

Committee: Strategic	Date: 16 th March 2010	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Application and Listed Building Consent
Case Officer: Mary O'Shaughnessy	Ref No: PA/08/01034 and PA/08/01035
	Ward: Whitechapel

1. APPLICATION DETAILS

Location: 33-35 Commercial Road, London, E1 1LD

Existing Use:

Proposal: Demolition of all buildings on site (except the former St Georges Brewery and associated building on Assam Street Warehouse).
Erection of a building comprising one basement, ground plus 17 storeys (maximum) to be used as student accommodation (Sui Generis) and associated uses.
Erection of ground floor plus two and six storey buildings along Commercial Road for retail (Use Class A1) and/or offices (Use Class B1) and non residential institutions (Use Class D1).
Refurbishment of and alterations to the former St Georges Brewery for use as offices (Use Class B1) and/or non residential institutions (Use Class D1).
Refurbishment of and alterations to the Assam Street warehouse for use as student accommodation.
Provision of a total of 406 cycle parking spaces for student and commercial use.
Alterations to pedestrian accesses into the site and provision of a vehicular servicing access off Assam Street.
Works of hard and soft landscaping and other associated works.

Drawing Nos/Documents: Drawings:
30-000 REV3, 30-001 REV3, 30-010 REV4, 30-020 REV3, 30-030 REV3, 30-040 REV3, 30-050 REV3, 30-060 REV3, 30-070 REV3, 30-080 REV3, 30-090 REV3, 30-160 REV3, 30-170 REV3, 30-180 REV3, 30-190 REV3, 30-200 REV3, 30-300 REV3, 30-400 Rev1, 30-401 REV2, 30-402 REV2, 30-403 REV 2, 30-404 REV2, 30-405 REV2, 30-406 REV2, 30-410 REV2, 30-411 REV1, 30-412 REV1, 30-500 REV3, 30-501 REV3, 30-502 REV3, 30-503 REV3, 30-504 REV2, 30-600 REV3, 30-601 REV 2, 30-602 REV 3, 30-603 REV 2, 30-604 REV3, 30-605 REV3, 30-700 REV2, 30-701 REV2, 30-702 REV2, 30-703 REV1, 30-704, 30-705, 30-710 REV1, 30-711 REV1,

EIA Documents:

Environmental Statement Volume I June 2008
prepared by URS Corporation Limited,
Environmental Statement Volume II, Townscape &
Visual Assessment prepared by Broadstone Limited,
Environmental Statement Volume III Technical
Appendices June 2008, prepared by Broadstone
Limited

Non-Technical Summary, June 2008, prepared by
URS,

Addendum EIA Reports:

Additional Views received dated 25th November 2008
Memorandum Bats and Breeding Birds, dated 3rd
March 2009 prepared by URS

Updated ES Chapter 14 Noise and Vibration following
REG19 request dated 16th December 2008, prepared
by URS,

Letter dated 13th October 2008 with attached table
addressing REG19 request,

Addendum Daylight & Sunlight Information received via
letters dated 3rd December 2008, 11th May 2009, 26th
March 2009, April 2009, 5th August 2009 with
attachments and 29th October 2009 with attachments.

Other Documents:

Design and Access Statement dated May 2008
prepared by Burland,

Design and Access Addendum dated November 2008,
prepared by Burland,

Design and Access Addendum dated November 2009,
prepared by Burland,

Planning Statement, June 2008, prepared by DP9,
Energy Strategy Report dated 3rd November 2008
prepared by HOARE LEA and update received dated
14th November 2008,

Statement of Community Involvement, prepared by
Indigo Public Affairs,

Broadstone Ltd.

Applicant:

Ownership:

Historic Building:

Conservation Area:

Various

Grade II

N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS FULL PLANNING PERMISSION

- 2.1 The Local Planning Authority has considered the particular circumstances of these applications against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, the Council's Interim Planning Guidance (2007), Core Strategy Submission Version (Dec. 2009), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:
- 2.2 The mixed use student housing led scheme is considered acceptable at this location, given the re-provision of higher quality office floors space, the benefits or providing student accommodation to support London Metropolitan University, and the improvements to the

built environment from the development as a whole. The development is therefore considered to accord with the aims of London Plan policies 5G.3 and 3B.2, Unitary Development Plan 1998 policies ST17, CAZ1, EMP1 and EMP3, Interim Planning Guidance (2007) policies CP7, CP8, CP11 and EE2, and Core Strategy (2009) policies SP06, which seek to retain viable employment sites.

- 2.3 The provision of student accommodation, and ancillary facilities, in this location is acceptable given the proximity to the London Metropolitan University campus and the excellent public transport links. The development will support the improvement and expansion of higher educational facilities and is acceptable in terms of London Plan (2008) policies 3A.1 and 3A.25; Unitary Development Plan (1998) policies ST25, ST45, ST46 and HSG14; Interim Planning Guidance (2007) policy CP24, and Core Strategy (2009) policies SP17, SO18 and SP07, which encourage the provision of education facilities and special needs housing at accessible locations.
- 2.4 The new building in terms of height, scale, design and appearance is acceptable in line with policies 4B.1, 4B.8, 4B.10, 4B.11, 4B.12, 4B.14 and 4B.16 of The London Plan 2008, policies DEV1, DEV2 and DEV3 of the Unitary Development Plan 1998, policies C48, DEV1, DEV2 and CON2 of the Council's Interim Planning Guidance 2007 and Core Strategy (2009) policies SP10, which seek to ensure development is of a high quality design.
- 2.5 The impact of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy, increased sense of enclosure or increased disturbance is acceptable given the urban context of the site and as such accords with policies DEV1 and DEV2 of the Unitary Development Plan 1998 and policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007), which seek to ensure development does not have an adverse impact on neighbouring amenity.
- 2.6 Transport matters, including vehicular and cycle parking, vehicular and pedestrian access and servicing arrangements are acceptable and accord with policy T16 of the Tower Hamlets Unitary Development Plan 1998, policies DEV16, DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance 2007, and national advice in PPG13 which seek to ensure developments can be supported within the existing transport infrastructure.
- 2.7 Renewable energy matters are appropriately addressed and accord with policies 4A.7 – 4A.9 of The London Plan, policies DEV5 – 9 and DEV 11 of the Interim Planning Guidance 2007, which seek to ensure development is sustainable due to reduced carbon emissions, design measures, water quality, conservation and sustainable construction materials.
- 2.8 Contributions have been secured towards projects in the Aldgate Masterplan area, pen space improvements, public realm improvements, and transport and highway improvements. This is in line with Circular 05/2005, policies 3B.3 and 5G3 of The London Plan 2008, policy DEV4 of the Unitary Development Plan 1998 and policy IMP1 of the Interim Planning Guidance 2007, which seek to secure contributions toward infrastructure and services required to facilitate development.

SUMMARY OF MATERIAL PLANNING CONSIDERATIONS LISTED BUILDING CONSENT

- 2.9 The proposed alterations to the former St. George's Brewery are considered appropriate in respect of alterations to a Listed Building. The proposed alterations would preserve the special architectural and historic interest of the building and bring it back into use. Furthermore, the proposed development of the site would not have an adverse impact on the setting of the Grade II listed building. This is in line with PPG15: Planning and the Historic Environment, London Plan, policies 4B.11 and 4B.12, saved Unitary Development Plan

Policies 1998, DEV37, Interim Planning Guidance 2007, policies CP49 and CON1 and Core Strategy 2009, policy SP10. These policies seek to ensure that alterations respect the special architectural and historic interest of Listed Buildings and that development would not have an adverse impact on the setting of a listed building.

3. RECOMMENDATION

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

3.2 A. Any **direction** by **The Mayor**

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

- A financial contribution of **£300,000** towards parks and open space within the vicinity of the site
- A financial contribution of **£100,000** towards public realm improvements within the vicinity of the site
- A financial contribution of **£165,000** towards cultural/community/education projects in the Aldgate Masterplan Area
- A financial contribution of **£250,000** towards a pedestrian crossing outside the East London Mosque
- A financial contribution of **£50,000** towards transport improvements
- A financial contribution of **£21,500** towards a cycle routes
- Commitment to enter into S106 agreement to prevent student occupiers from apply for car-parking permits
- Commitment to implement a Green Travel Plan
- Commitment to use local labour in construction
- Commitment to implement Student Management Plan
- TV/Radio Reception Monitoring
- any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

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

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

3.6 Full Planning Permission Conditions

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

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

- 3) Bat Survey prior to the commencement of any works on site.
- 4) Programme of archaeological investigation
- 5) Programme of archaeological recording
- 6) Contaminated Land Survey
- 7) Construction Management Plan
- 8) Code of Construction Practice
- 9) Sample of all external facing materials / sample board / Mock up typical bay
- 10) Detail of landscaping scheme to include hard and soft finishes, planting, external lighting, CCTV and future management arrangements
- 11) Enter into S278 Agreement
- 12) Piling details

Prior to occupation:-

- 13) Implementation and retention of measures in wind assessment
- 14) Implementation and retention of measures in air quality assessment
- 15) Post completion testing of proposed student accommodation
- 16) Acoustic report for proposed plant
- 17) Implementation and retention of measure in Delivery and Service Management Plan
- 18) BREAM assessment demonstrating that the development achieves a minimum 'Excellent' rating
- 19) Prior to occupation of commercial unit written approval from LPA for hours of operation. No deviation from approved hours unless otherwise agreed in writing.
- 20) No installation of extraction / air conditioning plant to ground floor student café without prior approval of LPA.
- 21) No installation of extraction / air conditioning plant to ground floor commercial unit without prior approval of LPA.
- 22) Energy Efficiency and Construction
- 23) Sustainable Design and Construction
- 24) Delivery and Servicing Plan

Compliance:-

- 25) No installation of roller shutters
- 26) No signage
- 27) Restriction on use of terraces to hours of 8.00am to 10.00pm on any-day.
- 28) Hours of operation of commercial use
- 29) Hours of servicing for commercial uses
- 30) Restriction of hours of construction.
- 31) Restriction of hours of piling
- 32) Retention of cycle parking
- 33) Any other conditions(s) considered necessary by the Corporate Director Development & Renewal

3.7 Full Planning Permission Informatives

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

3.8 Listed Building Conditions

- 1) Time Limit
- 2) Drawings
- 3) All new brick work to match existing
- 4) Treatment of floor, floor board and window, details to be submitted prior to commencement of works
- 5) Any other conditions(s) considered necessary by the Corporate Director Development & Renewal

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

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The proposal is for the redevelopment of the site at 33-35 Commercial Road. The works will involve the demolition of all the buildings on site apart from the former St. Georges Brewery which is Grade II Listed and the associated Assam Street Warehouse.
- 4.2 The proposal is for the creation of a mixed used scheme involving the erection of a building rising to ground, basement, plus 17 storeys to the north of the site which would be used as student housing.
- 4.3 The Commercial Road frontage would be re-developed with the erection of buildings rising to between two and six storeys in height plus basement providing a mix of uses which would be retail (A1) and/or restaurant (A3) and/or offices (B1) and/or non-residential institutions (D1).
- 4.4 The proposed refurbishment of the former St. George's Brewery would be for the use as offices (B1) and the Assam Street Warehouse would be for the use as student accommodation.

Office and Retail Floor Space

- 4.5 The proposal would result in the provision of 4213 square meters of commercial floor space of which 3142 square meters would be office floor space (B1) within the former St. Georges Brewery, 1071 square meters of commercial floor space (A1/B1/D1) fronting Commercial Road and a further 1811 square meters of floor space for storage and plant located through out the development.
- 4.6 The commercial floor space would have 20 cycle parking spaces located at the rear. The main entrance for the commercial uses would be from Commercial Road with servicing taking place from Assam Street.

Student Housing

- 4.7 In total the proposal would result in the provision of 334 student bedrooms of which 24 would be studios and 310 bedrooms. Of these 17 (5%) would be wheelchair accessible. The main student housing entrance would be from Commercial Road.
- 4.8 The study units vary in size from approximately 17 square metres for a single bedroom and 32 square meters for a studio. The studios include a living/sleeping area, a workspace, a cooking area and a separate bathroom.
- 4.9 The bedroom units are arranged in groups of four or five. Each bedroom would have a living/sleeping area, a workspace and a separate bathroom. 294 of the bedrooms have their own cooking area within the bedroom. 16 of the rooms would share a cooking area located in a separate room adjacent. Each kitchen would be shared by a maximum of 4 rooms.
- 4.10 The ground floor of the main student accommodation would have a café with further communal space in the basement including a gym, courtyard and screen room. At the 15th floor there would be a lounge with a double height outdoor amenity space and at the 17th floor there would be a further communal space in the form of a lounge.
- 4.11 There would be plant located within the basement and at the 18th floor.

- 4.12 The proposal also includes the provision of 386 secure cycle spaces which are located at basement level which can be access via a ramp from ground floor level or from a lift.
- 4.13 The scheme provides one disabled parking space for the use of students accessed from Assam Street.
- 4.14 The scheme incorporates a Combined Heat and Power System, with photovoltaic's at roof level and the use of bio-diverse roofs.

Listed Building Alterations

- 4.15 The former St. Georges Brewery would be refurbished with the demolition of extensions post-1847. The works would involve the detailed refurbishment of original features such as the roof and the carrying out of necessary repair works to the building.

Site and Surroundings

- 4.16 The .367 hectare site is currently partially occupied by a surface car park on the northern part of the site providing approximately 70 parking spaces. The remainder of the site south of the car park is occupied by a range of retail and employment uses contained within the Grade II Listed former St. George's Brewery building and additions to the building fronting onto Commercial Road and Assam Street to the rear.
- 4.17 The former St. George's Brewery which is Grade II Listed was constructed by John Furze & Company's Brewery and was used as such until 1901 when it was converted into a bonded warehouse and whiskey bottling plant.
- 4.18 Post 1901 the brewery building underwent a number of alterations. The water tank and brewery equipment were removed and the roof was rebuilt. Substantial areas of additional warehousing and other equipment were added to the front and the rear of the building along Commercial Road and Assam Street.
- 4.19 Following the end of the warehouse use, the interior of the original building was subdivided and used for retail and employment uses. The building was listed in 1973 in a response to a threat of demolition.
- 4.20 The area surrounding the site comprises a variety of building heights and mix of uses. The site is bounded to the west by the rear of Naylor Building West at 16-40 White Church Lane (a 6/7 storey residential building) and to the north Naylor Building East at 15 Adler Street (a 6/7 storey residential building). The buildings to the west on the corner of Commercial Road and Whitechurch Lane are predominantly commercial 3 storeys high. To the east it is bounded by the rear of the properties at 1-13 Adler Street (5 Storey commercial building) and the Morrison Buildings (5 storey residential building) and to the south by Commercial Road.
- 4.21 Altab Ali Park (formerly St. Mary's Gardens), is located immediately to the north of Naylor Building East. The site is in close proximity to the London Metropolitan University (LMU) City Campus Aldgate.
- 4.22 The site is not located within a conservation area, the nearest being the Whitechapel High Street conservation area to the north. There are a number of buildings on the statutory list within the vicinity of the site including:
 - 4.23
 - 1) The Gunmaker's Company Building at 32 and 34 Commercial Road
 - 2) The Hall and Proof House at 46-50 Commercial Road (on the opposite side of Commercial Road to the south of the site)
 - 3) A K2 telephone kiosk outside 48 Commercial Road

- 4) The wall of the former St. Mary's Churchyard, Whitechapel Road
- 5) A tomb in the south east corner of the former St. Mary's Churchyard, Whitechapel Road
- 6) The Passmore Edwards Library, Whitechapel High Street, (which has been adapted to form part of the Whitechapel Arts Gallery)
- 7) St. George's German and English Schools at no's 55, 57 and 59 Allie Street
- 8) Whitechapel Bell Foundry at 32-43 Whitechapel Road
- 9) There is also a locally listed building at 17 Whitechurch Lane.

4.24 The site is located in an area with very good access to public transport. It has a Public Transport Accessibility Level (PTAL) of 6b. The site is approximately 335m from Aldgate East Underground Station. Frequent bus services pass along Commercial Road and Whitechapel Road.

4.25 Commercial Road forms part of Transport for London's Strategic Road Network.

4.26 In the adopted Tower Hamlets Unitary Development Plan the site falls within the Central Activities Zone and is within an Area of Archaeological Importance. In the Council's Interim Planning Guidance the site is located in the City Fringe Area Action Plan. The site also falls within the boundary of the Aldgate Masterplan, and in this plan the area to the South of the site is identified as open space. Within the emerging Core Strategy Submission Version December 2009 (CS) the site forms part of the Aldgate Area and is designated as a area where the aim is to rediscover its gateway role as a mixed use, high density area with a commercial centre.

4.20 In longer views the site forms part of the background to the Tower of London.

Relevant Planning History

4.21 The following planning decisions are relevant to the application:

The Site

- | | |
|-------------|---|
| PA/83/00741 | The Local Planning Authority (LPA) granted planning permission dated 9 th February 1984 for the "Change of use from fashion showroom and warehouse to restaurant and take-away with storage area" |
| PA/99/01429 | The LPA refused planning permission dated 8 th March 2000 for the "Change of use from warehouse to hostel for a temporary period of 5 years." |
| PA/04/01395 | The LPA granted planning permission dated 15 th February 2002 for the "Alterations to shopfront to provide separate access to office space above." |
| PA/04/01830 | The LPA granted listed building consent dated 15 th February 2004 for the "Alterations to shop front to provide new entrance to provide separate access to upper floor office space front side of the ground floor including alteration to the existing shopfront to create a new door." |
| PA/06/01050 | An application was withdrawn from an appeal for non-determination by the applicant dated 8 th May 2007 for the
"(1) Demolition of existing buildings other than listed building. |

- (2) Mixed use redevelopment of site containing the following uses:
- (3) Erection of a 35 storey building to provide student accommodation and associated leisure facilities (Class D2), office (Class B1) and retail uses (Classes A1, A2, A3, A4 & A5).
- (4) Erection of a 10 storey building to provide student accommodation along with office and retail uses.
- (5) Use of existing Grade II listed building for commercial use (office and retail uses).
- (6) Provision of a total of 782 student rooms with ancillary kitchen / dining facilities and 670 cycle spaces.”

PA/06/01051 An application for listed building consent was withdrawn from an appeal for non-determination by the applicant dated 8th May 2007 for the “Partial demolition and refurbishment of the existing Grade II Listed Building.”

Surrounding Sites

52, 54 – 58 Commercial Road

PA/03/00766 The LPA granted planning permission dated 22nd December 2005 for the: “Demolition of existing buildings and redevelopment to provide a mixed-use complex of four buildings comprising 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.

Redevelopment of site to provide a total of 136 x 1, 2 and 3 bedroom flats including 38 affordable units and 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 to provide 22 of the affordable housing units only. Proposal includes 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).”

Morrisons Buildings

PA/09/00205 The LPA granted planning permission dated 2nd April 2009 for the “Change of use to part of ground floor to class A1 use, creation of 2 additional floors & full height rear extension. Alterations to Commercial Road & Adler Street facades and alteration to internal arrangements whilst maintaining 36 self contained flats, provision of cycle parking, refuse storage and rear servicing.”

Naylor Buildings West and East (referred to as North within the submission documents)

PA/00/00328 The LPA granted planning permission dated 28th September 2000 for the “Redevelopment of site to provide a mixed development comprising commercial space for Class A1 and/or A2 and/or A3 and/or B1 and B8 at ground floor level and 85 residential units on part ground to sixth floor levels, together with a landscaped garden, car parking provision at basement level and footpath and boundary treatment adjoining Altab Ali Park.“

5. POLICY FRAMEWORK

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

5.2 Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS9	Biodiversity and Conservation
PPG13	Transport
PPG15	Planning and the Historic Environment
PPS22	Renewable Energy
PPG24	Planning and Noise

5.3 Spatial Development Strategy for Greater London (London Plan) Consolidated with alterations since 2004.

1.1	London in its global context
2A.1	Sustainability Criteria
2A.4	Central Activities Zone
3A.13	Special needs housing
3A.25	Higher education
3B.1	Developing London’s economy
3B.2	Office demand and supply
3B.3	Mixed use development
3C.1	Integrating transport and development
3C.2	Matching development to transport capacity
3C.21	Improving Conditions for Walking
3C.22	Improving Conditions for Cycling
3C.23	Parking Strategy
3D.8	Realising value of open-space
4A.3	Sustainable Design and Construction
4A.4	Energy assessment
4A.5	Provision of heating and cooling networks
4A.6	Decentralised energy: heating, cooling and power
4A.7	Renewable energy
4A.11	Living Roofs
4A.18	Water and sewerage infrastructure
4A.19	Improving Air Quality
4A.20	Reducing noise and enhancing townscapes
4B.1	Design principles for a compact city
4B.2	Promoting world class architecture and design
4B.3	Enhancing the quality of the public realm
4B.5	Creating an inclusive environment
4B.6	Safety and Security
4B.8	Respect local context and communities
4B.9	Tall buildings - location
4B.10	Large-scale buildings – design & impact
4B.11	London’s Built Heritage
4B.12	Heritage Conservation
4B.15	Archaeology
4B.16	London view management framework
4B.17	View management plans
5C.1	The strategic priorities for North East London
5C.3	Opportunity areas in North East London
5G.2	Priorities in Central Activities Zone

5.4 Unitary Development Plan 1998 (as saved September 2007)

Proposals:		Central Activities Zone
		Area Archaeological Importance
Policies:	ST1	Addressing needs of all residents
	ST12	Encourage range of cultural activities
	ST15	Facilitate expansion of local economy
	ST17	To promote high quality work environments
	ST23	To ensure high standard of new housing
	ST25	To ensure new housing served by infrastructure
	ST28	Restrain unnecessary use of private cars
	ST30	To improve safety for all road users
	ST34	To support range of shopping
	ST35	To retain reasonable range local shops
	ST37	To improve physical appearance of parks and open-spaces
	ST41	To encourage new arts and entertainment facilities
	ST47	To support training initiatives
	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use development
	DEV4	Planning Obligations
	DEV8	Protection of local views
	DEV12	Provision of Landscaping in Development
	DEV43	Protection of Archaeological Heritage
	DEV44	Preservation of Archaeological remains
	DEV50	Noise
	DEV51	Soil Tests
	DEV51	Contaminated Land
	DEV55	Development and Waste Disposal
	DEV56	Waste Recycling
	DEV69	Water Resources
	CAZ1	Location of Central London Core Activities
	EMP1	Encouraging Employment
	EMP3	Office floorspace
	HSG14	Special Needs Housing
	HSG16	Housing Amenity Space
	T16	Impact of Traffic
	T18	Pedestrian Safety and Convenience
	T19	Improve quality safety and convenience pedestrians
	T26	Promoting of Waterways for Freight
	S7	Special Uses
	S11	Roller Shutters

5.5 Interim Planning Guidance for the purposes of Development Control

Proposals:		City Fringe Area Action Plan
Core Strategies:	IMP1	Planning Obligations
	CP1	Creating Sustainable Communities
	CP2	Equality of Opportunity
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP7	Job Creation and Growth

	CP8	Global Financial and Business Centre
	CP11	Sites in Employment Use
	CP16	Vitality of Town Centres
	CP24	Special Needs Housing
	CP25	Housing Amenity Space
	CP29	Improving Education and Skills
	CP30	Improving Open-spaces
	CP31	Biodiversity
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP40	A sustainable transport network
	CP41	Integrating Development with Transport
	CP42	Streets for People
	CP46	Accessible Environments
	CP48	Tall Buildings
	CP49	Historic Buildings
	CP50	Important Views
Policies:	DEV1	Amenity
	DEV2	Character & Design
	DEV3	Accessibility & Inclusive Design
	DEV4	Safety & Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency & Renewable Energy
	DEV7	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution
	DEV12	Management of Construction
	DEV13	Landscaping and Tree Preservation
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV20	Capacity of Utility Infrastructure
	DEV22	Contaminated Land
	DEV27	Tall Buildings
	EE2	Redevelopment /Change of Use of Employment Sites
	RT4	Retail Development
	RT5	Evening and Night-time economy
	CON1	Listed Buildings
	CON2	Conservation Areas
	CON3	Protection of World Heritage Sites
	CON4	Archaeology and Ancient Monuments
	CON5	Protection and Management of Important Views
	CFR1	City Fringe Spatial Strategy
	CFR4	Educational provision
	CFR6	Infrastructure and Services
	CFR9	Employment uses in Aldgate
	CFR12	Design and Built Form in Aldgate
	-	Aldgate Masterplan

5.6 Core Strategy Development Plan Document (Submission version December 2009)

SO4	Refocusing on our town centres
S05	

SO6	
SP01	
SO10	Creating health and liveable neighbourhoods
SO11	
SP03	
SO12	Creating a green and blue grid
SO13	
SP04	
SO14	Dealing with waste
SP05	
SO15	Delivering successful employment hubs
SO16	
SP06	
SO17	Improving education and skills
SO18	
SP07	
SO19	Making connected places
SP08	
SO20	Creating attractive and safe streets and places
SO21	
SP09	
SO22	Creating distinct and durable places
SO23	
SP10	
SO24	Working towards a zero-carbon borough
SP11	
SO25	Delivering placemaking
SP12	
Aldgate Vision: Priorities and Principles	
SP13	Planning Obligations

5.7 Supplementary Planning Guidance/Documents

SPG Designing Out Crime

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

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

6. CONSULTATION RESPONSE

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

6.1 The following were consulted regarding the application:

LBTH Highways

6.2 The subject site is in an area with a PTAL accessibility rating of 6b. The site is considered to have a good level of accessibility to public transport links.

6.3 Given the high PTAL rating of 6b a car free development secured via S106 in this location is acceptable.

- 6.4 The scheme should include the on-site provision of disabled parking and/or demonstrate the location of disabled parking within the vicinity of the site.
- 6.5 Discussions with LBTH Highways would be necessary in respect of the proposed drop-off at Assam Street.
- 6.6 The servicing arrangements from Assam Street are acceptable and would result in no obstruction of any public highway.
- 6.7 Cycle Parking provision is acceptable and in line with policy.
- 6.8 In terms of capacity of the existing bus and train services, it is considered that there would be enough available to accommodate the proposed increase in passenger trips during peak hours.
- 6.9 The proposed development would enhance the existing pedestrian environment adjacent to the site providing improved pedestrian conditions and improving safety and security of pedestrians within the development. Albeit there would be a significant increase given these improvements and the Council's aims of promoting and encouraging sustainable transport measures the increase would be acceptable.
- 6.10 The Draft Travel Plan Framework would be acceptable in principle.
- 6.11 In respect of S278 works, the site requires work to areas of public highway and this would include the removal of any existing crossovers and accesses into the site and their reinstatement to the existing kerb level. The site also requires areas of maintenance to the footway surrounding the site. A condition to secure this works would be required.
- 6.12 Following the amendment of the scheme additional comments were provided:
- 6.13 Questions in respect of disabled parking, servicing, etc were raised by the Highway Officer. These matters were clarified and no objection was raised to the scheme.
- 6.14 The amended scheme is providing 406 cycle parking spaces (386 associated with the student housing and 20 for commercial users) which is acceptable. Clarification in respect of access to the basement cycle parking was provided and is considered acceptable.
- 6.15 All cycle parking should comply with LBTH standards and the retention of spaces should be conditioned as part of any future planning permission.
- 6.16 They noted that no motorcycle/scooter spaces are provided. Although not subject to a standard, it is likely there will be a small demand, which the Applicant is encouraged to cater for on-site.
- 6.17 Drawing 30-010 revision 3 also shows external doors opening out over Commercial Road. Doors which open outwards onto the Public Highway are forbidden by Section 153 of the Highways Act, 1980, where possible they should either open inward or be embedded within the building profile.
- 6.18 Conditions/recommendations contained within previous comments are still relevant. Please also include the following:
1. Projection Licence
 2. S278 Agreement
 3. Highway not to be blocked during construction
 4. Compliance with existing on-street restrictions

6.19 Officer Comment:

The Highways Department have raised no objections subject to recommended conditions and informatives. Where questions have been raised clarifications or amended drawings have been provided and all matters have been dealt with.

LBTH Environmental Health (Contaminated Land)

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

6.21 Officer comment:

A suitable condition would be imposed on any permission.

LBTH Environmental Health (Noise and Vibration)

6.22 The developer should confirm what mitigating measures will be utilised to meet the BS 8233 (Sound insulation and noise reduction for buildings) good design range for indoor noise levels, i.e. 30 dB, $L_{Aeq,T}$ in living rooms and bedrooms. For a reasonable standard in bedrooms at night, *individual noise events* (measured with F time-weighting) should not normally exceed 45 dB L_{Amax} . A post completion testing should be applied as a planning condition

6.23 Noise assessment from plants, air conditioning or ventilation systems for the proposed development have not been undertaken. A noise survey and assessment in accordance with BS4142 together with proposed mitigation measures must be submitted for approval by Tower Hamlets Environmental Health Department before planning permission is granted.

6.24 Measures should be taken to prevent site deliveries and vehicular movements outside the specified working times. Vehicles waiting to enter or leave the must switch off their engines.

Working Hours and Noise and Vibration during construction

6.25 All construction work to be only carried out within the following hours:

0800 hrs to 1800 hrs Monday-Friday

0800 hrs to 1300 hrs Saturdays

No working on Sundays or Public Holidays

6.26 0800 hrs to 1800 hrs Monday - Friday Leq 75dB(A) Leq 10 hour at the nearest premises.

0800 hrs to 1300 hrs Saturday Leq 75dB(A) Leq 5 hour at the nearest premises.

6.27 These noise limits apply at 1 metre from the façade of any occupied building.

Post completion testing and conditions

6.28 • Post completion test to be carried out in order to prove that development achieve the BS 8233 good standard.

• Hours of use for the A1 office be restricted

• Conditions regarding the delivery of goods should be imposed for A1 commercial.

• All conditions and post completion tests to be carried out and approved prior to the building becoming occupied.

Informative

6.29 They recommend that the applicant/developer applies for a Section 61 Agreement under the

Control of Pollution Act 1974. This will assist in the mitigation of noise during the construction phase.

Officer Comment:

- 6.30 *The Environmental Health Noise and Vibration Department have raised no objections subject to recommended conditions and informatives and these will be placed on the decision notice. The applicant would also be advised to contact the Environmental Health Department in order to ensure that they are in compliance with the relevant legislation such as construction hours.*

LBTH Environmental Health (Daylight and Sunlight)

- 6.31 The revised Daylight/Sunlight reports have been reviewed. The contents of the report which assess the revised scheme including setback from Naylor building North (East) has improved the situation significantly. The level of non compliance with BRE Guidance can now be considered acceptable in an urban setting. It is acceptable to consider planning permission.

Officer comment:

- 6.32 *This matter is discussed under the amenity section of the report.*

LBTH Environmental Health - Commercial

- 6.33 The LBTH Environmental Health Commercial Officer gave advice about the relevant legislation during construction and once built.

Officer comment:

- 6.34 *The applicant would be advised to contact the Environmental Health Department in order to ensure compliance with the relevant legislation.*

LBTH Crime Prevention Officer

- 6.35 The Crime Prevention Officer has raised concerns about the openness of what is going to be a student building. The lack of gated access to the Assam Street entrance, in an area that is neither easily accessed by the public, or has good public views, will likely leave the area vulnerable to crime, dumping of rubbish and a complete lack of security/safety, particularly when you also factor in the under-croft area resultant in the overhang design.
- 6.36 They appreciate the thoughts about gated communities, but consider that this is a student building, with no through routes for the public. The only persons present on this site should be the students, guests and staff, and no one else. I do not see the need for this to be open when it is not a permeable site. It is also noted that the Assam Street entrance to the scheme has almost no overlooking or active frontages.

Officer comment:

- 6.37 *It is considered that vis-à-vis a landscaping condition that full details of the means of securing the Assam Street entrance can be controlled. This would also include details of lighting. It is also noted that the Assam Street entrance is overlooked by ground floor studio units within the Assam Street warehouse.*

LBTH Arts Sport and Leisure Services

- 6.38 To date no comments have been received.

Landscape Section

- 6.39 They provided advice in respect of securing Section 106 monies for open space within the area.

LBTH Energy

- 6.40 Following the submission of further information the LBTH Energy Officer is now satisfied with the submitted application and has provided the following comments:
- 6.41 The applicant has broadly followed the energy hierarchy set out in policy 4A.1 of the London Plan.
- 6.42 The energy strategies are generally in compliance with current energy policies and provide carbon emissions reductions of approximately 24% from the baseline and therefore recommend the energy strategy to be conditioned to provide the detailed information at the detailed design stage.
- 6.43 A sustainability statement has been provided which addresses most of the sustainability issues, which I found to be satisfactory, however a BREEAM assessment has not been provided and it is recommended that this is submitted via condition.

Conditions

- 6.44
- Energy efficiency and renewable energy
 - Sustainable design and construction

LBTH Development Schemes

- 6.45 They advised that the development is located in the core Aldgate Masterplan boundary. It is an objective in the Masterplan to decrease heights of developments away from the approved Aldgate Union 3 & 4 development. The Masterplan also depicts active frontages on Commercial Road as well as green links from Goodmans, up Adler St towards Altab Ali Park.

LBTH Waste Management

- 6.46 To date no comments have been received.

LBTH Access to Employment

- 6.47 To date no comments have been received.

LBTH Cultural Services

- 6.48 Cultural Services have had input into the Aldgate Masterplan. As this development is located within the masterplan boundary, mitigating contributions should be sought in line with the masterplan social infrastructure requirements.

British Broadcasting Corporation – Reception Advice

- 6.49 Given that the description of the reference aerial used was not provided they are unable to consider the levels in normal terms. Whilst, the analogue levels are acceptable the digital ones appear too low.
- 6.50 It is noted that the Ofcom 'self help transmitters' scheme no longer applies. However areas with problems due to analogue signals being blocked can often still be served by digital as this is a more robust means of transmission.

Officer Comment:

- 6.51 *This matter can be controlled via Section 106.*

Commission for Architecture and the Built Environment

- 6.52 They noted that the scheme is an interesting example of a tall building within a dense urban block and welcome the way in which the tower is embedded within the urban fabric. The Tower and buildings onto Commercial Road form an attractive ensemble which successfully incorporates the old brewery building. However, they're concerned about the quality of the outdoor spaces and the design of the tower has not reached the high standard necessary for

a tall building. In particular they feel that the rooms on the lower floors will be compromised by their close proximity to the adjacent building.

Tall Building

- 6.53 Generally, the proposal for a tall building in this location appears sound, CABE consider that it could be more elegant if it were taller.
- 6.54 Within a tight perimeter block, the relationship with the lower enclosing site boundaries is important. They acknowledge the changes to the design of the lower block but feel the response is inelegant.
- 6.55 Overshadowing and privacy may be issues.
- 6.56 Concern is expressed about the quality of the open space at the foot of the tower and Assam Street is likely to feel like a backyard rather than a meaningful open space.

Architecture

- 6.57 The design of the base of the tower, courtyard and circulation areas are considered unacceptable in its current form.
- 6.58 The inflexible geometry of the tower does not bring the building successfully to the ground in visual and organisational terms.
- 6.59 They note the changes to the design at the top of the building; however, they consider it still needs further refinement.

Access

- 6.60 The amended access routes are successful and address Commercial Road.
- 6.61 The importance of the Assam Street entrance as a pedestrian link is noted.

Officer Comment:

- 6.62 *Design is considered under main issues..*

Natural England (Statutory Consultee)

- 6.63 Advice was provided in respect of the need to provide Bat surveys prior to the granting of planning permission.
- 6.64 Whilst, they are supportive of the quantum of green roofs it is noted that those made up entirely of sedum matting can represent a comparatively poor resource for biodiversity.

Officer Comment:

- 6.65 *The need for a bat survey is discussed at paragraph 8.127. Amended drawings were provided detailing provision of more varied bio-diverse roofs. This matter will also be controlled via a landscaping condition.*

English Heritage (Statutory Consultee)

- 6.66 Following the submission of additional information further to English Heritages initial comments they are now satisfied with the proposal.
- 6.67 We understand that following its substantial reduction in height, the tower does not impact on protected views of the Tower of London.
- 6.68 We are pleased with the various revisions regarding the listed building aspect of the proposal. We welcome, for example the retention of original windows. We understand that

the floor to be removed is a non original floor.

- 6.69 We note changes to the tower but again, reiterate the importance of architectural details. Adequate conditions should be attached to any permission with regard to materials and large scale details.

Officer Comment

- 6.70 *Design is discussed under main issues.*

English Heritage- Archaeological Division (Statutory Consultee)

- 6.71 Given that redevelopment of the site has the potential to damage or remove significant buried remains. Archaeological field evaluation is required and this should be controlled via condition. Once the archaeological impact of the proposal has been identified a decision can be made in respect of archaeological safeguards. A condition requiring a programme of recording and historic analysis would also be attached to the planning permission.

Officer Comment

- 6.72 *A suitable condition would be imposed on any permission.*

Environment Agency (Statutory Consultee)

- 6.73 They have no objection in principle provided the a condition in respect of piling is attached to the planning permission.

Greater London Authority (Statutory Consultee)

- 6.74 Stage One response received.
- 6.75 They support student housing in this location.
- 6.76 The commercial element of the scheme is in line with policy.
- 6.77 In principle a tall building is acceptable in this location, subject to detailed design and it not having a harmful impact on the backdrop of the Tower of London World Heritage Site.
- 6.78 More information is required on the quality of the materials and the detailing.
- 6.79 Subject to the resolution of the architectural design of the building the impact of its height, mass and bulk on the Whitechapel High Street Conservation Area is not considered to be adverse. The impact on the conservation area and listed buildings is also dependent on the detailing of the tower, which will be conditioned by the local planning authority.
- 6.80 The works to the listed building appear contemporary whilst preserving the historic character of the brewery.
- 6.81 The applicant is urged given the shortage of wheelchair accessible student accommodation in London to increase the proposed number of wheelchair accessible bedrooms to 10%. Illustrative layout plans of typical wheelchair accessible units should be provided.
- 6.82 The Access Statement otherwise demonstrates that the development would be fully accessible to all users.
- 6.83 The townscape assessment fails to demonstrate the impact of the proposed development on strategic views contained in the London View Management Framework (LVMF). As such it is wholly inadequate and not in keeping with policy 4B.18.
- 6.84 Potentially affected strategic views include the townscape view from City Hall to Tower of

London (view 25). The objective of maintaining the clear view of the sky in the backdrop of the White Tower.

- 6.85 Other potentially affected views include the river prospect from Westminster Bridge (View 18) and the linear view from King Henry VIII's Mounds, Richmond Park to St. Paul's Cathedral (view 9). The applicant needs to undertake a comprehensive assessment of the visual impact of the proposed development on these and other strategic views.
- 6.86 Revisions to the energy strategy are required before the scheme can be considered compliant with the London Plan energy hierarchy.
- 6.87 The proposed commercial uses comply with London Plan policy.
- 6.88 It is suggested to seek S106 contributions in respect of community needs as a means of reducing disparities in labour market outcomes between groups. Financial contributions required to meet the needs of the community should also be considered.
- 6.89 In respect of Transport the comments are in keeping with TfL comments which are discussed at paragraph 6.96 – 6.115.

Officer Comment

- 6.90 *Additional information was submitted following the stage one response in relation to the matters raised. LBTH Officer's are satisfied that the matters addressed in the GLA stage one report have been addressed, and that the scheme is now compliant with the London Plan.*

Government Office for London

- 6.91 To date no comments have been received.

Historic Royal Palaces

- 6.92 To date no comments have been received.

Health and Safety Executive

- 6.93 The explosives inspectorate, having considered carefully the type and location of the proposed development, has no objection to it proceeding.

London City Airport

- 6.94 The proposed development has been examined from an aerodrome safeguarding aspect and does not conflict with the safeguarding criteria. Accordingly London City Airport has no safeguarding objection to the proposed development.

London Fire and Civil Defence Authority (Statutory Consultee)

- 6.95 They have advised following the receipt of additional information that the proposed development has been examined and they are satisfied with the proposals in relation to the fire precautionary arrangements.

Transport for London (TfL)

- 6.96 The proposed development is 'car free' and in view of the excellent PTAL, this is strongly supported by TfL.
- 6.97 Whilst the removal of the existing surface level car park at the northern end of the development site is welcomed, it is understood that from the 4 spaces provided for delivery, service and maintenance vehicles, only one will be designed to double up as a disabled parking bay. This is not acceptable.

- 6.98 It is understood that all vehicular access to the site will be via Assam Street. Being off the TLRN, this is supported, however it remains unclear from the report whether the existing two vehicular accesses on Commercial Road will be removed as part of the proposals. TfL requires the permanent closure of the two Commercial Road accesses due to the strategic nature of the highway. As such, TfL would recommend the developer enter into a Section 278 agreement for providing the necessary highway works including footway repaving, dropped kerbs and removal and footway reinstatement on occupation of the building.
- 6.99 Given the lack of parking provision on site, the development is expected to generate significant additional public transport trips and S106 monies would be required to mitigate this.
- 6.10 TfL support in principle the proposed construction arrangements provided that the existing vehicular accesses from Commercial Road are closed for construction traffic. Swept path analysis would still be required for the largest construction vehicle.
- 6.10 TfL will not accept the temporary closure of Commercial Road during the construction period. Justification of why other means of crane and plan access are not viable would be required.
- 6.11 TfL questions the reports conclusions that any pedestrian flows impact from the development would be negligible. A recent study within the area has identified a number of areas for improvement and the impact can be mitigated via S106 contributions.
- 6.11 Cycle parking is in line with policy although clarification is sought between the student provision and commercial provision.

S106 Contributions

- 6.11 • Highway improvements within the area
3 • Public realm improvements
• Transport improvements
• Cycle routes improvements
• Public open space
• Travel Plan

Conditions

- 6.11 • Construction Management Plan
4 • Delivery and Servicing Plan
• Highway Improvements (S278)

Officer Comment:

- 6.11 *TfL have raised no objections subject to recommended conditions and S106 contributions to mitigate the impacts of the development. Where questions have been raised clarifications or amended drawings have been provided and all matters have been dealt with.*
5

Primary Care Trust (PCT)

- 6.11 To date no comments have been received.
6

Thames Water

- 6.11 No objection in terms of sewage / water infrastructure. Requested informative be attached to the planning permission.
7

Corporation of London

- 6.11 To date no comments have been received.
8

National Air Traffic Services (Statutory Consultee)

6.11 No safeguarding objection

9

7. LOCAL REPRESENTATION

7.1 A total of 634 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:

7.2 Following the submission of revised plans an additional round of neighbour consultation took place in November 2009.

7.3 The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

7.4 No of individual responses: 55 Objecting:14 Supporting: 41

7.5 40 pro-forma letters of support were received from local business within the area given it will increase investment and jobs in the area.

7.6 One individual letter of support was received from a local resident welcoming the scheme to improve this run down and tatty area.

7.7 The following local groups/societies made representations:

- Aldgate Triangle Residents Association

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

Student Housing

- 7.9
- An over concentration of student housing would damage the existing character of the area which is residential and commercial.
 - Given the other developments in the area which have received planning permission for student housing there is no need for additional student housing.
 - Student housing would result in an increase in anti-social behaviour. There is potential for the students to cause anti-social behaviour within Altab Ali Park where there is a no drinking zone.
 - There is no justification for the development to be solely for student housing within a residential area.
 - The development should be mainly for private and social housing.

7.10 *[Officer Comment: Please refer to the Land Use section of this report which discusses the mix of uses proposed. It is noted that the development as submitted has been assessed by the planning department and the land uses proposed are considered acceptable and in line with policy.]*

Sunlight

- 7.11
- There would be an unacceptable reduction in light levels to Naylor East and Naylor West buildings.

- The main building needs to be reduced in size to a maximum of 10 floors given the 18 storey building will block light.
- Object to the fact that the submission documents not only admit that the proposed development will reduce the amount of sunlight to the Naylor Buildings, that many of the apartments already suffer from less sunlight than normal, the design of the Naylor Buildings are poor, they still suggest that the further loss of sunlight is acceptable.
- Impact on Altab Ali Park.

7.12 [**Officer Comment:** Please refer to the Amenity section of this report where daylight and sunlight is discussed.]

- 7.13 • The submitted reports are misleading and independent reports should be commissioned by the Council.

7.14 [**Officer Comment:** The Council's Environmental Health Officer reviewed the initial Daylight and Sunlight Reports submitted following which an independent review of the information was also sought. During the course of the application the bulk and scale of the proposal has been amended in order to reduce the impact on the surrounding residents in respect of Daylight and sunlight. For a full discussion please refer to the amenity section of this report.]

- 7.15 • Within Flat 6, the Dining Room has not been tested.

7.16 [**Officer Comment:** The kitchen area which in this case includes a dining area, were not tested because given the size of the room it is not classified as a habitable room in line with BRE Guidance.]

- 7.17 • The bedrooms at first floor level within the Naylor Building West (referred to as Naylor Building North within application documents) are often used as studies and have a greater requirement for light within these rooms.

7.18 [**Officer Comment:** In the assessment of these rooms Vertical Sky Component (VSC) and No Sky Line (NSL) data has been provided which compares the existing and proposed situation. In reference to BRE Guidance, a bedroom is classified as a habitable room whereas a study is not. As such, the assessment of the scheme has been carried out in line with BRE Guidance.]

Amenity

- 7.19 • Loss of privacy for occupiers of the Naylor Buildings.
• Artificial light at night will affect resident's amenity.

7.20 [**Officer Comment:** Please refer to the Amenity section of this report where daylight and sunlight is discussed.]

Design, Bulk and Scale

- 7.21 • The height of the building is not in keeping with the local area and should be reduced.
• The new buildings do not enhance the existing brewery and it would be dwarfed by the tower.
• The proposed building would have an oppressive and overbearing effect on the immediate neighbours.

7.22 [**Officer Comment:** Please refer to the Design section of this report where these matters are discussed.]

Fire Safety

- 7.23 • Concern has been raised about the safety of the building in respect of fire, given the limited number of fire exits, the only escape route is onto Assam Street and the emergency services would not be able to access the main building. This would be a danger to the occupants of the building and the surrounding residents.
- 7.24 [**Officer Comment:** Please refer to the paragraph 6.95 of this report where comments from London Fire and Emergency Planning are discussed.]

Noise Pollution / Anti-social behaviour

- 7.25 • The existing drug dealing and anti-social behaviour problems within Altab Ali Park will worsen given the increase in the number of students associated with this development.
- Concern about students having late night parties and causing noise and disturbing existing residents.
 - Assam Street due to lack of CCTV and lighting is currently an area where drug dealing takes place and the application should address this problem.
 - The design of the tower is conducive to excessive anti-social behaviour.
 - Noise and anti-social behaviour from students returning from bars in the area.
- 7.26 [**Officer Comment:** Please refer to the Amenity section of this report where these matters are discussed. It is noted that the section 106 agreement will include compliance with the Student Management plan which seeks to overcome these issues.]

Highways

- 7.27 • The local area does not have the infrastructure to handle such a large amount of people in such a small place. Altab Ali Park in particular will suffer.
- The road, tube and bus network would not be able to deal with the increased capacity.
 - During construction, the proposal would adversely affect people's ability to access their resident's car park.
 - The number of cycle parking spaces if there is an equivalent number of cyclists would cause chaos on the surrounding roads.
 - Assam Street will become a drop off point; will have an increase in litter and noise pollution from the large footfall of students using this route.
 - Unrealistic that student would not need cars.
 - Concern that a management company would not be able to enforce the closing of Assam Street at night.
- 7.28 [**Officer Comment:** Please refer to the Highway section of this report where these matters are discussed.]

Other

- 7.29 • The artist's impression drawings are inaccurate.
- 7.30 [**Officer Comment:** The application was also accompanied by detailed drawings which offer an accurate representation of the proposed development.]
- 7.31 • The standard of living for students in the tower would not be acceptable.
- 7.32 [**Officer Comment:** Officers consider that the standard of student accommodation is acceptable.]
- 7.33 The following issues were also raised that are not planning matters.
- The very nature of students as tenants would not respect the locally community.

- There would be a loss of revenue for the area as students do not pay Council tax. Furthermore, students would take up part time jobs which would have a detrimental impact on the economy.
- Loss of view for the residents of the Dryden Building.
- Decrease in value of properties.
- Lack of supermarkets within the area and the post office is due for closure.

7.34 The following procedural issues were raised in representations, and are addressed below:

7.35 • The length of the consultation period was inadequate.

7.36 **[Officer Comment:** *The Council carried out two consultation periods allowing residents up to three weeks from receipt of notification to comment on applications. Any representations received following the close of the statutory consultation period have also been included in this report. It is considered that the timescales allowed were satisfactory.]*

7.37 • There was no meaningful engagement with local residents.

7.38 **[Officer Comment:** *There is no requirement for applicants to carry out consultation prior to the submission of a planning application. However, it is noted that in this instance the developer did carry out a public consultation exercise the details of which are discussed within the submitted Statement of Community Involvement.]*

8. MATERIAL PLANNING CONSIDERATIONS

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

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

Land Use

8.2 The site is allocated on the Proposals Map of the adopted Unitary Development Plan, 1998 (UDP) partially for B1 (business), B8 (storage and distribution) and A1 (retail) purposes and partially as a Special Policy Area within a designated Central Area Zone where a diverse and balanced mix of use should be maintained.

8.3 On the proposals map of the Interim Planning Guidance, 2007, (IPG) the site is allocated (Site CF39) for employment; residential, retail and public open space. It also lies within a higher education cluster identified by the City Fringe Area Action Plan (AAP) that formed part of the IPG.

8.4 Within the emerging Core Strategy Submission Version December 2009 (CS) the site is discussed under Aldgate which is within Lap 3 and 4. The policy aims to consolidate and support the higher education function of the area, including student housing provision, to act as a driver of regeneration. Given the later, the proposed land uses would appear acceptable. An assessment of each use category is provided below:

Principle of Student Accommodation

- 8.5 Policy CP24 of the IPG states that the Council will promote special needs and specialist housing by inter alia focusing purpose built student housing in close proximity to the London Metropolitan University at Aldgate. This is supported by the inclusion of the site within a higher education cluster identified by the City Fringe AAP.
- 8.5 Strategic London Plan policy 5G.3 recognises the Central Activities Zone as the country's most important strategic office location. London Plan policy 3B.2 seeks the renovation and renewal of existing office stock, and requires Borough's to promote the provision of additional space and the rejuvenation of existing office space in the Central Activity Zone.
- 8.6 Saved policy CAZ1 of the UDP specifies that within the Central Area Zone, a balance of central London core activities compatible with fostering London's role as a commercial, tourist and cultural centre, will normally be permitted. Central London core activities include educational establishments.
- 8.7 UDP policy HSG14 states that the Council will seek to encourage the provision of housing to meet the needs of residents with special housing needs. It goes on to state that "such housing should be appropriately designed and suitably located."
- 8.8 UDP paragraph 5.29 of HSG14 states that the Council will consider student housing in a variety of locations providing there is no loss of permanent housing or adverse environmental effects. It also notes that "additional provision could release dwellings elsewhere in the Borough in both the public and private rented sector."
- 8.9 In the AAP, policy CFR1 seeks to protect viable employment sites and policy CFR9 states that employment uses are supported as the dominant use. Policy CFR1 and CFR4 also promote the expansion of London Metropolitan University and support the consolidation of educational uses around Aldgate.
- 8.10 Saved UDP policy ST17 seeks to promote and maintain high quality work environments in order to attract investment. Saved Policy EMP1 seeks to encourage employment growth through the redevelopment and upgrading of sites already in employment uses. Saved policy EMP3 relates specifically to proposals for the change of office floorspace to non-B1 use classes.
- 8.11 Interim Planning Guidance policy CP7 seeks to retain and promote a wide range of spaces for different types of employment uses. It also notes that the Council will support the improvement and expansion of higher education facilities around London Metropolitan University in Aldgate. Policy CP8 states that new housing may be appropriate in the CAZ where it does not replace viable employment sites. CP11 and EE2 seek to protect viable employment uses and resist the loss of employment floorspace.
- 8.12 The thrust of these policies is to presume against i) the loss of office/employment floorspace *per se*, and ii) in particular the loss of office floorspace to other uses in the Central Activity Zone. However, weight must also be given to policy objectives to promote Aldgate as an area for educational uses.

Commercial Floor Space

- 8.13 The existing buildings on site provide 8100 GEA square metres of commercial floor space of which 3000 square meters is for office use (B1) and 5000 square meters is in retail use (A1). The proposed redevelopment of this building would create 4213 GEA square metres of floor space (B1 – 3142 and A1/B1/D1 – 1071) i.e. a net loss of 3887 GEA square metres.
- 8.14 The B1 floor space would be located within the former St. George's Brewery. The application also proposes commercial units fronting Commercial Road. The units would

receive a flexible permission for uses within Classes A1 (Retail Shops), B1 (Business) or D1 (Non-residential institutions).

- 8.15 In terms of floorspace the scheme will provide an increase in office floor space which is welcome and in line with policy. It is noted that the scheme would result in a net loss of retail floor space. The site currently employs approximately 30 people. It is estimated the proposed commercial floor space would employ between 234 and 251 employment jobs.
- 8.16 The scheme would provide a significant benefit in that the replacement office floorspace would be of high quality and fit for modern business use, which would contribute to the future success of the CAZ.
- 8.17 Furthermore, it is evident that several of the units are currently vacant and rundown and in need of refurbishment. Whilst, overall the scheme results in a net loss of commercial floor space, given the improvement in the quality of commercial floor space, the increase in the potential employment jobs and that there is no loss of office floor space, in this instance the loss of retail floor space is justified.
- 8.18 UDP policy ST34 seeks to support and encourage improved provision in the range and quality of shopping in the Borough. UDP policy S7 relates to the provision of 'Special' Uses including restaurants and pubs. Policy DEV3 seeks to encourage mixed-use developments.
- 8.19 The mixed use units would add activity to the Commercial Road frontage and would contribute to employment in the area. In principle there is no objection to the proposed uses given the location of the site on a main thoroughfare, and it accords with the objectives of policies DEV3 and S7. Conditions would limit hours of future operation and require the submission of detail of plant. With this safeguard the amenity impacts of the uses would be acceptable and in accordance with London Plan and Council policies.

Provision of student accommodation

- 8.20 The key issue in this case is whether this CAZ site is appropriate for student accommodation particularly in preference to a priority office use.
- 8.21 The proposal would meet some of the demand in a location with easy access to public transport and also to the main campus facilities of a number of central London educational Institutions, particularly London Metropolitan University. There is ample evidence that there is local demand for student housing and policies in the UDP, IPG, London Plan and CS provide strategic support for student housing in this location.
- 8.22 London Plan policy 3A.13 and saved UDP policy HSG14 recognise that student accommodation is a form of specialised housing. Saved UDP policy HSG14 states that the Council will seek to encourage the provision of new housing to meet the needs of students.
- 8.23 London Plan policy 3A.25 supports the provision of student housing to ensure that the needs of the education sector are addressed. London Plan Policy 3A.8 recognises that purpose built student housing adds to the overall supply of housing and may reduce pressure on the existing supply of market and affordable housing.
- 8.24 The Sub-Regional Development Framework for East London 2006, provides guidance to East London boroughs on the implementation of policies in the London Plan. In terms of education, the Framework recognises the significance of the sector in terms of London's overall economic base. It notes that the East London sub-region accommodates five higher education institutions and over 44, 000 students (12% of the London total), and encourages the provision of academic facilities and student housing.

- 8.25 IPG policy CP24 seeks to promote specialist housing by focusing purpose built student housing within 5 minutes walking distance of the London Metropolitan University campus at Aldgate.
- 8.26 Policy CFR1 and CFR9 of the City Fringe AAP encourage the provision of educational facilities around Aldgate to support London Metropolitan University. Policy CFR1 specifically promotes the provision of a small quantity of student accommodation in close proximity to London Metropolitan University at Aldgate.
- 8.27 Within the Aldgate Masterplan, the site forms part of an area which is designated for an education focus. It states that “higher education uses associated with London Metropolitan University will be focused in a new campus area north of Commercial Road and south of Whitechapel Road.”
- 8.28 The site is very well located to provide student accommodation. It is located within a short walking distance of London Metropolitan Aldgate and City Campus, and has very good transport links for those studying at other institutions. The site is located on a busy thoroughfare, which would mean that late-night activity / increase in general activity can be accommodated without significant prejudice to residential amenity.
- 8.29 The provision of student accommodation would help to support London Metropolitan University and the educational role of Aldgate, which is recognised as a policy objective. Officers therefore consider that the provision of student accommodation will meet an identified need.

Conclusion:

- 8.30 Officer's are satisfied that the development will not result in the actual net loss of office floorspace. The office floorspace that is re-provided would be of high quality and would contribute to the attractiveness of the Central Activities Zone. It is considered that the loss of retail floor space given the high quality provision and increase in employment generation is acceptable in this instance.
- 8.31 There is an identified need for student accommodation to support the Borough's universities. The application site is a good location for student accommodation given the close proximity to London Metropolitan University and the very good public transport links in the area. It is also noted that Commercial Road is a busy thoroughfare where issues of late-night activity / disturbance of residents are less likely to be noticeable than in quieter locations.
- 8.32 Furthermore, consideration is also given to the design quality of the scheme, and the improvements that will be made to the public realm in the area, which accord with overarching policies that seek to improve the quality of the built environment in the Borough.
- 8.33 In overall land-use terms the scheme is therefore considered acceptable.

Conservation and Design

Height, Mass, Scale and Appearance

- 8.34 Good design is central to all the objectives of the London Plan. Chapter 4B of the London Plan refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at promoting the principles of high quality design. These principles are also reflected in saved polices policies DEV1 and DEV3 of the UDP.
- 8.35 Policy 4B.9 of the London Plan states that tall buildings will be promoted where they create

attractive landmarks enhancing London's character, help to provide a coherent location for economic clusters of related activity or act as a catalyst for regeneration and where they are also acceptable in terms of design and impact on their surroundings. Policy 4B.10 of the London Plan (February 2008) provides detailed guidance on the design and impact of such large-scale buildings, and requires that these be of the highest quality of design.

- 8.36 Policies CP1, CP48, DEV2 and DEV27 of the IPG October 2007 states that the Council will, in principle, support the development of tall buildings, subject to the proposed development satisfying a list of specified criteria. This includes considerations of design, siting, the character of the locality, views, overshadowing in terms of adjoining properties, creation of areas subject to wind turbulence, and effect on television and radio interference. The document 'Guidance on Tall Buildings' produced by English Heritage / CABA is also relevant.
- 8.37 Policies DEV1 and DEV2 of the UDP and policy CP4 of the IPG October 2007 state that the Council will ensure development create buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings.
- 8.38 Policy CFR12 states that high quality tall buildings will be focused around the existing Aldgate Union, and that building heights throughout the sub-area should respect and complement the central cluster. The Aldgate Masterplan states that tall buildings will also be appropriate in certain locations outside the gyratory area where they play a role in design terms to mark street junctions, arrival points or assist with legibility, but they must be subservient to the building heights within the gyratory. The tallest building at the Aldgate gyratory is consented at 102m high.
- 8.39 These policies are reinforced by the aims of policies SO22, SO23 and SP10 of the Core Strategy Submission Version 2009 (CS).

Heritage Issues

- 8.40 PPG15: Planning and the Historic Environment requires local planning authorities who consider proposals which affect a listed building to have special regard to the preservation of the setting of the listed building as the setting is often an important part of the building's character.
- 8.41 Policy 4B.11 of the London Plan seeks to protect and enhance London's historic environment. Furthermore, Policy 4B.12 states that Boroughs should ensure the protection and enhancement of historic assets based on an understanding of their special character.
- 8.42 Policy CON1 of the IPG states that planning permission will not be granted for development which would have an adverse impact upon the setting of the listed building.
- 8.43 As detailed above, the application site is not located within a conservation area. The nearest Conservation Area is Whitechapel High Street Conservation Area to the north. It is not considered that the Conservation Area would be adversely affected by the proposal. There is a Grade II Listed building on site. The detailed refurbishment is discussed at paragraphs 8.52 – 8.61.
- 8.44 Following, detailed discussion at pre-application stage involving the Council's Conservation and Design Officer and English Heritage the current scheme has sought to address the issues raised by the previous refused scheme. English Heritage and the Council's Design & Conservation Department have raised no objections to the proposal. As such, the proposal is considered to be appropriate and in accordance with PPG15, the London Plan, the Council's Interim Planning Guidance (2007) and the Core Strategy Submission Version

December 2009.

Protected Views

- 8.45 London Plan policies 4B.16 and 4B.18 provide a policy framework for the management of strategically important views. IPG policies CON3 and CON5 also require development to protect important views, including those from World Heritage Sites. UDP policy DEV8 seeks the protection of view of local importance.
- 8.46 The proposed building could potentially affect strategic view LVMF view 25 and the GLA requested additional information in respect of the assessment of this view which was provided. As such, the proposed building is near the background assessment area for the Tower of London. Consideration therefore needs to be given to the impact on protected views from City Hall towards the Tower of London (LVMF views 25A.1 and 25A.2).
- 8.47 The applicant provided a Townscape & Visual Impact Assessment as part of the Environmental Impact Assessment, which assessed nine selected viewpoints including the above strategic view.
- 8.48 The site is within the background for a view from City Hall where the White Tower (Tower of London) can still be seen uncluttered from modern developments. The tower element of the development would not be visible from this view and this addresses concerns raised by the GLA and English Heritage during the course of the application.

Assessment

- 8.49 The application proposes the erection of 17 storey building plus basement on the northern portion of the site and the erection of a 7 storey building including double height spaces along the Commercial Road frontage. The design of the building and it's relation to the Grade II Listed building was discussed at pre-application stage. The applicants have responded to all of the Council's Conservation and Design Officer's comments and the result is high quality tall building which responds to the site constraints and contexts. The tall building element has been assessed against the tall building policies listed above and is found to be acceptable and in line with policy for the following reasons:
- 8.50
- The design of the building responds well to the context of the site and follows a similar podium and tower form as the adjoining development at 52 – 54 Commercial Road. The height and scale of the building is acceptable given the precedent set by the neighbouring development and the general mass of buildings along Commercial Road.
 - The building has a striking and attractive design that will add much needed architectural quality to this section of Commercial Road.
 - The building will animate and enliven the Commercial Road with the creation of an active frontage. This would contribute significantly to the future success of this link by increasing footfall and promoting natural surveillance.
 - The application has been accompanied by visual material which demonstrates that the the building will achieve the highest design standards. The verified views demonstrate that the development would not have an adverse impact on strategic or local views or on the setting of the Tower of London.
 - The proposed student rooms would offer a good standard of accommodation with well sized study rooms ranging from 16 to 32 squares. The building would make good provision of ancillary facilities including a communal area, laundry, café, amenity terraces and a gym.

- The building includes the provision of 17 (5%) wheelchair accessible study rooms in accordance policies promoting accessibility.
- The building would meet BREEAM 'Excellent' sustainability standards and would be designed to deliver a 24% carbon saving over baseline requirements.
- The impact of the development on microclimate (including wind-tunnel modelling) has been assessed, and any potential adverse impacts can be mitigated against during the detailed design phase. This would be secured by condition and is acceptable.
- The impact of the development on the amenity of neighbouring occupiers is considered in detail under the 'Amenity' section of the report, and is acceptable. Conditions would secure adequate mitigation to ensure future occupants do not suffer from excessive noise or exposure to air pollution.
- The site is located in an area with excellent access to public transport and the scheme provides adequate mitigation for additional impacts on transport infrastructure. The scheme promotes permeability by improving the quality of the green-link running to the south of the development.
- The development would not cause unacceptable interference to telecommunication and radio transmission networks (subject to appropriate monitoring and mitigation as required under the S106 agreement). London City Airport have confirmed that there is no safeguarding objection to the proposal.

8.51 The building is considered to meet the requirements for a tall building and the proposal accords with relevant design policy. The detailed design of the scheme in respect of materials would be controlled via condition.

Listed Building

8.52 The proposal includes the refurbishment and alterations to the former St George's Brewery and Assam Street Warehouse for use as offices (Use Class B1) and student accommodation respectively, thereby restoring and re-using the majority of the listed building.

8.53 The listed building works have been the subject to detailed discussion between the LBTH Conservation and Design Officer and English Heritage who raise no objections to the proposal.

8.54 Section 66 of the Planning (listed building and Conservation Areas) Act 1990 states:

"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".

8.55 Saved policy DEV37 of the UDP sets out alterations to a listed building will be expected to preserve the special architectural and historic interest of the building. Policy CP49 and CON1 of the Interim Planning Guidance set out that alterations should have an adverse impact on the character, fabric or identify of the building and be appropriate in terms of design, scale, detailing and materials. Policy 4B.11 and 4B.12 of the London Plan seek to maintain and increase the contribution of the London's built heritage and ensure the protection and enhancement of historic assets. Policy SP10 of the Core Strategy reiterates these aims.

- 8.56 Officers consider that the overall tall building would not have an adverse impact on the setting of the Grade II listed building, by merit of its height, bulk, scale and location.

External Works

- 8.57 In respect of internal works the post 1847 extensions and external steel escape staircases will be demolished and removed to expose the original building.

Roof Level

- 8.58 The existing pitched roof would be retained along with the internal structure. It would be refurbished with new slates and insulation. The existing dormer windows would be retained and the existing roof lights would be replaced. The parapet at the north elevation would be retained and repaired.

Internal

- 8.59 All non-original interior partitions would be stripped out to reveal the original cast iron structure and the tall open interior volumes.

Design Interventions

- 8.60 Overall, it is considered that the proposed works seek to retain the existing plan form and reinstate existing openings and design features. It is proposed to retain and repair the metal windows throughout. The works would include the additional of a steel escape stair to the north-west corner. The proposal also includes a new lift and stairs lobby to the eastern façade this would serve three commercial floors.
- 8.61 It is considered that the proposed listed building works are acceptable and would preserve the existing character and special interest of the building and bring it back into use.

Transport and Highways

- 8.62 The site falls in an area with excellent access to public transport (PTAL 6b). It is within easy walking distance of Aldgate, Aldgate East and Whitechapel stations. There are also frequent bus routes operating on along Commercial Road and Whitechapel Road. Commercial Road is a TfL 'Red-Route'.
- 5.63 The site currently provides car parking for up to 70 cars accessed from Assam Street.
- 8.64 National guidance on transport provision is given in PPG13: Transport. London Plan polices 2A.1, 3C.1, 3C.2, 3C.3, 3C.21, 3C.22 and 3C.23; and IPG policies CP1, CP41, DEV16, DEV17, DEV18 and DEV19 in broad terms seek to promote more sustainable modes of transport by reducing car-parking and improving public transport. Saved UDP policy T16 requires that consideration is given to the traffic impact of operational requirements of a proposed use and T18 seeks to ensure priority is given to the safety and convenience of pedestrians. Policy ST28 seeks to restrain the unnecessary use of private cars.
- 8.65 The Transportation and Access Chapter of the submitted EIA has included a full assessment of the impact of the development on the surrounding road network, public transport and local pedestrian areas. The chapter details the policy context and baseline conditions in respect of the local area's public transportation and road network. The report then considers the likely impact of additional trip generation. The study includes an assessment of the development during the construction phase and the cumulative impact with other consented developments.
- 8.66 The proposed student accommodation and commercial units would be accessed by pedestrians from Commercial Road.

- 8.67 One disabled parking spaces would be provided for the student accommodation accessed from Assam Street. The developer would enter into a legal agreement to ensure that students are not eligible for on-street parking permits. This is acceptable in terms of policy.
- 8.68 A secure cycle parking store would be provided at the rear of the site for commercial use. Student cycle parking would be provided at basement level. This would be accessed from Assam Street. Policy requires the provision of 1 cycle space per two students. The provision of 386 cycle parking spaces is in line with policy. The provision of 20 spaces for the use of the commercial element of the scheme is also in line with policy. The commercial units include a changing facility at ground floor level. The development would therefore accord with the requirements of London Plan policy 3C.22 and IPG policy CP40.

Servicing

- 8.69 Servicing for the development would be from Assam Street with the introduction of four loading bays. It is estimated that the number of vehicles servicing the site will be in the range of 10 – 20 vehicles. When balanced against the existing servicing activity and the removal of the existing car park, this should result in a decrease in activity on Assam Street and White Church Lane.
- 8.70 The Draft Student Management Strategy which details the steps that would be undertaken to avoid congestion during the student moving-in process at the start and end of the academic year. This includes the allocation of a date and time for arrival, which would allow the distribution of vehicle movements over a period of time. Additional staff would be located to assist loading/unloading and to ensure vehicles do not block the highway.
- 8.71 The Council's Highway Section and Transport for London are satisfied that the proposed arrangements are satisfactory.

Mitigation for additional pressure on transport infrastructure

- 8.72 The site is located in a sustainable location and the development is likely to result in a significant increase in walking, cycling and bus trips in the area.
- 8.73 TfL have identified works that need to be carried out in the vicinity to improve the highway network to be able to safely accommodate these additional trips. The works include:
- Enhanced bus stop on the northern side of Commercial Road
 - Improvements for pedestrians and cyclists along Commercial road (potential works include crossings, footway width and condition)
 - Implementation of proposed removal and re-introduction of a 2-way working system along Whitechapel High Street
 - Improvements to cycle routes
- 8.74 The Developer has agreed to a financial contribution of £715,000 to pay for the costs of these improvement works.

Amenity

Sunlight, Daylight and Overshadowing

- 8.76 Policy 4B.10 of the London plan requires all large scale buildings, including tall buildings, to be sensitive to their impact on micro-climates in terms of sunlight, daylight and overshadowing. Saved policy DEV2 of the UDP and policies DEV1 and DEV27 of the IPG states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm.

8.77 The main issue is the impact of the development on nearby residential properties in respect of daylight and sunlight.

8.78 The application has been accompanied by a Daylight/Sunlight/Overshadowing Assessment contained within the submitted EIA that considers of the impact of the proposal on Daylight, Sunlight and Overshadowing of neighbouring properties. The assessment considers the impact of the proposal in respect of 'worst case scenario' on the properties closest to the application site. This includes the following residential properties: -

- Naylor Building North (the building is referred to as Naylor Building North within all the Daylight and Sunlight documents however residents refer to it as Naylor Building East)
- Naylor Building West
- 38-40 White Church Lane
- Dryden Building
- 35a Morrison Buildings
- 47 Alder Street – Presby House

Impact on residential properties

Sunlight

8.79 BRE guidance states that a window facing within 90 degrees of due south should receive adequate sunlight if it receives 25% of annual probable sunlight hours including at least 5% of annual probable hours during the winter months.

8.80 The submitted assessment concludes that in respect of sunlight three properties are affected.

8.81 In respect of the Cornell Building, 1 Coke Street of the 36 windows assessed there is only one window which fails. The summer levels are acceptable it is the winter level which is below BRE Guidance. Given, the window in questions is already below the existing winter sunlight levels, the reduction is 1 % and all other windows are in compliance this is considered acceptable in this instance.

8.82 In respect of the Dryden Building, 37 Commercial Road of the 74 windows assessed, 7 would witness alterations of sunlight. All of these windows would notice a reduction of less than 2% which is unlikely to be perceptible to the human eye.

8.83 In respect of Presby House, 47 Adler Street nine of the 12 would notice an alteration of sunlight amenity. It is noted that five of these windows are not impacted in respect of winter sunlight. Furthermore, two of the remaining windows are only 2% below the 25% level required by BRE.

8.84 On balance, it is considered that in respect of Sunlight the proposed scheme would have a limited impact on the surrounding residential properties and a reason for refusal in this respect would not be justified.

Daylight

8.85 The submitted study includes the results of BRE Vertical Sky Component, No-Sky Line and Average Daylight Factor tests.

8.86 Daylight is normally calculated by three methods - the vertical sky component (VSC), daylight distribution/No Sky Line (NSL) and the average daylight factor (ADF). BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the

face of a window. The VSC should be at least 27%, or should not be less than 20% of the former value, to ensure sufficient light is still reaching windows. These figures should be read in conjunction with other factors including the NSL and ADF. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value. The ADF calculation takes account of the size and reflectance of room surfaces, the size and transmittance of its window(s) and the level of VSC received by the window(s).

- 8.87 Following an assessment of the initial daylight and sunlight report it was evident that the proximity of the proposed development to Naylor Building North and East was resulting in substantial failures which were not in compliance with BRE Guidance. Following meetings between Officers and the Applicant amended drawings were submitted reducing the bulk and scale of the proposed building at the rear in order to reduce the impact of the proposal on the amenity of the surrounding residents.

Naylor Building North

- 8.88 The assessment considers the impact of the amended scheme on the ground and first floor habitable rooms within the Naylor Building North. It is noted that these are dual aspect maisonettes over two floors with views onto Altab Ali Park to the north.
- 8.89 The initial proposal in respect of VSC results indicated that at first floor level the bedrooms would experience losses of between 29.58% and 80.42%. Following amendments to the scheme this has now been reduced to failures between 26.66% and 42.53%. Consideration is also given to NSL and of 25 rooms 22 are in compliance with BRE Guidance. Finally, the ADF assessment demonstrates that 20 of 25 rooms will retain 1% which is in compliance with BRE Guidance and this is a marked improvement from the submitted scheme where only 10 of the rooms achieved 1% ADF.
- 8.90 On balance having reviewed both VSC and NSL results, taking into account the urban context of the site and that the units in question are dual aspect over two floors it is considered that the level of failures would be acceptable.

Naylor Building West

- 8.91 The assessment has carried out two assessments of the building including the effective removal of the balconies in order to determine the resultant daylight results. It is accepted that balconies cause obstruction and that windows obstructed by balconies have a restricted view of the sky. This is helpful to act as a comparison.
- 8.92 In respect of VSC 11 of 63 are in compliance. The failures from the initial scheme ranged from 21.19% - 79.29%. This has been reduced to a maximum failure of 66.17% in respect of VSC for the amended scheme. This figure is reduced to a maximum failure of 41% in respect of VSC when consideration is given an assessment without balconies.
- 8.93 When consideration is given to NSL 59 of the 63 rooms are in compliance. On balance having reviewed both VSC and NSL results, taking into account the urban context of the site and the design constraints of the building it is considered that the level of failures would be acceptable in this instance.

38-40 White Church Lane

- 8.94 This building is located to the west of the site. VSC results show that 3 of 17 windows fail. The ADF results demonstrate that only 1 of these three windows would fail. However, in respect to NSL all of the windows pass.

Dryden Building

- 8.95 This building is located to the east of the site and has a number of windows on the western

elevations facing the proposed site. 71 of 74 windows tested pass in respect of VSC. The report outlines that the windows affected would in fact be as a result of the Morrison Building (35a Commercial Road).

35a Commercial Road Morrison Building

- 8.96 The building is located to the east of the site and to the south east of the proposed tower element. The building has recently received planning permission for a rearward extension with larger internal spaces which puts a further burden on the development site as deep layouts require unreasonable levels of light to remain compliant.
- 8.97 In respect of VSC 92 of 97 windows comply whilst in respect of NSL 58 of 83 windows tested comply. The report outlines that the baseline information it is evident that most of the proposed rooms in the approved scheme do not comply with BRE Guidance given the lack of glazing and obscure shape. This explains why the level of compliance in respect of NSL is lower in this instance.

47 Alder Street – Presby Building

- 8.98 In respect of VSC and NSL all of the windows fail. However, in respect of ADF all of the windows pass. It is also noted that the Presby Building provides accommodation for St. Boniface’s Church. The design of the accommodation includes small windows which are in keeping with clerical accommodation.
- 8.99 The following properties table summaries the remaining properties tested which comply with BRE Guidance.

Table 1.

Address	VSC	NSL	ADF
Cornell Building – 1 Coke Street	25/36 pass	33/36 pass	36/36 pass
52-58 Commercial Road	112/112 pass	58/58 pass	58/58 pass
50 Commercial Road	5/5 pass	5/5 pass	5/5 pass
46 Commercial Road	5/5 pass	3/3 pass	3/3 pass
44 Commercial Road	14/14 pass	7/7 pass	7/7 pass
42 Commercial Road	7/7 pass	6/6 pass	6/6 pass
31 Commercial Road	0/1 pass	1/1 pass	1/1 pass
27 Commercial Road	3/3 pass	3/3 pass	3/3 pass
17 White Church Lane	5/5 pass	5/5 pass	5/5 pass
19 White Church Lane	6/6 pass	6/6 pass	6/6 pass
21 White Church Lane	19/19 pass	9/9 pass	9/9 pass
27-33 White Church Lane	14/14 pass	5/6 pass	6/6 pass
34 White Church Lane	13/13 pass	8/8 pass	8/8 pass

35 White Church Lane	3 / 4 pass	1 / 4 pass	3/3 pass
36 White Church Lane	0/3 pass	1 / 3 pass	3/3 pass

Conclusion

- 8.100 The submitted assessment has considered the impact of the development on the 'worst-case' windows i.e. those closest to the development. Windows further away would receive a lesser impact. In overall terms the results shown that in terms of day lighting there will be failures against BRE standards. In some cases the impact would affect a large proportion of the windows assessed and the effect of this is likely to be noticeable to the occupiers of these properties. However, the Councils specialised Environmental Health Officer has reviewed the study and does not recommend that the scheme should be refused.
- 8.101 It is well recognised that BRE standards must be applied flexibly, as the legitimate expectation of light-levels in a low rise suburban town would have to differ from those in a densely built-up area. The site is located in an area where large-scale development is expected. The resulting light-levels to the properties affected are not untypical in an urban environment and the impact is considered acceptable.

Overshadowing of amenity spaces

- 8.102 The development would not have any significant overshadowing effect on amenity open-space located to the north – Altab Ali Park.

Privacy and Overlooking

- 8.103 Along the northern elevation facing Naylor Building North there are no windows at ground, first and second floor level which would result in a loss of privacy for the habitable rooms at ground and first floor level. The upper levels of Naylor Building North have a corridor to the south facing the development site. Furthermore, from third floor level the separation distance would be approximately 12.9 which would not result in an adverse loss of privacy or overlooking.
- 8.104 To the east is a commercial building and there would be no conflict in respect of privacy and overlooking.
- 8.105 To the west, is Naylor Building West. There are windows along the western elevation. However, taking account of the urban location and the separation distance (approximately 21 metres) it is not considered that the proposed development would result in an adverse loss of privacy or increase in overlooking.

Sense of enclosure

- 8.106 The bulk and massing of the development adjacent to Naylor Building North has been reduced and consequently has reduced the impact of the scheme when assessed in respect of sense of enclosure. Furthermore, it is noted that the design of Naylor Building North is orientated towards Altab Ali Park to the North and the ground floor kitchens currently look onto a boundary wall and have limited outlook. At ground and first floor level the separation distance would be approximately 6.9 meters. At second floor level the massing of the building is reduced further and the separation distance would be approximately 12.9 meters. Given, the reduction in bulk and mass and the separation distance within an urban environment it is not considered that the proposed development would have a considerable impact in terms of sense of enclosure. .

Noise and Vibration

- 8.107 PPG24 provides national planning guidance regarding the impact of noise, which is identified as a material consideration in the determination of planning applications. It

advises that wherever practicable, noise sensitive developments should be separated from major sources of noise. When separation is not possible, local planning authorities should consider whether it is practicable to control or reduce noise levels or to mitigate the impact of noise through conditions.

- 8.108 The London Plan seeks to reduce noise, by minimising the existing and potential adverse impacts of noise on, from, or in the vicinity of development proposals (Policy 4A.20). Policy DEV50 of the UDP states that the Council will consider the level of noise generated from developments. Policy DEV2 seeks to preserve the amenity of neighbouring occupiers.
- 8.109 The Noise and Vibration Chapter of the submitted EIA assesses noise during construction and noise impacts for the proposed development. It is considered that glazing specifications along with mechanical ventilation will be adequate to produce good internal resting and sleeping which accords with policy. Further to LBTH Environmental Health comments, an informative advising of the need to comply with BS regulation will be placed on the decision notice if planning permission is granted.
- 8.110 The study also notes that unscreened plant will achieve a noise level 5 dBA below prevailing background noise levels. LBTH requires that noise levels should be 10 dBA below prevailing background noise levels and a condition requiring the submission of a noise and vibration report for any proposed plant prior to installation of any equipment will ensure compliance with policy.
- 8.111 With the imposition of suitable conditions the development would accord with relevant policy in relation to these issues.

Microclimate

- 8.112 In respect of saved UDP policy DEV2 and IPG policy CP1, CP3 and DEV5 the application is supported by a microclimate assessment within the submitted EIA. The report considers whether the proposed development is likely to produce unacceptably high wind flows within or around the proposed building and has concluded that it is not likely to have an adverse impact.
- 8.113 The Environmental Health Officer has noted that there would be negligible impacts and with adequate mitigation such as perimeter screening and landscape planting would be acceptable. This would need to be demonstrated using Lawson criteria.

Other Planning Issues

Planning Obligations

- 8.114 Saved Policy DEV4 of the UDP and policy IMP1 of the Interim Planning Guidance state that the Council will seek planning obligations or financial contributions to mitigate for the impact of the development.
- 8.115 To mitigate for the impact of this development, on local infrastructure and community facilities the following contributions have been agreed.
- a. A financial contribution of **£300,000** towards parks and open space within the vicinity of the site
 - b. A financial contribution of **£100,000** towards public realm improvements within the vicinity of the site
 - c. A financial contribution of **£165,000** towards cultural/community/education projects in the Aldgate Masterplan Area
 - d. A financial contribution of **£250,000** towards a pedestrian crossing outside the East London Mosque

- e. A financial contribution of **£50,000** towards transport improvements
- f. A financial contribution of **£21,500** towards a cycle routes
- g. Commitment to enter into S106 agreement to prevent student occupiers from apply for car-parking permits
- h. Commitment to implement a Green Travel Plan
- i. Commitment to use local labour in construction
- j. Commitment to implement Student Management Plan
- k. TV/Radio Reception Monitoring
- l. any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

8.116 In overall terms Officer's consider that the level of agreed financial contributions is appropriate and that they adequately mitigate for the impacts of the development.

Air Quality

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

8.118 Firstly, it is not anticipated that the developments construction traffic would have a significant impact on the existing levels. Secondly, given, it is not anticipated that the development would be operational until a year after it is expected that this area would be compliant no mitigation is proposed.

Renewable Energy and Energy Efficiency

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

8.120 The application has been accompanied by an Energy Strategy Report.

8.121 The statement notes that in order to reduce the baseline scheme carbon dioxide emissions, the following energy efficiency measures would be used:

- Combined Heat and Power (CHP)
- Solar water heating panels
- Ground source heat pumps
- Biomass boilers
- Wind Turbines
- Photovoltaic PV modules for electricity generation

8.122 The scheme would result in a 24% reduction in CO2 emissions from the baseline scheme and this is achieved through the use of passive design, energy efficient measures and low or zero carbon technologies. This is in compliance with policy.

8.123 A condition requiring the development to achieve a BREEAM 'Excellent' standard will be attached to the planning permission.

- 8.124 The implementation of the measures outlined in the submitted study would be required by condition to ensure full compliance with relevant policy.

Biodiversity

- 8.125 Saved UDP policies DEV57 and DEV63 require development to retain and enhance the Borough's wildlife and natural resources. Policy DEV12 seeks the provision of landscaping in new development; London Plan policy 3D.14 also requires the Borough to take a proactive approach to promotion of biodiversity.
- 8.126 The existing site provides no significant wildlife habitat. The proposal would incorporate a range of bio-diverse roofs. Landscaping would also be introduced on the amenity terraces, and more importantly to the rear of the site. The proposal will increase the amount of available wildlife habitat on the site and is acceptable.

Bats

- 8.127 The submitted EIA under the ecology chapter discusses the likelihood of bats been present on the site. A bat survey was requested. However, this was not possible as access to the Grade II listed building to carry out a full survey would not be possible at this stage. Following a discussion with Natural England and a review of the relevant legislation in respect of Bats which are a protected species it was evident that in exceptional circumstances this matter can be controlled via condition.

Archaeology

- 8.128 The application was accompanied by an EIA which included a chapter on Archaeology and Built Heritage and has considered the potential of the site to house archaeological remains. English Heritage have considered the study and concluded that the site is located in an area with a high potential for archaeological remains. A condition requesting further site works was requested as well as a programme of recording, and with this safeguard the Council is satisfied the proposal accords with the requirements of saved UDP policies DEV42, DEV43 and DEV44, which seek to ensure that development proposals do not have an adverse impact on archaeological remains.

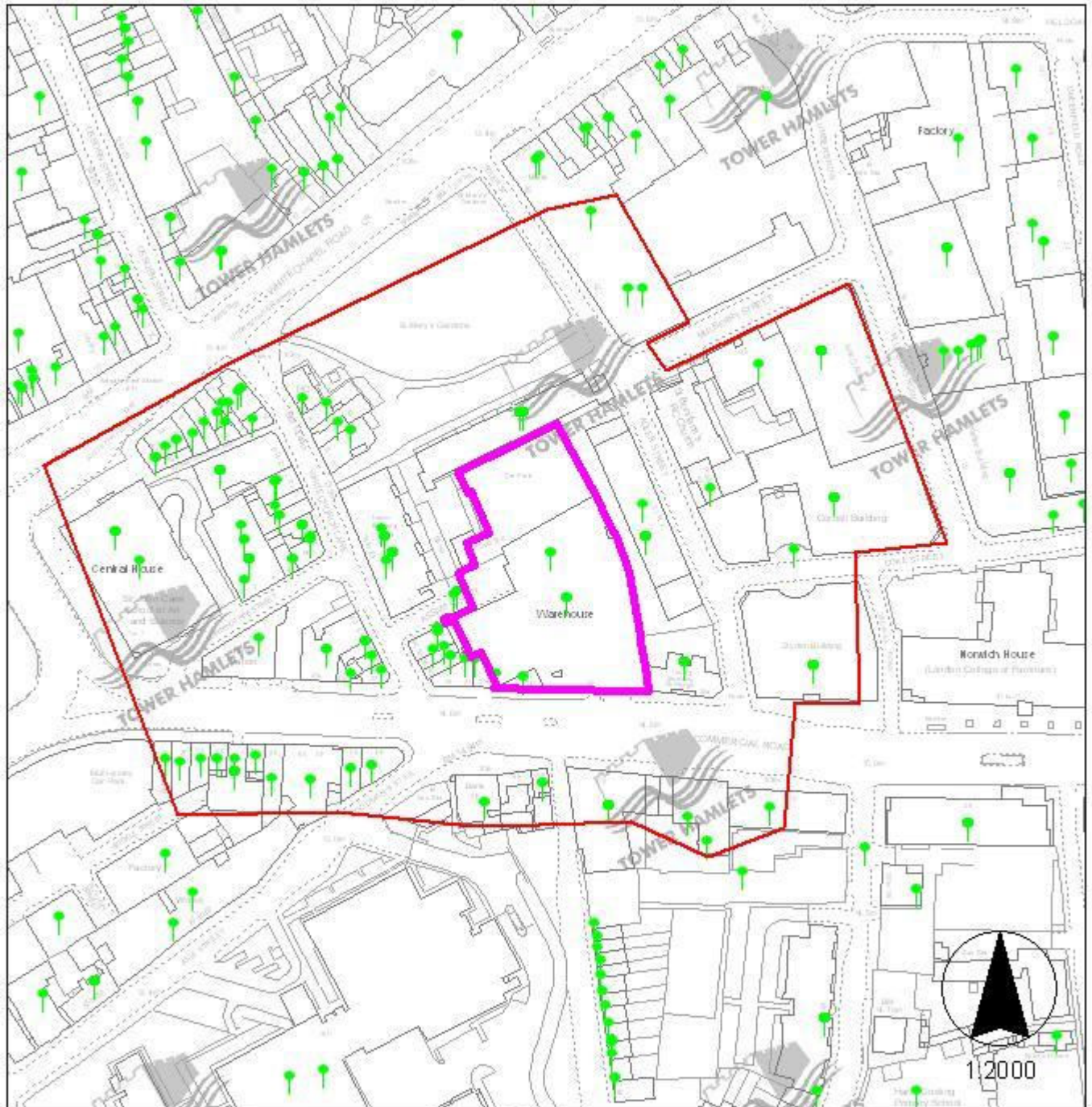
Site Contamination

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

Conclusions

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

Site Map



Legend

-  Planning Application Site Boundary
-  Consultation Area
-  Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office © Crown Copyright. London Borough of Tower Hamlets LA086988

