

Committee: Strategic Development Committee	Date: 14 th September 2006	Classification: Unrestricted	Report Number:	Agenda Item Number: 7.2
Report of: Director of Development and Renewal		Title: Town Planning Application and Conservation Area Consent		
Case Officer: Terry Natt		Location: Land bounded by Whitechapel High Street, Colchester Street, Buckle Street Inc car park and Braham Street, London E1		
		Ward: Spitalfields and Banglatown		

1. SUMMARY

1.1 Registration Details

Reference No: PA/06/00510
PA/06/00525

Date Received: 31/03/2006

Last Amended Date: 02/08/2006

1.2 Application Details

Existing Use:
Proposal:

10 storey office building and 150 space car park
In outline, the erection of three predominantly commercial buildings with a total floor area of 110,960 sq. m Building A 22 storeys (102.5m) high, building B 20 storeys high (93.5m) and Building C 4 storeys high (32.7m) to provide 84,305 sq. m. of offices (B1) and 2,805 sq. m. of retail and basement car park for 40 vehicles and associated plant accommodation.

The removal of Aldgate gyratory and closure of Braham Street to create a new park and other associated changes to the existing highway arrangement. New pedestrian route to Drum Street. New entrance to Aldgate east underground station.

The application is accompanied by an Environmental Impact Assessment.

Applicant:

Tishman Speyer

Ownership:

Greater London Authority, Transport for London, Tower Hamlets Council, Valston International Ltd, Peter Nelkin, Jeremy Ornstin, Deltalevel Ltd, P&O Nedlloyd Ltd, Dreamframe Ltd and Dreamleaf Enterprises Ltd, Leslie & Godwin Investments Ltd, Standon Nominees Ltd (Inc in Jersey), Pendragon Motor Group Ltd, Ofex Holdings plc, the Royal College of Psychiatrists, The Royal Bank of Scotland plc, National Westminster Properties TQ2 Ltd, Mourant & Co Trustees Ltd and Mourant Property Trustees Ltd

Historic Building:
Conservation Area:

N/A
Yes – Whitechapel High Street

2. RECOMMENDATION:

2.1 That the Strategic Development Committee **grants** planning permission subject to:

2.1.1 The 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, the conditions and informatives outlined in Sections 2.4 and 2.5 below; and Section 278 of the Highways Act 1980 with Transport for London, 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 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 £2,000,000 towards the provision of a landscaped park to the western end of Braham Street
- (2) Preparation of a right of way "walking agreement" for crossing through the proposed site across all areas of public realm created by the proposal.
- (3) Provide £140,000 towards employment initiatives such as the Local Labour in Construction (LiC) or Skillsmatch in order to maximise the employment of local residents.
- (4) Provide £140,000 towards healthcare to mitigate the demand of the additional population on health care services.
- (5) Provide £150,000 for the preparation and implementation of a public art strategy including involvement of local artists to be managed by Whitechapel Art Gallery
- (6) TV reception monitoring and mitigation.
- (7) Preparation of a Green Travel Plan

2.3 A Section 278 agreement with Transport for London to secure the following:

- (1) To fund to a maximum of £3,373,800 off site highway works involving the removal of the Aldgate gyratory prior to the commencement of works on site.

Conditions

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

- (1) Time limit for outline planning permission
Reserved Matters:
 - Landscaping including park layout
 - External appearance of buildings
- (2) The submission and approval of the following details:
 - The external appearance of the buildings
 - Samples of materials to be used on external faces of the buildings

- Ground floor public realm (including linkages to underground 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
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- (3) Condition requiring gyratory works are done prior to commencement of development
- (4) Park required to be completed prior to occupation of buildings
- (5) Access to Aldgate East Underground station to be completed prior to occupation of buildings
- (6) Parking – maximum of 40 cars and a minimum of 380 cycle spaces
- (7) Hours of construction limits (0800 – 1800 Mon-Fri)
- (8) Details of insulation of the ventilation system and any associated plant required
- (9) Hours of operation limits – hammer driven piling (10am – 4pm)
- (10) Wheel cleaning during construction required
- (11) Details required for on site drainage works
- (12) Black redstart habitat provision required
- (13) Land contamination study required to be undertaken
- (14) Implementation programme - archaeological works
- (15) Full particulars of the refuse/ recycling storage required
- (16) Code of Construction Practice (referred to as Construction Method Statement in the ES), including a Construction Traffic Management Assessment required
- (17) Statement required to minimise the impact on Air Quality
- (18) Details of finished floor levels required
- (19) Details of surface water source control measures required
- (20) Biomass heating and renewable energy measures to be implemented
- (21) Monitoring Control Regime for construction phase to be implemented
- (22) Bat Survey to be undertaken
- (23) Bat roosts and bird nest boxes to be incorporated into the fabric of the new buildings
- (24) Ground borne vibration limits
- (25) Details of the design of the cycle store required

2.5 That the following informatives be provided to the applicant for information:

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

3. EXECUTIVE SUMMARY

3.1 The following is a summary of the assessment of the proposed development:

- The development would result in significant changes to the Aldgate area. It involves the removal of the Aldgate gyratory system and the construction of the new park that have the potential to create a new focus for this amenity-depleted area of the city fringe.
- The application is supported by an Environmental Impact Assessment which is satisfactory. This includes the cumulative impact of the development, with mitigation measures to be implemented through conditions and a recommended section 106 agreement.
- The Greater London Authority has provided its Stage One Response.
- The proposed mix of uses complies with the land use policies of the Council's Unitary Development Plan and the emerging Local Development Framework.
- 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 proposed section 106 agreement.

- The proposal a number of sustainable development/ renewable energy initiatives would be incorporated.

3.2 The proposed development is considered appropriate in terms of townscape, environmental and infrastructure considerations. The proposal includes contributions towards the removal of the gyratory, health, employment, training and the landscaping of a new park. The scheme generally accords with the Council's and the GLA's policy objectives.

4. BACKGROUND

Site and surroundings

- 4.1 The site is located at the eastern end of the Aldgate gyratory traffic island within the city fringe area and Whitechapel. It measures approximately 1.55 hectares and extends across two existing sites and all of Braham Street to create one large development area. A vacant conference and leisure building, a Lloyds bank, and several Victorian buildings currently occupy the site to the north of Braham Street. To the south of Braham Street, the site is occupied by a multi-storey car park.
- 4.2 The gyratory system was implemented in the 1970s to relieve traffic congestion at the intersection of the inner ring road and Whitechapel High Street. The northern part of the gyratory site falls into the Whitechapel High Street Conservation Area.
- 4.3 The area surrounding the site comprises a variety of buildings and includes a mix of uses. Immediately to the north of the site is Whitechapel with a mix of high street uses including banks, Aldgate East tube station and Whitechapel Art gallery. London Metropolitan University is located to the east of the site, on the opposite side of Commercial Road. To the south of the site is a mix of predominantly commercial uses including offices, workshops and cafes.
- 4.4 The heights of buildings adjacent to the site vary from 3-4 storeys to 7-9 storeys. Generally, larger scale buildings are located to the south of the site, with smaller scale buildings located to the north along Whitechapel.
- 4.5 The site has excellent access to the public transport network, with a public transport accessibility level index of six. Aldgate East is the closest underground station providing access to the District and Hammersmith & City lines. The Circle and Metropolitan lines can be accessed at the nearby Aldgate station, whilst Fenchurch Street station (mainline services to Essex) and Tower Gateway (Docklands Light Rail) are both within walking distance. Ten bus routes currently operate on Whitechapel High Street. The Aldgate gyratory surrounding the site is part of the Transport for London strategic road network.

Proposal

- 4.6 Application is made for outline planning permission, for the demolition of existing buildings and construction of a predominantly office scheme with ground floor retail uses. It is requested that siting, design of the buildings, means of access and landscaping are determined with external appearance of the buildings reserved.
- 4.7 The development comprises three predominantly commercial buildings with a total floor area of 110,960 m². The largest building (known as Building A) would be 22 storeys and 102.5 metres (m) AOD in height. The scheme then steps down to Building B which is 20 storeys and 93.5 m AOD in height, and Building C which is 4 storeys and 32.7 m AOD in height.
- 4.8 The design is predominantly based on interaction with the permitted scheme at 2 Aldgate Union (The Marsh Centre). Key components comprise:
- Retail use of approximately 2,805 sqm Gross External Area (GEA);
 - Office use of approximately 84,305 m² GEA;
 - Subsurface parking provision for 40 vehicles and 380 bicycles;
 - New pedestrian route to Drum Street; and a
 - New underground entrance to Aldgate East Underground Station.

- 4.9 The proposal also involves the creation of a new public park with a café on the part of the gyratory to the south of the adjacent Marsh Centre. In order to facilitate this new park, the existing gyratory system is to be removed. The street network is to be returned to its original layout, with Whitechapel High Street reinstated into a two-way road containing three eastbound lanes and two westbound lanes. The carriageway on Whitechapel High Street would be widened to accommodate the proposed two way system. Colchester Street would be realigned to provide a through route from Commercial Street to Leman Street. The traffic islands at the Mansell Junction, the Commercial Street junction and the Commercial Road junction would be modified to allow southwest bound through traffic. Five staggered pedestrian crossings would be provided.
- 4.10 The scope of the application is limited to the above proposals and does not include proposed gyratory improvements along Whitechapel and Commercial Road. These will be subject to a 278 agreement. A land swap between the applicant and TfL is required to facilitate the scheme. Due to the interaction between Aldgate plots 3 and 4, the new park and the streetscape changes, the effects of the gyratory changes are considered within the Environmental Statement.

5. PLANNING POLICY FRAMEWORK

Comments of the Chief Executive (Legal)

- 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 Whitechapel Conservation Area in which the site is partially located.
- 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) Strategic Roads
 - (3) Major Proposals – Proposal 118 for Employment Uses, Business Uses, B1, A1.
- 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
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
T7	The Road Network
T10	Strategic Traffic Management
T15	Transport and Development
T16	Impact of Traffic
T17	Parking Standards
T18	Pedestrians
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 – CF12c Allocation – Mixed Use, Residential, Public Open Space

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
CFR9	Open Space
CFR10	Sustainability
CFR12	Transport capacity
CFR13	Connectivity
CFR14	Infrastructure and services
CF17	Tall buildings
CS2	Job Creation
CS3	London as World City
CS11	Education and Skills
CS13	Sustainable Accessible Transport
CS15	Good Design
CS16	Density
CS22	Open Spaces
CS25	Securing Benefits
CS26	Masterplans and development Briefs
EE5	Mixed Use Development
EE6	New Office Development
EE7	Redevelopment/ Change of Use of Employment Sites
EE9	Central Activities Zone
EE10	Commercial densities
RT2	Diverse and flexible shopping floorspace
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**

Tower Hamlets has received the Stage 1 Response from the GLA which concluded that: *“The provision of a substantial amount of modern quality office floorspace in this location, with associated employment opportunities, is fully consistent with the London Plan. The development should fulfil the aspirations of Tower Hamlets Council to create a new sense of place in this location, and to provide a landmark development that marks the city gateway to the borough”.*

Remaining issues from a strategic planning perspective include the submission of the application in outline form (and thus being assured that the design will be satisfactory upon submission of reserved matters); energy; and an agreement on a satisfactory s106 to secure the necessary highways works and delivery of the new park. These issues are discussed later in this report and are considered to have been satisfactorily resolved.

(2) **Environment Agency**

No objection subject to conditions relating to runoff control.

(3) **English Nature**

No comment.

(4) **English Heritage**

No objection subject to conditions securing a programme of archaeological work.

(5) **Transport for London**

Significant highways, footways and public realm improvements are proposed as part of the development. These include the removal of Aldgate gyratory and the reinstating of two-way traffic on Whitechapel High Street. It is an aspiration that the highways scheme will provide pedestrian crossings, creating a safer more direct alternative to the existing and often confusing subway network. A new public park is

also to be created as a result of the closure of Braham Street. These proposals aim to bring wide improvements to the currently traffic dominated area. Reinstating two-way traffic on Whitechapel High Street will also improve the interchange between modes and the new public spaces will create an alternative, more pedestrian friendly route through the area. Improved and safer cycle access through the area should also be delivered by the removal of the gyratory. These changes also aim to greatly improve accessibility for all users with new at-grade crossing and fully accessible bus stops.

Analysis and modelling are currently being progressed, to inform the design of the new highways and footways. Although TfL strongly supports the removal of the gyratory, it can only give it's in principle support to the proposed changes at this stage. TfL will only be able to make a full assessment and give complete comments on the highways proposal once the detailed analysis is complete.

TfL has quoted a significant sum to be contributed by this development to be applied to a funding pool for the delivery of the highways works (including removal fo the gyratory) and other public transport improvements in the area. This will be secured by way of a section 278 agreement between TfL and the applicant. TfL expects other developments nearby to also contribute to this pool.

With regard to other issues, modifications have been made to the scheme to increase substantially the number of cycle parking spaces to 393 and reduce the number of car parking spaces to 40. these modifications comply with the requirements of the London Plan and the UDP.

(6) **City Corporation**

No objection.

(7) **BBC - Reception Advice**

Advises TV reception mitigation measures required.

(8) **Head of Highways Development**

Satisfied that TfL lead on negotiations regarding traffic matters for this site given the status of the roads.

(9) **Environmental Health**

Contaminated Land Officer

Recommends a condition requiring an investigation to assess the nature and extent of any contamination and details of appropriate mitigation measures.

Air Quality

Recommends:

- Development should be 'car free';
- A 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

Advises:

- The developer should obtain a section 61 consent from Environmental Health before commencement of work on site. Night time works should not be allowed

- except by dispensation;
- Adequate mitigation measures controlling construction noise will be required and should be submitted as part of the application for Section 61 consent;
- The mitigation measures suggested for road traffic noise are adequate.

(10) **Landscape Section**

“The proposed open space in the place of Braham Street is welcome given the acute deficiency of open space in this part of the Borough. This site lies in Whitechapel ward (in LAP3). Tower Hamlets adopted its Open Space Strategy on 11.1.2006. This included an assessment of open space quantity and needs. It found that Whitechapel ward has less than 0.4 ha. public open space per 1000 residents. This is only one third of the Borough standard for provision of public open space (and less than one sixth of the National Playing Fields Association standard of 2.4 ha./1000). All new open space is therefore welcome.

Given these circumstances we are looking for a new public open space that meets some of the needs of the existing and proposed local residents for play and casual ball games. This design is very limited in ambition, being a passive space with no provision for any active use”

As a reserved matter, the layout of the park has not been resolved in its final form. Upon receipt of details relating to the landscaping of the new park, Council's landscape section will be consulted.

(12) **Corporate Access Officer**

Satisfied subject to the public realm being usable by all.

(13) **Crime Prevention Officer**

Made a number of comments recommending conditions be added with regard to access, safety, lighting and design.

6.2 Public Consultation

The proposal has been advertised on site and in the press and consultation undertaken with owner occupiers in the vicinity. Responses were as follows:

No. Responses: 9 In Favour: 0 Against: 9 Petition: 0

6.3 Comments received may be summarised as follows:

Planning Policy

- Planning justification for the scheme remains unclear.
- Public consultation exercise was inappropriately undertaken.
- No substantive community benefits are proposed.
- The scheme is premature with respect to the emerging Masterplan for Aldgate.
- The proposed scheme is not deliverable given the reluctance of all owners to sell to the developer.

Land Use

- Buildings should not be used for offices, but rather workshops, shops and warehouses accommodation.
- The scheme fails to provide any housing.

Height/ Density/ Scale

- The new buildings would dwarf historic buildings on Leman and Alie Streets.
- Inappropriate height considering the low scale of development in the surrounding

- area.
- Overdevelopment.

Microclimate/sustainability

- Loss of daylight resulting from overshadowing
- Sustainability issues need to be resolved

Overlooking/Loss of Privacy/ Noise

- In crease in numbers of people in immediate area will result in an unacceptable level of noise

Design/Conservation

- No details of refuse delivery locations is shown
- The character of redeveloped buildings should be keeping with the surrounding area
- Development takes no account of listed buildings in Alie Street, Lemman Street and Buckle Street
- Sidoli's café (15/17 Lemman St) should not be demolished

Construction Impacts

- Traffic noise and disturbance from long construction period will result in loss of amenity

Transport/ Parking

- Increased parking demand and servicing access using Buckle Street
- Too much car parking is proposed
- Not enough car parking is provided
- Alie Street is too narrow to become a major thoroughfare
- Noise resulting from an increase in traffic will result
- Alie Street should be pedestrianised

Infrastructure

- No assessment of the impact on gas and electricity infrastructure has been undertaken

7. ANALYSIS

7.0 It is considered that the main issues arising from this application are land use, design including height density and scale, affect on the character of the Whitechapel Road Conservation Area, impact on views, amenity, access and transport, sustainability, biodiversity and planning obligations.

7.1 Land Use

7.1.1 The site is currently occupied by a mix of office buildings, roadways and unmaintained Victorian shops. The site is inside the "Central Area Zone" designation of the UDP.

Office Component

7.1.2 The current office floorspace of the existing buildings is 17,952 sq m would be increased to 84,305sqm The office component complies with with the employment policies EMP1 and in particular policy EMP2 (1) of the UDP. The existing employment site is underdeveloped considering its location and the office-led-mix of uses proposed would provide new exceptional quality office and retail spaces. This would result in a significant increase in the density of jobs in the Aldgate area. . The proposal also satisfies Policy EE7 of the Draft LDF Core Strategy document with respect to maximising employment on individual sites and

increasing employment opportunities. To ensure local people gain access to employment during and post construction, contributions will be sought from the applicant via a Section 106 agreement.

7.1.3 The Draft City Fringe AAP (CFAAP) identifies the immediate area as being located within a major land use local points, an area for key public realm/street improvements and within a proposed tall building area. It designates the site as "CF12c" which allocates the preferred use of the site for Mixed Use, Residential (C3) and public open space purposes.

7.1.4 However, the GLA have noted that contrary to the site-specific objectives contained in the CFAAP, the proposal complies with the London Plan:

"The provision of a substantial amount of modern high quality office floorspace in this development is fully consistent with the policy aspirations of the London Plan and the draft City Fringe Opportunity Area Framework to promote the intensification of development in appropriate locations. The significant amount of new employment opportunities that will be provided will support London's critical mass of financial and business services. The development will add momentum to the regeneration of the city fringe that has commenced in recent years."

7.1.5 The mixed-use policy of the London Plan (3B.4) is also relevant to this development. This seeks increases in office floorspace to be accompanied by a mix of uses including housing, unless such a mix would demonstrably conflict with other policies. The London Plan acknowledges that for a location such as this, with particular scope to support London's critical mass of financial and business services, off-site provision of housing, or an equivalent contribution, is appropriate. However, the GLA notes that:

"...one of the most significant benefits resulting from the development will be the transformation of the gyratory into a public open space. The benefits of this transformation represent ample justification for the majority of the financial obligations associated with the scheme to be directed towards the road re-alignment works and the new park."

In this circumstance, it is appropriate that housing and therefore an affordable housing contribution is not sought on this site.

Retail Component

7.1.6 Policy S6 of the UDP notes that permission for new retail development will normally be given where there will be no impact of district shopping centres, appropriate amenity concerns are addressed and the site is well served by public transport.

7.1.7 Policy EE5 of the draft Core Strategy supports complementary mixed use development as does the CFAAP which identifies the site as appropriate for a mix of uses. Policy RT4 of the Draft LDF Core Strategy document supports the inclusion of retail at ground floor level.

7.1.8 A total of 2,800 sq.m of Retail (A1, A2, A3) at ground floor level is proposed. Whilst the in-principle inclusion of retail units at ground floor is arguably contributory as an ancillary use on site rather than a mix of uses, it has been established that a true mixed use development is not appropriate on this site. However, the inclusion of retail units at ground floor level is supported. The retail units will provide active frontage and thus security, along with a degree of retail services for the occupiers of the offices above.

Park/Public open space

7.1.9 The creation of public open space, through the removal of the gyratory is supported by the UDP and CFAAP. The scheme to remove the gyratory is as much a proposal by the developer as it is by the Mayor and TfL. Indeed, the GLA notes:

"This project is identified as one of the Mayor's 100 spaces and the development will contribute significantly to its delivery. Creating a network of linked public open spaces is a key part of the draft City Fringe Opportunity Area Planning Framework, and the removal of the Aldgate gyratory and introduction of a new park is central to this. The new open space will sit between the existing public open spaces of the Guinness Estate to the west and Altab

Ali Park to the east.”

The Council's landscape section supports the creation of a park at this location and will provide comments on the proposed final design once submitted as reserved matters.

- 7.1.10 Details relating to the layout and design of the park have not been finalised, and will be dealt with in reserved matters. The developer will work closely with the GLA to establish an appropriate design response to be considered by the Council at a later date. The ongoing maintenance of the park is the responsibility of the owner who in this case is TfL. A condition will be added requiring a management and maintenance agreement be in place prior to the commencement of any work on site.

7.2 EIA

- 7.2.1 The Council's consultants, Bureau Veritas undertook a review of the Environmental Statement. The review highlighted a number of areas where additional information or clarification should be provided. Further to the Council's request, the applicant submitted further information to mitigate and clarify queries raised by Bureau Veritas.
- 7.2.2 The Environmental Statement and Environmental Statement Addendum 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

- 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 The Council and GLA share similar concerns that the submission of the application in outline form gives too much scope for inappropriate design response at reserved matter stage. The joint CABE and English Heritage 'Guidance on Tall Buildings', states that: "Proposals for tall buildings should not be supported unless it can be demonstrated through the submission of fully worked-up proposals that they are of the highest architectural quality. For this reason neither CABE nor English Heritage consider that outline planning applications would be appropriate."
- 7.3.4 The applicant's justification is that: *"The application is submitted in outline form due to the need to secure certain milestones in terms of land agreements, stopping up orders and demonstration of commitment prior to conversion to detailed status via the submission of the remaining reserved matter (external appearance only) once the re-alignment proposals are committed to by TfL."*
- 7.3.5 The GLA considers that: *"The applicant's justification is accepted to a certain extent, as it would be costly to complete the remaining architectural details required to support a full application, and there is currently no guarantee that the closure of the gyratory, which is fundamental to this development, will be acceptable to all parties. The submission of this application for a tall building, in outline, is not consistent with government guidance or the London Plan. There are reasons behind this approach, but these are not sufficient in themselves to justify an exception to the government guidance and London Plan policy. It therefore remains for the applicant and Tower Hamlets Council to demonstrate to the Mayor that there are sufficiently robust measures built into any outline planning permission to guarantee that the final detailed design of the towers would be of the highest quality as set out on Policy 4B.9 of the London Plan. The reputation of the architects (twice recent*

winners of the Stirling prize) provides confidence that the final design will be world-class – assuming that they are retained for the detailed work.”

7.3.6 In response to the concerns raised by the GLA, the applicant has indicated that the same architects (Wilkinsons) will be retained for the final detailed design. Tower Hamlets will include in conditions, requirements for design and finishing material to be of the highest quality, commensurate with this building's location and status. Indicative visual information submitted by the applicant indicates that the proposal will be of a high quality design.

7.3.7 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. Indicative submissions indicate that the proposal satisfies the relevant criteria of Policy UD2 as follows:

- the architectural quality of the building is to be of the highest design quality;
- it contributes to an interesting skyline, providing a landmark building in this section of the City Fringe;
- 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, particularly through the removal of the gyratory;
- appropriate planning obligations are included to mitigate the impact of the development on the existing 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. TfL strongly support the scheme and have concluded that the transport assessments submitted are satisfactory (including the cumulative impact);
- detailed design and landscape treatment will be submitted as reserved matters and will be required to be of an exceptional design;
- the overall sustainability of the project is considered satisfactory.

7.4 Views

7.4.1 The site does not fall within any local or strategic viewing corridor, but is within the background of a new view from City Hall that was introduced in the Draft SPG London View Management Framework (GLA, April 2005) where the White Tower (Tower of London) can still be seen uncluttered from modern developments. However, the height of the two linked towers has been determined by this view so as to not appear above the Tower of London when viewed from Queen's Walk.

7.5 Amenity

Assessing daylight and sunlight

- 7.5.1 A Daylight/Sunlight analysis has been prepared by Delva Patman associates. To assess the proposed development's potential impact on daylight, sunlight, overshadowing, light spillage and solar glare on neighbouring properties a series of baseline assessments were undertaken.
- 7.5.2 The nearby City Reach Apartments is the poorest performer when testing the potential for daylight on the face of the windows. However, the total amount of daylight received by this building complies with the minimum required for habitation. It is reasonable to suggest that all other surrounding residential properties considered within this report would also comply with the daylight/sunlight guidelines and as such will be considered to remain adequately lit as a result of the Proposed Development being built out.
- 7.5.3 The overshadowing assessment concludes that there will be no adverse impact created by permanent overshadowing on the local public amenity space adjacent to the proposed

development site, including the proposed amenity area on Braham Street.

- 7.5.4 The light spillage analysis indicates that following careful lighting design with reference to the Institute of Lighting Engineers and considering the existing night-time levels in city centre locations, the impacts are considered to be of negligible or minor adverse impact.
- 7.5.5 The solar glare analysis indicates that there will be a negligible to minor adverse impact from daytime solar glare but this is not considered to be detrimental to the safe movement around the roads and pavements surrounding the proposed development.
- 7.5.6 The cumulative Impact Assessment indicates that the additional adjacent proposed developments should cause minimal additional impact on residential amenity considered as part of this assessment.
- 7.5.7 Overall, the analysis undertaken demonstrates that given the approach recommended by the BRE Report, the impact of the proposed development is acceptable in daylight, sunlight, overshadowing, light spillage and solar glare terms. The proposal complies with Policy DEV2 of the UDP which seeks to ensure that adjoining buildings do not suffer a material deterioration of their daylighting and sunlighting conditions.

7.8 Access and Transport

Access

- 7.8.1 Vehicular access to the basement parking area, for cars, motorcycles and bicycles is provided from Buckle Street. A lorry lift access is also located next to the existing basement entrance from Buckle Street.
- 7.8.2 The pedestrian environment will dramatically alter for the better through the removal of the gyratory. In combination with the new park to the west of Leman Street, it is also proposed to create new and improved pedestrian routes along Drum Street, through the centre of the development, and between Commercial Road and Leman Street, between Drum Street and Buckle Street.
- 7.8.3 Improved circulation of pedestrians will be achieved through widened and improved public open spaces to the western end of Drum Street, the eastern side of Leman Street and the creation of a new underground entrance and park. Emergency access will be retained along the southern boundary of the park.
- 7.8.4 TfL have assessed the transport assessments provided as part of the Environmental Statement and also considered the cumulative traffic related impacts of the proposed development with other developments. TfL's proposed works associated with the removal of the gyratory include the diversion of traffic along Commercial Road onto Whitechapel High Street, the creation of one-way southbound access via the redirected Colchester Street and Leman Street, and most significantly, the closure of Braham Street along its full length. Full details regarding the treatment of pedestrian and traffic movements, including the location of pedestrian and vehicular traffic calming measures are to be finalised and submitted for detailed approval.

Parking

- 7.8.5 The application proposes 40 car parking spaces at basement level. Overall, the car parking provisions are in accordance with the standards set out within the UDP and are at a level, which supports current Government guidance on encouraging trips by other means. The GLA support the low level (40 spaces) of parking proposed. The following are also proposed in the basement:
- 40 car parking spaces of which 15 have been allocated for disabled drivers
 - 380 secure cycle spaces
- 7.8.6 Transport for London and the Council's UDP support the number of vehicular and cycle spaces proposed.

Public Transport

- 7.8.7 The site is well served by public transport and has a public transport accessibility level (PTAL) of 6a. TFL has sought contributions from the applicant to cover the cost of the gyratory and this will be secured by way of a S106 agreement.

Servicing and Refuse Provisions

- 7.8.8 The retail and office units will be serviced using the basement ramp and lorry life accessed from Buckle Street. Further details, including a waste management plan, will be required by way of condition. This will include the details of the treatment of non-recyclable and recyclable waste storage and handling aspects of the scheme.

7.9 Design and External Appearance

- 7.9.1 The buildings on 15 and 17 Leman Street, at the corner with Buckle Street, are Victorian age edifices that are not derelict and add character to the area. The proposal has been amended to exclude these buildings from the subject site and it is no longer proposed that these buildings be demolished.

- 7.9.2 The proposed development takes the form of three elements – the two office towers buildings A and B (22 and 20 storeys) occupying the northern part of the site linked by a glazed bridge at higher levels over a pedestrianised Drum Street to form a larger floorplate and a lower building C (5 storeys) which lies south of the proposed east-west pedestrian route.

- 7.9.3 The development envelope adopted has been partly determined by the limits set by the Strategic View from the south. With the development quantum proposed this leads to an intensive development of the site which will signal a dramatic change in the character of Aldgate and in the western end of Whitechapel High Street. As part of an emerging cluster of high-rise buildings at Aldgate, the development will have a considerable impact in terms of the local microclimate and shadowing of sections of Whitechapel High Street, notably by building A.

- 7.9.4 The site layout of Aldgate 3 and 4 has been progressively reviewed and refined in tandem with the emerging Aldgate Masterplan, notably the east-west pedestrian link between buildings B and C, which will join the new urban park along Braham Street to sites in the east. This link has been widened, re-configured and re-aligned to improve this important connection, which now offers a better line of sight. The south face of building B at ground level has been restructured to provide a double-height colonnade and overall the link is a considerable improvement on the earlier version.

- 7.9.5 This generosity of scale is not repeated in the ground level treatment of building A, where the 21 storeys of building above bear down upon a base formed by a standard floor height of retail floorspace, giving it a crushed and ungenerous appearance. This proportion should be reconsidered. The retail floorspace in building C is narrow and unconvincing in format, being shallow and tapering. This area would need to be reconsidered during further design development.

- 7.9.6 For a project of this size and importance in a central location a planning application only in outline would not normally be considered sufficient to guarantee the necessary level of architectural quality, since so much depends upon the way in which the proposed buildings are detailed and upon the build quality. This is especially important in the case of a design which is essentially composed of glazed geometric volumes and repetitive floorplates, where the external envelope will form such an important part of the visible architecture.

- 7.9.7 The outline application approach is only acceptable if there is continuity of appointment of the architects from the present outline application through to detailed design and implementation. As noted earlier, the applicant will retain the architects for the detailed design stage.

- 7.9.8 Based on the indicative illustrations in the Façade Report, the architecture of the complex would follow mainstream models, with some elevational variety created by measures to reflect building orientation and natural ventilation options for certain façades. The

considerable mass of the buildings is marginally eased by the gently curving plan form.

7.9.9 The proposal complies generally with the design requirements of the adopted UDP and the draft Core Strategy. However, as noted, full detailed design will form part of the reserved matters and will be required by condition.

7.10 Access and Inclusive Design

7.10.1 Key concerns relate to the provision of an accessible public toilet; ensuring the new entrance to the underground is accessible, with lifts provided; keeping the amount of steps within the proposed public open space to a minimum; and providing a variety of types of seating. As the application is in outline form, very little detail with respect to access has been provided. A condition requiring full details of the above concerns will be required for any permission.

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 GLA concluded that *“Although the scheme is at outline stage, the applicant has identified measures to marginally exceed the 2006 Part L requirements through energy efficient design alone and proposed as its preferred choice a tri-generation gas-fired fuel cell. In order for the renewables issue to be resolved, the applicant should provide further detail on the potential to commit to hydrogen now, including details of any feasibility limitations. Following that, it should demonstrate other renewable energy technologies that can complement the fuel cell and details of the viability limitations”*. 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 consisting of “brown roof” rubble are provided 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 Term.

Planning Obligation Heads of Terms	Prescribe/ Compensate/ Mitigate	Contribution sought
Landscape and Open Space		
Creation of new park to the Western end of Braham Street	Prescribe	£2,000,000
Public Realm		
A right of way “walking agreement” through the site 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	£140,000
Public art/Culture Contributions		
Implementation of a public art strategy, to be managed by the Whitechapel Art Gallery, to add to the enjoyment of the development and contribute to creating a sense of place and identity	Mitigate	£150,000
Healthcare Contribution		
Mitigate the demand of the additional office population on health care services ¹	Mitigate	£140,000
TV Reception	Mitigate	N/A
Preparation of Green Travel Plan	Prescribe	N/A
Section 278 Agreement		
S278 agreement to carry out highway work including removal of the gyratory.		£3,373,800

Total: £5,803,800

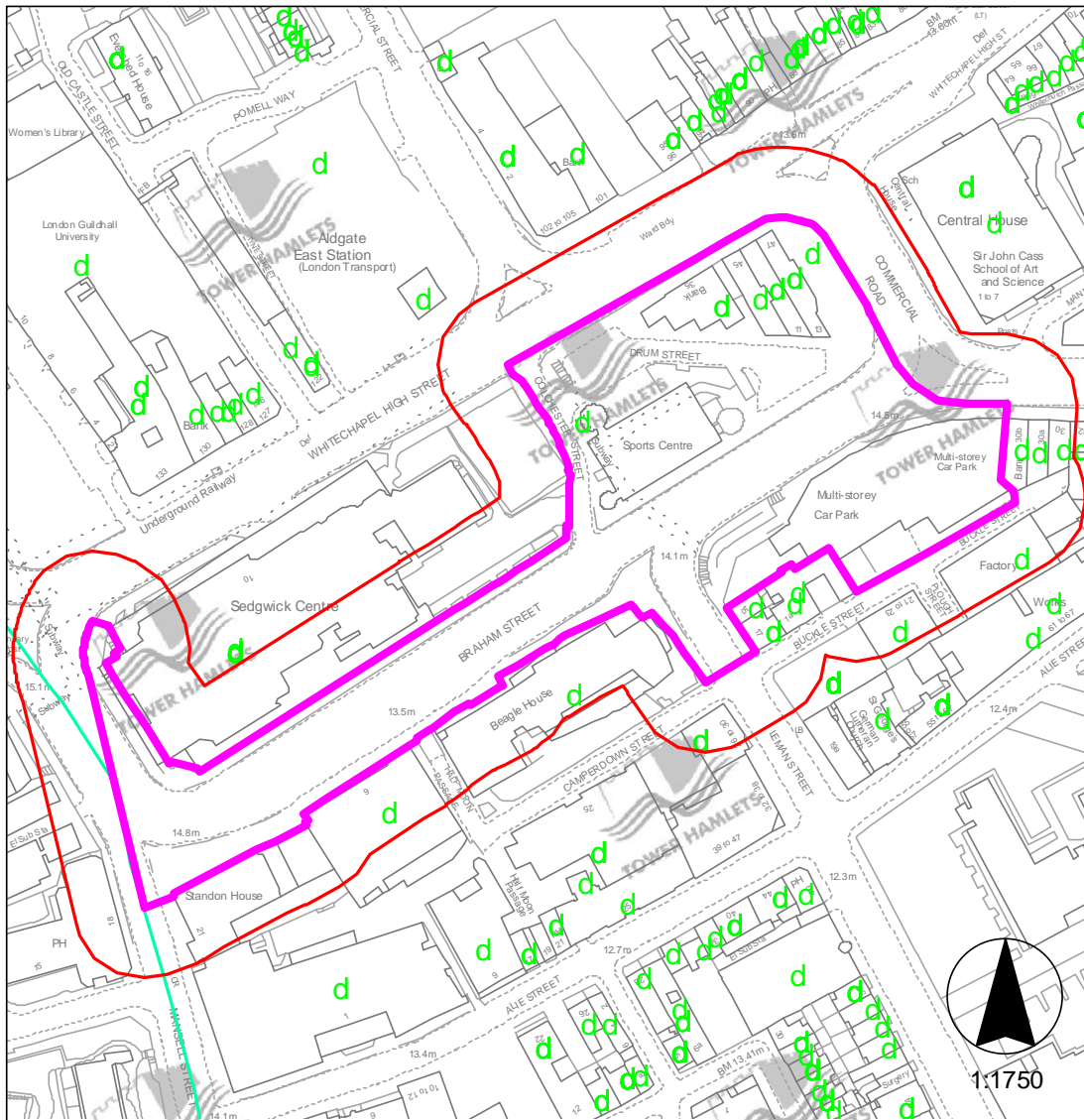
8. SUMMARY

- 8.1 The site has good access to public transport facilities and provides a high quality office-led development. The proposed towers will provide a landmark and contribute to the regeneration of the wider Aldgate area.
- 8.2 The GLA stated that the proposal is broadly supported by strategic planning policy and is particularly supportive of the removal of the gyratory and the creation of a new park. In addition, the proposal provides additional office floorspace to provide opportunities for employment.
- 8.3 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.
- 8.4 The proposed development is considered appropriate in terms of townscape, environmental and infrastructure considerations. The proposal includes contributions towards the removal of the gyratory, the creation of a new park, health, employment and training.

¹ HUDU Model applied

Land Bound By Whitechapel High Street, Colchester Street, Buckle Street Inc Car Park And Braham Street, Braham Street, London, E1

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