

Appendix 1

Decision Level: Strategic Development Committee	Date: 15 th December 2009	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Jason Traves		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. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

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

a) 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-led 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 be 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 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 which seek to protect strategically important views.
 - 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 which seek to ensure that tall buildings are appropriate to their context, high quality and minimise environmental impacts.
- 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.

3. RECOMMENDATION

3.1 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 **£170,000**
- 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 **£732,870**

Other:

- TV monitoring interference
- Travel Plan monitoring
- Commitment to participate in Council's local labour in construction initiatives.

- Considerate contractor scheme
- Car free agreement
- Access and Employment
- Air quality monitoring during construction

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

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

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

Conditions:

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

Informatives

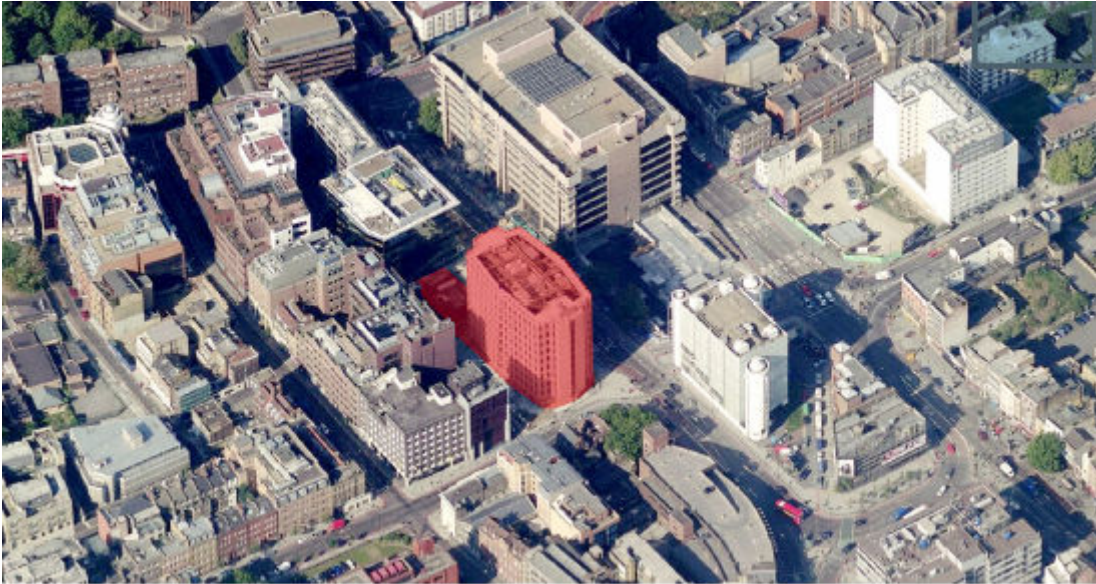
- 1) Consult with TFL and LBTH regarding planning and arrangements for construction access as well as crainage per Highways
- 2) Consideration of the following matters relevant to the Building Regulations per BC:
 - Advice not intended as a complete review or assessment
 - Notice of demolition prior 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 Lemman 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 Lemman 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

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application proposes demolition of the existing 9 storey office block 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 and associated servicing as well as landscaping, plant accommodation, parking, access and any other works incidental to the application.



View of the application site taken from the Design and Access Statement

- 4.2 The ground floor offers public amenity space, circulation and accessibility improvements to Half Moon Passage, Braham Street open space and the Lemn Street pedestrian environment. The principle pedestrian entry for the offices is on the northern side through Braham Street park whilst commercial entries are at various points around the building. Vehicular access and servicing is to the south via Camperdown Street. A ramp services basement parking level. Three ground floor loading bays are also provided for.
- 4.3 Considerable attention has been given to the accompanying linkage with and layout of Half Moon Passage. The applicant has made considerable concessions to providing publicly accessible space around the curtilage of the building as well as generally encouraging connectivity and transparency.



Revised ground floor plan taken from the application drawings

- 4.4 The ground floor is recessed and offers a colonnade on the north and eastern sides to enhance the relationship to the surrounding area.



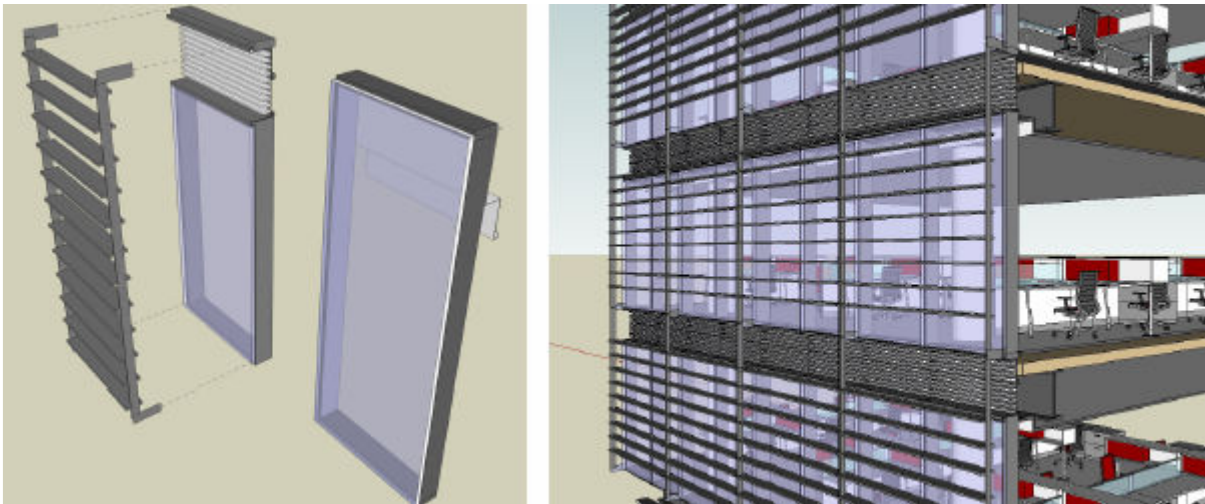
Impression of the ground floor appearance taken from the Design and Access Statement

- 4.5 The design of the upper floors intends on contributing a high quality and unique form to the Aldgate cluster. It also provides a transition to developments to south and west as well as framing the new Braham Street Public open space.
- 4.6 The roofscape comprises a series of angular cascading terraces. They will define the identity of the building in long views. It also breaks up the bulk and massing as well as providing relief with landscaped elements. They further serve a practical benefit for the future users as outdoor amenity space.



Views of the proposal taken from the Design and Access statement
(Note that height has been reduced in amended plans compared to these views – refer to addendum visual impact study)

- 4.7 The prismatic/crystalline/faceted façade of a glass/metal façade, including a ‘brise soleil’ aluminium cladding system, helps to break up the massing of the building as well as providing articulation, depth and visual interest.



The brise soleil aluminium cladding system – taken from the Design and Access Statement

4.8 Although, particular attention has been paid to the buildings relationship to the Braham Street open space to the north as well as the emerging Aldgate cluster, other facades and relationships have been given careful attention. This includes the south elevation with its relationships to listed buildings along Lemman Street and relationship to the Tower of London, being within the Background Assessment Area of Townscape View 25 of the Mayor’s London View management Framework (LVMF) 2007 and draft revised LVMF 2009.



View from the south along Lemman Street taken from the Addendum to the Visual Impact Study

4.9 The development specifics as reported in the Planning Statement and in supplementary clarification as follows:

- Total floor area of 31,507sqm gross external area (GEA) including basements (existing building is 11,167sqm GEA) and comprising of the following;
- 2 x basement levels with a total GEA of 3675sqm for car parking, bicycle parking as well as waste/recycling storage and other support servicing/storage facilities;
- Ground floor of 1568 sqm GEA comprising of 2 x commercial units (Class A1-2-3-4)

- and office servicing core;
- Floors 1 – 15 comprising of office space (Class B1) of 26059sqm GEA (includes servicing core);
- Floor 16 is plant area of 205sqm GEA;
- Provision in the basement of 14 car parking spaces which includes 2 x dedicated servicing spaces and 4 x spaces for people with a disability;
- Provision in the basement of 139 bicycle storage spaces;
- Provision in the basement of eight (8) motorcycle bays;
- Provision in the basement seven (7) showers including one (1) shower/toilet combination that is accessible for people with a disability;
- Provision at the ground floor of three (3) dedicated servicing bays accessible from Camperdown Street;
- Advice of future potential provision of extract ventilation ductwork for the ground floor commercial units via the service core;
- Provision of 5 rooftop terraces of 989sqm;
- Provision of 828sqm of publicly access area surrounding the building within the red line of the application site; and
- Potential employment generation estimated at 649-747 jobs.

Site and Surroundings

- 4.10 The application site is 0.26Ha and is bound by Braham Street (north), Leman Street (east), Camperdown Street (south) and Half Moon Passage (west).
- 4.11 The application site is occupied by Beagle House, a 9-storey commercial office building of approximately 11,167sqm gross external area (GEA). Although designed by the late architect Richard Seifert, the building is not listed and not within a conservation area.



Existing building – taken from the Design and Access Statement

- 4.12 Pursuant to regional Policy, the Mayor's adopted London Plan (Consolidated 2008), as well as the City Fringe Opportunity Area Planning Framework (OAPF), the application site is within the Central Activities Zones (CAZ), an Opportunity Area, an Area for Regeneration. Also, it is located on the edge of a Major Centre and is identified as part of the Aldgate Major Development Site.
- 4.13 In pursuance to the Mayor's adopted London View Management Framework (LVMF) July 2007, the north-west corner of the site falls within the background assessment area for Assessment Points 25A.1 and 25A.2 which are within the Viewing Place of Queens Walk, known as Townscape View No. 25, 'City Hall to Tower of London'. Assessment Point 25A.1 is protected by a Geometric Definition and Qualitative Visual Assessment (QVA). It is also

the subject of a Secretary of State direction for management of that view. Assessment Point 25A.2 is protected by a Qualitative Visual Assessment (QVA) only.

- 4.14 On the 5th June 2009, the Mayor published a revised draft LVMF. The north west corner of the scheme remains in the background assessment area of Townscape View. Although, three assessment Points 25A.1, 25A.2 and 25A.3 are proposed. 25A.1 remains protected by a Geometric Definition.
- 4.15 Pursuant to local Policy, the Tower Hamlets Unitary Development Plan (UDP) 1998, the application site is located within the Central Area Zone and is also within an area of archaeological importance or potential. Pursuant to the Interim Planning Guidance 2008, as well as the City Fringe Area Action Plan (AAP) 2006 (both of which are a means of implementing regional policies at a local level to respond to local needs and issues), the subject site is allocated for development, being identified as part of site CF12e 'Aldgate Union South'. It comprises of the following intended uses: Employment B1, Retail A1/A2/A3/A4 and public open space.
- 4.16 The site is not listed nor within a conservation area. However, there are conservation areas and listed buildings in close proximity. They include:
- The Tower conservation area, located to the south east;
 - Whitechapel High Street, Fournier Street and Wentworth Street conservation areas, located to the north;
 - Myrdle Street, London Hospital and Whitechapel market conservation areas, to the east;
 - Nos 19a, 62, 66, 68, 70 and 99 Leman Street which are Grade II listed buildings;
 - St Georges Lutheran Church, Alie Street which is Grade II* listed;
 - The German and English School, Alie Street which is Grade II listed; and
 - Two warehouses on Back Church Lane which are each Grade II listed.
- 4.17 In addition to being listed, The Tower of London is a UNESCO World Heritage site.
- 4.18 The surrounding area is very diverse in its architectural style and building scale. It covers a diverse spectrum, from small-scale commercial/residential uses in terraces of several stories to modern commercial office towers with substantial floorplates. The development of Aldgate is being progressed through the masterplan including the closing of the gyratory to the north and realisation of the Braham Street public open space.

Planning History

Application site

- 4.19 A variety of applications including those for minor works have been submitted over the course of time. The more recent and noteworthy applications are referred to below:
- 4.20 PA/05/260 On 29 March 2005 planning permission was given for construction of a single storey brick extension at the corner of Half Moon Passage and Comperdown Street to accommodate an electrical transformer.
- 4.21 PA/01/1524 On 19 June 2002 Landscaping works including replacement of existing steps and terrace by new steps, terrace and planting at corner of Leman Street and Camperdown Street and replacement of 15 metres of paving in Braham Street with planted area.

Surrounding sites

- 4.22 The following planning decisions on surrounding sites are noted:

99 Leman Street

- 4.23 PA/04/01916 On 15 May 2008, planning permission was granted for amendments to Phase 1 of the Goodmans Fields Masterplan to form 252 residential units with associated works. Also, a reduction in the basement car park to 108 car parking spaces from 150 was agreed.
- 4.24 PA/05/01396 On 19 September 2006, a further application for 99 Leman Street was granted for a change of use of offices to 40 residential units and 860 sq.m. of A1/A2/A3/A4/B1/D2 floorspace in the basement together with external alterations (Amendments to Phase 1 of the Goodmans Fields Masterplan).
- 4.25 PA/07/01246 On the 3 September 2007, the agent withdrew an application for minor amendments to the application PA/05/01396, comprising sub-division of a single residential unit into three duplex units, approved 19 September 2006 for change of use from office to 40 residential units and 860 sq.m. of A1/A2/A3/A4/B1/D2 in the basement together with external alterations (Amendments to Phase 1 of the Goodmans Fields Masterplan).

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

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

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

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

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

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

52-58 Commercial Road

- 4.29 PA/03/00766 On 22 December 2005, planning permission was given for demolition of the existing buildings and redevelopment of the site to provide a mixed-use complex of four buildings comprising of a 17 storey tower and a thirteen storey tower on the Commercial Road frontage, a six storey block and a five storey block either side of Gowers Walk, along with the provision of linear public open space. The scheme proposed a total of 136 x 1, 2 and 3 bedroom flats, including 38 affordable units; six live/work units; 25 parking

spaces, storage and plant space in the basement; café (A3), retail (A1), health club (D2) and office space (B1) on the ground floor along with six reinstated car parking spaces from the social housing, west of Gowers Walk; offices, flats and live / work units on the second and third floors; offices, flats, live/work units and a health club on the third floor and flats on all of the floors above. The two blocks, either side of Gowers Walk, were to provide 22 of the affordable housing units only. The proposal included the redevelopment of the "triangle" site west of Gowers Walk and supersedes the previous application ref: PA/02/1111 received 29th July 2002. (Development affecting the setting of a Listed Building).

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

Former Goodman's Fields, 74 Alie Street (Land north of Hooper Street and east of 99 leman Street, Hooper Street) London

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

- 4.32 PA/08/1634 On 05 March 2009, the applicant withdrew a proposal for redevelopment to provide four courtyard buildings of 5-10 storeys incorporating 6 tower elements of 22-28 storeys, erection of a 4 storey terrace along Gower's Walk, change of use to residential (Class C3) and construction of an additional storey to 75 Lemman Street. The overall scheme comprises of 822 residential units (Class C3), student accommodation (Sui Generis), hotel (Class C1), primary care centre (Class D1), commercial uses (Classes A1, A2, A3, A4, A5, B1 & D2), public open space, landscaping, servicing, plant accommodation, car parking, access and associated works.

- 4.33 PA/09/965 This is a current application, also for consideration at this Dec 09 SDC meeting, being for redevelopment to provide four courtyard buildings of 5-10 storeys incorporating 6 buildings of 19-23 storeys, erection of a 4 storey terrace along Gower's Walk, change of use to residential (Class C3) and construction of an additional storey to 75 Lemman Street. The overall scheme comprises of 772 residential units (Class C3), student accommodation (sui generis), hotel (Class C1), primary care centre (Class D1), commercial uses (Class A1, A2, A3, A4, A5, B1 and D2), public open space, landscaping, servicing, plant accommodation, car parking and access and associated works.

5. POLICY FRAMEWORK

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

Unitary Development Plan 1998 (as saved September 2007)

Proposals:		Central Area Zones; area of archaeological importance or potential
Policies:	ST1	Core Objectives
	ST15	Central Area Zones

ST17	Central Area Zones
ST 28	Transport
ST30	Transport
ST34	Shopping
ST35	Shopping
ST37	Open Space, Leisure and Recreation
ST41	Arts, Entertainment and Tourism
ST43	Arts, Entertainment and Tourism
ST47	Education and Training
DEV1	Design Requirements
DEV2	Environmental Requirements
DEV3	Mixed Use Developments
DEV4	Planning Obligations
DEV8	Protection of Local Views
DEV12	Provision of Landscaping in Development
DEV15	Retention and Replacement of Mature Trees
DEV50	Noise
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
DEV69	Efficient Use of Water
CAZ1	Developing London's Regional, National and International Role
EMP1	Promoting Employment Growth
EMP6	Access to Employment
EMP7	Work Environment
EMP8	Small Businesses
T16	Traffic Priorities for New Development
T18	Pedestrians
T19	Pedestrians
T21	Pedestrians
ART1	Promotion and Protection of Arts and Entertainment Uses
ART6	Arts, Culture and Entertainment (ACE) Area

Interim Planning Guidance for the purposes of Development Control

Proposals:	'CF12e'	'Aldgate Union South' - Employment B1, Retail A1/A2/A3/A4 and public open space Archaeological Priority Area Central Activity Zone
Core Policies:	CP1	Creating Sustainable Communities
	CP2	Equality of Opportunity
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP7	Job Creation and Growth
	CP9	Employment Space for Small Businesses
	CP11	Sites in Employment Use
	CP30	Improving the Quality and Quantity of Open Spaces
	CP31	Biodiversity
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP40	A Sustainable Transport Network
	CP41	Integrating Transport and Development
	CP42	Streets for People
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
	CP48	Tall Buildings
	CP49	Historic Environment

Policies:	CP50	Important Views
	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency and Renewable Energy
	DEV7	Water Quality and Conservation
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance and Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping and Tree Preservation
	DEV14	Public Art
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routed and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV20	Capacity for Utility Infrastructure
	DEV21	Flood Risk Management
	DEV22	Contaminated Land
	DEV23	Hazardous Development and Storage of Hazardous Substances
	DEV25	Social Impact Assessment
	DEV27	Tall Buildings Assessment
	EE2	Redevelopment/Change of Use of Employment Sites
	RT3	Shopping Provision Outside of Town Centres
	RT4	Retail Development and the Sequential Approach
	CON1	Listed Buildings
	CON3	Protection of World Heritage Sites, London Squares, Historic Parks and Gardens
	CON4	Archaeology and Ancient Monuments
	CON5	Protection and management of Important Views

Supplementary Planning Guidance/Documents

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

Spatial Development Strategy for Greater London (London Plan)

2A.1 Sustainability Criteria
2A.4 The Central Activities Zone
2A.5 Opportunity Areas
2A.7 Areas for regeneration
2A.8 Town Centres
3A.17 Addressing the Needs of London's Diverse Population
3A.28 Social and Economic Impact Assessments
3C.1 Integrating Transport and Development
3C.2 Matching Development to transport Capacity
3C.23 Parking Strategy
3D.8 Realising the Value of Open Space and Green Infrastructure
3D.14 Biodiversity and Nature Conservation

4A.3	Sustainable Design and Construction
4A.4	Energy Assessment
4A.7	Renewable Energy
4A.11	Living Roofs and Walls
4A.13	Flood Risk Management
4A.14	Sustainable Drainage
4A.17	Water Quality
4A.19	Improving Air Quality
4B.1	Design Principles for a Compact City
4B.2	Promoting World Class Architecture and Design
4B.3	Enhancing the Quality of the Public Realm
4B.5	Creating an Inclusive Environment
4B.6	Safety, Security and Fire Prevention and Protection
4B.8	Respect Local Context and Communities
4B.9	Tall Buildings – location
4B.10	Large-scale Buildings – Design and Impact
4B.12	Heritage Conservation
4B.14	World Heritage Sites
4B.15	Archaeology
4B.18	Assessing Development Impact on Designated Views

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

Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPS25	Development and Flood Risk
PPG13	Transport
PPG15	Planning and the Historic Environment
PPG24	Planning and Noise

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

A great place to live
A prosperous community
A safe and supportive community
A healthy community
One Tower Hamlets

Other

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

6. CONSULTATION RESPONSE

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

6.2 The following were consulted regarding the application:

LBTH Environmental Health – Contaminated Land

6.3 Appropriately worded standard contamination condition recommended.

(Officer comment: The condition is recommended if the Council resolves to grant planning permission.)

LBTH Environmental Health – Daylight and Sunlight

6.4 Advice that there are no concerns nor significant impact to neighbouring properties including the residential property, No. 19 Leman Street. In addition, the permanent and transient overshadowing to Braham Street open space is considered to meet the Building Research Establishment (BRE) guidelines and is considered acceptable.

LBTH Environmental Health – Hazardous substances & additional comments

Extract ventilation details for the potential Class A3/A4 food premises at ground floor

6.5 Details of the extract ventilation are needed

(Officer Comment: The architect/agent advise that there is potential for the extract ductwork to be conveyed internally through the servicing core and exiting at roof level. On this basis, it is considered that there is no environmental impact posed in terms of appearance/aesthetics, noise, odour or vibration. Consequently, this matter can be reasonably secured by an appropriately worded condition for the details to be provided prior to commencement)

TV reception

6.6 The assessment report is acceptable

(Officer comment: Standard planning obligations in the s106 planning agreement for testing, monitoring and mitigation will be negotiated if the Council resolves to grant planning permission).

LBTH Environmental Health – Noise and Vibration

6.7 The noise and vibration assessment by ARUP as part of the impact statement is acceptable, noting that this is a predominantly office scheme and not residential.

(Officer comment: An appropriately worded condition is recommended for the noise mitigation measures to be implemented in accordance with the Impact Statement.)

LBTH Strategic Transport

6.8 Recommends improvements to the cycling network and connectivity in the Aldgate as well as Travel Plan monitoring and a planning contribution of 3k for electric car charging facilities

(Officer comment: The above matters form part of the recommended package of planning contributions if the Council resolves to grant planning permission)

LBTH Transportation and Highways

- 6.9
- Good coverage of transport issues
 - Parking: welcomes reduction in car parking and provision of bicycle and motorcycle spaces as well as a Travel Plan. Amongst other matters, recommends charging points for all car spaces and condition for bicycle parking to be retained
 - Servicing: arrangements acceptable although, details of the provision for servicing dock master facilities needed
 - Pedestrian access/improvements: Half Moon Passage considered an improvement with details of landscaping and stopping up needed in due course and also, £70k

towards public realm

- Concern regarding insufficient footpath provision at Camperdown Street
- Refuse: Waste team should be consulted
- Travel Plan: Comments to be provided by Strategic Transport Team
- Construction: Welcomes the Code for Construction Practice in the impact statement; further details regarding crainage would be needed prior to construction and recommendation that construction access should be agreed with LBTH and TFL

(Officer comment: Appropriately worded conditions and informatives are recommended to address the abovementioned matters where relevant. In respect of the Camperdown Street footpath width, this is not considered an issue to warrant amendments on balance, noting that this will not be a principle point of connectivity around the development, given the discouragement to this by the servicing point. Also, the pavement will be widened to 1.5m which is considered adequate noting that the more desirable and likely pedestrian connectivity is via Half Moon Passage and Braham Street open space.)

LBTH Waste

- 6.10 Advice that the team has no objections to the application. Notes that a private waste collection service will be needed to undertake collections from this premises given that it involves the use of a waste compactor.

LBTH Landscape

- 6.11 Satisfied with the arrangements for Half Moon Passage.

LBTH Access Officer

- 6.12
- Design and Access Statement is comprehensive and refers to relevant legislation
 - Would like to see accessible parking bays on Camperdown Street
 - Any bollard design should to consider people with a disability
 - Cycle store to consider provision of space for mobility devices for people with a disability
 - Single leaf rather than double leaf doors
 - Glazed doors and panels to comply with Part M
 - Other doorways with revolving doors to always be open
 - WCs to include left and right hand transfer for users
 - Coat hook and shelving to be provided in accessible cubicles as well as consideration of wheelchair user requirements
 - Lifts and stairs to comply fully with part M
 - Fire lift and communication arrangements are welcomed

(Officer comments: Additional accessible bays on Camperdown Street could be given further consideration although as a matter separate to the planning merits of the subject application; other matters are suitably addressed as planning informatives if the Council was to resolve to grant planning permission.)

LBTH Crime Prevention Officer

- 6.13
- North, east and west sides are more active frontages than the south side of the proposal
 - The building overhang on north and east side could be a gathering point at night
 - 24hr reception/security is considered important as well as suitable CCTV and lighting
 - Expect delivery entrances to be gated/shut
 - Half Moon Passage to be kept open and active and with CCTV surveillance and for landscaping to maximise openness/surveillance

(Officer comment:

- The level of activity around the building and potential for gathering is noted but not considered to be a significant concern.

- Although not a planning issue, the recommendation for 24hr reception will be conveyed in an appropriately worded informative whilst CCTV and lighting form part of the details to be discharged as part of a landscaping condition
- The delivery entrance door/gating will be secured as part of an appropriately worded condition

LBTH Energy

- 6.14
- Recommends that the updated London Plan and revised Energy Hierarchy be followed
 - Recommended the fuel cell option be implemented as part of the development
 - Indicates that the BREAAAM assessment of office component achieves an 'excellent' rating

(Officer comment:

- The energy cell and BREAAAM requirements will for appropriate conditions of approval
- Other comments noted for the applicant's consideration in future discharge of the abovementioned conditions if the Council was to resolve to grant planning permission)

LBTH Ecology

- 6.14 No comments received

Greater London Authority (GLA)

Stage 1 comments

- 6.15
- The proposal complies with some London Plan policies for urban design, sustainable design and transport although there are matters requiring further consideration:
 - Landuse: the proposed uses are welcome and comply with policies 5G.2 and 3B.3
 - Urban design: the scheme is acceptable in terms of its potential impact on strategic views although, the impact on the Braham Street open space in terms of overshadowing is a concern as is the building line on Lemman Street; Queries are raised concerning the step-free access between Braham Street and Camperdown Passage and appropriateness of revolving doors. The GLA recommends a height reduction in the west end as well increasing the setback to Lemman Street
 - Transport: A Crossrail s106 planning contribution is sought. The GLA also recommends further information regarding trip generation and car parking; Agreement to demarcate the site boundary in pedestrian pavement materials is needed; Provision of street lighting around the site to benefit pedestrians is sought; sustainable transport related planning contributions should be offered; agreement to secure a Construction Logistics Plan and Delivery and Servicing Plan should be sought;
 - Energy: The proposed measures are generally supported and policy compliant although further information is needed to address policies 4A.5, 4A.6 and 4A.7. The GLA recommends further information about site-wide initiatives as well as details pertaining to the fuel cell absorption chillers and ground source heat pumps

(Officer comment: The application was revised and further information provided to address the issues above. These have been informally accepted by the GLA as addressing their concerns and as such, no further action is required prior to the Mayors Stage 2 consideration.)

Government Office of London (GOL)

- 6.16 No comments received

Transport for London (TFL)

- 6.17 No significant impact is posed although further details are required:
- A Crossrail s106 planning contribution sought;
 - TFL is supportive of car parking provision but recommend a car free approach;
 - There is unlikely to be any impact on the TLRN;
 - TFL requests demarcation in paving between Lemn Street and the private land [within the red line boundary];
 - A s106 planning contribution for buses is requested;
 - The increased width for the Camperdown Street footpath is welcomed;
 - Tactile paving in basement is recommended, instead of a ghost island;
 - The Half Moon Passage improvements are welcomed;
 - A separate S278 agreement is required for Lemn Street;
 - A query is raised in respect of the exact number of bicycle spaces provided;
 - A s106 planning contribution to fund a cycle link and consideration of linking the development is suggested;
 - TFL suggests a s106 planning contribution be secured for public realm improvements;
 - A suggestion that the Travel Plan use the 'ATTrBute' modelling tool.

(Officer comment: In respect of the s106, the above comments are subject to GLA advice. See also the planning contributions section of this report. Other points are noted and where applicable, are recommended as informatives if the Council resolves to grant planning permission.)

London City Airport (LCA)

- 6.18 There is no conflict with safeguarding criteria in respect of the completed development. However, construction crainage scaffolding should consider British Standard Institute 7121:part 1: 1989 (amended)

(Officer comment: Advice regarding crainage scaffolding is contained within an informative if the Council was to resolve to grant planning permission.)

National Air Traffic Services Ltd (NATS)

- 6.19 The proposal does not with conflict with safeguarding criteria.

English Heritage (Statutory)

- 6.20 The revisions to reduce the height and absence of any impact upon views of the Tower of London is welcomed. However, EH continue to object in respect of local impacts upon the setting of locally listed buildings, particularly those illustrated in view 6 of the Addendum to the visual impact study (62, 66, 68 and 70 Lemn Street).

(Officer comment: See section 8 for discussion)

English Heritage (Archaeology)

- 6.21 Recommend an appropriately worded condition and informatives for investigation and monitoring of any significant remains during construction.

(Officer comment: The condition is recommended if the Council resolves to grant planning permission.)

Historic Royal Palaces (HRP)

- 6.22 Advice that the development as amended would have no effect on the setting of the Tower of London as seen from Queen's Walk and the vicinity of City Hall. Historic Royal Palaces therefore has no objection to the proposal.

City of London Corporation

- 6.23 No objection to the development although the potential impact to view of the Tower of

London is queried.

(Officer comment: Other statutory consultees are satisfied there is no impact as is LBTH.)

London Borough of Southwark (LBS)

6.24 No comments received.

Commission for Architecture and Built Environment (CABE)

- 6.25
- CABE acknowledges the revisions to the proposal, in response to concerns about the potential impact upon views from the Tower of London
 - CABE suggests that the scheme has the potential to be a high quality building within a cluster of tall buildings
 - CABE considers that the massing is thoughtfully broken up, thereby appearing as a skilfully handled crystalline building form
 - CABE welcomes the internal organisation at ground level which addresses the Braham Street park and provides an active frontage to Camperdown Street
 - CABE is 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
 - CABE recommends support of the application

London Fire and Emergency Planning Authority (LFEPA)

6.26 Although there is no information provided in respect of fire service access and water supplies, this should not be problematic as the Authority is aware that fire service access is maintained along the Braham Street open space.

(Officer comment: An appropriately worded informative is recommended for LFEPA to be consulted before building work commences.)

Environment Agency (EA)

6.27 The EA raise no objection to the scheme and recommend best practice regarding the management of groundwater-related issues.

(Officer comment: An appropriately worded informative is recommended to address this matter if the Council was to resolve to grant planning permission.)

London Underground Ltd

6.28 London Underground advises that it has no comment to make on this application.

7. LOCAL REPRESENTATION

7.1 A total of 136 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. No representations were received from neighbours or from local groups in response to notification and publicity of the application.

No of individual responses: Nil Objecting: Nil Supporting: Nil
No of petitions received: Nil

8. MATERIAL PLANNING CONSIDERATIONS

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

- Land Use
- Design and Access
- Amenity

- Transport
- Planning contributions

Land Use

Demolition

- 8.2 It should be noted that the application site does not contain any listed buildings and does not lie within or adjacent to a conservation area.
- 8.3 Demolition is justified for the following reasons:
- The reuse of the building stock would have compromised the ability to deliver other positive aspects of the scheme (e.g. open space and pedestrian route connectivity/permeability improvements);
 - The new scheme's benefits in respect to design quality, sustainability and regeneration benefits.
- 8.4 Overall, the demolition of the existing buildings is considered acceptable.

Mixed-use

- 8.5 Mayoral and LBTH planning guidance promotes a residential-led, mixed-use redevelopment of the site.
- 8.6 Pursuant to the London Plan Policy 2A.4, the site is within the Central Activity Zone (CAZ) where policy generally promotes finance, specialist retail, tourist and cultural uses and activities. The site also lies within an Opportunity Area. This provides London's principle areas of opportunity to accommodate large scale development with employment floorspace and housing, assisted by good public transport accessibility.
- 8.7 In addition, Policy 2A.7 of the London Plan identifies the application site within an area for regeneration. It is one of the 20% most deprived areas of London and therefore, of the greatest socio-economic need.
- 8.8 In pursuance of the North East London sub-region of the London Plan and Policy 5C.1, the priorities for the sub-region include, amongst other things, to ensure substantial expansion of economic and population growth is appropriately accommodated in a sustainable way; ensuring improvements to open space; securing necessary financial resources to deliver improvements to public transport, walking and cycling connections.
- 8.9 The Mayor's draft City Fringe OAPF identifies the site as being within an area of opportunity and regeneration. The framework recognises the strategic need to accommodate the expansion of London as a world city, alongside the need to maintain economic and cultural activities, whilst accommodating intensification of residential development.
- 8.10 In general, the LBTH UDP 1998 identifies the site within the Central Area Zone. Policy ST12 seeks to encourage the availability of and accessibility to a range of recreational, cultural and leisure facilities within the CAZ. Policy CAZ1 states that a balance of central London core activities, of a scale and type that is compatible with London's role as a financial, commercial and tourist centre, will be encouraged (courts, government departments, embassies, commodity markets/companies/corporations, media, galleries/museums, cinemas/stadia/halls/theatres, hotels and Educational establishments).
- 8.11 Also in general, the LBTH IPG 2008 identifies the application site as being within the CAZ. Policy CP8 recognises that parts of the borough play a strategic and international role as a global financial and business centre. Therefore, the Council will, amongst other things,

encourage office development on the fringe, and employment opportunities.

- 8.12 More specifically, the IPG as well as the City Fringe Area Action Plan (AAP) identify the application site within the larger development site CP12e 'Aldgate Union South' within the Aldgate and Spitalfields Market Sub-area. Policy CFR14 indicates that the larger area should come forward for redevelopment with the following uses, namely:
- Employment B1,
 - Retail A1/A2/A3/A4 and
 - Public open space
- 8.13 Within the Aldgate and Spitalfields Market Sub-area of the City Fringe AAP, Policy CFR9 states that, amongst other things, employment uses are dominant. Policy CFR11 promotes retail or leisure uses as active ground floor frontages, specifically making reference to frontages along Braham Street.
- 8.14 It is evident from the review of regional and local policy, that an office-led approach to the redevelopment of Beagle House, with complimentary commercial ground floor frontage, is appropriate and acceptable. The specific uses contained within the scheme are identified in more detail below.

Employment

- 8.15 Policy EMP1 'Encouraging New Employment Uses' of the adopted UDP 1998 promotes employment growth that meets the needs of local people. Whilst EMP 2 'Retaining Existing Employment Uses' opposes the loss of employment floorspace, it allows exceptions where quality buildings and a reasonable density of jobs will result.
- 8.16 The scheme proposes an increase in employment floorspace from 11,167sqm to 31,507sqm including office Class B1 (26,059sqm) and ground floor commercial Class A (1,512sqm). In consideration of Policies EMP1 and EMP2, the increase in floorspace will also increase the potential employment levels. The agent indicates that the proposal has potential to generate between 649-747 jobs.
- 8.17 Given the flexibility of the office floorplates as well as the ground floor commercial opportunities that could be potentially desirable for all kinds of occupiers in those sectors, the scheme is considered to accord with EMP 6 'Employing Local People', and EMP8 'Small Business' of the adopted UDP 1998, and CP1 'Creating Sustainable Communities', and CP15 'Provision of a Range of Shops and Services' of the Interim Planning Guidance which amongst other things, seek to encourage a range of job opportunities, that are supportive of the local community and small businesses.

Public open space

- 8.18 Public open space is not only welcomed, it is a requirement of regional and local policy. Public open space provision forms a key component of the redevelopment of the 'Aldgate Union South' site, which the application site lies within. This section of the report considers the principle whilst, consideration of the design and amenity of the public open spaces are discussed under 'Design' and 'Amenity for future occupiers' sections of this report respectively.
- 8.19 Pursuant to the adopted London Plan (Consolidated 2008), Policy 3D.8 indicates that all developments are expected to incorporate appropriate elements of open space that make a positive contribution to and are integrated with the wider network.
- 8.20 The creation of open spaces strategies is promoted in Policy 3D.12 of the adopted London Plan (Consolidated 2008). In addition, Policy 4B.3 Enhancing the Quality of the Public Realm states that amongst other things, boroughs should work to ensure the public realm

(which includes open space) is accessible, useable and safe.

- 8.21 The Mayors draft City Fringe OAPF identifies an opportunity to provide open space in the Braham Street area of the Aldgate. Open space would have the purpose of providing amenity for the community. The importance of existing and new open spaces as well as linkages between is noted by the framework, given that the City Fringe is some distance away from any designated green space. In Chapter 2, the provision of open space within a network of spaces is seen as part of the process of creating a sustainable community in the City Fringe, given the focus in this area for potential employment and population growth of London.
- 8.22 The LBTH City Fringe AAP states that, in the current context, public space is limited in this area and does not meet the Borough's targets. It indicates that publicly accessible open space in this area is lower than the borough target and is considered to be poor quality, inaccessible and poorly interconnected. The AAP suggests that there are likely to be limited opportunities to create major green spaces due to density and prevailing locality character. Clearly, this is one of the key challenges for the City Fringe to tackle. Part of the vision for the City Fringe is for innovative and well connected public realm and open spaces. In terms of quantity and quality of provision, the Council proposes a range of measures including the realisation of new open spaces in major development schemes. The Braham Street public open space is one of the key components of redevelopment in Aldgate. In general, Policy CFR 1 states that that the Council will seek to create and enhance open space and links between them. Policy CFR5 seeks to maximise open space provision as part of developments and also in key locations, specifically including the Aldgate and explicitly Braham Street.
- 8.23 In the context of this discussion about the importance of open space to Aldgate, it is important to emphasise that the open space provision is intended to be in Braham Street itself. The expectation for the Beagle House redevelopment is merely that it will not prejudice the delivery and contribute positively to the success of it. The proposal does so in key ways including:
- Contributing to a publicly accessible area at ground floor (828sqm) surrounding the building within the application site boundary (the red-line boundary);
 - Providing active ground floor frontages;
 - Providing improved security with a transparent and active ground floor;
 - A built form that provides as strong edge of interesting and high quality architecture to frame and define the Braham Street open space;
 - Improves upon linkages and connectivity into the park specifically at Lemn Street and Half Moon Passage;
 - In providing for the above, the scheme has secured appropriate access for people with disabilities to encourage a more inclusive environment;
 - Considerable pre-application testing and reduction of the scheme to minimise permanent and transient overshadowing to levels acceptable to the Council's Environmental Health Team in consideration of the Building Research Establishment (BRE) guidance;
 - In providing for the above, the scheme contributes soft landscaping to enhance the amenity of the environment.
- 8.24 As such, the scheme is considered to compliment and enhance the Braham Street open space, as well as connections via Half Moon Passage and Lemn Street. The proposal therefore accords with Policies CP30 of the LBTH Interim Planning Guidance, as well as the site specific guidance of Policies CFR1 and CFR5 of the LBTH draft City Fringe Area Action Plan 2007, as well as the LBTH Aldgate Masterplan which seek sufficient provision of open space to address needs of the community.

Design

Appearance and layout

- 8.25 As one of its objectives, PPS1 states that planning should facilitate and promote high quality development through good and inclusive design.
- 8.26 Pursuant to The London Plan (Consolidated 2008), Policy 4B.1 requires schemes, amongst other criteria, to create and enhance the public realm, respect local context and character, as well as being attractive to look at. Policy 4B.9 outlines related Plan policies and considerations for the siting of tall buildings which includes tall buildings as a “*catalyst*” for regeneration. Policy 4B.10 provides further guidance on design considerations including context, attractiveness and quality. CABE and English Heritage ‘Guidance on Tall Buildings’ also informs the consideration of tall buildings as well as ‘By Design’ by DETR/EH.
- 8.27 In consideration of the LBTH UDP 1998, Policy DEV1 indicates development should be sensitive to the area, the capabilities of the site and be visually appropriate. Policy CP4 of the IPG states that buildings and spaces should be high quality, attractive, safe and well integrated. Policy CP48 confirms that tall buildings must contribute to a high quality, attractive environment, as well as responding to context and contributing to vitality. These considerations also form part of the criteria of Policy Dev27, Tall Buildings Assessment, of the LBTH Interim Planning Guidance.
- 8.28 It is considered that the appearance of the development is one of its strengths. This building is the product of a thoughtful and skilful approach to the development potential of the site. The proposal has a pleasing appearance, representing a distinctive and complimentary addition to the emerging Aldgate cluster. Notwithstanding the range of considerations discussed in later sections including ‘*views*’, ‘*Impact to setting of listed buildings and conservation areas*’ and ‘*Tall buildings*’, the proposal will nonetheless appear as a welcome addition and contribute positively to the varied architectural character of Aldgate. Furthermore, the building will provide a suitable frame and active frontage to the Braham Street open space. Provided the final selection of materials and their application to the façade have longevity it is believed that this building will successfully contribute to establishing an enduring sense of place and identity for Aldgate in the future.

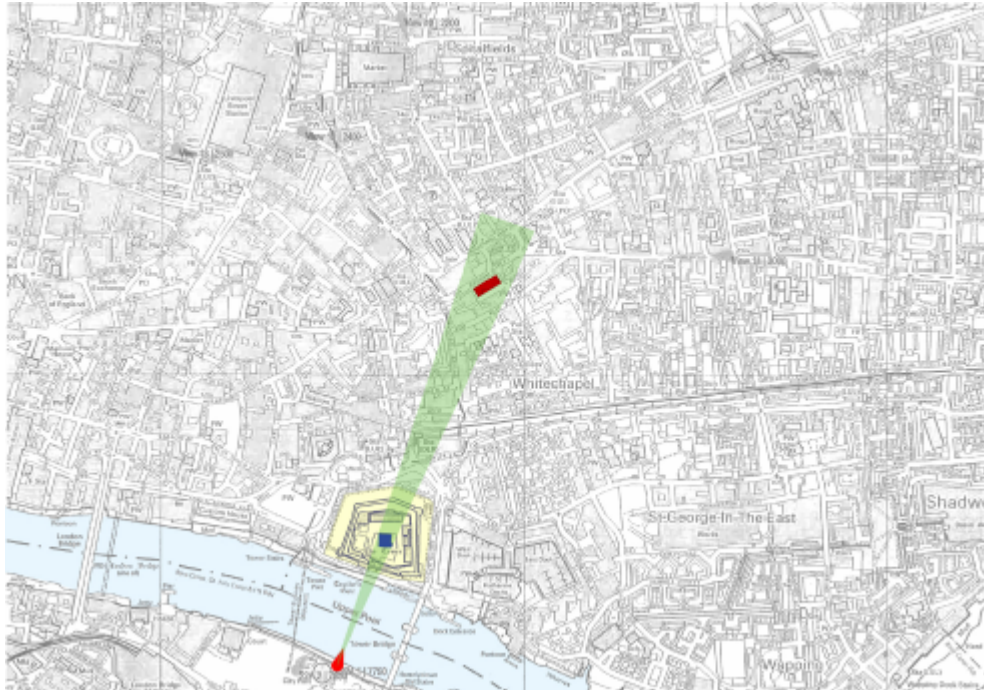
Sustainability

- 8.29 Central, regional and local policy promotes sustainable development including the prudent use of resources, energy efficient design and decentralised energy production by renewable means
- 8.30 The potential measures to be incorporated into the scheme are as follows:
- Either, a 100kw fuel cell (natural gas and to change to Hydrogen once available in London) with potential to reduce annual CO₂ by 29.68% (the preferred); or
 - A ground source heat pump (GSHP) with potential to reduce annual CO₂ by 20%
- 8.31 Other measures include:
- Thermally efficient building façade materials;
 - Solar shading on south facing facades;
 - Air permeability through the building;
 - Energy efficient lighting systems; and
 - Energy efficient mechanical systems e.g. choice of boiler, chillers and fan coils.
- 8.32 In addition, the design of the roof terraces address ecological sustainable development principles by devoting area to soft landscaping.
- 8.33 The above aspects demonstrate that the scheme will contribute positively to the Aldgate and is in accordance with the Central Government, Mayoral and Borough policies identified

above which seek to ensure developments are energy efficient and sustainable.

Views

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



Site in relation to the LVMF protected view 25A.1 of the TOL – Taken from the Design and Access Statement

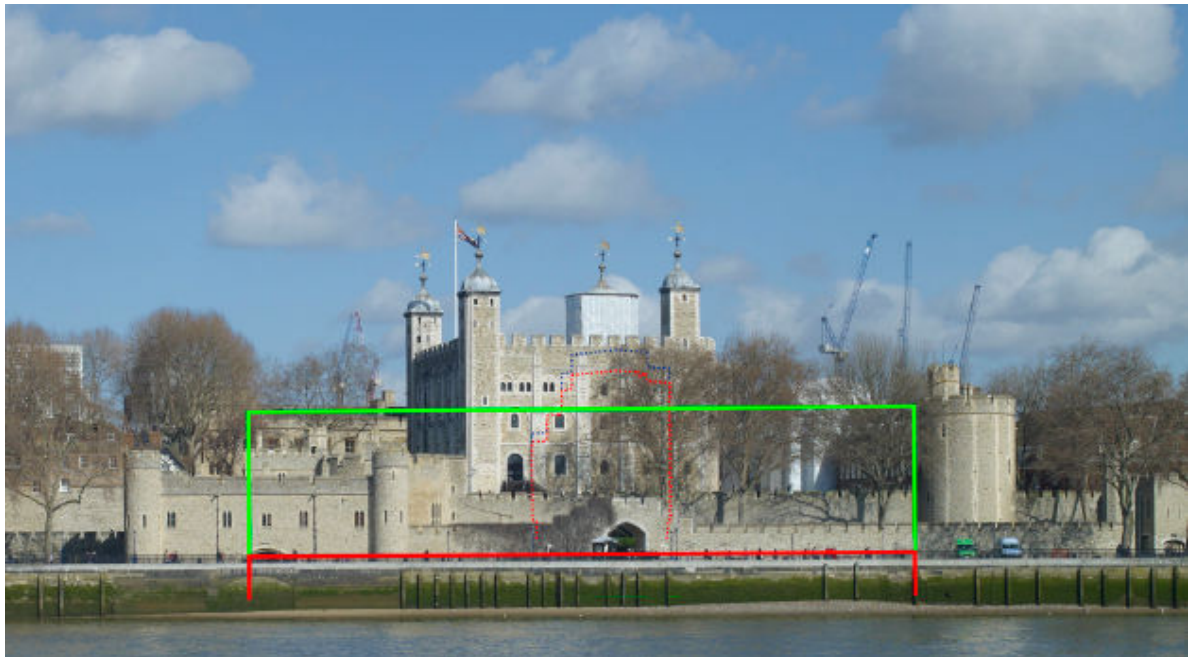
- 8.35 Policies of The London Plan (Consolidated 2008) requires schemes to meet requirements of the LVMF. Schemes should:
- be suited to wider context in terms of proportion and composition and in terms of their relationship to other buildings (Policy 4B.10)
 - give appropriate weight to the provisions of World Heritage Site Management Plans (Policy 4B.14).
 - Consider how proposals which fall within the background assessment area preserve or enhance the ability to recognise and appreciate the Strategic Landmark Building, the Tower of London.
- 8.36 In the time that the application was in the final stages of pre-application negotiation with LBTH and other agencies, the Mayor published the Revised Draft London View Management Framework (LVMF)(June 2009). The revision includes changes to the way in which Townscape View 25 will be assessed.
- 8.37 Local planning policies contained in the LBTH Interim Planning Guidance, City Fringe Area Action Plan and Aldgate Masterplan require development to preserve and enhance the ability to recognise and appreciate landmarks, as well as prevent impacts to strategic views.
- 8.38 In addition, the Historic Royal Palaces have produced the 'Tower of London World Heritage Site Management Plan' which guides the consideration of development affecting the TOL and refers to the townscape view and Mayoral policies concerning the LVMF.
- 8.39 The English Heritage draft SPG, 'Seeing the History in View', also provides guidance. It offers an approach to assessing heritage significance within a view and applies the

approach to a real example, specifically, the Townscape View 25 of the LVMF. Therefore, it is especially relevant.

8.40 The White Paper, 'Heritage Protection for the 21st Century' seeks to clarify and strengthen protection for world heritage sites, their Outstanding Universal Values and setting. The implication is that the management plan for a world heritage site will have added strength and weight in the planning process.

8.41 The Mayor as well as English Heritage, Historic Royal Palaces, London Borough of Southwark and LBTH have been 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). The subject application also deals comprehensively with night-time appearance, seasonal variation as well as the geometric definition associated with view 25A.1. Additionally, supplementary information included an animation sequence showing the proposal within the kinetic (moving) view of the TOL.





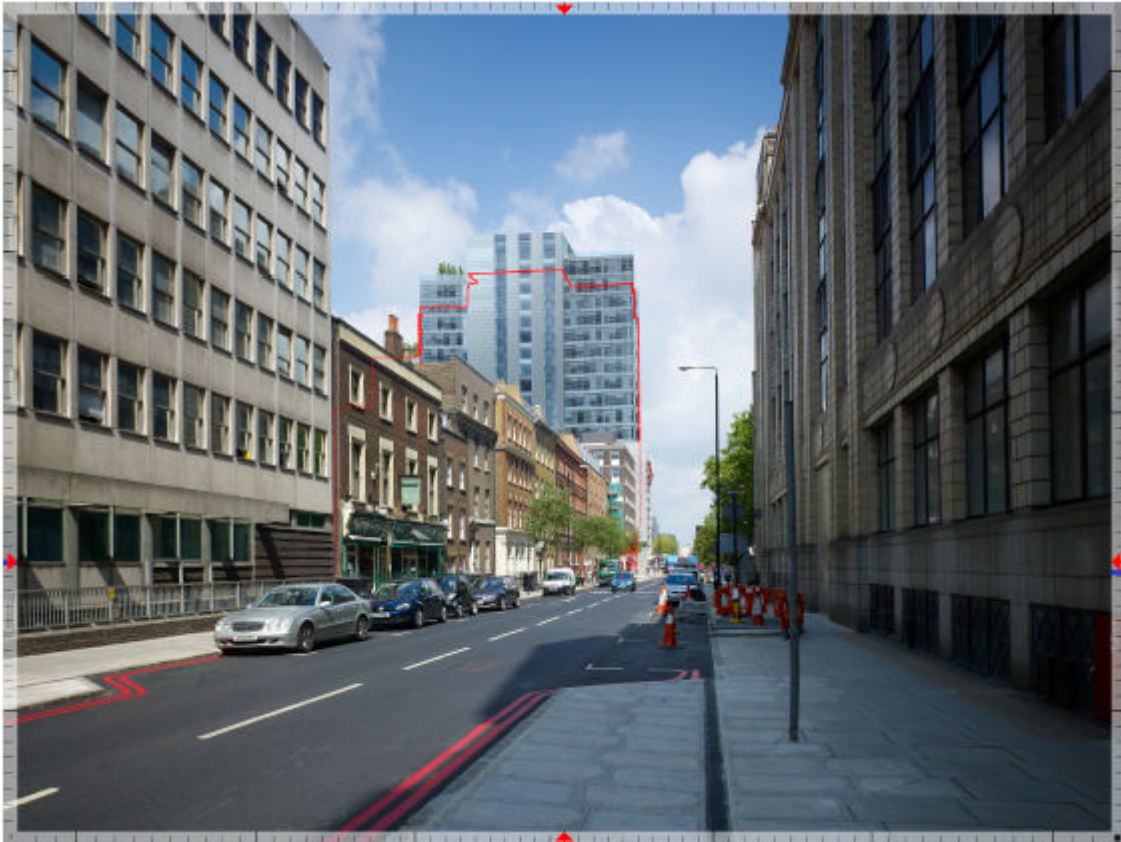
AVR and magnified view of View 25A.1 of the TOL – Taken from the Addendum to Visual Impact Study

- 8.42 The considerable endeavour in revisiting and documenting the proposal's relationship to and potential impact upon views of the TOL in accordance with the LVMF has overcome the previous concerns of the consultees. The scheme is not considered to pose any significant harmful impact to the views of the TOL. Therefore, the scheme accords with Policies 4B.10, 4B.14, 4B.16, 4B.18 of the London Plan (Consolidated 2008), Policies CP50, DEV1 and CON5 of the LBTH Interim Planning Guidance 2006, Policies CFR1, and CFR12 of the LBTH draft City Fringe Area Action Plan 2006 and well as the provisions of the LBTH draft Aldgate Masterplan 2007, HRP Tower of London World Heritage Site Management Plan 2007, the Mayor's adopted London View Management Framework (July 2007), revised draft London View Management Framework (June 2009) LBTH draft City Fringe Opportunity Area Planning Framework 2008 and EH draft guidance 'Seeing the history in View' which seek to protect the views of the TOL.

Impact to setting of listed buildings and conservation areas

- 8.43 The statutory requirement to consider proposal's upon the impact to the setting of listed buildings and conservation areas is contained in central, regional and local policy and guidance. It includes PPG15, the London Plan (Consolidated 2008), the LBTH UDP, IPG and Aldgate Masterplan.
- 8.44 For consideration of the potential impacts upon the setting and appearance of the TOL as a series of individually listed items and falling within the Tower Conservation Area, the potential impacts have been considered in 'views'. Otherwise, there are no significant impacts identified to the setting and appearance of the TOL and conservation area that would be posed by this application.
- 8.45 For other listed buildings in particular, the listed buildings in Alie Street and Leman Street, EH has registered an objection on grounds of the impact of the proposal on their views and setting. However, it is considered by the LBTH Council's Design and Conservation Team that there is not a detrimental impact to views and the setting of these buildings. Similarly CABE has raised no objection in this regard. It is considered that the proposal is far enough away from the listed buildings so as to pose no harm, since they appear in the backdrop. In addition, it should be noted that Alie Street and Leman 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. In addition, 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. Furthermore, the bulk, scale and height of the building is considered appropriate to the area, noting nearby approvals in Aldgate as outlined in section 4 of this report. Additionally, the reduction in tower height lessens the visual prominence, as seen in the visual representation below.



View from the south along Leman Street taken from the Addendum to the Visual Impact Study

- 8.46 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:
- the policy intent for redevelopment promoted in the Masterplan and AAP;
 - the existing approvals in the immediate vicinity;
 - the benefits of the scheme identified in this report
 - The high quality design and positive contribution to the street scene, views and skyline in general of this building.
- 8.47 Furthermore, addressing the impact upon the TOL has lessened the height of the towers and their visibility in the setting and views of nearby conservation areas. No significant impacts are posed as a consequence.

Tall buildings

- 8.48 Local and regional tall buildings policies advise on the relevant considerations for tall buildings. Moreover, there is a range of published national policy including PPS1, and PPG15 as well guidance that includes 'By Design' published by DETR/CABE in 2000 and 'Guidance on Tall Buildings' published by CABE/EH.
- 8.49 In respect of regional policy, The London Plan (Consolidated 2008), Policy 4B.9 states that boroughs should consider applications against criteria of 3A.3, 4B.1 and 4B.10. Policy 3A.3 indicates boroughs should ensure that proposals achieve a maximum intensity of use

compatible with local context & design principles in Policy 4B.1, which requires schemes to respect local context, history built heritage and character. Policy 4B.10 states that, amongst other criteria, tall buildings need to address the LVMF and consider context including relationship with other buildings.

- 8.50 Within the Mayor's City Fringe Opportunity Area Planning Framework, whilst potential for tall buildings are identified around Aldgate gyratory, the framework requires height and design of individual proposals to be tested against relevant London Plan Policy including 4B.1 (paragraph 4.4).
- 8.51 In respect of local policy including the LBTH IPG, Policy CP48 states that tall buildings are supported in principle in the Aldgate provided that they respond sensitively to the surrounding context. Policy DEV27 requires tall buildings to satisfy criteria including sensitivity to context, not adversely impacting on listed buildings and world heritage sites, as well as not impacting upon important London-wide views.
- 8.52 Within the LBTH City Fringe Area Action Plan, Policy CFR12 requires schemes to be in accordance with Policy CON5 of the IPG, it being noted that CON5 requires the consideration of the views, including Strategic Views.
- 8.53 The LBTH Aldgate Masterplan states that tall buildings are not appropriate where they would harm listed buildings or where they would not preserve or enhance the background setting of the TOL (page 47). It also refers to London Plan Policy in general for the criteria for consideration of their siting, design and impact (paragraph 2.5.24).
- 8.54 Although the site may be suitable for a tall building in terms of the high PTAL (Mayor's Policy 3A.3) and offer a high quality appearance (Mayor's Policies 4B.1 and 4B.9), Policies CP48 and DEV27 of the LBTH Interim Planning Guidance and the Mayor's Policy 4B.10 have additional criteria for consideration of acceptability, including:
- Suitability in the wider area context;
 - Not adversely impact on strategic London-wide views;
 - Consider environmental impacts wind, overshadowing, and privacy impacts;
 - Achieve internal and external noise standards; and
 - Provide high quality spaces including communal and private space.

The scheme is considered to satisfy the criteria for consideration of tall buildings, as contained in the abovementioned policies, and is therefore acceptable.

Summary

- 8.55 In conclusion, the benefits of the scheme are its appearance, ground floor treatment and consideration of sustainability. Furthermore, concerns including impacts to views of the TOL and its setting as a listed building have been addressed. Potential impacts to the setting of other listed buildings and conservation areas are not significant. As such, the scheme accords the policies identified and is recommended for approval.

Amenity

Future Users

- 8.56 The scheme is acceptable in these terms in the following ways:
- The scheme provides inclusive design, including consideration for people with a disability including access, facilities/services and parking
 - The development has considered noise and air quality to ensure a suitable internal environment
 - The development is provided with accessible outdoor roof terraces, in addition to Braham Street open space

8.57 As such, a satisfactory level of amenity is achieved.

Neighbour Impacts

8.58 The scheme is acceptable in these terms because:

- There are no significant noise or general disturbance impacts identified. Impacts during the construction phase have been addressed in the Code of Construction Practice chapter of the Impact Statement. In the operational phase, the intended uses are appropriate, compatible with the area and are not considered to pose concern;
- 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 significant air quality impacts are posed. It is noted that this has been considered in the Code of Construction Practice of the Impact Statement. At the operational phase, the development itself, including traffic generation, will not contribute any significant effect upon air quality;
- No significant traffic impacts are identified by TFL or LBTH Highways Team. They consider that the local road system is capable of accommodating the additional increase traffic generated. Any damage to public roads during construction would be repaired pursuant to the s278 agreement;
- No privacy, overlooking impacts are identified
- 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
- The associated benefits of the scheme in respect of improved connectivity, permeability, security, potential employment opportunities and additional retail options.

8.59 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 the abovementioned policies which seek to protect the amenity of users and neighbours.

Transport

8.60 In consideration of national policy, PPG13 seeks to integrate planning and transport from the national to local level. Its objectives include: promoting more sustainable transport choices; promoting accessibility using public transport, walking and cycling; and reducing the need for travel, especially by car. PPS1 seeks, amongst other things, to create sustainable developments.

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

consideration of the walkways *en route* to bus stops from homes and workplaces, to ensure they are direct, secure, pleasant and safe.

- 8.62 In respect of local policy, the UDP 1998, Policy ST28 seeks to reduce unnecessary dependency on cars. Policy ST30 seeks to improve safety and convenience for all road users including cyclists and pedestrians. Policy T16 states that the consideration of planning applications will take into account the requirements of the proposed use and any impact posed. Policy T18 indicates that priority will be given to pedestrians in the management of roads and the design and layout of footways. Improvements to the pedestrian environment will be introduced and supported in accordance with Policy T19, including the retention and improvement of existing routes and where necessary, their replacement in new management schemes in accordance with Policy T21.
- 8.63 Having regard for the IPG 2008, DEV17 states that all developments, except minor schemes, should be supported by a transport assessment. This should identify potential impacts, detail the schemes features, justify parking provision and identify measures to promote sustainable transport options. DEV18 requires a travel plan for all major development. DEV19 sets maximum parking levels pursuant to Planning Standard 3.
- 8.64 A transport, waste management and servicing management plan formed part of the Impact Statement which was submitted with the application. As noted in the consultees responses in section 6, the development is considered appropriately located within the capacity of the area and no significant impacts identified. In subsequent comments received TFL, they confirm that the level of car parking proposed is acceptable. In addition, appropriate planning contributions have been identified as well as a recommendation for the s106 to include a car free agreement.
- 8.65 In addition, a s278 agreement should be entered into with the Council's Highways Team pursuant to the Highway Act 1980. The s278 agreement and the financial obligations for which the developer is responsible for is completely separate and in addition to the s106 planning contributions secured.
- 8.66 Therefore, the scheme is considered acceptable on transport grounds having regard to the abovementioned policies.

Planning contributions

- 8.67 Circular 05/2005 outlines, among other things, the broad principles of Planning Obligations. Obligations can take the form of private agreements or unilateral undertakings given by a developer and are *'intended to make acceptable development which would otherwise be unacceptable in planning terms'*.
- 8.68 Planning obligations can be used in the following three ways: -
- (i) They may be used to *prescribe* the nature of the development to ensure it is suitable on planning grounds. For example by requiring a given proportion of housing is affordable;
 - (ii) Secondly they may require a contribution to *compensate* against loss or damage that will result from a development. For example loss of open space;
 - (iii) Thirdly obligations may be used to *mitigate* against the impact of a development. For example through increased public transport provision.
- 8.69 Planning Obligations should only be sought where they are found to meet the 5 key tests of the Secretary of States policy. The tests should be considered in conjunction with the guidance contained within the circular and can be summarised as follows: -
- (i) Relevant to planning;

- (ii) Necessary to make the proposed development acceptable in planning terms;
- (iii) Directly related to the proposed development;
- (iv) Fairly and reasonably related in scale and kind to the proposed development; and
- (v) Reasonable in all other respects.

- 8.70 Circumstances may arise where it is not feasible for a development scheme to be both economically viable and compliant with all local, regional and national planning policy requirements. Guidance within the circular states that in such cases, *“where the development is needed to meet the aims of the development plan, it is for the local authority and other public sector agencies to decide what the balance of contributions should be”*.
- 8.71 Similarly the circular states that decisions on the amount of contributions *“should be based [on] negotiation with developers over the level of contribution that can be demonstrated as reasonable to be made whilst still allowing development to take place”*.
- 8.72 Policy DEV4 of the adopted UDP and Policy IMP1 of the Interim Planning Guidance clearly indicate that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.

Overview of the package

- 8.73 The package of contributions requested was being based on the pro-rata contributions as recommended by the LBTH Planning Contributions Overview Panel (PCOP) of the pre-application version of the scheme and as such, the final figures vary as a consequence of changes in floorspace from pre-application to amended proposal as presented to committee:

- Public realm, open space and environmental improvements **£461,000**
- Open space maintenance **£70,000**
- Employment and training **£170,000**
- 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 **£732,870**

- **(Total: £1,911,220)**

Other additional contributions:

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

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

Other

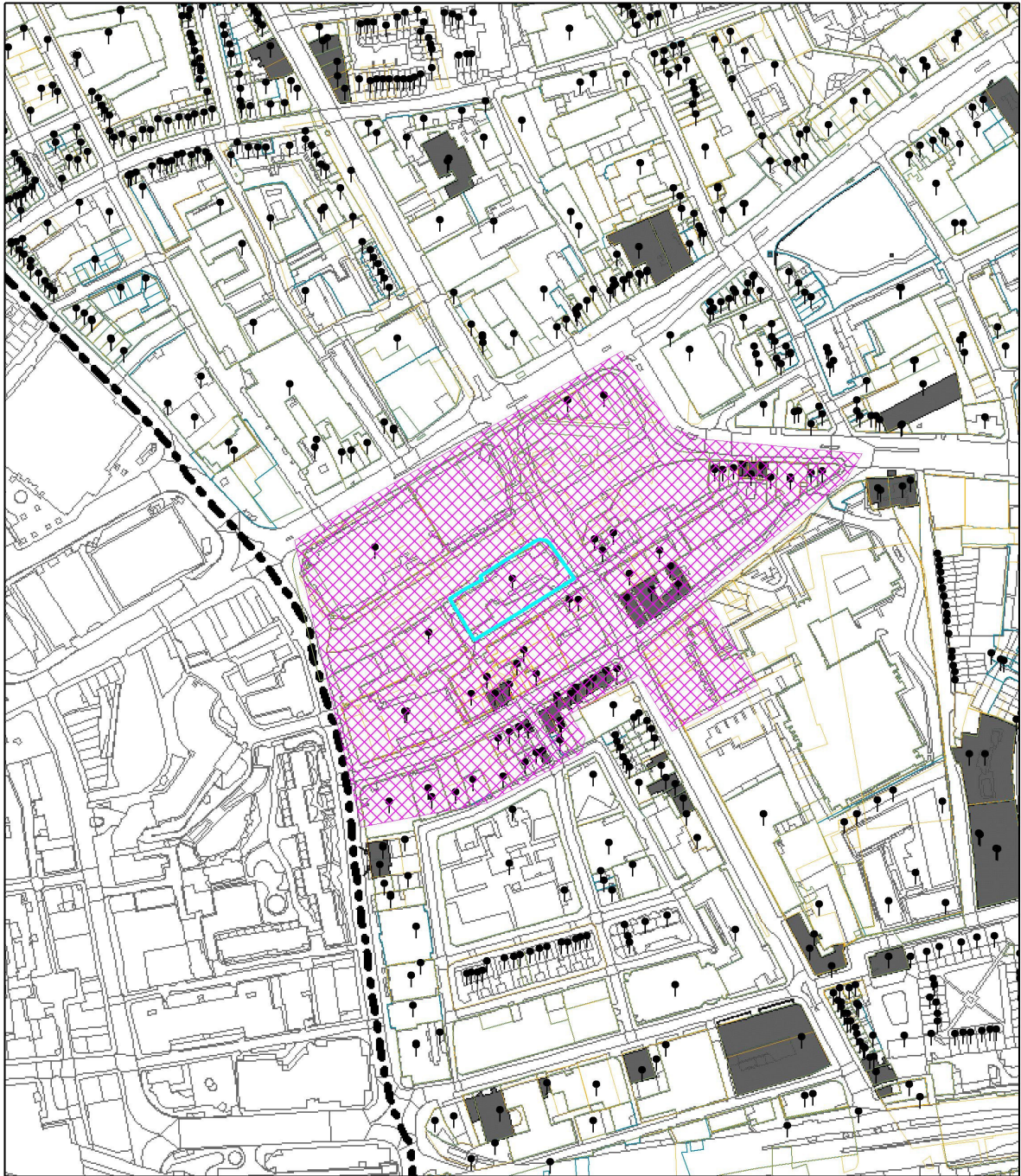
8.75 No other issues are identified.

9. Conclusions

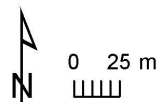
9.1 All other relevant policies and considerations have been taken into account. Planning permission should be refused for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Appendix 1 Site plan

Planning Application Site Map



-  Planning Application Site Boundary
-  Other Planning Applications
-  Consultation Area
-  Land Parcel Address Point



This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office (c) Crown Copyright. London Borough of Tower Hamlets LA086568