terms of noise, vibration and air quality, the proposal nevertheless complies adequately with policies 4A.20 and 4A.19; and
- The level of parking is not considered to comply with policy 3C.23. In more general highways issues, the scheme is in line with policy although, further details will be needed for consideration [at stage II]. S106 contributions are sought by TFL.

Since the stage I comments were issued and the scheme was subsequently amended and further clarification provided in respect of matters raised above. The GLA have advised on an informal basis that progress has been made and further consideration of the scheme would be given as part of the Stage II referral to the Mayor by the Local Planning Authority. Also, informal confirmation has been given that the [positive] progress to date is considered by the GLA as being sufficient comfort for the Local Planning Authority as to the GLA's position to progress the matter to a Committee resolution.

(Officer comment: See section 8)

Health and Safety Executive (HSE)

6.30 Advice that the proposal does not fall within their consultation distance of any facilities that are of importance and as such, has no comment to make.

Historic Royal Palaces (HRP)

6.31 Advice that the proposal will have a nil/negligible effect upon the setting of the Tower of London as seen from Queens Walk. Therefore, the Authority has no objection to the proposal.

(Officer comments: See section 8.)

London Borough of Hackney

6.32 Advised they have no objection to the proposal.

London Borough of Southwark

6.33 Advised that the modifications to the scheme address their concerns in respect of the previous application PA/08/1634. Although, they express a minor concern about the choice of cladding material which will emphasise the developments appearance in their opinion.

(Officer comment: An appropriately worded condition is recommended for materials to be agreed if the Council resolves to grant planning permission.)

London City Airport

6.34 The proposal does not conflict with any safeguarding criteria and therefore, LCA has no objection. Separately, construction crainage that may exceed the height of the proposed building heights should be subject to separate consultation with the LCA and be aware of relevant British standards.

(Officer comment: An appropriately worded informative regarding construction crainage is recommended if the Council was to consider approval.)

London Fire & Emergency Planning Authority (LFEPA)(Statutory)

6.35 No objections raised to the scheme following receipt of clarification in respect of regarding fire fighting and basement storage details.

London Underground

6.36 Advice that they have no comment to make on this application.

London Wildlife Trust

6.37 No comments received.

Metropolitan Police (c/- CGMS consulting)

6.38
- There is a policy basis for consideration of the need for policing facilities as part of the redevelopment of the site;
- Request for 125sqm floorspace required and completed to shell and core standard and benefiting from a peppercorn rent for 25 years.

(Officer comment: See section 8 for discussion.)

National Air Traffic Control Services (NATS)

6.39 No safeguarding objection to the proposal.

Natural England (Statutory)

6.40 No comments received although, the Authority commented on the similar withdrawn scheme (PA/08/1634) as follows:
- No objection
- Supportive of the proposed green roofs
- Encourage more 'wild' areas in the landscaping scheme
- Indicate that the site is generally located in an area of deficiency and recommends provision of natural area and green space

(Officer comment: Appropriately worded conditions of approval are recommended to require the detailed design of the ecological (green) roof to be agreed as well as the details and management of the landscape plan and as such, thereby enabling these comments to be addressed if the Council resolves to grant planning permission.)

National Grid

6.41 No comments received although, the Authority commented on the similar withdrawn scheme (PA/08/1634) insofar as providing an extract plan of site showing infrastructure and a list of precautions for guidance.

(Officer comment: An appropriately worded informatives are recommended in respect of the

recommended precautions if the Council resolves to grant planning permission)

NHS London (Southside)

6.42 No comments received.

Save Britain's Heritage

6.43 No comments received.

Thames Water

6.44
- Developer is responsible for providing adequate drainage;
- Surface waters to be attenuated;
- Removal of groundwater is not permitted;
- Prior approval from Thames Water is needed for connection to the sewer;
- Petrol and Oil interceptors are recommended in car parking;
- Recommends the installation of a fat trap from all catering establishments;
- On the basis of the above, no objection to the scheme;
- Diversion of TW infrastructure is at the applicant's expense
- Advice in respect on minimum water pressure

(Officer comment: Appropriately worded conditions and informatives are recommended to address the above matters if the Council resolves to grant planning permission.)

Tower Hamlets Primary Care Trust

6.45 The PCT initially requested a HUDU contribution although, in subsequent discussions, revised their request to the following:
- Shell and core PCT provision to their specification;
- A contribution to the fit out in line with the HUDU assessment;
- A 3 year rent free period (a minimal peppercorn rent in order to contractually secure the site); and
- Following the rent free period we would anticipate paying a lease cost in line with the DV rental assessment of a health building within that part of the borough.

In general, the Tower Hamlets PCT have indicated they are supportive of a facility on site which will represent a strategically well-placed facility to meet the health needs of the local population thereby redressing the health inequalities of this area. Subject to the above contributions, the PCT otherwise confirm that their expectation is for a PCT facility of 1700sqm and 10 car parking spaces which have been met in the scheme.

(Officer comment: See section 8.)

Transport for London (Statutory)

6.46 *General*
- Comments represent an officer view and are offered without prejudice to the final decision of the GLA.

Highways and Parking
- Modelling shows junctions will be at capacity in the future;
- Recommend the development should not provide the on-site parking proposed save for 30 accessible spaces;
- Accessible parking should be redesigned to comply with the DDA act; and
- Recommend car free agreement to exempt future occupiers from being able to apply for parking permits;

Walking
- Welcomes the layout and improvements to pedestrian permeability;
- TA should fully examine pedestrian environment including bus stop accessibility;
- Recommends a pedestrian phase to the junction of Leman and Alie Streets;
- S106 contribution for implementation of improvements to public realm; and

- S106 contribution to upgrade of public realm and park in Aldgate with the closure of the gyratory.

Cycling

- Welcomes cycle parking offer.

Buses

- Net increase in trips as a consequence of the development and therefore, s106 planning contribution requested (£ amount unspecified).

Services and Deliveries

- Seeking Construction Logistics Plan and Service and Delivery Plan.

Travel Plan

- Welcomes the framework travel plan although clarification needed in respect of the site travel coordinator; and
- The hotel and student accommodation will also require travel plans.

Traffic Management Act

- Planning permission does not discharge obligations and requirements under the Traffic Management Act 2004 and as such, separate notification and approval may be required for the permanent highway scheme and temporary works during the construction phase

(Officer comment: see section 8.)

7. LOCAL REPRESENTATION

7.1 A total of 1793 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 10 Objecting: 8 Supporting:2
No of petitions received:

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

<u>Supporting</u>

- Supportive of regeneration intent for the area
- Supportive of a reduction in tower heights from 21-24 storeys as originally submitted
- Suggestive of a reduction in residential units
- Suggest investment in local infrastructure (unspecified)
- The development will enhance the area (unspecified)
- The development will satisfy housing need and provide facilities/services including the PCT
- The development will satisfy demand for student accommodation in the area and it is expected that the demand will increase
- Student accommodation has benefits for the area (unspecified)

<u>Objecting</u>

Landuse

- Overdevelopment/overcrowding
- Affordable housing and student housing provision inappropriate in this location
- Lack of landscaping improvement to Alie Street
- In sufficient provision of greenspace
- The proposal will result in a loss of open space

Design and Access

- Tower heights (21-24 storeys) are out of character with the area
- Towers (21-24 storeys) dwarf nearby heritage listed buildings
- Towers are an "alien" element in the locality
- The design of elevations is not acceptable
- Comment that the appearance of the current buildings on site is preferable
- Impact upon listed buildings and the World Heritage Site [The Tower of London]
- Tree loss
- The scheme lacks a contemporary design and aesthetic [unspecified]
- Lack of connectivity and permeability [unspecified]

Amenity

- Pollution [unspecified]
- Loss of light [specific mention of 52 and 55 Leman Street]
- Loss of outlook
- Construction impacts on surrounding streets: noise, pollution (unspecified), traffic, wind, loss of light, loss of sky [outlook]

Transport

- Congestion
- Impact upon highway
- Inadequate parking
- Street closure during construction to impact on access to houses
- Provision of bicycle storage unclear
- Impact to parking availability in Gowers Walk
- Request that future occupiers be exempt from applying for parking permits

S106

- Art provision is tokenistic
- Art element is coming from outside the *"Whitechapel community"* [unspecified]
- In adequate provision of studios and artworks
- Affordability of the spaces
- Percentage of art has not been referred to [issue unclear and unexplained]

Other

- Inadequate infrastructure including: parking, medical, schools, open space, cycle paths.
- Criticism of the applicant's Statement of Community Consultation
- Queried what comments were made by EH and the GLA

(Officer Comment: See section 8 of this report for consideration of objections relating to 'land use', 'design and access', 'amenity', and 'transport'.

In respect of 's106':

- Given that there is no supplementary planning document for planning contributions, the contribution requested for public art is considered appropriate and acceptable, having regard to the range of s106 priorities and the scheme's viability and contributions secured on nearby site.
- The key issue is the securing of the contribution rather than details of what the monies will be spent on which is a matter for the future, noting that potential opportunities have been noted in supporting application documents. How the monies will be finally spent and securing specific art works as part of this scheme is therefore not considered necessary.
- Finally, the provision of art studios and the affordability of those spaces is not a relevant requirement for the redevelopment of Goodmans Fields. Although, it is noted

that planning contributions are secured for local business support, employment and training intiatives

In respect of 'other' issues:

- In respect of inadequate infrastructure, the means by which the potential impacts of the scheme are mitigated/compensated by s106 planning contributions, thereby making the scheme acceptable in planning terms, is considered in section 8 under 'S106'.
- Notwithstanding the criticisms of the applicant's Statement of Community Consultation, it should be noted that the Council undertook consultation of the application in accordance with the Council's Statement of Community Involvement which is in excess of the minimum requirements stated in the General Development Procedure Order. Further consideration of this matter is therefore not required.
- The comments of EH and GLA are summarised in the previous section of this report)

7.3 The following issues were raised in representations, but are not material to the determination of the application:

- Tower Bridge access was closed previously and will be in the future
- Reference to previous objection to the development at 120 Commercial Road
- Reference to building regulations
- Reference to towers on separate unrelated site as causing *"smothering"*
- Reference to Grange Hill hours of operation
- Reliance on the public purse and government handouts [unspecified]
- This type of development is *"unfair"* [unspecified]
- The scheme, including the architectural model, has been modified since pre-application meetings between the applicant team and members of the public last year
- More consultation is needed because of the scale and complexity of the development
- Public bailout of the affordable housing element [unspecified]
- Inadequate time to comment in more detail on the application
- The bullying by the developer of the Council and the public to accept a substandard scheme [unspecified]
- Comments about location of cultural facilities in the surrounding area
- Comment that the roof-top terrace is an *"exclusive parking space for the birds"* [issue unclear]

7.5 The following procedural issues were raised in representations:

- More detailed consultation required
- The extent of community consultation by the developer and comments made during this exercise

(Officer comment: As noted above, consultation was undertaken in accordance with the Council's Statement of Community Involvement, being in excess of the minimum requirements stated in the General Development Procedure Order. Further consideration of this matter is therefore not required.

8. MATERIAL PLANNING CONSIDERATIONS

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

- Land Use
- Housing
- Design and Access
- Amenity
- Transport
- Environmental Statement

- Planning contributions

Land Use

Demolition

8.2 Consent is not required for demolition as the site does not contain any listed buildings does not fall within a conservation area.

8.3 Demolition is justified for the following reasons:
- The reuse of the building stock would have compromised the ability to deliver other aspects of the scheme E.g. open space and pedestrian route connectivity/permeability;
- The new scheme's benefits in respect to design quality, sustainability and regeneration benefits.

8.4 Moreover, the principle of the replacement of the existing buildings was established by the previous consent for redevelopment, PA/02/00678 on 26 September 2005.

8.5 Overall, the demolition of the existing buildings is considered acceptable.

Mixed-use

8.6 Mayoral and LBTH planning guidance promotes a residential-led, mixed-use redevelopment of the former Goodmans Fields site.

8.7 Pursuant to the London Plan Policy 2A.4, the site is within the Central Activity Zone (CAZ) where policy generally promotes finance, specialist retail, tourist and cultural uses and activities. The site is also within an Opportunity Area. This provides London's principle areas of opportunity to accommodate large scale development with substantial numbers of employment and housing in a mixed and intensive use of the land, assisted by good public transport accessibility. Pursuant to Policy 2A.5, the Mayor and partners will prepare and implement sub-regional frameworks that will set out the overall development program in each opportunity area, thereby contributing to the overall strategy of the London Plan. This includes seeking to exceed minimum guidelines for housing and employment capacity at the sub regional level, whilst taking into account of such things as local characteristics and delivering good design, including public realm and open space.

8.8 In addition, Policy 2A.7 of the London Plan identifies the application site within an area for regeneration. It is one of the 20% most deprived areas of London and therefore, of the greatest socio-economic need.

8.9 In pursuance of the North East London Sub-region of the London Plan and Policy 5C.1, the priorities for the sub-region include, amongst other things, to ensure substantial expansion of population growth is appropriately accommodated in a sustainable way, and ensuring improvements to open space. The Mayor's North East London sub-region is a priority for development, regeneration and infrastructure improvement. It has many of the capital's largest development sites, as well as a large number of areas suffering multiple deprivation. Nationally important change and regeneration is anticipated. Improvements to transport infrastructure will facilitate employment growth and areas of deprivation will need to be addressed by development. The sub region demands improvement, with a concerted effort by agencies to raise standards of education, health, services public facilities and training opportunities. It is also noted that the improvements needed in the sub region includes its network of open spaces as purported by the East London Green Grid. As such, the proposed uses, public open space and s106 planning contributions will address these priorities.

8.10 The Mayor's draft City Fringe OAPF confers the site as being within an area of opportunity and regeneration. The framework recognises the strategic need to accommodate the expansion of London as a world city, alongside the need to maintain economic and cultural activities, whilst accommodating intensification of residential development.

8.11 The LBTH UDP 1998 identifies the site within the Central Area Zone. Policy ST12 seeks to encourage the availability of and accessibility to a range of recreational, cultural and leisure facilities within this zone. In addition to the range of uses on site and provision of publicly accessible space, a s106 planning contribution is secured towards indoor sport and recreation.

8.12 Whilst the UDP makes no reference to residential development in the CAZ, the Council's most up-to-date statement, the Interim Planning Guidance (IPG) for the purposes of Development Control, does.

8.13 The LBTH IPG 2008 identifies the application site as being within the CAZ. Policy CP8 recognises that this part of the borough plays a strategic and international role as a global financial and business centre. Therefore, the Council will, amongst other things, encourage office development on the fringe, and employment opportunities. The Policy indicates that new housing may be appropriate where it is not proposed in Preferred Office Locations and does not replace viable office sites as can be argued on the subject site. Pursuant to CP19, the Council will seek to address housing need by directing all required housing provision to brownfield sites that are appropriate. The only circumstances where this will not be supported are in instances where sites are identified for alternative uses including employment, open space, community/social facilities. The city fringe, where the application site is situated, is identified as being one of the areas where the Council will seek to accommodate the majority of housing growth.

8.14 In addition to being within the CAZ, the IPG as well as the City Fringe Area Action Plan (AAP) identify Goodmans Fields as development site CP12a within Aldgate and Spitalfields Market Sub-area. Policy CFR14 indicates that Goodmans Fields should come forward for redevelopment with the following uses, namely:

- Residential (C3)
- Employment (B1)
- Public Open Space

8.15 This proposal provides a mixed use scheme which complies with the Aldgate and Spitalfields Market Sub-area of the City Fringe AAP, where Policy CFR9 states that, amongst other things, employment uses are dominant but areas away from public transport interchanges can provide a transition to residential development in the form of mixed use schemes. This proposal provides for employment space including flexible spaces and spaces suitable for small business. It also provides a hotel use which is supported by the policy. Policy CFR10 further reinforces support for residential development in this sub-area.

8.16 In addition, the Council's Aldgate Masterplan 2007 provides further guidance for development of Goodmans Fields. Principles encourage include:

- Permeability through north-south and east-west linkages which is achieved by the pedestrian linkages across the site;
- Open space provision which is provided across the site including Town Square, Park Square and Garden Square;
- Active ground floor uses including commercial uses, primary care trust facility, hotel and residential terraces; and
- A mixture of housing sizes and tenures in accordance with policy which will cater for need.

8.17 It is evident from the review of regional and local policy, that a mixed-use approach to the

redevelopment of Goodmans Fields, containing commercial and residential uses, as well as open space, is appropriate and acceptable. The specific uses contained within the scheme are identified in more detail below.

PCT Facility

8.18 Pursuant to the Mayor's Policy 3A.18, planning policy needs to consider social infrastructure including healthcare facilities. Policy CP28 of the LBTH Interim Planning Guidance indicates the Council will work with the PCT and other authorities to secure appropriate provision of new facilities. PCT facilities are to be encouraged in appropriate locations in mixed use schemes pursuant to Policy CFR3 of the City Fringe AAP. The Aldgate masterplan identifies the Goodmans Field site specifically for a new PCT facility. Therefore, this provision on site is fully in accordance with regional and local policy and guidance.

8.19 In addition, the Tower Hamlets PCT have indicated informally that they are supportive of a facility on site. They consider it to be a strategically well-placed facility to meet the health needs of the local population, thereby redressing the health inequalities of this area. In conversations concerning the withdrawn scheme PA/08/1634, the PCT confirm that their expectation is for a PCT facility of at least 1700sqm and provision for10 car parking spaces. This has been met in the subject scheme.

8.20 In addition, the PCT required the following:

- Shell and core PCT provision to their specification;
- A contribution to the fit out in line with the HUDU assessment;
- A 3 year rent free period (a minimal peppercorn rent in order to contractually secure the site); and
- Following the rent free period we would anticipate paying a lease cost in line with the DV rental assessment of a health building within that part of the borough.

These matters have formed part of the s106 negotiations.

Student Accommodation

8.21 In the consideration of the acceptability of student housing, it is noted that objections have been received to this provision of site. However, pursuant to the Mayor's Policy 3A.25, the Mayor and boroughs should work with the LDA and higher education sectors to ensure that needs are met including the provision of student accommodation. In general, Policy HSG 14 of the LBTH UDP 1998 as well as Policy CP24 of the Interim Planning Guidance encourage student housing in the borough. Policies CFR1 of the City Fringe AAP identify that the Aldgate is appropriate for student accommodation, given the presence of London Metropolitan University and the potential consolidation of its activity to this area. Therefore, the inclusion of student accommodation on the subject site is appropriate and acceptable.

Hotel

8.22 Pursuant to the identification of the general need for hotels in London according to the Mayors Policy 3D.6, the principle of a hotel on this site is acceptable. Similarly, the hotel provision on this site is supported by LBTH IPG Policy CP 13 as well as Policies CFR1 and CFR9 of the City Fringe AAP.

Employment

8.23 Policy EMP1 'Encouraging New Employment Uses' of the adopted UDP 1998 promotes employment growth that meets the needs of local people. Whilst EMP 2 'Retaining Existing Employment Uses' opposes the loss of employment floorspace, it allows exceptions where quality buildings and a reasonable density of jobs will result.

8.24 The scheme proposes a reduction of employment floorspace from 51,000sqm to 22,189sqm including commercial (8,945sqm), PCT facility (1,756sqm), and hotel (11,519sqm). Whilst a reduction in employment floor area would result, it should be noted that the office use had ceased prior to the previous application in 2002. The site has remained vacant ever since. As such, the site attracts no jobs at present.

8.25 In consideration of Policies EMP1 and 2, the between 610-770 full-time jobs will be created by the proposal. Further, in respect of Policy EMP 2, the scheme is considered to create high quality buildings.

8.26 Therefore, the loss of floorspace is considered justified, pursuant to Policies EMP1 and EMP2 of the adopted UDP 1998, since it provides 610-770 full-time jobs and high quality buildings.

8.27 The scheme is also consistent with EMP 6 'Employing Local People', and EMP8 'Small Business' of the adopted UDP 1998, and CP1 'Creating Sustainable Communities', and CP15 'Provision of a Range of Shops and Services' of the Interim Planning Guidance which amongst other things, seek to encourage a range of job opportunities, that are supportive of the local community and small businesses.

Public open space

8.29 Pursuant to the London Plan, Policy 3D.8 indicates that all developments are expected to incorporate appropriate elements of open space that make a positive contribution to and are integrated with the wider network. Policy 3D.11 states that development plan documents, amongst other things, should:

- ensure future open space needs are considered in planning policies for Opportunity Areas and other areas of growth and change;
- encourage linkages within the network of open spaces and to the wider public realm;
- Improve accessibility for all; and
- Identify/promote/protect green corridors, chains and include appropriate designations and policies for the protection of local spaces that are of value or potential value to local communities.

This considerations are reinforced in the draft City Fringe OAPF.

8.32 In respect of local policy, ST12 of the LBTH UDP 1998 encourages the availability and accessibility to, amongst other things, recreational and leisure facilities within the Central Area Zone. This could be seen to include open space provision which serves a recreational and leisure function.

8.33 Both the LBTH IPG 2008 and City fringe AAP encourage the increased provision of good quality and well connected public open space to address the current deficiencies of the area, noting though that there is likely to be limited opportunties to create major new green spaces.

8.35 As previously stated, the Council's IGP, AAP and Aldgate Masterplan 2007, identify Goodmans Field as development site CF12a. Notwithstanding the borough-wide target of 1.2Ha open space per 1000 population, the APP indicates that Goodmans Field development should provide 0.8Ha of open space. The AAP indicates that the direction/implementation/delivery of the space will occur as part of the redevelopment of the site and should be as follows:

- Contiguous, large green public space;
- A space that meets the needs of local residential communities including families and young people; and
- The space should link to existing public spaces to the south and northeast as well as proposed spaces to the northwest;

8.36 In respect of the public amenity space provision, the subject scheme provides a series of three principle spaces. Also, a garden behind the PCT of the South-East block as well as several interconnecting streets in which it is considered that sufficient amenity is achieved for their consideration. The spaces are as follows:

- Park Square = 2757.05sqm
- Town Square = 1938.22sqm
- Garden Square = 1856.74sqm
- Public garden behind the PCT = 630.30sqm
- Interconnecting street between the North-east and South-east Block = 327.6sqm
- Interconnecting street between the South-East and South-West block = 595.5sqm

The total provision of public open space is **8105.17sqm**, exceeding the minimum requirement. The quantum is considered appropriate and acceptable given the need to strike a balance with development intensity and requirements including regional and local policy which seeks to maximise the efficient use of the site. It is considered to accord with the key priority for the City Fringe of addressing open space deficiency to meet the needs of the local community as well as the anticipated growth expected in residential development.

8.37 In addition the high quality nature of the series of interconnected spaces and what it does for connectivity, another priority of the policy, is considered of more value than emphasising an alternative approach suggested in the AAP and Masterplan of providing a single open space. As part of the design development. The proposed site layout is considered the most desirable.

8.38 In conclusion, the quantum of public open space is appropriate and acceptable and accords with Policies CP30 of the LBTH Interim Planning Guidance, as well as the site specific guidance of Policies CFR1 and CFR5 of the LBTH draft City Fringe Area Action Plan 2007, as well as the LBTH draft Aldgate Masterplan which seek sufficient provision of open space to address needs of the community.

Housing

8.47 Pursuant to the Mayors Policy 3A.5, boroughs should identify housing needs within their area, including affordable housing and family housing.

8.48 The application proposes 772 residential (Class C3) units with the following mix:

Total Scheme			**Affordable Housing**								**Market Housing**			
			Social rented				Intermediate							
Unit size	Tot	Tot Hab rms	Tot	Hab rms	%	Target %	Tot	Hab rms	%	Target %	Tot	Hab rms	%	Target %
studio	33	33	-	-	0	0	4	4	4.3	25	29	29	5.6	25
1bed	221	442	19	38	11.9	20	54	108	58.1	25	148	296	28.5	25
2bed	254	762	43	129	27	35	21	63	22.6	25	190	570	36.5	25
3bed	240	961	73	293	45.9	30	14	56	15.1	25	153	612	29.4	25
4bed	24	120	24	120	15.1	10	-	-			-	-	-	
5bed	-	-	-	-	0	5	-	-			-	-	-	
Total	772	2318	159	580	100	100	93	231	100	100	520	1507	100	100

Affordable Housing and split

8.49 Policy 3A.9 of the London Plan sets the strategic target that 50% of all new housing provision should be affordable through all available mechanisms and not just planning gain. In addition, Policy 3A.10 encourages councils to have regard for the need to encourage rather than restrain residential development, as well as having regard to the

individual circumstances of a site. Targets should be applied flexibly, taking account of individual site costs, the availability of public subsidy and other scheme requirements.

8.50 PPS3 states that the Government is committed to providing high quality housing for people who are unable to access or afford market housing. Policy CP22 of the IPG document states that the Council will seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought.

8.51 In respect of on-site provision, the scheme would provide 35%, which complies with policy.

8.52 In respect of affordable housing split and pursuant to the London Plan Policy 3A.9 affordable housing target of 50%, 70% of this should be social rent and 30% should be intermediate rent. Policy CP22 of the Council's IPG requires an 80:20 split between social rented and intermediate housing. Both the LBTH Interim Planning Guidance and London Plan allow this ratio to vary only in instances where greater than 50% affordable housing is achieved.

8.53 The scheme proposes a split of 72:28 based on habitable rooms, which accords with Policy and is acceptable to the LBTH Housing Team.

Unit mix

8.54 Paragraph 20 of Planning Policy Statement 3 states that *"key characteristics of a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people".*

8.55 Pursuant to policy 3A.5 of the London Plan, the development should *"…offer a range of housing choices, in terms of housing sizes and types, taking account of the housing requirements of different groups, such as students, older people, families with children and people willing to share accommodation."*

8.56 Pursuant to Policy HSG7 of the LBTH UDP 1998, new housing development should provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings. On developments of 30 dwellings or more, family dwellings should normally be in the form of family houses with private gardens. Exceptions to this policy apply where family housing is proposed in locations where physical conditions are unsuitable for family dwellings. Despite there not being any 5-6 bedroom dwellings proposed, the Housing Team are nevertheless satisfied with the mix.

8.57 Policy HSG 2 of the LBTH IPG seeks an appropriate mix of housing, including family housing. The required mix based on units size and tenure is set out in Table 2 of the IPG. A convenient summary of family sized housing requirements is provided in the table below. It includes a comparison to the family housing achieved across the entire borough as published in the Annual Monitoring report 2008-9.

Table: Family housing provision comparison

Tenure	% Policy	**% PA/09/965**	% Draft Annual Monitoring 2008/9
Social-rented	45	**61.0**	35
Intermediate	25	**15.1**	7

Market	25	**29.4**	3
Total	30	**34.1**	11

8.58 For social housing, 45% is required and 61% is provided. For intermediate housing the policy requires 25% family housing and the scheme provides 15.1%. In the market housing, 25% is required and 29.4% is provided. The overall family housing provision in the scheme is 34.1%.

8.59 The LBTH Housing team are satisfied with this mix.

Wheelchair Housing and Lifetime Homes

8.60 Policy HSG9 'Density of Family Housing' of the Interim Planning Guidance requires housing to be designed to Lifetime Homes Standards and for 10% of housing to be wheelchair accessible or *"easily adaptable"*. All units will meet Lifetime Homes standards and 81 flats, approximately 10.5%, are wheel chair accessible, in accordance with policy.

8.61 The LBTH Housing Team is satisfied with the provision and recommends an appropriately worded condition to ensure this provision.

Code for Sustainable Homes

8.62 Pursuant to Policies DEV2 and DEV69 of the LBTH UDP 1998 and CP3, DEV5 and DEV6 of the LBTH IPG, housing should meet a minimum sustainability target of Level 3. The scheme is targeting Code Level 4. This could be secured by an appropriately worded condition if the council was to consider approval. (It should be noted the scheme also addresses BREEAM standards for the non-residential component by targeting an 'Excellent' rating)

Internal Space Standards

8.63 Pursuant to the Residential Space SPG, typical floorplan layouts and figures have been provided in respect of C3 units along with a complete spreadsheet of floor areas for all flats in the development. Out of 2318 habitable rooms, 12 x bedrooms (Flat 2 bed flat type t1-24) fall below the minimum space standards by 0.5sqm. This represents 1.6% of all units or 0.5% of all habitable rooms and is not considered significant. As such, the proposal is considered to sufficiently address the provisions of the SPG as well as policies ST23, HSG13 of the LBTH UDP, which seeks to ensure quality housing and minimum level of amenity for future occupiers.

8.64 Overall, the scheme is considered to cater from housing need and is recommended for support in this regard.

Amenity Space

8.65 Pursuant to PPS3, paragraph 16 states that, the matters to consider, when assessing design quality in housing developments, include the extent to which the proposed development *"..provides, or enables good access to, community and green and open amenity and recreational space (including play space) as well as private outdoor space such as residential gardens, patios and balconies".* Further still, paragraph 17 of PPS3 states that *"where family housing is proposed, it will be important to ensure that the needs of children are taken into account and that there is good provision of recreational areas, including private gardens, play areas and informal play space".*

8.66 Policy HSG 16 'Housing Amenity Space' of the adopted UDP 1998 requires schemes to

incorporate adequate provision of amenity space. The Residential Space SPG 1998 sets the minimum space criteria. Similarly, Policy HSG7 'Housing Amenity Space' of the IPG sets minimum criteria for private as well as communal and children's playspace. It should be noted that the policy states that, variation from the minimum provision of communal space can be considered where the Council accepts the provision of a high quality, useable and public accessible open space in the immediate area of the site. The amenity space standards of the UDP and IPG are summarised below.

Table: Residential Space SPG 1998 requirements

Tenure	Proposed	SPG Requirement	Required (m²)	Proposal (m²)	
Family Units	264	50sqm of private space per family unit	13,200	**9283** = 4,167 (balconies/terraces) + 5,116 (roof terraces)	
Non-family units	508	50sqm plus an additional 5sqm per 5 non-family units;	558		
Child Bed spaces	394	3sq.m playspace per child bed space	1182	**4,207**	
Total			14,940	**13,490**	

Table: Amenity Space per HSG7, LBTH Interim Planning Guidance

Units	Total	Min Std (sqm)	Required (sqm)	Provided (sqm)
Studio	33	6	198	
1 Bed	219	6	1314	
2 Bed	251	10	2510	
3 Bed	239	10	2390	
4 Bed	15	10	150	
5 Bed	-	10	-	
TOTAL			**6562**	**Breakdown not specified**
Ground Floor Units				
Studio	-	25	-	
1 Bed	2	25	50	
2 Bed	3	25	75	
3 Bed	1	50	50	
4 Bed	9	50	450	
5 Bed	-	50	-	
Total			**625**	**Breakdown not specified**
Grand Total			**7187**	**4167**
Communal amenity		50sqm for the first 10 units, plus a further 5sqm for every additional 5 units	**812**	**5116**
Tot Amenity Space Requirement			**7999**	**9283**

8.67 The application proposes **9283sqm** of amenity space provision for the entire site is as follows:

- **5,116sqm** of communal space in the form of roof gardens; and
- **4,167sqm** of private amenity space including balconies, terraces and gardens

8.68 As is demonstrated in the above analysis, the proposal exceeds the provision of the IPG although, not the adopted UDP. The following factors should be noted in considering the above amenity space provisions:

- The Council's Residential Space SPG clearly states that space provision can be in open spaces and/or private gardens;
- the scheme provides for a variety of public and amenity space opportunities, with landscaping plans showing high quality treatments;
- Only 56 flats (25 x 1bed and 31 x 2bed) in the market tenure do not have any balcony provision to achieve appropriate internal daylight levels in the flats below. Notwithstanding that an appropriately worded condition is recommended for Juliet balconies to be added to these units to offer relief;
- The roof terraces are a desirable form of communal space provided that the mitigation measures for microclimate (wind) are secured by an appropriately worded condition
- The above amenity space calculations exclude the first floor communal courtyards which are only considered to be circulation space, given the levels of permanent overshadowing experienced.

8.69 On balance, the provision of amenity space in the scheme is considered acceptable and in line with IPG policy. The non-compliance with the UDP in this regard is considered on balance to be justified for the reasons identified above as will as the reasons for approval in section 2 of this report.

Children's playspace

8.70 Policies 3A.17 and 3D.13 of the London Plan (Consolidated 2008) as well as the Mayor's SPG 'Providing for Children and Young People's Play and Informal Recreation', seek a sufficient quantum (10sqm per child), quality and amenity of children's playspace in developments. Policy HSG7 of the LBTH IPG and Policy HSG16 of the UDP also seek the suitable provision of playspace in developments, including a minimum of 3sqm in the case of the UDP. In considering this requirement, the child yield estimated for this scheme is 394.

8.71 Therefore, requirements the scheme should provide a total of 1182sqm in accordance with Council Policy or 3940sqm based on GLA Policy. The Design and Access Statement Vol II identifies the integration of play space into the design of the public realm and communal amenity spaces of the development in the context of different age groups as well as different times of the day. The integration of landscape and play achieves a public open space and communal space offer where the entire 0.81Ha space is potentially playable. This ability is considered to be as a strong characteristic and asset of the proposal in negotiations with the Council's Landscape Team who welcome the play provisions included in the proposal. Notwithstanding, the Design and Access Statement Vol II specifically identifies **4,207sqm** children's playspace being provided, which is in excess of both the LBTH and GLA requirements. The scheme is considered acceptable and accords with the abovementioned policies which seek to ensure the adequate provision of children's play space within developments.

Design

Tall buildings

8.109 Local and regional policies consider tall buildings. There is also a range of published national policy including PPS1, PPS3 and PPG15 as well guidance, including 'By Design' published by DETR/CABE in 2000.

8.115 Objections have been raised in respect of the towers in terms of their height and visual impact. Although the site may be suitable form a tall building in terms of the high PTAL (Mayor's Policy 3A.3) and offer a high quality appearance (Mayor's Policies 4B.1 and 4B.9), Policies CP48 and DEV27 of the LBTH Interim Planning Guidance and the Mayor's Policy 4B.10 have a range of criteria for consideration of acceptability.

It is considered that the scheme addresses the range of tall building policy criteria, particularly the detailed criteria of DEV27 of the LBTH IPG, in the following key ways:

- The height, bulk, scale and external appearance is sensitive to the immediate and wider context;
- The scheme is considered to be high quality;
- The site is identified within an emerging cluster of tall buildings;
- There is no adverse impact upon strategic views and the scheme is a positive addition to the skyline;
- There is no adverse impact to the character of listed buildings, conservation areas or the WHS, The TOL;
- The proposal will be visually integrated with and present an appropriate scale to the street;
- It will provide public open space
- In terms of biodiversity, the communal roof terraces have substantial landscaped areas, as well as an appropriately worded condition for bat and bird boxes to be incorporated into the scheme;
- The proposal will contribute positively to vitality in the area with an active ground floor frontages;
- Other than in terms of daylight and sunlight impact, there are no significant amenity impacts posed;
- It poses no adverse traffic and parking impacts whilst also making provision for sustainable forms of transport including pedestrian connectivity and provisions for cycle users (bicycle parking and showers);
- The scheme considers access and inclusive design principles;
- The s106 agreement will include a TV mitigation requirement to ensure that any potential impact to reception is addressed; and
- It Is not considered to conflict with aviation requirements having been referred to the relevant authorities for consideration

Overall, the scheme satisfies the criteria for consideration of tall buildings and as such the scheme acceptable, being in accordance with the abovementioned policies.

Density

8.39 Objections were received in respect of overdevelopment of the site and excessive density. Policies of the Mayor and LBTH seek to maximise the efficient use of the site whilst ensuring that it is compatible with context, of high quality design and minimises environmental impacts for example.

8.44 The application site has a Public Transport Accessibility Level (PTAL) 6a. Therefore density ranges are as follows:

- Mayor's London Plan: 650-1100 habitable rooms per Hectare (central zone)
- LBTH IPG: 650-1100 habitable rooms per Hectare (central)

8.45 The scheme is equivalent to **799 habitable rooms per hectare** based on the total site area of 2.9Ha and for scheme comprising of a total of 2318 habitable rooms. If the area

occupied by the hotel and student housing is removed as suggested in the Planning Statement, the scheme is equivalent to 995 habitable rooms per hectare based on a site area of 2.33Ha.

8.46 Therefore, the scheme accords with the intent of with Policy 3A.3 of the London Plan (Consolidated 2008) and CP20 and HSG1 of the LBTH Interim Guidance which seek to maximise the development potential of sites in an efficient and sustainable way.

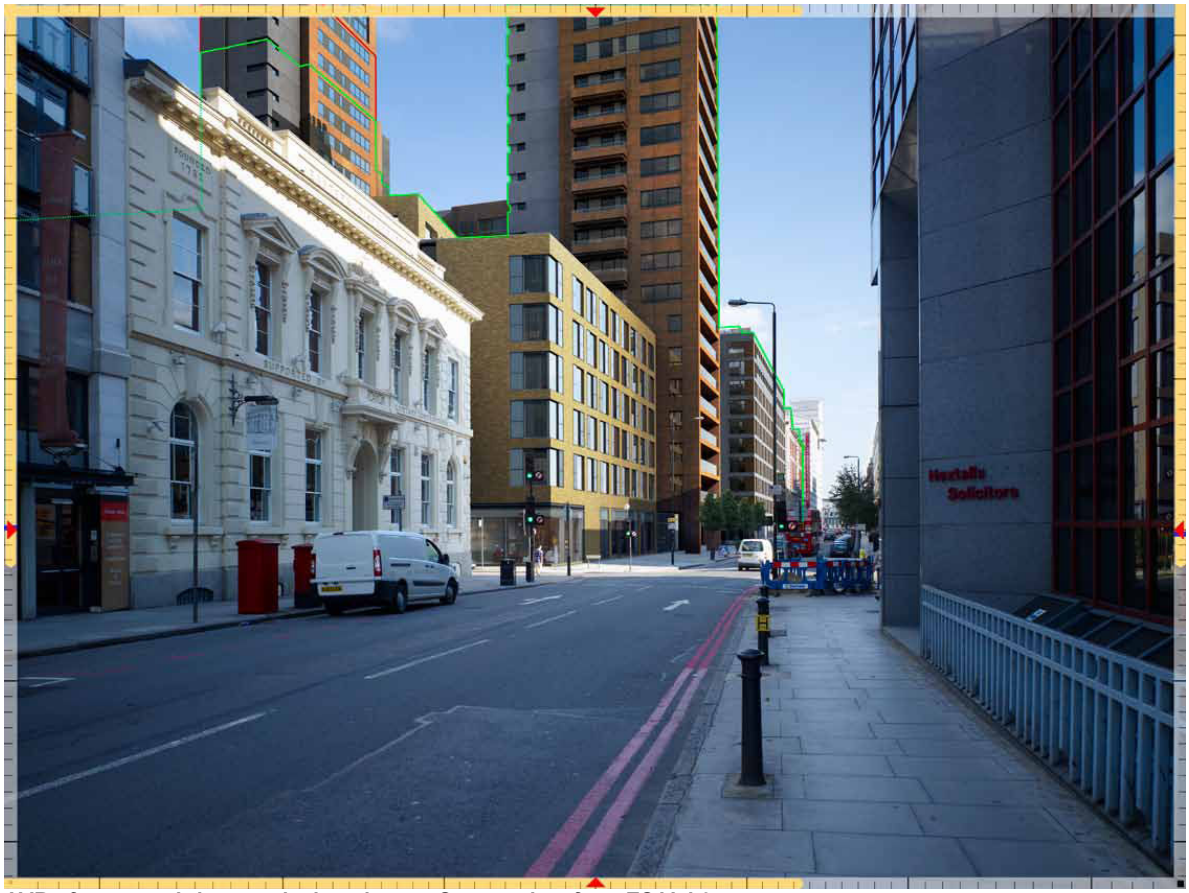
Appearance and layout

8.72 Pursuant to The London Plan (Consolidated 2008), Policy 4B.1 requires schemes, amongst other criteria, to create/enhance the public realm, respect local context/character and be attractive to look at. Policy 4B.9 outlines related Plan policies and considerations for the siting of tall buildings which includes tall buildings as a *"catalyst"* for regeneration. Policy 4B.10 provides further guidance on design considerations including context, attractiveness and quality. CABE and English Heritage 'Guidance on tall buildings' also informs the consideration of tall buildings as well as 'By Design' by DETR/EH.

8.73 In consideration of the LBTH UDP 1998, Policy DEV1 indicates development should be sensitive to the area, the capabilities of the site and be visually appropriate. Policy CP4 of the IPG states that buildings and spaces should be high quality, attractive, safe and well integrated. Policy CP48 confirms that tall buildings must contribute to a high quality, attractive environment, as well as responding to context and contributing to vitality. These considerations also form part of the criteria of Policy Dev27 Tall Buildings Assessment of the LBTH Interim Planning Guidance.

8.74 In respect of objections received, is considered that the appearance of the development is one of its benefits as shown in the Accurate Visual Representations (AVRs) and drawings below. Buildings have a pleasing appearance and high quality finish. Notwithstanding the matters discussed later under *'Views'*, '*Impact to setting of listed buildings and conservation areas'* and *'Tall buildings'*, the design and finishes of the elevations is considered to be high quality and would contribute positively to the varied architectural character and form of the area. The development would act as a potential catalyst for regeneration envisaged in the draft Aldgate Masterplan.

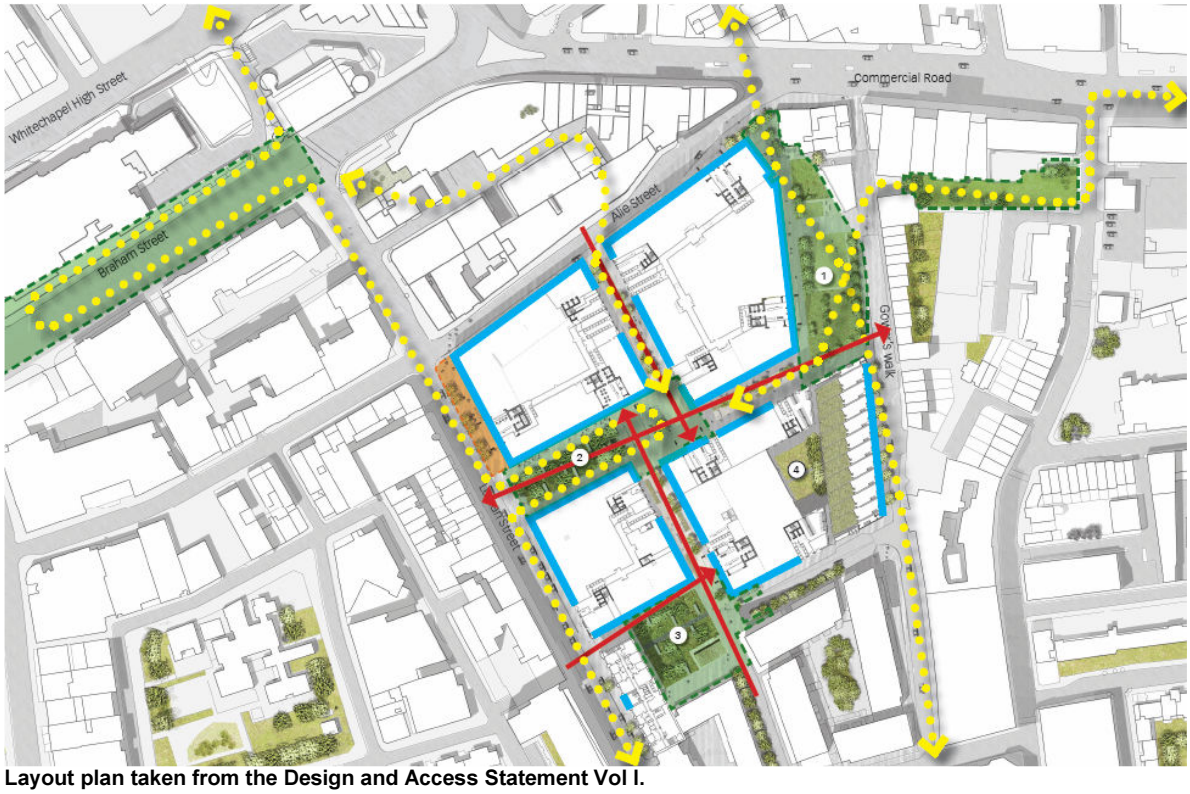
AVR of *proposed* view north along Leman Street, taken from ES Vol 6.



AVR of *proposed* view south along Leman Street, taken from ES Vol 6.

Elevation drawings of the front and rear of the proposed Gowers Walk terraces, taken from the Design and Access Statement Vol I.

8.75 The layout of the scheme is also a benefit. The perimeter blocks are considered to be successful in addressing the street frontages of Alie and Leman Street. The redevelopment of 75 Leman Street and the terrace row along Gower's Walk will offer genuinely active frontages. Also, the scheme will successfully integrate with the Berkley Homes scheme to the south. Overall, this will positively contribute to the evolving residential character of the area, thereby contributing to a sense of place and identity. The layout is also in accordance with the Aldgate Masterplan in the way that it improves connectivity and permeability. Such features of the scheme are evidenced in the layout diagram below.



Layout plan taken from the Design and Access Statement Vol I.

8.76 Although, the width of the internal streets along with the height buildings requires attention be paid to potential privacy and overlooking issues, no significant issues have been encountered in the assessment. Furthermore, it is considered that the scheme strikes a suitable balance in creating an interesting and pleasant environment. 'Amenity' is considered in more detail later in this report

8.77 Whilst sufficient details of the design of the elevations has been submitted to assess the

scheme in principle, the following detailed design matters will be conditioned to ensure the detailed appearance of the development is satisfactory:

- Detailed drawings and on-site mock-ups of the elevations;
- Detailed elevations, sections and mock-ups showing balcony joinery
- Detailed elevations and sections showing how the proposed additional storey to 75 Leman Street connects with the building to the south being; and
- Detailed elevations and sections of the basement extract vents in Park Square as well as the design of vents and bicycle pavilion in Town Square.

8.78 In respect of ground floor uses and safety and security, the Gowers Walk Terrace and 75 Leman Street conversion will provide round the clock activity through their residential use. The student accommodation and hotel will also provide this benefit. The remainder of the ground floor is for commercial uses, which also have the potential to contribute to day and night-time economy in accordance with the City Fringe AAP.

8.79 Noting discussions with the LBTH Landscape Team as well as the Design and Conservation Team, it is considered appropriate to restrict to access to the garden behind the PCT to daylight hours in the interests of safety and security and mitigation of crime. An appropriately worded condition is recommended if the Council resolves to grant planning permission.

Sustainability

8.80 Central Government policy promotes sustainable development. PPS1 seeks the prudent use of resources and includes the promotion of energy efficient buildings and combined heat and power systems. Considerations are expanded upon in the Planning Climate Change supplement to PPS1 as well as PPS22. In addition, PPS3 has the creation of sustainable communities as one of its objectives.

8.81 Policies of the Mayor's adopted London Plan (Consolidated 2008) deal with energy and sustainable design. Policy 4A.4 requires applications to be supported by an energy assessment. Policy 4A.3 requires developments to achieve the highest possible standards for sustainable design and construction. Policies 4A.5 and 4A.6 promote decentralised energy opportunities whilst minimising CO2 emissions. Policy 4A.7 seeks a 20% reduction in CO2 emissions from renewable energy generation on-site. More detailed consideration is provided in the Mayor's Energy Strategy and Sustainable Design and Construction SPG.

8.82 Similarly Local Borough polices within the Interim Planning Guidance 2008 deal with sustainability. Policy CP1 requires all new development to contribute to maintaining sustainable communities including implementing sustainable measures. Policy CP38 seeks to ensure developments minimise energy use for the lifetime of the development whilst encouraging renewable energy production. Policy DEV5 also seeks to minimise energy use and DEV6 seeks developments to reduce energy demand and CO2 emissions as well as promoting renewable energy production.

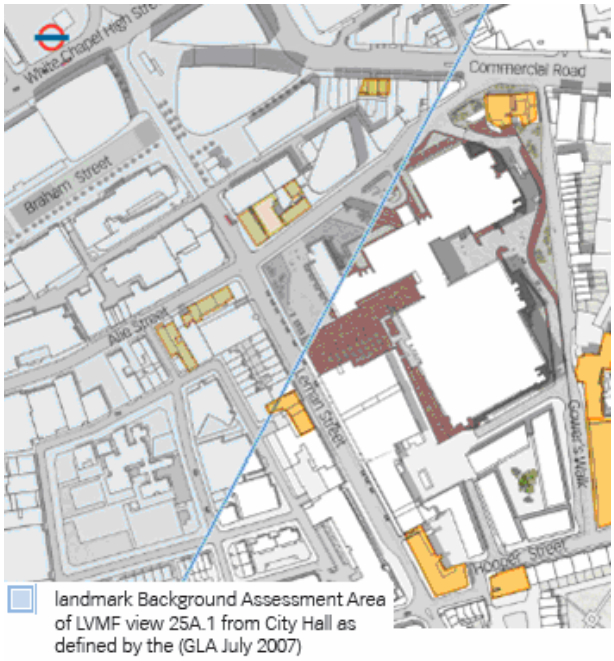
8.83 Measures incorporated into the scheme are as follows:

- Passive design and energy efficiency measures intended to reduce total emission on site by 5%
- A combined cooling, heating and power (CCHP) system and absorption chiller leading to CO2 reduction of 25%; and
- Ground source cooling that will further reduce CO2 emission by 0.5%

8.84 The above aspects of the scheme contribute positively to the Aldgate and are in accordance with Central Government, Mayoral and Borough Policy.

Views

8.85 In respect of views, the site lies within Townscape View 25 (City Hall to the Tower of London) which is defined in the adopted London View Management Framework (LVMF) (July 2007). Regional and local policy, plans and guidance refer impacts on the strategic views contained within the LVMF.



Locality map taken from the Design and Access Statement Vol I.

8.86 Policies of The London Plan (Consolidated 2008) requires schemes to meet requirements of the LVMF. Schemes should:

- be suited to wider context in terms of proportion and composition and in terms of their relationship to other buildings (Policy 4B.10)
- give appropriate weight to the provisions of World Heritage Site Management Plans (Policy 4B.14).
- Consider how proposals which fall within the background assessment area preserve or enhance the ability to recognise and appreciate the Strategic Landmark Building, the Tower of London.

8.89 In the time that the application was received, the Mayor published the Revised Draft London View Management Framework (LVMF)(June 2009). The revision includes changes to the way in which Townscape View 25 will be assessed

8.90 Local planning policies contained in the LBTH Interim Planning Guidance, City Fringe Area Action Plan and Aldgate Masterplan require development to preserve and enhance the ability to recognise and appreciate landmarks, as well as prevent impacts to strategic views.

8.91 In addition, the Historic Royal Palaces have produced the 'Tower of London World Heritage Site Management Plan' which guides the consideration of development affecting the TOL and refers to the townscape view and Mayoral policies concerning the LVMF.

8.92 The English Heritage draft SPG, 'Seeing the History in View', also provides guidance. It offers an approach to assessing heritage significance within a view and applies the approach to a real example, specifically, the Townscape View 25 of the LVMF. Therefore, it is especially relevant.

8.96 Since the previous scheme was withdrawn, the Mayor as well as the consultees English Heritage, Historic Royal Palaces, London Borough of Southwark as well as LBTH have

been involved in extensive discussions to secure revisions to the scheme to address their concerns. Revision involving the lowering of tower heights addresses their potential impact upon LVMF views. The subject application has also dealt comprehensively with nighttime appearance, seasonal variation as well as the geometric definition associated with view 25A.1. In addition, an animation sequence is provided showing the proposal within the kinetic (moving) view of the TOL at viewing place 25

AVR and magnified extract of View 25A.1 taken from ES Vol 6

8.97 The considerable endeavour in revisiting the proposals relationship to and potential impact upon views of the TOL in accordance with the LVMF has overcome previous concerns. The scheme is not considered to pose any significant harmful impact to the views of the

TOL. The scheme is thereby accords with Policies 4B.10, 4B.14, 4B.16, 4B.18 of the London Plan (Consolidated 2008), Policies CP50, DEV1 and CON5 of the LBTH Interim Planning Guidance 2006, Policies CFR1, and CFR12 of the LBTH draft City Fringe Area Action Plan 2006 and well as the provisions of the LBTH draft Aldgate Masterplan 2007, HRP Tower of London World Heritage Site Management Plan 2007, the Mayor's adopted London View Management Framework (July 2007), revised draft London View Management Framework (June 2009) LBTH draft City Fringe Opportunity Area Planning Framework 2008 and EH draft guidance 'Seeing the history in View' which seek to protect the views of the TOL.

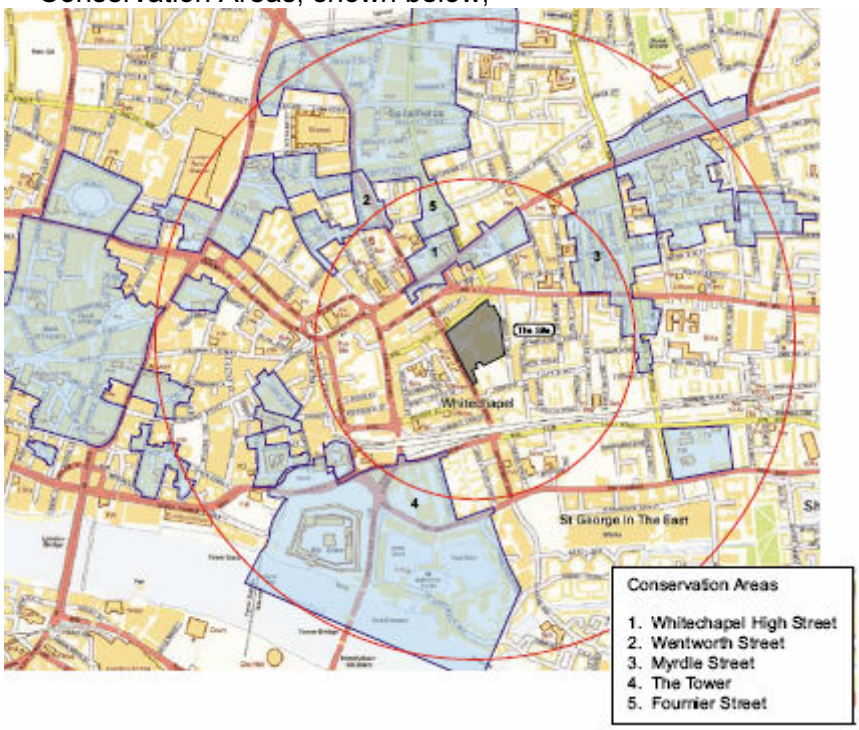
Impact to setting of listed buildings and conservation areas

8.98 The statutory requirement to consider proposal's upon the impact to the setting of listed buildings and conservation areas is contained in central, regional and local policy and guidance. It includes PPG15, the London Plan (Consolidated 2008), the LBTH UDP, IPG and Aldgate Masterplan.

For consideration of the potential impacts upon the setting and appearance of the TOL as a series of individually listed items and falling within the Tower Conservation Area, the potential impacts have been considered in 'views'. Otherwise, there are no significant impacts identified to the setting and appearance of the TOL and conservation are that would be posed by this application.

8.105 The ES is supported by a heritage, Townscape and Visual Assessment that considers the historic features in the surrounding area. These include:

- Conservation Areas, shown below;

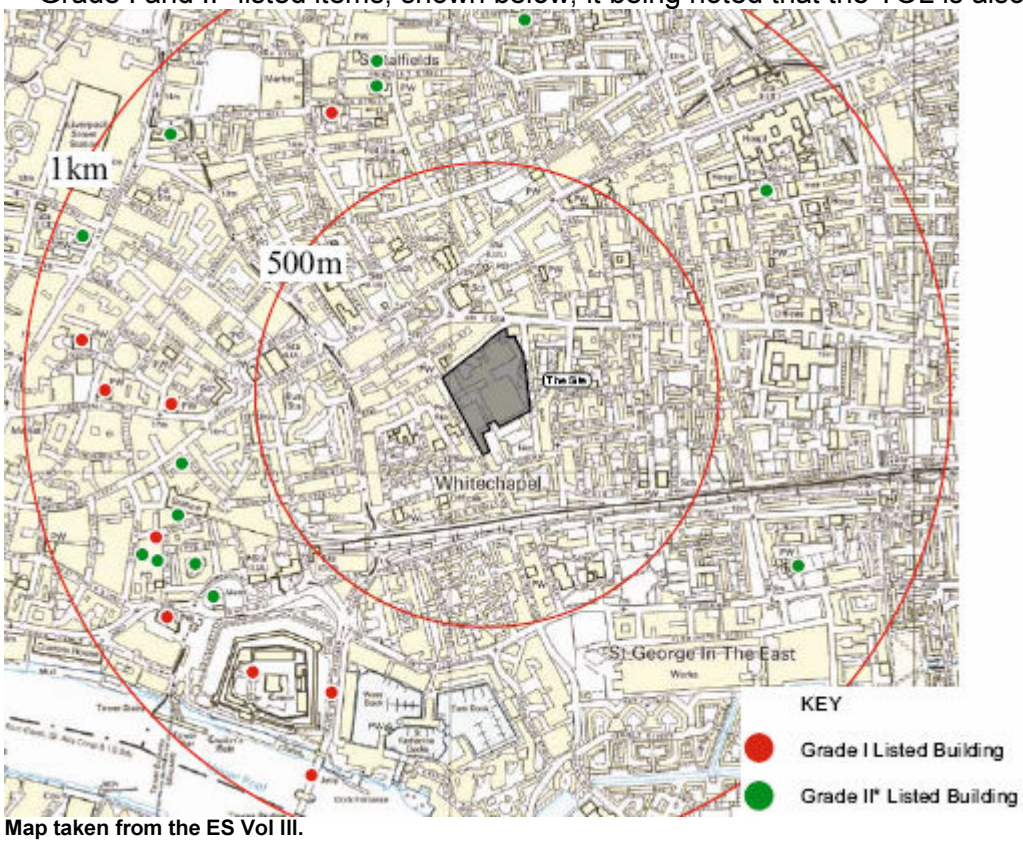


Map of conservation areas taken from the ES Vol III.

- Listed and locally listed items, shown below;

Map taken from the ES Vol III.

- Grade I and II* listed items, shown below, it being noted that the TOL is also a WHS;



Map taken from the ES Vol III.

8.106 Objections have also been received from neighbours as well as EH about the impact to the setting of other listed buildings, namely:

- 19a, 62, 66, 68, 70, 99 Leman Street
- 28, 30, 32, 36-44, 55, 57 and 59 Alie Street

8.107 For listed buildings in Alie Street and Leman Street, which are immediately adjacent, no significant impact to views and setting are posed in the opinion of the LBTH Design and

Conservation Team. Similarly, no unacceptable harm to the local context has been raised by CABE. It should be noted that Alie and Leman Street have diverse buildings in terms of architecture, scale and use. The quality of the elevations of the proposal which creates a strong street edge is considered a benefit. The bulk, scale and height of the buildings are considered appropriate to the area, nearby approvals as well as the previous approval for the site. Considerable attention has been given to the treatment of facades especially the South-East Student Block so as to ensure its relationships to and appearance within the street scene and setting of adjacent listed buildings positively preserves and enhances their character and appearance. Additionally, the reduction in tower heights further lessens their prominence.

8.108 The objections from neighbours and EH also refer to concern about a possible impact to the setting and views of surrounding conservation areas. It is considered that no significant detrimental impact is posed given the high quality appearance of the scheme. In addition, the prominence of the towers has been reduced by lowering their height. The Council's Design and Conservation team are supportive of the application and consider that there is no significant impact to surrounding conservation areas.

Summary

8.116 In conclusion, the benefits of the scheme are its appearance, layout, ground floor treatment and consideration of sustainability. Furthermore, previous concerns including impacts to views of the TOL and its setting as a listed building have been addressed in the subject scheme and further revisions to it. The design is acceptable, accords with the policies identified and is recommended for approval.

Amenity

Future Occupiers and Users

8.117 Amenity for future occupiers is a planning policy consideration pursuant to the provisions of PPS1, PPS3, the London Plan (Consolidated 2008) and well as the Council's UDP and IPG.

8.122 On balance the scheme provides a suitable level of amenity and the following aspects are noteworthy:

- Microclimate (wind) conditions on the roof terraces are acceptable for the intended use subject to recommended mitigation measures which will be secured by condition;
- No significant privacy/overlooking impacts are posed as a consequence of window-to-window relationships subject to an appropriately condition for screening;
- The window glazing specification will ensure an appropriate internal noise environment for future occupiers having regard to PPG24;
- Sufficient information is provided to ensure air quality for future occupiers is achieved subject to an appropriately worded condition of approval requiring mitigation measures be implemented in accordance with the ES;
- The total floorspace of all flats exceeds the minimum provisions of the LBTH Residential Space SPG for all but 12 bedrooms out of 2318 (0.5%) which is not significant – See discussion in the 'Housing' section of this report
- The majority of flats have private amenity space. Only 56 (7%) flats are without given the need to consider the internal light levels of flats directly below. This is not considered significant in the context of the overall amenity space provision on site and furthermore, an appropriately worded condition is recommended for Juliet balconies to provide some relief.
- Although 240 habitable rooms in the development do not meet the Buiding research Establishment (BRE) guide for daylight levels, this only represents 10.4% of the

total 2318 habitable rooms in the development. Also given the inner London context, other benefits of the scheme as well as economic viability, it is considered that this level of non-compliance should not be a reason to reuse this otherwise acceptable scheme.

8.123 On balance, it is considered that the level of amenity is acceptable and as such the scheme is recommended for approval.

Neighbour Impacts

8.124 The consideration of impacts to neighbours are addressed in policies 4B.10 of the Mayor's London Plan (consolidated 2008), DEV1 of the LBTH Interim Planning Guidance, and DEV2 of the LBTH Unitary Development Plan 1998. Objections have been received in respect of loss of light and overshadowing, loss of privacy/separation distances, increasing sense of enclosure, loss of outlook, construction impacts.

8.125 The scheme poses no significant impacts. The following matters are noteworthy:

- There is no significant noise or general disturbance impacts to warrant refusal. Impacts during the construction phase will be mitigated by a condition requiring a Construction Management Plan. In the operational phase, the intended uses are compatible with the area and not considered to pose concern;
- Whilst the scheme will reduce outlook and increase the sense of enclosure, it should be noted that the existing building and building of the approved scheme (see section 4) limit the outlook of neighbours to some extent. The previous approval also permitted buildings closer to the street edges, thereby increasing the sense of enclosure. Furthermore, in acknowledging that this is a central London location on the city fringe, as well as responding to the area context and creating a pattern of development which establishes strong relationships to it, the increasing sense of enclosure is not considered undesirable, inappropriate or excessive in the area. Rather, it is likely to add positively to the emerging character and identity of the area;
- No significant air quality impacts are posed. It is noted that a condition requiring a construction management plan will deal with air quality impacts at the construction phase. At the operational phase, the development including traffic generation will not contribute any significant effect upon air quality. An appropriate condition is recommended for full particulars of the emissions of the bio-mass boiler at the detailed design stage;
- No significant traffic impacts posed to the local road system in the opinion of the LBTH Highways Team. They consider that the local road system is capable of accommodating the additional increase traffic generated. Any damage to public roads during construction would be repaired pursuant to the s278 agreement;
- In respect of privacy and overlooking the following considerations are relevant:
  - A minimum separation of +18m is achieved along Leman Street to adjacent properties;
  - The set-back between the South-West block to the Berkley homes development to the south is approximately 17.8m. Given this is relationship is the across the frontage of the development with the basement access ramp intervening, no significant is proposed;
  - The separation of the Gower's Walk terrace to the adjacent residential properties varies from approximately 12.4m to 16.6m. Given the off-set nature of window orientation of the proposed terrace windows as well as that the relationship is across a public street, any overlooking impact is considered tolerable; and
  - The separation between the scheme and properties on the northern side of Alie Street is variable from 11.5m up to 19m. For the most part, properties of the northern side of Alie Street are non residential. Where there is potential in the upper levels this is adjacent to the North-East block where the separation is

between 16-19m variable. Consequently, window-to-window relationships do not involve residential on either side of the road in the majority of cases. Where they do, the separation is more considerable, making any potential overlooking limited;

- The associated benefits of the scheme in respect of improved connectivity, permeability, and introduction of a healthcare facility will be of a positive benefit to local residents.

8.126 In respect of sunlight and the Building Research Establishment (BRE) good practice guide, 'Site Layout Planning for Daylight and Sunlight', significant impacts are identified for properties especially residential properties in Alie Street and Gower's Walk. If the consented scheme is taken as the baseline, the BRE test results in the ES show that the proposed scheme represents a greater impact. The properties affected are:

- 55-57 Alie Street;
- 43-58 Gowers Walk; and
- 61-75 Alie Street (approved scheme which not yet implemented)

8.127 In considering the significance of this impact to the assessment, the following matters are considered to offer a case to balance this impact:

- Some relief afforded the affected neighbours by virtue of them being dual aspect properties
- The benefits of the scheme coming forward as identified throughout the report and as summarised in section 2
- An awareness of the viability issues in bringing the scheme forward which necessitate the development potential of the site to be maximised.
- An appreciation that this brownfield site is a challenging and highly constrained site to entertain redevelopment, being in a built up area on the edge of the city fringe which has a range of landuse priorities, not just housing. Invariably then, realising development on this site will involve a compromise

8.128 On balance, it is considered that the benefits of the scheme coming forward are considered to outweigh the loss of light to neighbours based on the assessment using the BRE guidance and this alone is not considered to warrant refusal of the application.

Transport

8.129 In consideration of national policy, PPG13 seeks to integrate planning and transport from the national to local level. Its objectives include:

- promoting more sustainable transport choices;
- promoting accessibility using public transport, walking and cycling;
- reducing the need for travel, especially by car.

Both PPS1 and PPS3 seek to create sustainable developments.

8.130 Pursuant to regional policy, The London Plan (Consolidated 2008), Policy 2A.1, 3A.7, state that developments should be located in areas of high public transport accessibility. In addition to this criteria Policy 3C.1 also seeks to promote patterns and forms of development that reduce the need for travel by car. Policy 3C.2 advises that, in addition to considering proposals for development having regard to existing transport capacity, boroughs should *"…take a strategic lead in exploiting opportunities for development in areas where appropriate transport accessibility and capacity exists or is being introduced"*. Policy 3C.19 indicates that boroughs as well as TFL should make better use of streets and secure transport, environmental and regeneration benefits, through a comprehensive approach of tackling adverse transport impacts in an area. In respect of Policy 3C.20, the Mayor, TFL and boroughs will work together to improve the quality of bus services, including consideration of the walkways *en route* to bus stops from homes and workplaces, to ensure they are direct, secure, pleasant and safe.

8.131 In respect of local policy, the UDP 1998, Policy ST25 seeks to ensure new housing development is adequately serviced by public transport. Policy ST28 seeks to reduce unnecessary dependency on cars. Policy ST30 seeks to improve safety and convenience for all road users including cyclists and pedestrians. Policy T16 states that the consideration of planning applications will take into account the requirements of the proposed use and any impact posed. Policy T18 indicates that priority will be given to pedestrians in the management of roads and the design and layout of footways. Improvements to the pedestrian environment will be introduced and supported in accordance with Policy T19, including the retention and improvement of existing routes and where necessary, their replacement in new management schemes in accordance with Policy T21.

8.132 Having regard for the IPG 2008, DEV17 states that all developments, except minor schemes, should be supported by a transport assessment. This should identify potential impacts, detail the schemes features, justify parking provision and identify measures to promote sustainable transport options. DEV18 requires a travel plan for all major development. DEV19 sets maximum parking levels pursuant to Planning Standard 3.

8.133 A Transport Assessment and Travel Plan document, was submitted in support of the scheme.

8.134 Objections have been received in respect of the following:

- Impact upon highway
- Inadequate parking
- Street closure during construction to impact on access to houses
- Provision of bicycle storage unclear
- Impact to parking space availability in Gower's walk
- Request that future occupiers be exempt from applying for parking permits

8.135 The Highways team consider the scheme to be acceptable for the following reasons:

- The level of car parking (199 spaces) is substantially lower than the 0.5 maximum threshold of the LBTH Interim Planning guidance;
- 10% of the spaces will be for people with a disability;
- The access from Gower's Walk is acceptable;
- The refuse storage and servicing arrangements are considered acceptable;
- The general servicing arrangements from the site have been considered and are acceptable;
- An agreement will be required exempting future occupiers from applying for parking permits. This will acceptably address the concern about parking stress in surrounding streets;
- In respect of pedestrian movement, the scheme will improve connectivity;
- It is considered that the local highway system is able to accommodate the increased traffic generation;
- In respect of demand for buses, Docklands Light Rail (DLR) and London Underground services, it is considered that both have sufficient capacity to accommodate the proposed increase in passenger trips during peak hour;
- The applications are supported by a green travel plan which encourages sustainable transport modes;
- The bicycle storage (2 spaces which includes 2 spaces at ground level) is acceptable;
- in respect of pedestrian safety, adequate visibility splays on either side of the vehicular access point onto Gowers Walk have been provided;
- The amended details for the servicing management plan concerning arrangements for the supplementary servicing route past the PCT are acceptable and will be

secured by condition.

8.136 The Highways team also recommend the following:

- A s278 agreement should be entered into with the Council's Highways Team pursuant to the Highway Act 1980 The s278 agreement and the financial obligations for which the developer is responsible for is completely separate and in addition to the s106 planning contributions secured;
- The waste management plan should be agreed with the waste team
- The development should have a car free agreement to prevent future occupiers from applying for parking permits;
- Planning contributions should include:
- Gower Street highway and pedestrian improvements; and
- General highway upgrade/improvement to surrounding streets to be agreed.

8.137 The issues raised by objectors have been covered in the assessment of the Highways Team and there is no matter outstanding. In addition, appropriately worded conditions of approval are recommended where applicable in response to comments of the Highways Team. A s278 agreement and suggested s106 planning contributions are too be secured if the Council resolves to grant planning permission. Finally, it should be noted that the Waste Team accept the proposed arrangements for the site.

8.138 Therefore, the scheme is considered acceptable on transport grounds having regard to the abovementioned policies.

Environmental Statement

8.139 In accordance with the Town and Country Planning statutory procedures set out in the Town and Country Planning (Environmental Impact Assessment)(England and Wales) Regulations 1999, the subsequent amendments of 2006 and 2008 and following the EIA scoping opinion provided by LBTH on 17th Oct 2007, the current application is supported by an Environmental Statement (ES). The following considerations form part of the ES:

- Methodology;
- Design evolution and alternatives;
- Development program, construction phasing, activity and effects;
- Planning and landuse;
- Socio-economics;
- Archaeology;
- Transport and pedestrian accessibility;
- Noise and vibration;
- Air quality
- Ground conditions
- Water resources and flood risk
- Wind
- Daylight, sunlight and overshadowing;
- Ecology;
- Waste;
- Telecommunications interference;
- Townscape and Visual Assessment;
- Transport Assessment;
- Pedestrian movement;
- Public Realm Report; and
- Servicing Mgt Plan

8.140 A Regulation 19 requesting for further information was made in respect of this application The necessary information was received and placed on renotification/reconsultation prior to brining this report to committee. There is no matter outstanding in respect of the ES, the

development being considered acceptable having regard to the full range of issues summarised in this report.

Planning contributions

8.141 Circular 05/2005 outlines, among other things, the broad principles of Planning Obligations. Obligations can take the form of private agreements or unilateral undertakings given by a developer and are *'intended to make acceptable development which would otherwise be unacceptable in planning terms'*.

8.142 Planning obligations can be used in the following three ways: -

(i) They may be used to *prescribe* the nature of the development to ensure it is suitable on planning grounds. For example by requiring a given proportion of housing is affordable;
(ii) Secondly they may require a contribution to *compensate* against loss or damage that will result from a development. For example loss of open space;
(iii) Thirdly obligations may be used to *mitigate* against the impact of a development. For example through increased public transport provision.

8.143 Planning Obligations should only be sought where they are found to meet the 5 key tests of the Secretary of States policy.

8.144 Circumstances may arise where it is not feasible for a development scheme to be both economically viable and compliant with all local, regional and national planning policy requirements. Guidance within the circular states that in such cases, *"where the development is needed to meet the aims of the development plan, it is for the local authority and other public sector agencies to decide what the balance of contributions should be"*.

8.145 Similarly the circular states that decisions on the amount of contributions *"should be based [on] negotiation with developers over the level of contribution that can be demonstrated as reasonable to be made whilst still allowing development to take place".*

8.146 Policy DEV4 of the adopted UDP and Policy IMP1 of the Interim Planning Guidance clearly indicate that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.

8.148 Given the history of the development which including the previous withdrawn scheme PA/08/1634 a Three Dragons Toolkit (viability appraisal) has been submitted notwithstanding that the subject scheme is offering 35% affordable housing.

8.149 The Council independently engaged consultants to evaluate the toolkit. Following extensive negotiation with the developer's consultant, the Council's consultant confirmed that, in their professional opinion that viability was an issue. As such, the Council is not considered to be in a position to seek further contributions to those identified below as a consequence of this. For example, it is not possible to secure planning contributions for Metropolitan Police although, it should be noted that there is noting to preclude them approaching the developer separately regarding their priorities.

8.150 An overview of the contributions secured is provided at section 2 of this report.

8.151 For avoidance of doubt and as per advice in the 'transport' section of this report, q s278 agreement pursuant to the Highway Act 1980 is a matter with financial obligations which is completely separate and in addition to the s106 planning agreement set out in this report.

Other

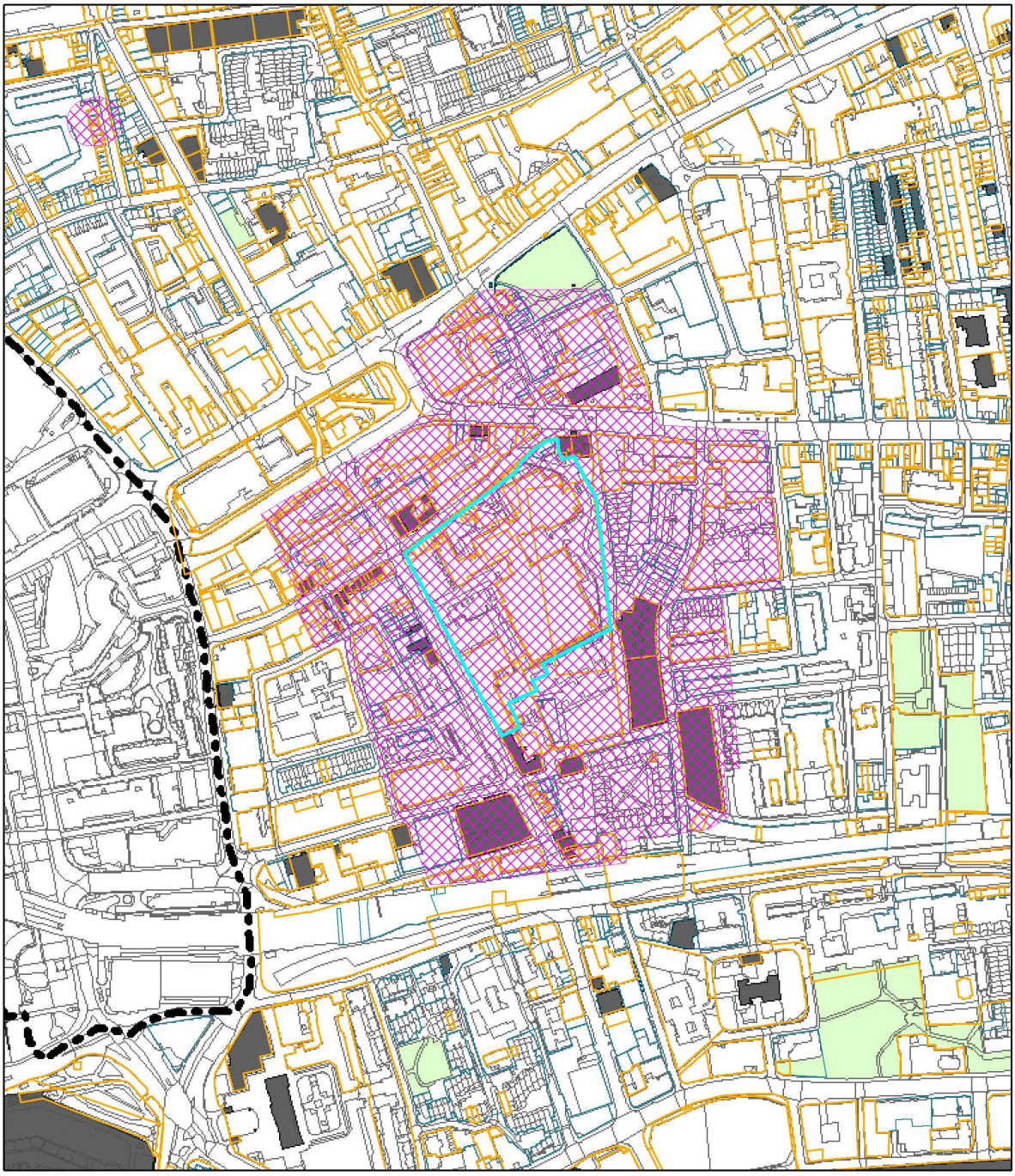
8.152 No other issues are identified.

9. Conclusions

9.1 All other relevant policies and considerations have been taken into account. Planning permission should be refused 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.

Appendix
1 Site plan

Planning Application Site Map



Planning Application Site Boundary

Other Planning Applications

Consultation Area

Land Parcel Address Point

N

0 25 m

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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London Borough of Tower Hamlets LA086568