

Committee: Strategic Development Committee	Date: 14 th September 2006	Classification: Unrestricted	Report Number:	Agenda Item Number: 7.1
Report of: Director of Development and Renewal		Title: Planning Application and Conservation Area Consent		
Case Officer: Terry Natt		Location: Rodwell House, 100-106 Middlesex Street, LONDON E1		
		Ward: Spitalfields and Banglatown		

1. SUMMARY

1.1 Registration Details

Reference No: PA/06/00432

Date Received: 23/03/2006

Last Amended Date: 02/08/2006

1.2 Application Details

Existing Use:

10 storey office building and 150 space car park

Proposal:

Demolition of existing buildings and redevelopment by the erection of buildings between 5 storeys (26 metres) and 35 storeys (119 metres) high for mixed use purposes comprising 32,458 sq m of student accommodation, 772 sq m of residential, and 8,825 sq m of offices (B1), shop (A1), and gymnasium, and 186 sqm of community uses, formation of associated car parking and highway access as well as hard and soft landscaping works. (The application is accompanied by an Environmental Impact Assessment).

Applicant:

Middlesex SARL C/- DP9

Ownership:

GE Capital Commercial Financial Services Real Estate Properties Ltd and London Electricity Board

Historic Building:

N/A

Conservation Area:

Yes

2. RECOMMENDATION

2.1 That the Strategic Development Committee **grant** planning permission subject to the conditions outlined below

2.1.1 The satisfactory completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (and other appropriate powers) to include the matters outlined in Section 2.2 below, and the conditions and informatives outlined in Sections 2.4 and 2.5 below; and Section 278 of the Highways Act 1980, to include the matters outlined in paragraph 2.3 below.

2.1.2 That if the Committee resolves that planning permission be granted, that the application first be **referred to the Mayor of London** pursuant to the Town and Country Planning (Mayor of London) Order 2000, as an application for a new building exceeding 30 metres in height.

2.1.3 That if the Committee resolves that planning permission be granted that the Committee **confirms** that it has taken the environmental information into account, as required by Regulation 3 (2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

2.1.4 That the Committee **agree** that following the issue of the decision, a Statement be placed on the Statutory Register confirming that the main reasons and considerations on which the committee's decision was based, were those set out in the Planning Officer's report to the Committee (as required by Regulation 21(1)(c) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

Legal Agreement

2.2 Section 106 agreement to secure the following:

- (1) Provide £150,000 towards open space improvements to relieve the pressure that will arise from the new student housing on existing open space and recreational facilities within the Borough.
- (2) Provide £100,000 for public realm improvements within the vicinity of the site
- (3) Preparation of a right of way "walking agreement" for the widened Frying Pan Alley. (The walkway agreement is usually under Section 35 of the Highways Act).
- (4) Equipment upgrade to mitigate the adverse effects on DLR radio communications (Such as a booster to offset signal interruption).
- (5) Provide £250,000 towards Public Art/Cultural facilities including the preparation and implementation of a public art strategy including involvement of local artists.
- (6) Provide £150,000 towards employment initiatives such as the Local Labour in Construction (LliC) or Skillsmatch in order to maximise the employment of local residents.
- (7) Provide £1,444,820 towards healthcare to mitigate the demand of the additional population on health care services.
- (8) TV reception monitoring and mitigation.
- (9) Preparation of a Travel Plan (for both the residential and commercial component).
- (10) Completion of a car free agreement to restrict occupants applying for residential parking permits.
- (11) The community building facing Bell Street is to be provided at a peppercorn rent and maintained at the applicants cost.

2.3 Section 278 agreement to secure the following:

Repaving and improvement of Frying Pan Alley and the relocation of parking bays caused by the new parking and servicing entrance in Bell Lane

Conditions

2.4 That the following conditions be applied to any planning permission:

- (1) Time limit for Full Planning Permission
- (2) Details of the following are required:
 - Elevational treatment including samples of materials for external fascia of building;
 - Ground floor public realm (including open space and pedestrian route)
 - All external landscaping (including lighting and security measures), walkways, screens/ canopies, entrances, seating and litter bins;
 - The design of the lower floor elevations of commercial units including shopfronts and community space; and
 - Signage strategy.
- (3) Landscape Management Plan required

- (4) Parking – maximum of 4 cars and a minimum of 606 cycle spaces
- (5) Hours of construction limits (0800 – 1800, Mon-Fri)
- (6) Details of insulation of the ventilation system and any associated plant required
- (7) Hours of operation limits – hammer driven piling (10am – 4pm)
- (8) Wheel cleaning during construction required
- (9) Details required for on site drainage works
- (10) Black redstart habitat provision required
- (11) Land contamination study required to be undertaken
- (12) Full particulars of the refuse/ recycling storage required
- (13) Code of Construction Practice (referred to as Construction Method Statement in the ES), including a Construction Traffic Management Assessment required
- (14) Details of finished floor levels required
- (15) Details of surface water source control measures required
- (16) Biomass heating and Renewable energy measures to be implemented
- (17) Monitoring Control Regime for construction phase to be implemented
- (18) Details to ensure that the development incorporates gas protection measures
- (19) Bat Survey to be undertaken
- (20) Bat roosts and bird nest boxes to be incorporated into the fabric of the new buildings
- (21) Ground borne vibration limits
- (22) Details of the design of the cycle store required

2.5 Informatives

- (1) Corporation of London advice
- (2) Thames Water advice
- (3) Metropolitan Police advice
- (4) Environment Agency advice
- (5) Surface water drainage advice
- (6) Entertainment licensing advice
- (7) Site notice specifying the details of the contractor required
- (8) Standard of fitness for human habitation, means of fire escape and relevant Building Regulations

3. EXECUTIVE SUMMARY

- 3.1 The application comprises the erection of buildings between 26 metres and 119 metres high for mixed use purposes comprising 32,458 sq m of student accommodation, 772 sq m of residential, and 9,011 sq m of offices (B1), shop (A1), gymnasium and community uses, formation of associated car parking and highway access as well as hard and soft landscaping works.
- 3.2 The following is a summary of the assessment of the proposed scheme:
 - The Environmental Impact Assessment is satisfactory, including the cumulative impact of the development, with mitigation measures to be implemented through conditions and the Section 106 agreement.
 - The Greater London Authority has not yet provided their Stage One Response.
 - The proposed mix of uses comply with the UDP. However, there is some conflict with the emerging LDF.
 - The site has a Public Transport Accessibility Level (PTAL) of 6 (on a scale of 1 – 6, where 6 is the highest).
 - Improvements to the existing infrastructure capacity will be undertaken through the Section 106 agreement.
 - The proposal incorporates a number of sustainable development/ renewable energy initiatives.
- 3.3 The proposed development is considered appropriate in terms of townscape, environmental and infrastructure considerations. The proposal includes contributions towards transport, health, education, employment, training and open space. The scheme accords with the Council's and the GLA's policy objectives.

4. BACKGROUND

Location

- 4.1 The site is located approximately 200m east Liverpool St Station. The site has frontages to Middlesex Street, Strype Street, Bell Lane, and Frying Pan Alley.

Description of Site

- 4.2 The site extends to some 0.53 hectares in size and is currently occupied by a ten storey office building constructed in 1959, and a 150 space car park, located in a single storey basement. The office building is currently vacant.
- 4.3 The site has a level difference of three metres from the south west corner to the north eastern boundary. The highest part of the site is at the north east portion at Marsh Wall.

Surrounding Land Use

- 4.4 The area surrounding the site comprises a variety of buildings and includes a mix of uses. In particular, the site is bounded to the south by the six-storey (plus plant) Brody House and the Wexner Building. Both buildings are predominantly in residential use. To the north of the site is Frying Pan Alley, containing both commercial and residential properties. Brune House is located to the east of the site across Bell Lane and provides residential accommodation. Cutler's Gardens is to the west of the site across Middlesex Street.
- 4.5 The heights of buildings adjacent to the site vary from 3-4 storeys to 7-9 storeys. It is also relevant to note that in the immediate vicinity of the site, the Heron Tower, Swiss Re (both over 40 storeys in height), and the schemes at 201 Bishopsgate, Spital Square and St Boltolph's have all been approved for development of buildings of substantial height and scale.
- 4.6 The site is surrounded on all sides by conservation areas as designated in the London Borough of Tower Hamlets Unitary Development Plan (UDP) and in the City of London UDP. The Artillery Passage Conservation Area borders the site to the north, Wentworth Conservation Area to the south and the Middlesex Street Conservation Area to the west. A small portion of land on the southern boundary of the site falls within the Wentworth Conservation Area.
- 4.7 The site does not contain any listed buildings. However, there are a number of buildings on the statutory list in the vicinity of the site, the most approximate being No.22 Frying Pan Alley, which is Grade II listed.

Relevant Planning History

- 4.8 The existing Rodwell House was granted planning approval in 1959.
- 4.9 On 12th May 2004, planning permission was granted for the demolition of the existing buildings and the erection of a new single office building with a gross floor area of 42,609 sq. m. The proposal was divided into three main elements: a 23 storey central tower reaching a height of 120.5 metres; a west wing arranged over three storeys around an external courtyard; and a 5 storey high eastern wing arranged around a central atrium. The proposal also included 29 car parking spaces, 542 sq.m. of restaurant area at ground floor level (A3) and erection of a Class D1 community pavilion.

Description of the Proposal

- 4.10 The development proposal involves the demolition of the existing 10-storey office building, Rodwell House, and a basement car park, which were built in the late 1950s. It is proposed to erect a 35-storey (118.85m AOD) building including ground floor and mezzanine level. The five-storey east and six-storey west extensions are 28.95m and 35.80m in height respectively.
- 4.11 The site is arranged with a retail podium on the ground floor plus five-storey office, four-storey private residential and a four-storey student residential around two internal courtyards. At the centre of the development is a 35-storey tower of student residential accommodation, including a sky lounge at the top level of the tower for the student residents.

- 4.12 Three roof gardens are also proposed at levels 2, 3 and 5. A pavilion space is provided at ground floor level accessed from Bell Lane, which will be utilised for community purposes. (a space to be utilised for community purposes under the Section 106 agreement)
- 4.13 A total of 1100 units of student accommodation would be provided within the main tower and four storey podium block, all accessed from Frying Pan Alley via a secure entry system. The ground and first floors have a mixture of student amenity, classroom and office type accommodation. A variety of student room configurations (clusters, twin studio suites, double studios and studios) and communal areas/roof gardens has been provided.
- 4.14 The main frontage to Middlesex Street provides an entrance to five levels of office use sitting over the retail base. The office accommodation would consist of 5,404.2m² in area and has a four storey projecting bay above a colonnaded, glazed ground floor. The top floor is set back to link the office block with the student residential component behind it.
- 4.15 Retail uses are located along the external perimeter on ground floor level of the development, consisting of a total of 2,266.3m² of flexible retail space (six retail spaces are shown, however this space is flexible). They include shops (A1) and café/restaurants (A3). The residential block, comprising 11 residential units completes the streetscape between the Victorian six-storey corner block at 94-98 Middlesex Street and Brody House on Strype Street. This five-storey podium is designed as a base for the tower. The basement comprises space for refuse collection and storage, laundry, 606 cycle parking spaces, four car parking spaces and the gym. Plant rooms are located in both the basement and at the top floor of the tower.

The breakdown between uses and areas is contained in Table 4.16.

4.16 **Table 4.16**

Use Class	Details	Gross External Areas m ²
Student Accommodation (sui-generic)	1100 units	35,610
Private residential (C3)	11 x 2 bedroom flats	1,133
Commercial accommodation (mixed)	5 x retail units 1 x community pavilion Offices	8,917
TOTAL		45,660

5. **PLANNING POLICY FRAMEWORK**

Comments of the Chief Executive (Legal Services).

- 5.1 The relevant policy framework against which the Committee is required to consider planning applications includes the adopted Tower Hamlets Unitary Development Plan 1998 (UDP), the adopted London Plan 2004, the Council's Community Plan, the Draft Local Development Framework and Interim Planning Guidance Notes.
- 5.2 Decisions must be taken in accordance with sections 54A and 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 is particularly relevant, as it requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations.
- 5.3 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority is also required to pay special attention to the desirability of preserving or enhancing the character or appearance of the Chapel House Conservation Area in which the site lies
- 5.4 Whilst the adopted UDP 1998 is the statutory development plan for the Borough, it will be replaced by a more up to date set of plan documents which will make up the Local

Development Framework (LDF). As the replacement plan documents progress towards adoption, they will gain increasing status as a material consideration in the determination of planning applications.

- 5.5 The report takes account not only of the policies in statutory UDP 1998 but also the emerging plan which reflect more closely current Council and London-wide policy and guidance.
- 5.6 In accordance with Article 22 of the General Development Procedure Order 1995, Members are invited to agree the recommendations set out above which have been made on the basis of the analysis of the scheme set out in this report. This analysis has been undertaken on the balance of the policies set out below and any other material considerations set out in the report.
- 5.7 The following Unitary Development Plan **proposals** are applicable to this application:
- (1) Central Area Zone
 - (2) Archaeological importance or potential
 - (3) Special Policy Areas
- 5.8 The following Unitary Development Plan **policies** are applicable to this application:
- DEV1 Design Requirements
 - DEV2 Environmental Requirements
 - DEV3 Mixed Use Development
 - DEV4 Planning Obligations
 - DEV5 High Buildings and views
 - DEV12 Provision of Landscaping in Development
 - DEV18 Art and Development Proposals
 - DEV50 Noise
 - DEV55 Development and Waste Disposal
 - DEV56 Waste Recycling
 - DEV67 Recycled Materials
 - CAZ1 Developing London's regional, national and international role
 - CAZ3 Mixed use development
 - CAZ4 Diversity, character and functions of the Central Area Zones
 - EMP1 Encouraging New Employment Uses
 - EMP2 Retaining Existing Employment Uses
 - EMP3 Change of Use – office
 - EMP6 Employing Local People
 - HSG1 New Housing Development
 - HSG8 Access for People with Disabilities
 - HSG9 Density
 - HSG14 Special Needs Accommodation
 - HSG16 Amenity Space
 - T15 Transport and Development
 - T16 Impact of Traffic
 - T17 Parking Standards
 - T19 Pedestrians
 - T21 Pedestrians
 - T23 Cyclists
 - S6 New Retail Development
 - S10 New shopfronts
 - ART5 Arts and entertainment facilities
- 5.9 The following Draft LDF **proposals** are applicable to this application:
- (1) Central Area Zone
 - (2) City fringe Development Sites – CF9
- 5.10 The following Draft LDF Core Strategy Development Plan Policies/ City Fringe Area Action Plan **policies** are applicable to this application:

CFR1	Loss of office space
CFR8	Social and community facilities - Education
CFR10	Sustainability
CFR12	Transport capacity
CFR13	Connectivity
CFR14	Infrastructure and services
CS12	Reducing the need to travel
CS13	Sustainable Accessible Transport
CS15	Good Design
CS16	Density
EE5	Mixed Use Development
EE6	New Office Development
EE7	Redevelopment/ Change of Use of Employment Sites
RT2	Diverse and flexible shopping floorspace
HSG1	Housing Density
HSG2	Lifetime Homes
HSG12	Purpose built student housing
HSG13	Housing Amenity Space
SCF1	Social and Community Facilities
TR1	High Density Development in Areas of Good Public Transport Accessibility
TR2	Parking
TR3	Transport Assessments
TR4	Travel Plans
TR7	Walking and Cycling
UD1	Scale and Density
UD2	Tall Buildings
UD3	Public Art
UD4	Accessibility and Linkages
UD5	High Quality Design
UD6	Important Views
SEN3	Energy Efficiency
SEN4	Water Conservation
SEN5	Disturbance from Demolition and Construction
SEN6	Sustainable Construction Materials
SEN7	Sustainable Design
SEN9	Waste Disposal and Recycling
OSN3	Landscaping and Trees
IM3	Securing Benefits
IM2	Social Impact Assessment

5.11 The following Community Plan **objectives** are applicable to this application:

- (1) Creating and sharing prosperity
- (2) A better place for living well
- (3) A place for living safely

6. **CONSULTATION**

6.1 The following were consulted regarding this application:

(1) **Greater London Authority**

The Stage 1 response has not yet been received by Tower Hamlets Council. An addendum report will update the GLA's position if the Stage 1 response is received prior to the 14th September Strategic Development Committee Meeting.

(2) **Environment Agency**

The Environment Agency has no objection to the development.

(3) **Countryside Agency**

No formal representation provided.

- (4) **English Nature**
No comment
- (5) **English Heritage**
No objections or requests for conditions
- (6) **English Heritage Archaeology**
Recommended a number of conditions to secure a programme of archaeological work and a historic buildings assessment.
- (7) **Police**
No objection subject to conditions relating to security
- (8) **Transport for London**
To be included in GLA report.
- (9) **London Underground**
No objection
- (10) **London Fire and Emergency Planning Authority**
No comment
- (11) **Commission for Architecture & Built Environment (CABE)**
The proposal is not supported by CABE, who, although consulted, did not provide comments on the previously approved office scheme. CABE consider that the current proposal does not “...*enhance the qualities of its immediate location and setting*” and should not be approved by Tower Hamlets Council.
- (12) **City Corporation**
No objection
- (13) **London City Airport**
No safeguarding objection
- (14) **National Air Traffic Services Ltd.**
No safeguarding objection
- (15) **BBC - Reception Advice**
TV reception mitigation measures required
- (16) **British Waterways**
No objection.
- (17) **Thames Water Authority**
Recommended a number of conditions to ensure that foul and/ or surface water discharge from the site does not prejudice the existing sewerage system and to ensure that the water supply infrastructure has sufficient capacity to cope with the additional demand.

(18) **Head of Highways Department**

- A Green Travel Plan is required for both the student accommodation and commercial component;
- The reduction in the number of car parking spaces to five is welcomed, along with the layout and access arrangements; and
- Recommended that a condition to ensure that a Construction Traffic Management Plan is carried out and approved prior to the commencement of the development. (This must also be a cumulative assessment that considers the exiting construction traffic at the time).

(19) **Environmental Health**

Air Quality

Recommended the following:

- Support for 'car free' development;
- Condition and Informative to ensure that the Code of Construction Practice (called Construction Method Statement in the ES) is approved by LBTH prior to the commencement of site works; and
- Condition to protect the amenity of future occupants and/ or neighbours in terms of air quality.

Noise and Vibration

Recommended the following:

- Night time works are not allowed and will be considered via dispensation process under a Section 61 agreement;
- The LBTH impulsive vibration limits are 1mm/s ppv and 3mm/s ppv at residential and commercial respectively;
- Adequate mitigation measures for the construction noise will be required and should be submitted as part of the Section 61 consent application in order to ensure the Council's 75dB(A) limit is complied with;
- The mitigation measures suggested for road traffic noise are adequate; and
- The developer is to obtain a Section 61 consent from the Environmental Health Department before commencement of work onsite.

Contaminated Land

The proposal is acceptable subject to conditions.

Micro-climate (Sunlight/ Daylight and Overshadowing)

"There are no omissions to the daylight, sunlight and overshadowing assessment in the Environmental Statement as defined by Regulation 19 of the 1999 EIA Regulations. The effects of daylight and right to light issues in respect to other properties have been addressed satisfactorily, but there are some areas of the assessment that could be improved." These are discussed below.

(20) **Sustainability officer**

Supports the provision of 606 cycle parking spaces. The development is generally acceptable subject to conditions.

(21) **Cleansing Officer**

Satisfied with the proposals for refuse and recycling provision.

(22) **Leisure Services/ Landscape Section**

No response

(23) **Head of Building Control**

A number of comments made to be incorporated as part of the building application.

(24) **Access Officer**

Amendments are necessary to comply with Part M of the Building Regulations. Internal spaces should be usable by all and incorporate the principles of inclusive access, i.e. accessible to people with disabilities, children, the elderly and infirm. This should include enlarged lounges and circulation spaces on ground and upper floors, wider corridor widths to enable access by wheelchairs and equal access to amenity services by people on all floors. The wheelchair housing should not all be concentrated together on two or three of the lower floors.

(25) **Crime Prevention Officer**

Made a number of comments with regard to access, safety, lighting and design.

6.2 Responses from neighbours of surrounding development and other interested parties were as follows:

No. Responses: 18 In Favour: 1 Against: 16 Petition: 1

6.3 Comments:

Land Use

- Inappropriate location for student accommodation
- The current application should not be assessed based on the approval granted in the previous application
- High proportion of student accommodation will create an imbalance between mix of uses in the area
- Students should ideally be located on-campus
- Transient occupiers contribute little to the local community
- Office development is more appropriate and in line with emerging planning policy
- The theme of residential use above retail is consistent with the surrounding area and should be supported

Height/ Density/ Scale

- Excessive height/ scale/ density
- Overdevelopment

Microclimate

- Negative impacts on the amount of sunlight/ daylight received (including Brody house)
- Creation of wind tunnels
- Proposal contravenes a legal right to light
- Impacts outlined in Environmental Statement are misleading and inaccurate, particularly with regard to daylight and sunlight access

Loss of Privacy/Increase in Noise

- The 24/7 use will impact on privacy and create nuisance for local residents
- There will be increased overlooking and a subsequent loss of privacy
- Some control of student bad behaviour required
- There should be no air-conditioning vents on Strype St

Design

- Building resembles a 1970s council block
- Horizontal villages do not work- it will create a ghetto environment conducive to drug dealers and anti-social behaviour
- Architectural drawings are inaccurate
- The overall design of the tower and proposed cladding is unsympathetic
- The plans ignore the local aesthetic and historical value of Brody House and surrounding streets
- Sheer size of proposed building is unacceptable

- Landscaping should be given priority with additional soft landscaping and trees
- Additional open space should be provided
- Provide gated roof garden for local residents
- What is the purpose of the community facility
- Loss of open space is not supportable
- Scale and design conflicts with art deco Brody House

Construction Impacts

- Negative construction impacts such as noise and dust

Transport/ Parking

- Not enough parking is proposed for residents in the area
- Loss of NCP car park not supported
- Negative impact on the surrounding road network and public transport links
- There should be no goods entrance onto Strype St

Infrastructure

- Additional strain on water supply/sewerage
- Relocate waste exit

106 Agreement

- Should be negotiated to improve Wentworth St conservation area

7. ANALYSIS

7.1 Land Use

7.1.1 The site is currently occupied by vacant office buildings. The site is inside the "Central Area Zone" designation of the UDP. Lower residential scale buildings are located to the west and south of the site.

Principle of Student Accommodation

7.1.2 Policy CAZ1 of the adopted UDP (1998) specifies that within the Central Area Zone, a balance of central London core activities compatible with fostering London's role as a commercial, tourist and cultural centre, will normally be permitted. Central London core activities include educational establishments. HSG14 states that the Council will seek to encourage the provision of housing to meet the needs of residents with special housing needs. It goes on: "*Such housing should be appropriately designed and suitably located*".

7.1.3 Paragraph 5.29 states that the Council will consider student housing in a variety of locations providing there is no loss of permanent housing or adverse environmental effects. It also notes: "*Additional provision could release dwellings elsewhere in the Borough in both the public and the private rented sector*".

7.1.4 The draft LDF Core Strategy and Development Control DPD issued in November 2005 states that purpose built student housing will be permitted in Tower Hamlets in appropriate locations, where Council determines that sufficient demand for this form of housing exists. In determining demand, Council will require sufficient evidence from the educational institution intended on utilising the accommodation, that their existing student resources are insufficient and the proposed built student housing in necessary to meet current or anticipated demand.

7.1.5 In conjunction with the Core Strategy DPD, Tower Hamlets has also completed a draft City Fringe Area Action Plan. The City Fringe Area Action Plan (CFAAP) identifies 100 Middlesex Street as lying within a major office development location and, on the basis of the previous existing approval for office development granted on 24th May 2004, allocates the site for Business (B1 a/b) use.

7.1.6 London Plan policy 3A.22 states that the Mayor will ensure that the needs of the education sector are addressed and will support the provision of student accommodation, subject to other policies contained in the London Plan.

7.1.7 With respect to the abovementioned policy directions, it is clear that there is some policy conflict with regard to student accommodation on this site. From a strategic perspective, there is a shortage of student accommodation across London. However, there is no indication as to the most appropriate locations for student accommodation. Prima facie, the use of this site for student accommodation may be considered inappropriate given the policy direction outlined in both the draft Core Strategy and draft CFAAP. However, the London Plan indicates that there is strong demand for student housing. The adopted UDP, whilst not specifically identifying the city fringe area as an area for student housing, is flexible in its approach. If educational facilities are an appropriate use in the CAZ, it is also considered that well-located or on-site student accommodation is also appropriate.

7.1.8 The key issue in this case is whether this CAZ site is appropriate for student accommodation in this location, particularly in preference to a wholly office use. To this end, the applicant has provided evidence of demand for the student accommodation in the local area and note that several higher education institutions including LMU, Whitechapel teaching hospital and Queen Mary College are in close proximity to this site.

7.1.9 In response to policies contained in the LDF Core strategy, the applicant has been required to provide further justification for the use of this site for student accommodation. The applicant states that:

"...there are many further and higher education institutions located in this part of London with the most notable being the London Metropolitan University based at Moorgate, Aldgate and Whitechapel. In addition, City University and London College of Fashion are also located in the vicinity. I have prepared a plan which identifies the colleges/institutions within a one mile radius of the site."

7.1.10 A map has been provided showing the location of higher education institutions. It is noted that there are over twenty higher education campuses located within approximately one mile of Rodwell House.

7.1.11 In respect of providing evidence for demand, the applicant notes: *"...the scoping report prepared by London Higher (a membership organisation that promotes and acts as an advocate for London's Higher Education) which is an umbrella body and has 43 member universities and colleges...contains details regarding up to date survey work of the members of London Higher and the need for student housing. The principal points to highlight are as follows:*

- In 2003/2004 there were almost 360,000 students studying in London's Higher Education Institutions. There is a proven level of demand for up to 10,000 student bed spaces.*
- There would appear to be significant margin for the provision of student accommodation (currently just 58% of first year students studying in London are living in accommodation provided by the Higher Education Institutions).*
- Most Higher Education Institutions have only sufficient supply to meet the demands of first year students (and not total demand in this respect). Whilst research indicates that many second and third year students would like to be housed in modern high quality accommodation.*
- Particularly, reference is made to the GLA's Review of Higher and Further Education in London which states that there are currently some 360,000 Higher Education Students in the Capital.*
- Early discussions have been held with some of the institutions in the immediate vicinity of this site, in particular LMU. A letter confirming the need for additional student housing in the Borough has been provided."*

Notably, the proposal provides for some of this demand in a location that is highly sustainable with easy access to public transport, and also to the main campus facilities for a number of central London Institutions.

7.1.12 In light of the information available, it has been demonstrated that there is local demand for student housing in this area. When considered against the policy situation with regard to student housing, it is clear that although emerging policy does not support student housing upon this site, the adopted UDP and the London Plan do provide strategic support for

student housing within the Borough. On balance, the use of this site for student housing is supportable.

Residential Component

- 7.1.13 The proposal provides 11 residential units, and is therefore consistent with the requirements of Policy HSG1 and Draft Core Strategy CS6 of the LDF which seeks to ensure that the Borough's housing targets are met. The London Plan housing target for Tower Hamlets is set at a minimum of 41,280 new homes to 2016. The revised Draft London Plan targets (late July 2005) propose to increase Tower Hamlets housing target for 1997 – 2016 to 51,850.

Commercial Component

- 7.1.14 A total of 8,825sq.m of commercial uses are proposed. This comprises a mix of Retail (A1, A2, A3) and Office (B1) at ground floor level and in the six storey building fronting Middlesex Street. The new office accommodation has been designed to replace the existing floorspace located within Rodwell House. Although smaller than the existing office floorspace within Rodwell House, the mix of uses and the likely employment will be similar, given the improvement in office quality. The proposed Community Use (D1) is approximately 180sqm.
- 7.1.15 The proposed office component complies with Policy S6 of the UDP and Policy RT4 of the Draft LDF Core Strategy document. The proposal generally accords with Policy EMP1 and Policy EMP2(1) of the UDP which seek the upgrading of employment sites already or last in employment use, to produce more employment opportunities for all sectors of the community. Given the direction of Tower Hamlets emerging policy, it is reasonable to expect a higher density of employment at this location. However, Policy 3B.4 of the London Plan notes that:

"..within the Central Activities Zone and the Opportunity Areas (ie: this sites location) wherever office floorspace is proposed, they should provide for a mix of uses including housing, unless such a mix would demonstrably conflict with other policies in this plan..."

The proposal to include student accommodation on this site is supportable with respect to London Plan policy as the provision of student accommodation is a Mayoral objective. Similarly, the proposal is generally supported by the adopted UDP which seeks to encourage special needs housing *"providing there is no loss of permanent housing of adverse environmental effects"*.

- 7.1.16 The proposal does not satisfy Policy EE7 of the Draft LDF Core Strategy document which requires the redevelopment of employment sites to increase capacity for employment. The proposal provides under the total existing provision of employment space, which, although a significant improvement in quality over the existing building, does not maximise the employment return for this site. Similarly, the proposal does not comply with the draft CFAAP which allocates the site for B1 use.
- 7.1.17 Importantly, it would be imprudent to refuse this scheme on the basis of the above policies given the draft status of both these documents. The planning inspectorate would most likely find in favour of the applicant, if this scheme were refused on policies contained in the unadopted LDF documentation.
- 7.1.18 On balance, the demolition of Rodwell House and the erection of new office and retail space within the development is supportable given a strategic requirement for a mix of uses and an improvement in the quality of office floor space within the CAZ.

7.2 EIA

- 7.2.1 The Council's consultants, Atkins, undertook a review of the Environmental Statement. The review highlighted a number of areas where additional information or clarification should be provided. The applicant has provided clarification on the following:
- i) Archaeology and Built Heritage;
 - ii) Noise and Vibration;
 - iii) Telecommunications; and

iv) Visual and Landscape

7.2.2 The Environmental Statement and further information/clarification of points in the ES have been assessed as satisfactory, with mitigation measures to be implemented through conditions and/ or Section 106 obligations.

7.3 Height, Density and Scale

Height and Scale

7.3.1 In terms of scale, UDP Policy DEV6 specifies that high buildings may be acceptable subject to considerations of design, siting, the character of the locality and their effect on views. Considerations include, overshadowing in terms of adjoining properties, creation of areas subject to wind turbulence, and effect on television and radio interference.

7.3.2 Policy UD1 of the Draft LDF Core Strategy specifies that the bulk, height, and density of development must consider the surrounding building plots, scale of the street, building lines, roof lines, street patterns and the streetscape. The development must also respond in a sustainable manner to the availability of public transport, community facilities and environmental quality.

7.3.3 Influencing the assessment of this scheme is a previously approved office development. In respect of height and scale the differences between the two schemes are follows:

- Height of the main tower is slightly less than the approved tower: 118.5m compared to 120.5 (approved)
- Height of office building facing Middlesex Street to be increased in height from 22m (inc. plant) to 23.8m (parapet) and 27.5m (plant)
- Height of student accommodation facing Bell Lane to be increased from 15m to 16.2m
- The single storey pavilion facing Strype St has been replaced with a four storey extension to the student accommodation with ground floor retail.

7.3.4 Policy UD2 of the Draft LDF Core Strategy states that tall buildings will be permitted in identified clusters as detailed in the Area Action Plans subject to a number of criteria. Further, the site is included in the "Proposed Tall Buildings Areas" in the Draft AAP. The proposal satisfies the relevant criteria of Policy UD2 as follows:

- the architectural quality of the building is considered to be of a high design quality;
- it contributes to an interesting skyline, and contributes to the general graduation of maximum building heights from west to east
- it meets the standards of sustainable construction and resource management;
- it meets the Council's requirements in terms of micro-climate;
- it enhances the movement of people, in particular along Frying Pan Alley
- appropriate planning obligations are included to mitigate the impact of the development on the existing social facilities in the area;
- the proposal satisfies the Council's requirements in terms of impact on privacy, amenity and overshadowing;
- The BBC have considered the proposal in terms of the impact on the telecommunications and radio transmission networks and concluded any impacts of the development can be mitigated via an appropriate clause in the S106 agreement;
- the transport capacity of the area now and in the future was considered as part of the Environmental Impact Assessment process. The Council's Highways Authority have concluded that the transport assessments submitted satisfy the Council's requirements (including the cumulative impact);
- a total of 1300 sqm of amenity space is provided at ground floor, which includes a internal squares and a widened Frying Pan Alley. The proposal also includes an appropriate S106 contribution to improve existing open spaces. The amenity space arrangements are considered to satisfy the Council's requirements;
- as discussed above, the mix of uses proposed are considered appropriate. The Council's urban design officer has recommended that the detailed design of the ground floor be conditioned to ensure that the development contributes to its surroundings at street level;

- the overall sustainability of the project is considered satisfactory.

7.3.5 With regard to the previous scheme, Council's Historic Building and Conservation Officer, the Council's Urban Design Officer and the officers of the GLA determined that the building's height and scale was appropriate for this location in principle. Whilst not being the sole determining factor with regard to the appropriateness of the current scheme, this does establish the acceptability of a large scale building on this site.

7.3.6 It is appropriate that this scheme be assessed in response to the differences between the approved office development scheme and the current scheme with regard to height and scale. Further discussion with regard to the impacts the changes between the schemes will make on the amenity of the surrounding area will be undertaken below. However, with regard to overall height and scale, the scheme is acceptable.

Density

7.3.7 Policy 4B.3 of the London Plan requires boroughs to maximise the potential of sites. The site has a Public Transport Accessibility Level (PTAL) level of 6 (which is the highest level on a scale of 1 to 6).

7.3.8 The Draft LDF City Fringe AAP has not applied a density to this site due to its being allocated for B1 (business) use.

7.3.9 The Council's Strategic Planning Team indicated that they considered that the density was inappropriate, unsustainable and should be resisted. In response, the applicant stated that they were confident that the potential impacts of the proposed development have been thoroughly tested, as demonstrated in the detailed supporting information submitted with the application and the fact that the previous approval would introduce a larger number of people to the area – albeit during traditional business hours. Where impacts have arisen, appropriate mitigation measures have been included as part of the S106 agreement. With regard to the appropriate weight to be given to the CFAAP, the document is still very much in draft form and Adopted UDP and London Plan, Draft LDF, should form the appropriate policy document for the consideration of the use of the scheme.

7.3.10 Notwithstanding, the Council will require major developments to correspond with necessary improvements in social and physical infrastructure to support the growth in student population.

7.3.11 In summary, the height, density and scale of the development is appropriate subject to the delivery of sufficient services infrastructure and social infrastructure. The developer has agreed to provide appropriate contributions to services and social infrastructure.

7.4 Views

7.4.1 The site does not lie within the foreground or background of any of the safeguarded strategic views listed in the Regional Planning Guidance (RPG) 3 Annex A: Supplementary Guidance for London on the Protection of Strategic Views, nor in the foreground or background of any of new views that are introduced in the Draft SPG London View Management Framework (GLA, April 2005).

7.4.2 A number of photomontages were submitted to assess the impact of the development on local views and local Conservation Areas. There are a small number of views within the conservation areas where the buildings would be seen, although the character and appearance of conservation areas and the settings and appearance of listed buildings seen in conjunction with the proposed buildings would be preserved. The impact on the character or appearance of a conservation area or the setting of a listed building would not be significant since, as in all such cases, modern buildings are already seen and influence the settings.

7.4.3 The height, bulk and scale of the previous approval were acceptable with regard to views and this situation has not changed with regard to the proposed scheme.

7.5 Amenity

Overlooking

- 7.5.1 Concerns have been raised with regard to the overlooking by the proposed student accommodation, particularly with regard to Brody House.
- 7.5.2 The windows facing Brody House have been designed in such a way as to minimise direct overlooking into the upper floors of Brody House. The sunken angled windows on the lower floors of the Bell St building have been set back a further 50cm from the Brody House side and rear elevations and do not provide direct viewing into the 1930s residential flat building. In this regard the proposal is considered acceptable. The 5th floor outdoor terrace has been set back a satisfactory distance from neighbouring Brody house to ensure overlooking is limited.

Daylight /Sunlight Access

- 7.5.3 Daylight is normally calculated by two methods - the vertical sky component (VSC) and the average daylight factor (ADF). The latter is considered to be a more detailed and accurate method, since it considers not only the amount of sky visibility on the vertical face of a particular window, but also window and room sizes, plus the rooms use.
- 7.5.4 The change in sky visibility or VSC method only provides an indication as to whether there will be changes in lighting levels. It does not necessarily reveal whether the predicted quantity and quality of light is adequate, following the construction of a new development. However, the ADF method provides a means for making such an analysis.
- 7.5.5 Sunlight is assessed through the calculation of what is known as the annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter, for each window within 90 degrees of due south or, in other words, windows that receive sunlight.

The daylight and sunlight assessment of the site

- 7.5.6 In relation to daylight, sunlight and overshadowing, an analysis of the difference between the previous scheme granted approval in 2004 (under the same policy standards) and the current scheme. This is appropriate given the previous scheme was considered acceptable in terms of impact on daylight and sunlight access. In respect of the impacts on Brody House (the closest residential property) The relevant changes are as follows:
- Height of student accommodation facing Bell Lane to be increased from 4 storeys to six storeys (15m to 16.2m)
 - The single storey pavilion facing Strype St has been replaced with a five storey (15.5m) building containing 11 residential flats accommodation with ground floor retail and servicing.

Daylight Results

- 7.5.7 20-22 Frying Pan Alley – It is accepted that most of the windows will lose more than 20% of their VSC (Vertical Sky Component). This is because the existing tower is not directly in front of their windows. However, the ADF (Average Daylight Factor) shows that the quality of light available within the properties will either be close to the existing or at a reasonable level assuming rooms are to be used as habitable rooms. On the basis that the quality of light remaining is close to British Standard BS8206 Part II, it has been concluded that the remaining light levels are reasonable.

Brune House – The revised proposal provides more light to this property than the originally proposed scheme. Due to the raising of the height of the tower and its slightly closer presence to Brune House, there is a reduction of in excess of 20% of the VSC to all the windows in this property. However, based on typical room sizes and uses for a building on this site, the levels of daylight are deemed acceptable based on the results of the ADF analysis.

Brody House – Whilst the proposed development has been kept low and set away 8.5m around Brody House, there are still some reductions of VSC in excess of 20%. However, ADF values are satisfactory although in comparison with the previous scheme it is accepted that there will be additional loss of light due to the increase in height to the west of Brody House, given the urban context of this site, this would not warrant refusal of the scheme.

23 Strype Street – This building contains residential on the first to third floors, the ground floor being used for retail purposes. Most of the windows will see a reduction of 20% in their VSC due to the closure of a thin vertical gap of sky which exists with the existing tower and will be reduced slightly due to the increased width of the proposed building. However, ADF analysis demonstrates that the quality of resultant light is reasonable and therefore acceptable.

92 Middlesex Street - Whilst some of the windows lose more than 20% of their VSC, the ADF analysis indicates that the quality of light remaining will still be at an acceptable level.

The Wexner Building – All windows in this building will lose more than 20% of their VSC. However, ADF analysis indicates that, with 10 exceptions, the light remaining will be at a reasonably high and therefore acceptable level. Of the 10 windows that are the exception, the level of remaining light is not unusual for a city centre location and is, on balance, still considered to be at an acceptable level in view of the location of this site and the character of the surrounding area.

Sunlight Results

- 7.5.8 20-22 Frying Pan Alley – Although some windows will lose more than 20% of their Annual Probable Sunlight hours (APSH), the resultant summer sunlight is close to BRE recommendations and in the view of officers is reasonable for such a location.

Brune House – Again, some windows will lose more than 20% of their Annual Probable Sunlight hours (APSH). However, it is again considered that the resultant level of sunlight (between a half and three quarters of the ideal criteria) is reasonable for a City Fringe location.

Brody House – There is no material loss of sunlight to this property.

The Wexner Building – Only 5 windows lose just over 20% of their sunlight. However, these already receive a low level of sun and the proposal will leave a similar amount. As such, it is not considered that a reason for refusal on loss of sunlight grounds could be justified relating to this building.

Both 23 Strype Street and 92 Middlesex Street do not have windows within 90 degrees of due south. The development will consequently have no impact on the amount of sunlight they receive.

Daylight and Sunlight Conclusions

- 7.5.9 BRE guidelines state quite clearly that different light criteria is often appropriate in city centres when compared to the more conservative approach adopted here by the applicant's consultant. Furthermore, because the applicant has designed appropriate heights and proportions to respond to neighbouring buildings facing the street, the proposal results in the level of daylight and sunlight to neighbouring properties being reduced because the existing podium buildings are significantly lower than neighbouring buildings.
- 7.5.10 Taking this on board, whilst the proposal clearly will have an affect to neighbouring buildings' light, the quality of the remaining light to adjacent residential properties would not be unacceptable or unusual for this city centre location. Therefore, on balance, the proposal is considered acceptable by Officers, following detailed consideration of the applicant's light study.

Sense of Enclosure

- 7.5.11 Objectors have also raised concerns relating to an increased sense of enclosure to their properties. Unlike, sunlight and daylight assessments, this impact cannot be readily assessed in terms of a percentage or measurable loss of quality of light. Rather, it is about how an individual feels about a space. It is consequently far more difficult to quantify and far more subjective. Nevertheless, in the opinion of officers, this proposal does not create an unacceptable increase in the sense of enclosure to habitable rooms, particularly because of its City Fringe location. In these circumstances, a reason for refusal based on these grounds is not sustainable.

Noise

- 7.5.12 Subject to conditions restricting noise and discharge from any new plant proposed on this site, it is not considered that any unacceptable impact will be created by it. Furthermore, subject to conditions controlling the usage of the outdoor terrace areas, particularly on the 5th floor of the building facing Bell Lane, the terraces proposed are unlikely to materially affect the amenity of adjacent residents in terms of noise and disturbance.
- 7.5.13 Whilst some residents consider that the proposal could result in the exacerbation of noise from the 24/7 usage of the site by students, it is difficult to see how such a contention could reasonably be justified given the site's city fringe location and active surrounding street areas. As such, a reason for refusal based on these grounds could not be sustained.
- 7.5.14 Officers understand that the size of the proposed development creates concern about construction noise, debris from the site and traffic. In these circumstances, the Planning Department proposes to include a condition ensuring a stringent construction environmental management plan to this scheme to minimise noise and disturbance to residents caused by construction noise, debris and traffic.
- 7.5.15 Consequently, it is considered that the proposal complies with Policy DEV2 of the UDP which seeks to ensure that adjoining buildings are not adversely affected by loss of privacy or a material deterioration of their daylighting and sunlighting conditions.

7.6 Housing

- 7.7.1 The scheme provides a total of 11 residential units and 1100 student housing units. In respect of policy, the student housing units count towards Tower Hamlets overall housing targets as set by the GLA, but do not meet Tower Hamlets housing needs.
- 7.7.2 However, student housing has a sui generis status and is cannot be assessed with regard to the standard Housing policies including affordable housing, housing density and open space requirements.
- 7.6.1 With respect to the 11 residential units, Policy HSG16 of the UDP requires that new developments should include adequate provision of amenity space. No private amenity space has been provided for the 11 flats with the exception of a terrace located on the 5th floor.
- 7.6.2 Given the site is located within the CAZ, it is not surprising there is little or no provision of open space for the residential flats. Whilst some form of outdoor terrace or balcony would otherwise be required in urban locations such as this, it is considered that such additions would complicate amenity concerns for neighbours due to additional overlooking and noise. On the basis that this central urban location with restricted opportunity to provide the standard amounts of open space required by the SPG, the provision of no open space for these 11 units is consistent with other residential properties in the area and the application does not warrant refusal on this basis.

7.8 Access and Transport

Access

- 7.8.1 Vehicular access to the basement parking area, for 4 cars and bicycles is provided from Bell Lane. Secondary access to the basement for bicycles area is provided from Strype St. Servicing of the small retail units and provision of a private drop off point will also occur from Strype Street. Primary access is to be provided from Frying Pan Alley for access to the student accommodation and the office accommodation has frontage and access to Middlesex Street.
- 7.8.2 The pedestrian environment will be improved through the opening up of the site and the creation of new routes and vistas. This will be enhanced by the ground floor retail uses and the widening of Frying Pan Alley to provide a more accessible pedestrian connection between Middlesex Street and Bell Lane. Appropriate conditions will be included for lighting, signage and the inclusion of quality materials along the pedestrian route.
- 7.8.3 The Council's Highways officer has confirmed that the transport assessments provided as

part of the Environmental Statement considered the cumulative traffic related impacts of the proposed development with other developments. These were found to be acceptable.

Parking

- 7.8.4 The application proposes 4 car parking and 606 secure bicycle spaces at basement level. It is recommended that the S106 agreement include a clause to ensure that the development is 'car free', ensuring that no controlled parking permits are issued to the new residents of the development, thus alleviating additional pressure on the surrounding streets. Overall, the car parking and cycle parking provisions are in accordance with the standards set out within the UDP and London Plan and are at a level, which supports current Government guidance on encouraging trips by other means.
- 7.8.6 Transport for London have indicated they will support the number of cycle spaces proposed. An appropriate condition is recommended to ensure that the cycle spaces are satisfactory.
- 7.8.7 Although not specifically relevant to the number of spaces provided, the applicant has proposed that a number of the bicycle spaces be occupied by pool bikes. It is envisaged that a scheme be established that will operate in a similar manner to the increasingly popular car clubs in that students will be able to hire bikes upon making a reservation via the internet or with the concierge. This is the first scheme of this type proposed for London and should be supported as an idea.

Public Transport

- 7.8.7 The site is well served by public transport and has a public transport accessibility level (PTAL) of 6a. As the high density proposed is above those set out in Table 4B.1 of the London Plan, contributions for transport infrastructure improvements will be required via the S106 agreement to ensure that the development can be accommodated within the transport network. This will be detailed in the addendum report.

Servicing and Refuse Provisions

- 7.8.8 Servicing for each of the residential buildings would be minimal (apart from furniture delivery). The retail and office units will be serviced using light goods vehicles at the entry/exit provided from the controlled access on Bell St. The Council's Waste Services officer has confirmed that the non-recyclable and recyclable waste storage and handling aspects of the scheme are acceptable.
- 7.8.9 The Council's Highway officer has assessed the servicing and refuse provisions and concluded that they are satisfactory. It is recommended that a condition be included to ensure the adequate provision of storage of refuse and recycling facilities.

7.9 Design and External Appearance

7.9.1 Context

The current application is a re-casting of an existing permission for an office-led scheme for the site in favour of a student housing complex which also includes retail and office floorspace and a community 'pavilion'. The massing of the current application broadly follows that of the consented scheme, but the overall density of development at podium level appears to be higher.

7.9.2 Street-based buildings and streetscape

In terms of its streetscape strategy, the current application offers positive improvements over existing conditions:

- Existing low-grade and inactive frontages at street level on Middlesex Street, Strype Street, Bell Lane and Frying Pan Alley will be replaced by active (retail) uses rather than by offices, as in the consented scheme;
- The existing low podium of Rodwell House will be replaced by infill development which provides a higher quality streetscape;
- Frying Pan Alley will be upgraded to support its role as an important east-west pedestrian route, with active retail frontages, the entrance to the student residential tower and new landscaping;

There are several differences in scale and character in the street frontage buildings between the consented scheme and the application scheme which will have impacts on the streetscape:

- On the Middlesex Street frontage, the office building (with retail at street level) would rise about half a storey higher (Ground (G) + 5 storeys + plant room with the application scheme compared to G (high) + 4 storeys with the consented scheme. This would create a more dominant façade along Middlesex Street than the consented scheme, but this has been tempered by the fully glazed elevation and transparency at ground level and through the opening up a pedestrian link from Middlesex Street to Courtyard 1.
- On Bell Lane, the application scheme rises to G + 4 storeys compared to G + mezzanine + 2 storeys with the consented scheme. Bell Lane would appear more enclosed as a street and the open aspect from some of the existing flats to the east would be reduced by the higher building.
- On the Strype Street frontage, the application proposal fills the gap between the Wexner Building and Brody House with a G + 4 storey block whereas the consented scheme included a single-storey community 'pavilion' with the office tower rising behind. It is recognised that creating a built-up frontage on Strype Street will have townscape benefits in that it will reintroduce enclosure to the street edge; as well as an active frontage. Therefore this change to the layout of the scheme is acceptable.
- In response to concerns regarding the location and usability of the community space, the applicants have reconsidered and have now agreed to provide 155sqm of gross area at ground floor to be used for community purposes to be agreed with the Council. This is satisfactory, and will be subject to condition

7.9.3 Form and treatment of the Tower

In terms of visual and environmental impact the most significant element of the proposal is the 35-storey tower itself, replacing the existing 9-storey Rodwell House. Its building envelope has been reduced from that of the consented scheme – from 126 m AOD to 119m AOD and its width from 24m to 19 m, reflecting a change of function from office to student accommodation, resulting in a slightly lower and narrower tower. External modelling and architectural treatment are markedly different from that of the consented scheme, which was composed of a series of distinct and readily identifiable elements. The architects have submitted material to show the build-up of the composition to provide for a more distinct and easily read composition; this provides for more clarity in the understanding of the various elements in the scheme.

7.9.4 The tower as proposed also differs from the consented scheme in that it does not rise from the ground at both ends; its only full height elevation is that of the north (entrance) façade on Frying Pan Alley, whereas the consented scheme also presented a full height façade to the south, facing Strype Street, so that it met the ground along two elevations, rather than rising from a podium on three sides, as the proposal does.

7.9.5 Any tall building in this particular location will be highly visible and prominent, viewed in the round from all directions as a freestanding landmark above the far lower and generally consistent level of the surrounding Conservation Areas. The proposed tower will be as much as twelve times higher than some of the existing buildings at its base, such as the flats facing it on the east along Bell Lane.

7.9.6 The pre-eminence of the tower is likely to continue in an immediate local context. The tower will never form part of any local cluster of high-rise buildings, instead rising dramatically upwards far above the prevailing streetscape. Hence it will always be viewed as a single, stand alone building and will remain a dominant presence in the Conservation Areas. However, because the building will form part of the tower cluster of the City and be seen in direct juxtaposition with Swiss Re and other towers, it has a particular responsibility for its place in the London skyline.

7.9.7 The widespread visibility and impact of the tower are acknowledged in the applicants' own *Townscape, Visual Impact & Cultural Heritage Assessment*, which includes 21 selected viewpoints. Although this presentation of views is incomplete, it is clear that in the majority of these views the tower will cause a radical change of character, notably because it will contrast so strongly with the prevailing scale and streetscape of the Conservation Areas.

- 7.9.8 Apart from its height, the impact and prominence of the proposal is compounded by the fact that it takes the form of a high slab rather than a slender tower, with its long east and west elevations and short north and south frontages reflecting the double-banked internal plan. Hence, depending on the viewpoint, the tower can appear as a relatively slender form, as a solid slab or as a combination of the two. The impact of the tower will be especially strong in views from the east and west, where its long elevations will have the greatest 'slab' effect
- 7.9.9 This impact was identified as an important design issue in the development of the consented scheme and led to an acceptable and balanced solution.
- 7.9.10 In considering the proposals it is important to recognise that the tower will contain not standard office floorspace, as the consented scheme, but vertical clusters of student accommodation. This needs to find an appropriate architectural expression which distinguishes it from office or other categories of floorspace.
- 7.9.11 The design approach adopted here has been to fragment the basic slab form of the tower into a series of planes or layers which are then clad in a flat curtain wall skin. This flush skin is composed of combinations of solid, glazed and perforated panels, with a colour range of light silver/light blue metallic and glass finishes.
- 7.9.12 These façade elements are combined to produce facades which incorporate varying degrees of 'randomness' as illustrated in the indicative perspective views, ranging from a regular pattern of fenestration with a strong vertical emphasis to staggered, offset panels and glazing units, varying floor by floor. The overall effect is claimed to be that of a "shimmering" façade, with visual interest created by the random patterning and varied materials.
- 7.9.13 This randomising approach has several effects. Firstly, the varying randomness makes it difficult to judge the true scale of the tower, since individual floors can only intermittently be read and secondly the clarity of the layered building form developed in earlier proposals has been lost. However, the details submitted show a clear expression on the edges of the floor slabs at each level to produce a scaleable horizontal emphasis to the facades.
- 7.9.14 Although the concept of a continuous building skin composed of randomised elements is frequently presented as a design solution for the cladding of large buildings, this approach remains uncharted territory and an unproven strategy for a building of this size and prominence with such a close relationship to the Conservation Areas. These enormous, highly prominent elevations will be viewed under a variety of weather and lighting conditions, by day and by night and also in the longer term, when the materials will have been subject to exposure and ageing. Nevertheless, there is a cogent design rationale underpinning these proposals. Further, conditions will be applied to any consent to allow for further development of the proposals in detail.
- 7.9.15 The tower element of the proposal in particular fails to prove that it meets the standard of design quality required of a highly prominent tall building in such a sensitive location.
- 7.9.16 CABE's response to the current planning application, on which they were consulted by the Council, is that the current proposal does not enhance the qualities of its immediate location and setting.
- 7.9.17 Notwithstanding CABE'S response, the applicant has provided Council with details showing that there are now clearly expressed the horizontals at floor edges, shown in the new renderings submitted to the Council, which should help to signal the vertical scale of the building overall and to provide for a more cogent composition. There has also been attention paid to the overall silhouette of the building. However bearing in mind the scale of the tower, and that the facade treatment, whilst innovative does not appear to have any direct precedent that we can view for comparison in London, it would be prudent to Condition for full details of the exterior as well as for a full-size sample panel for on site approval.
- 7.9.18 Conclusions
Current information provides for reassurance that the tower can achieve the required quality. However, a set of comprehensive conditions is recommended to cover the detailed

development and implementation of this highly innovative facade approach.

7.10 Access and Inclusive Design

7.10.1 Policy HSG8 of the UDP requires the Council to negotiate some provision of dwellings to wheelchair standards and a substantial provision of dwellings to mobility standards – this should also extend to student housing.

7.10.2 The Council’s access officer has been critical of various aspects of the scheme, particularly the scheme’s apparent non-compliance with Part M of the Building Regulations 1999. To this end an informative will be added to an approval requiring the scheme comply with the Building Regulations.

7.10.3 Other relevant issues include the concentration of wheelchair housing on selected floors and circulation space. With regard to wheelchair housing, there is a strong argument for the “peppering” of wheelchair units throughout the development and this would be the desired outcome in terms of mixed and balanced communities. However, the concentration of units allows for a better quality of services to be provided on the relevant floors and is safer with regard to emergency ingress/egress. On this basis, the scheme is acceptable.

7.11 Sustainable Development/ Renewable Energy

7.11.1 Policy SEN3 of the Draft Core Strategy Document requires that all new development should incorporate energy efficiency measures. The proposal includes a biomass heating plant at basement level. The proposal is generally consistent with the London Plan energy policies and an appropriate condition will be included to ensure the implementation of the proposed renewable energy measures.

7.12 Biodiversity

7.12.1 It is recommended that an appropriate condition be included to ensure that biodiversity roofs on the blocks facing Middlesex Street and Bell Lane (6 and 5 storeys respectively), consisting of “brown roof” rubble are included to enhance opportunities for the nesting and foraging of black redstarts.

7.13 Planning Obligations

7.13.1 An analysis of the impacts of the development on the locality has been undertaken. In keeping with the ODPM Circular 05/2005, a number of requirements for planning obligations have been identified to either:

- Prescribe the nature of the development (e.g. by requiring that a given proportion of the housing is affordable);
- Compensation for loss or damage caused by the development (e.g. loss of open space); or
- Mitigate the development’s impact (e.g. through increased public transport provision).

7.13.2 The identified planning obligations meet all of the following tests:

- (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 in kind to the proposed development; and
- (v) reasonable in all other respects.

7.13.3 Refer to the table below for a summary of the Section 106 Heads of Terms.

Planning Obligation Heads of Terms	Prescribe/ Compensate/ Mitigate	Contribution sought
Landscape and Open Space		
Open space improvements to relieve the pressure that will arise from the new housing on existing overcrowded open space and recreational facilities	Mitigate	£150,000

Public Realm Improvements		
Public realm improvements within the vicinity of the site	Mitigate	£100,000
The scheme provides for additional open space adjacent to Frying Pan Alley. The ground floor open space is publicly accessible from south-west to north-east. A right of way "walking agreement" to accommodate this additional public realm will be necessary.	Prescribe	N/A
Employment initiatives & Local Labour		
<ul style="list-style-type: none"> • LliC: Project to allow local people to gain access to construction employment • Skillsmatch: A partnership job brokerage service to address the recruitment needs of the owner and its contracts and maximise the employment of local residents 	Prescribe	£150,000
Public Art		
Contribution to public art/cultural facilities including the preparation and implementation of a public art strategy including the involvement of local artists	Prescribe	£250,000
Healthcare Contribution		
Mitigate the demand of the additional population on health care services ¹	Mitigate	£1,444,820
TV monitoring and Reception	Mitigate	N/A
Preparation of a Travel Plan	Prescribe	N/A
Car Free Agreement	Prescribe	N/A
To restrict occupants of the student accommodation and residential units applying for residential parking permits		
Community Building		
The community building facing Bell Street is to be provided at a peppercorn rent and maintained at the applicants cost	Prescribe	N/A
Section 278 Agreement		
S278 agreement to repave and improve Frying Pan Alley and the relocation of parking bays caused by the new parking and servicing entrance on Bell Lane.		

Total: £2,094,820

7.13.4 The above contributions are considered reasonable in order to address the impacts of the scheme

8. SUMMARY

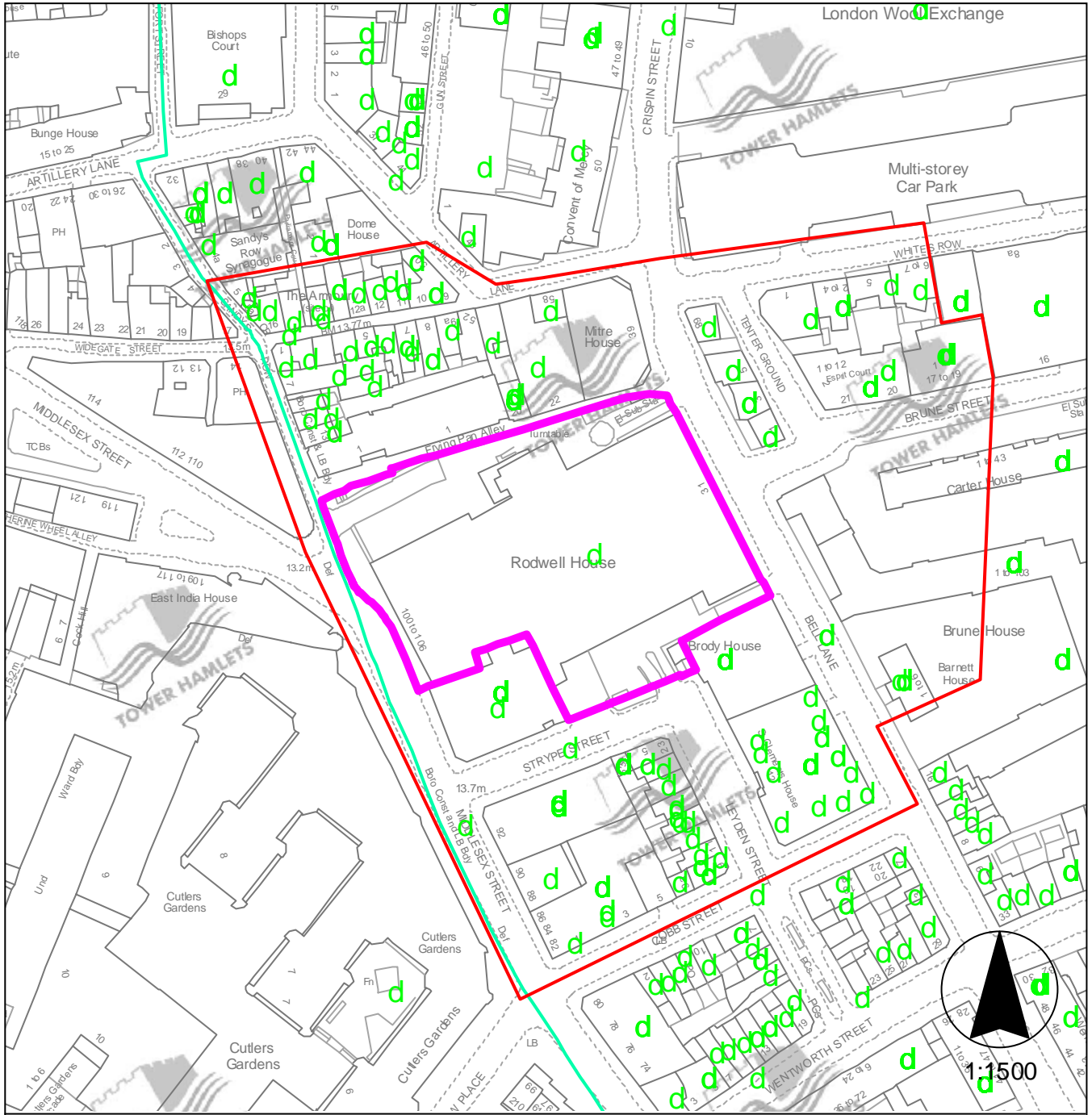
7.1 The site has good access to public transport facilities and provides a high quality mixed use development. The proposed tower will provide a landmark and contribute to the regeneration of the wider area.

7.2 The proposal is broadly supported by adopted strategic planning policy, even though the emerging policy would not support the use of this site for predominantly student accommodation.

¹ HUDU Model applied

- 7.3 An Environmental Statement was submitted with the application, which has been reviewed by the Council's independent consultants. Following this, further information was submitted, which together with the Environmental Statement is considered to satisfactorily identify the likely impacts and the necessary mitigation measures.
- 7.4 The proposed development is considered appropriate in terms of townscape, environmental and infrastructure considerations. The proposal includes contributions towards transport, health, education, employment, training and open space.

Site Map



Legend

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

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