

Decision Level: Strategic Development Committee	Date: 20 th April 2010	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Stephen Irvine		Ref No: PA/09/1122	
		Ward(s): Whitechapel	

1. APPLICATION DETAILS

Location: Former Beagle House, Braham Street, London, E1 8EP
Existing Use: Offices (Class B1)
Proposal: Demolition of the existing building and the erection of an 17 storey building comprising two ground floor retail units (Class A1, A2, A3, or A4), 1st - 17th floor office use (Class B1) and two basement levels plus associated servicing, landscaping, plant accommodation, parking, access and any other works incidental to the application.

Drawing Nos: WE-434-098C; 099C; 100D; 101D; 197C; 199C; 200D; 202D; 208C; 209D; 212C; 200A; 221A; 222A; 223A; 224A; 225D; 226D; 227D; 300D; 301D; 302D; 303D; 310C; 311C; 312C; 313C; 320D; 321D; 322D; 323D; 400D; 401D; 402D; 403D; 404D; 405D; 600C; 601C; 602C; 603C; 605C; 606C; 607C; 608A; 609A; 610A; 611A

C354 D202, D905, SK-433, SK429

Design and Access Statement (Vol I)
Townscape and Visual Assessment (Vol II)
Impact Statement Pts 1 and 2 (Vol III)
Addendum to Visual Impact Study (Oct 09)
Television reception survey and Development Effects Investigation
Energy Strategy
Revised Area Schedule 28.10.09

Applicant: Aldgate Investment (General Partner) Limited
Owner: Aldgate Investment Nominee One Ltd; Aldgate Investment Nominee Two Ltd; TFL; EDF Energy Networks Ltd; Maersk Company Ltd; LBTH Corporate Property

Historic Building: No
Conservation Area: No

2. BACKGROUND

2.1 This matter was first presented at Strategic Development Committee on 15th December 2009.

2.2. Following consideration of the Officers report, the Members voted 4-3 to defer the matter for further consideration by Officers. The Committee indicated that they were minded to refuse the planning application as it stood because of concerns over:

- The physical impact of the scheme on the surrounding area in terms of the bulk and massing of the proposed building.

- Inadequate financial contributions towards local employment and training and local transport infrastructure.

2.3 Officers have considered these issues and this report is their findings.

3. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

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

- a) In land-use terms, an office-led, mixed-use approach to the redevelopment of the site, including a complimentary commercial ground floor frontage, is appropriate and acceptable. As such, the proposal accords with Policies 2A.4, 2A.5, 2A.7, 5C.1 and CAZ1 of the Mayor's adopted London Plan (Consolidated 2008), Policy CP8 of the LBTH Interim Planning Guidance 2008, Policies CFR9, CFR11, CFR14 of the LBTH City Fringe Area Action Plan, as well as the provisions of the adopted Aldgate Masterplan 2007 which promote office-lead development and other complimentary uses in the Central Activity Zone.
- b) In employment terms, the substantial increase in office floorspace and additional of ground floor commercial uses is predicted to increase potential job opportunities in the order of 649-747 jobs including employment opportunities that potentially benefit local people. The proposal is therefore acceptable and accords with the provisions of the Mayor's City Fringe Opportunity Area Planning Framework as well as Policies EMP1, EMP2, EMP6 and EMP8 of the LBTH Unitary Development Plan 1998 and Policies CP1 and CP15 of the LBTH Interim Planning Guidance 2008, which seek to expand opportunities of employment, including those for local people.
- c) In terms of public open space provision and amenity, in addition to contributing 828sqm of publicly accessible space at ground floor, the proposal contributes to the delivery of an improved Half Moon Passage, Braham Street open space and Leman Street frontage. As such, the proposal accords with Policies 3D.8, 3D.11, 3D.12 and 4B.3 of the Mayor's adopted London Plan (Consolidated 2008), the provisions of the Mayor's City Fringe Opportunity Area Planning Framework, Policy ST12 of the LBTH Unitary Development Plan 1998, as well as the LBTH City Fringe Area Action Plan and adopted Aldgate Masterplan which seek sufficient provision of public open space to address the needs of the community.
- d) In terms of appearance and layout, the proposal is considered to have the makings of an architectural asset and a catalyst for regeneration. The development is of an acceptable appearance and potentially high quality finish, contributing positively to the architectural form and character of the area in a way that is distinctive, yet complimentary. The ground floor layout facilitates the Braham Street open space and connections to it, as well as providing an active frontage and contributing publicly accessible space in its own right. As such, the proposal accords with PPS1, Policies 4B.1, 4B.9 and 4B.10 of the Mayor's adopted London Plan (Consolidated 2008), Policy DEV1 of the LBTH Unitary Development Plan 1998, Policies CP4, CP48 and DEV27 of the LBTH Interim Planning Guidance 2008 as well as CABE/EH Guidance on Tall Buildings which seeks high quality design for developments.
- e) The proposal has considered a range of possible means to improve the energy efficiency and sustainability of the development with the most appropriate of these to be implemented to achieve reductions in energy consumption as well as minimum Carbon Dioxide (CO₂) emission reductions of 20%. The proposal achieves these

requirements and is therefore in accordance with PPS1 as well as the Policies 4A.3, 4A.4, 4A.5, 4A.6, 4A.7 of the Mayor's adopted London Plan (Consolidated 2008) and Policies CP1, CP38, DEV5 and DEV6 of the LBTH Interim Planning Guidance 2008, which variously seek to reduce energy demand and CO2 emissions whilst encouraging energy efficiency and renewable energy production.

- f) In term of strategic views, the proposal poses no significant detrimental impact to views of the World Heritage Site, The Tower of London, from Townscape View No. 25 (City Hall to the Tower of London) of the Mayor's adopted and draft London View Management Frameworks. Therefore, the proposal accords with the following policies which seek to protect strategic views of the Tower of London: Policies 4B.10, 4B.14, 4B.16, 4B.17 and 4B.18 of the Mayor's adopted London Plan (Consolidated 2007), the Mayor's adopted London View Management Framework 2007, the Mayor's revised draft London View Management Framework 2009, the provisions Mayor's City Fringe Opportunity Area Planning Framework, Policies CP50, DEV1, CON5 of the Interim Planning Guidance 2008, the provisions of the LBTH City Fringe Area Action plan as well as the provisions of Historic Royal Palace's Tower of London World Heritage Site Management Plan, English Heritage's draft SPG Seeing the History in View.
- g) In terms of the impact to the character and appearance of surrounding listed buildings and conservation areas, no significant impacts are posed. Therefore the proposal is considered to accord with PPG15, Policies 4B.1 and 4B.8 of the Mayor's adopted London Plan (Consolidated 2008), Policy DEV1 of the LBTH Unitary Development Plan 1998, Policies CP4, CP48, CP49, DEV2 and CON3 of the LBTH Interim Planning Guidance 2008 and the LBTH Aldgate Masterplan which seek to preserve and enhance the character and appearance of listed buildings and conservation areas.
- h) For all the reasons set out above the proposal is considered to satisfy the criteria for consideration of tall buildings in accordance with PPS1 PPS1, PPG15, Policies 4.B1, 4B.9, 4B.10 and 3A.3 of the Mayor's adopted London Plan (Consolidated 2008), Policies CP48, DEV27 and Con 5 of the LBTH Interim Planning Guidance as well as the provisions of the LBTH City Fringe Area Action Plan and Aldgate Masterplan, and well as 'By Design' published by DETR/CABE, 'Guidance on Tall Buildings' published by CABE/EH.
- i) There are no significant impacts posed to future users or to neighbours. The proposal is therefore in accordance with PPS1, Policies 4A.3, 4B.1, 4B.5, and 4B.10 of the Mayor's adopted London Plan (consolidated 2008); Policies CP1, CP3, CP4 and DEV1 of the LBTH Interim Planning Guidance 2008 and DEV2 of the LBTH Unitary Development Plan 1998 which variously seek to protect the amenity of occupiers and neighbours of a development.
- j) In respect of transportation, no significant traffic and parking impacts are posed by the scheme. In addition, sustainable forms of transport are facilitated by this scheme including improved pedestrian environment and facilities for cyclists. As such, the scheme accords with PPS1, PPG13, Policies 2A.1, 3A.7, 3C.1, 3C.2, 3C.19 and 3C.20 of the Mayor's adopted London Plan (consolidated 2008), Policies ST28, ST30, T16, T18, T19 and T21 of the LBTH Unitary Development Plan 1998 and Policies DEV1, DEV18 and DEV19 of the LBTH Interim Planning Guidance 2008 which seek to variously encourage sustainable forms of development and mitigate impacts on the network.

4. RECOMMENDATION

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

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

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

- Public realm, open space and environmental improvements **£461,000**
- Open space maintenance **£70,000**
- Employment and training **£340,000**
- Sustainable transport **£250,000**
- Travel Plan monitoring **£3,000**
- Public art **£60,000**
- Small medium Enterprise **£45,000**
- Air quality monitoring **£10,000**
- Bus contributions **£109,350**
- Crossrail **£635,283**

Other:

- TV monitoring interference
- Travel Plan monitoring
- Commitment to participate in Council's local labour in construction initiatives.
- Considerate contractor scheme
- Car free agreement

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

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

4.4 **Conditions:**

- 1) Time limit for Full Planning Permission
- 2) Landscaping including CCTV, lighting, 14 bicycle spaces (in addition to basement provision)
- 3) Service bay door/gate/equivalent details
- 4) Car parking, incl. 2 x servicing and 4 x accessible space provision and 8 x motorcycle spaces
- 5) Bicycle spaces x 145 to be provided in basement and available at all times to users including visitors
- 6) Shower provision in accordance with the approved plans and made available at all times for users of the building including visitors
- 7) Implementation in accordance with BREAAAM assessment
- 8) Energy measures implemented in accordance with the energy strategy
- 9) Roof top terraces to be accessible and available for use by users of the development at all times
- 10) Mechanical ventilation details including extract ventilation for Class A3/A4
- 11) Noise mitigation measures in accordance with the Impact Statement
- 12) Details of provision for service dock master facilities
- 13) Scheme of highway works
- 14) Archaeology
- 15) Transparent glazing at ground floor
- 16) Electric vehicle charging provision in the basement
- 17) Servicing and delivery management plan including facilities for dock master
- 18) Construction management plan
- 19) Construction logistics plan

20) Any additional conditions as directed by the Corporate Director Development and Renewal

4.5 Informatives:

- 1) Consult with TFL and LBTH regarding planning and arrangements for construction access as well as crainage per Highways
- 2) Consideration of the following matters relevant to the Building Regulations per BC:
 - Advice not intended as a complete review or assessment
 - Notice of demolition prior to commencement
 - Section 20 application under the London Building Act applicable
 - Attention should be paid to Party Wall Act
 - Fire service access including shafts in accordance with B5 requirements
 - Fire mains in accordance with section 15
 - Means of escape in compliance with B1
 - Separate routes of escape for each use
 - Adequate separation to adjoining sites required
 - Solid waste storage and collection to be provided in accordance with part H
 - Means of access in accordance with part M
 - Safe cleaning of windows in accordance with part N
 - Recommendation for early consultation on building regulation matters
- 3) Bollards design to consider people with a disability including visually impaired per Access Officer
- 4) Cycle store to enable future adoption/provision of facilities for people with a disability per Access Officer
- 5) Single leaf rather than double leaf doors per Access Officer
- 6) Glazed doors and panels to comply with Part M per Access Officer
- 7) Other doorways with revolving doors to always be open per Access Officer
- 8) WCs to include left and right hand transfer for users per Access Officer
- 9) Coat hook and shelving to be provided in accessible cubicles as well as consideration of wheelchair user requirements per Access Officer
- 10) Lifts and stairs to comply fully with part M per Access Officer
- 11) 24hr reception per Crime Prevention Officer
- 12) Obtaining planning permission does not discharge any requirements under the Traffic Management Act 2004 per TFL
- 13) Demarcation of paving between TFL owned Leman Street and private land as per TFL
- 14) Tactile paving in basement instead of a ghost island in basement as per TFL
- 15) S278 required for Leman Street as per TFL
- 16) Suggest Travel Plan use the 'ATTrBute' tool as per TFL
- 17) crainage scaffolding should consider British Standard Institute 7121:part 1: 1989 (amended)
- 18) Archaeology per EH (archaeology)
- 19) Consult with LFEPA regarding fire service access and water supplies
- 20) Ground water management best practice per the EA
- 21) Oversailing licence for equipment over the public highway

5. MATERIAL PLANNING CONSIDERATIONS

5.1 The physical impact of the scheme on the surrounding area in terms of the bulk and massing of the proposed building.

Impact on Aldgate

5.2 Whilst Officers note concern about the bulk and mass of the scheme, they still feel that the proposal has a pleasing appearance, representing a distinctive and complimentary addition to the emerging Aldgate tall building cluster supported by the Council's planning policy and

masterplan. The proposal will:

- Contribute positively to the varied architectural character of Aldgate.
- Provide a suitable frame and active frontage to the Braham Street open space.
- Successfully contribute to establishing an enduring sense of place and identity for Aldgate in the future.

Impact on Views

- 5.3 In respect of views, the site lies within Townscape View 25 (City Hall to the Tower of London) which is defined in the adopted London View Management Framework (LVMF) (July 2007).
- 5.4 The Mayor as well as English Heritage, Historic Royal Palaces, London Borough of Southwark and LBTH were all involved in extensive discussions to secure revisions to the scheme to address possible impacts upon the Tower of London. Pre-application revisions, involving a reduction in height, were considered to suitably address the potential impact upon LVMF views. Further amendments to reduce the height have been undertaken since formal submission to address the more strict criteria of the revised draft LVMF (June 2009) and the subject application also deals comprehensively with night-time appearance, seasonal variations as well as the geometric definition associated with view 25A.1.
- 5.5 The revisions have overcome the previous concerns of the consultees. Consequently, the scheme is not considered to pose any significant harmful impact to the views of the Tower of London and therefore accords with policies which seek to protect the views of the Tower of London.

Impact to the setting of listed buildings

- 5.6 For the listed buildings in Alie Street and Lemman Street, English Heritage registered an objection on grounds of the impact of the proposal on their views and setting. However, this was somewhat surprisingly, particularly since English Heritage had no objection to the Council's award winning Aldgate Masterplan, which outlined that this site and the immediate area around it were areas suitable for tall buildings.
- 5.7 It was considered by the Council's Design and Conservation Team that there is not a detrimental impact to views and the setting of these buildings. Similarly CABI has raised no objection in this regard. Indeed they, amongst other things:
- Suggested that the scheme has the potential to be a high quality building within a cluster of tall buildings.
 - Considered that the massing is thoughtfully broken up, thereby appearing as a skilfully handled crystalline building form.
 - Welcomed the internal organisation at ground level which addresses the Braham Street park and provides an active frontage to Camperdown Street.
 - Were pleased that there is access to the roof gardens for the office users of the development which also offers the added benefit of improving visual amenity.
 - Recommended the support of the application.
- 5.8 Furthermore, following revisions, there is no indication that the GLA have issues with this scheme in terms of its design, bulk and massing or physical impact on the surrounding area.
- 5.9 It is considered that the proposal is far enough away from the listed buildings so that it poses no harm, since they appear in the backdrop. In addition, it should be noted that Alie Street and Lemman Street have a diverse range of buildings in terms of architecture, scale and use. As such, the setting of nearby listed buildings is by no means uniform, pristine and has changed with time. Consequently, this makes a case that this scheme has an impact on the setting of listed buildings almost impossible to sustain.

- 5.10 Moreover, considerable attention has been given to the treatment of facades, including revisiting the materials of the southern facade so as to ensure its relationships to and appearance within the street scene. The setting of adjacent listed buildings is positively preserved and enhances their character and appearance.
- 5.11 Finally, the bulk, scale and height of the building are considered appropriate to the area, particularly when taking into account nearby approvals in Aldgate. Additionally, the reduction in tower height lessens Beagle House's visual prominence.

Impact to the setting of conservation areas

- 5.12 In respect of concern for the scheme's impact to the setting and views of surrounding conservation areas, the Council's Design and Conservation Team do not consider there to be any impact posed. Notwithstanding, any potential impact is considered to be balanced by:
- Support for the tall building cluster promoted in the Masterplan and AAP;
 - The existing approvals in the immediate vicinity;
 - The benefits of the scheme identified in the original officer report
 - The high quality design and positive contribution to the street scene, views and skyline in general of this building.

Furthermore, addressing the impact upon the Tower of London has lessened the height of the towers and their visibility in the setting and views of nearby conservation areas. No significant impacts are therefore believed to be posed as a consequence.

Neighbour Impacts

- 5.13 The scheme is acceptable in these terms because:
- Whilst the scheme will reduce outlook and increase the sense of enclosure, this is not considered to have any significant detrimental impact to any nearby residential occupiers. It also provides desirable framing to the southern edges of the Braham Street open space and compliments the emerging Aldgate Cluster. In general, in acknowledging that this is a central London location on the City Fringe, as well as responding to the area context and creating a pattern of development which establishes strong relationships to it, the increasing sense of enclosure is not considered undesirable, inappropriate or excessive in the area.
 - No privacy, overlooking impacts are identified.
 - No light issues are raised by this application.
 - No significant overshadowing impacts are posed with transient overshadowing of the Braham Street open space being within reasonable limits, to the satisfaction of the Council's Environmental Health Team
- 5.14 In summary, there are no significant impacts to future users or to neighbours of the scheme. Rather, the scheme offers benefits to people's amenity. The proposal is therefore in accordance with Council policies which seek to protect the amenity of users and neighbours.

Inadequate financial contributions towards local employment and training and the local transport infrastructure

- 5.14 Following discussions with officers concerning local employment and training contributions the proposed contribution has been doubled in value from £170,000 to £340,000. The applicant and Officers hope this increase will be sufficient to meet the Members previous

concerns.

5.15 In relation to local transport infrastructure, the following financial contributions are already sought.

- Sustainable transport - £250,000
- Travel Plan monitoring - £3,000
- Bus contributions - £109,350
- Crossrail - £732,870

5.16 The Council's highways team considered the transport statement that supports this application. They consider that it gives good coverage to the transport issues raised by this application and assesses this schemes impacts on:

- all forms of public transport,
- pedestrian routes,
- cycle routes,
- access to and from the site,
- footways,
- parking and servicing,
- taxi drop off points,
- refuse,
- the developments impact on the transport network.

5.17 Additionally, Transport for London (TfL) have considered:

- Crossrail,
- car parking provision,
- impacts on the road network,
- paving,
- bus contributions,
- increasing in width of Camperdown Street,
- Half Moon Passage and Lemn Street improvements,
- bicycle parking spaces and cycle linkages,
- public realm improvements;
- use of the 'ATTrBute' modelling tool.

5.18 The requests both parties have made have either been met within the scheme directly or in the S106 agreement. Neither Highways nor TfL consider that further mitigation is required for this scheme and the assessment of the applicants transport statement does not justify further payments to mitigate or compensate for any impact this scheme has. As such, Officers do not consider that there are any grounds for requiring S106 contributions in relation to local transport infrastructure.

6. REASONS FOR REFUSAL

6.1 Should the Members still consider that reasons for refusal are justified, they may wish to consider one of the following reasons for refusal.

1. It is considered that the proposal, by reason of its height, bulk and scale, is excessive and out of scale with existing surrounding buildings and would have an adverse impact upon the appearance of the streetscene, contrary to PPS1, Policies 4B.1, 4B.9 and 4B.10 of the Mayor's adopted London Plan (Consolidated 2008), Policy DEV1 of the LBTH Unitary Development Plan 1998, Policies CP4, CP48 and DEV27 of the LBTH Interim Planning Guidance 2008 as well as CABE/EH Guidance on Tall Buildings which seeks high quality design for developments.

2. It is considered that the proposal, by reason of its bulk, height and scale would adversely affect the setting of listed buildings in Alie and Lemn Street and the character of the nearby Tower, Whitechapel High Street, Fournier Street, Wentworth Street, Myrdle Street, London Hospital and Whitechapel market conservation areas and would fail to either preserve or enhance that character and appearance. As such the proposal is contrary to PPS5, Policies 4B.1 and 4B.8 of the Mayor's adopted London Plan (Consolidated 2008), Policy DEV1 of the LBTH Unitary Development Plan 1998, Policies CP4, CP48, CP49, DEV2 and CON3 of the LBTH Interim Planning Guidance 2008 and the LBTH Aldgate Masterplan which seek to preserve and enhance the character and appearance of listed buildings and conservation areas.

3. Given the scale and density of the proposed scheme, the proposed S.106 obligations are considered unacceptable to mitigate against the impacts in relation to local transport infrastructure and local employment. The proposal is therefore contrary to the aims of PPS3; Policy DEV4 in the UDP 1998; Policy 6A.5 in the London Plan (Consolidated with alterations since 2004) 2008; Policy IMP1 of the Interim Planning Guidance (October 2007) and Policy SP13 of the Core Strategy (Submission Version 2009) which seek to ensure planning obligations are used to mitigate against the impact of development.