

Committee: Strategic Development	Date: 16 th November 2006	Classification: Unrestricted	Agenda Item No: 6.5
Report of: Corporate Director of Development and Renewal		Title: Applications for planning permission and listed building consent.	
Case Officer: Tim Porter		Ref No: PA/06/01050 and PA/06/01051	
		Ward: Whitechapel	

1. APPLICATION DETAILS

Location: 33-35 Commercial Road including existing car park to rear & part of Assam Street, London, E1

Existing Use: Open Car Park and Grade 2 listed building used for retail and warehousing

Proposal: PA/06/01050

Redevelopment by the erection of 10 storey and 35 storey buildings to provide 782 rooms of student accommodation with ancillary, leisure kitchen / dining facilities, offices (Class B1) and Uses Classes A1, A2, A3, A4 & A5, the change of use of the existing Grade II listed building to offices and retail uses and the provision of 670 cycle spaces.

The application for planning permission is supported by an Environmental Impact Assessment (EIA)

PA/06/01051

Drawing Nos: Listed building consent for the partial demolition and refurbishment of the existing Grade II listed building.
30-000, 30-001, 30-010, 30-020, 30-030, 30-040, 30-050, 30-060, 30-070, 30-080, 30-090, 30-110, 30-140, 30-200, 30-260, 30-320, 30-500, 30-501, 30-502, 30-503, 30-600, 30-601, 30-602, 81-001, 81-002, 81-003, 81-004, 81-005, 81-501, 81-502, 81-503, 81-601, 81-602, 82-001, 82-002, 82-003, 82-004, 82-005, 82-006, 82-007, 82-008, 82-501, 82-502, 82-503, 82-601, 82-602, 91-001, 91-501, and 91-502.

Applicant: Broadstone Limited
Owner: Broadstone Limited
Historic Building: Grade II listed building
Conservation Area: No

2. RECOMMENDATION

- 2.1 1. That the Committee resolve to **REFUSE** planning permission for the following reasons:
- 2.2 (1) The proposal would result in overdevelopment of the site and provide an excessively high building that would be insensitive to the character of the surrounding area by reason of design, bulk, scale, density and height contrary to Policies DEV1 and Policy DEV5 of the Tower Hamlets Unitary Development Plan 1998, Policies 4B.1, 4B.3, 4B.8 and 4B.9 of the

LOCAL GOVERNMENT ACT 2000 (Section 97) LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP, draft LDF and London Plan		Tim Porter 020 7364 5204

London Plan 2004, and Policy DEV2, CP48 and Policy DEV27 of the Local Development Framework Core Strategy and Development Control Submission Document and Policy CRF12 of the emerging City Fringe Action Area Plan.

(2) The proposal would result in an unjustified density resulting in demonstrable harm contrary to Policy HSG9 of the Tower Hamlets Unitary Development Plan 1998, Policy HSG1 of the Tower Hamlets Local Development Framework, Core Strategy and Development Control Development Control Submission Document and Policy 4B.3 of the London Plan 2004.

(3). The development would adversely affect the setting of a grade 2 listed building contrary to Policy DEV39 of the Tower Hamlets Unitary Development Plan 1998 and CON1 of the Tower Hamlets Local Development Framework, Core Strategy and Development Control Development Control Submission Document.

2.3 **2.** That the Committee resolve to **REFUSE** listed building consent for the following reasons:

2.4 (1)The development would fail to preserve features of special architectural or historic interest which the listed building possesses contrary to Policy DEV36 of the Tower Hamlets Unitary Development Plan 1998, Policy CON1 of the Tower Hamlets Local Development Framework Core Strategy and Development Control Submission Document and national advice in Planning Policy Guidance Note 15.

3. PROPOSAL AND LOCATION DETAILS

Proposal

3.1 Application is made for full planning permission for the redevelopment of the site as follows:

- Erection of a 10 storey and 35 storey buildings to provide 782 rooms of student accommodation and ancillary leisure facilities, offices (Class B1) and retail /food and drink uses (Classes A1, A2, A3, A4 & A5) with 670 cycle spaces and associated communal and private amenity space
- The change of use of existing Grade II listed building to offices and retail.

Student Accommodation

3.2 The student rooms would be housed in a new 35 storey building at the centre of the site and on the top 5 floors of a 10 storey podium building to the southeast corner of the site. The development would provide 14,528sq.m of student accommodation. A listed building on the main frontage of Commercial Road would provide the entrance to the tower through the listed building. The development would provide 760sqm of ancillary leisure floor space in the basement incorporating an indoor swimming pool and gymnasium for the use of the student residents.

Office & Retail Floor Space

3.3 The total gross floor space of the office and retail uses would be 4,327sq.m. The development is expected to provide approximately 225 jobs. It would provide a range of office (B1) and retail (A1), Financial and professional services (A2), - Restaurants and Cafes (A3), - Drinking Establishments (A4), and Hot food takeaway uses (A5) accommodated in the three buildings as follows:

- A1 to A5 uses on levels 33, 34 and part of the ground floor of the Tower. The retail uses on the top floors are intended for student ancillary activities.
- A1 – A5 uses on the lower ground floors and the fifth floor of the refurbished listed building. The intervening three floors would be given over to B1 use.

- A1 – A5 uses on the ground and fifth floor of the podium building. The intervening three floors will be given over to B1 use.

Amenity Space

- 3.4 There would be 2,657 m² of private and communal amenity space including ‘winter gardens’ on every alternative floor of the tower, roof terraces, a rear grassed area above the basement swimming pool and a new public square fronting Commercial Road.

Car and Cycle Parking Provision

- 3.5 There are no car parking spaces proposed although four loading bays and turning areas for emergency and service vehicles are proposed off Assam Street. A total of 670 cycle parking spaces would be housed at basement level.

Listed Building Alterations

- 3.6 Post-1847 extensions to the listed building would be demolished to expose the original building including the demolition of front and rear extensions and the replacement of the existing roof with a new steel roof.

Site and Surroundings

- 3.7 This 0.37 hectare site is currently partially occupied by a surface car park on the northern portion providing approximately 80 parking spaces. The remainder of the site south of the car park is occupied by a range of retail and employment uses contained within the Grade II listed former St George’s Brewery building and additions to that building fronting onto Commercial Road and to Assam Street to the rear. The applicant has estimated that the site currently provides employment for approximately 30 people.
- 3.8 The area surrounding the site comprises a variety of building heights and mix of uses. The site is bound to the west by the rear of the Naylor building at 16 – 40 Whitechurch Lane (a 6/7 storey residential building) and to the north at 15 Adler Street (6/7 storey residential building). The buildings to the west on the corner of Commercial Road and Whitechurch Lane are predominantly commercial 3 storeys high. To the east it is bounded by the rear of the properties at 1 – 13 Adler Street (5 storey commercial building) and the Morrison Buildings (5 storey residential building) and to the south by Commercial Road.
- 3.9 Altab Ali Park (formerly St Mary’s Gardens), one of the few public open spaces in the Aldgate area, is located immediately to the north of the building 15 Adler Street. The site is in close proximity to the London Metropolitan University (LMU) City Campus at Aldgate.
- 3.10 The site is not located within a conservation area, the nearest being the Whitechapel High Street Conservation Area to the north. There are a number of buildings on the statutory list the vicinity of the site including:
- The Gunmaker’s Company building at 32 and 34 Commercial Road.
 - The Hall and Proof House at 46-50 Commercial Road (across the road from the site).
 - A K2 telephone kiosk outside 48 Commercial Road.
 - The wall of the former St. Mary’s Churchyard, Whitechapel Road.
 - A tomb in the south east corner of the former St. Mary’s Churchyard, Whitechapel Road.
 - The Passmore Edwards Library, Whitechapel High Street (currently being adapted for an extension to the adjoining Grade I listed Whitechapel Art Gallery).
 - St. George’s German and English Schools at no.’s 55, 57 and 59 Alie Street.
 - Whitechapel Bell Foundry at 32 – 43 Whitechapel Road.
 - There is also a locally listed building at 17 Whitechurch Lane.

Planning History

- 3.11 PA/04/01830: Listed building consent granted for alterations to shop front to provide new entrance and separate access to upper floor office space on the front side of the ground floor including alteration to the existing shopfront.
- 3.12 The original listed 1847 St. George's Brewery was constructed by John Furze & Company's Brewery and was used as such until 1901 when it was converted into a bonded warehouse and whisky bottling plant.
- 3.13 Post 1901 the brewery building underwent a number of alterations. The water tank and brewery equipment were removed and the roof was rebuilt. Substantial additional areas of warehousing and other equipment were added to the front and the rear of the building along Commercial Road and Assam Street.
- 3.14 Following the end of the warehouse use, the interior of the original building was subdivided and used for retail and employment uses. The building was listed in 1973 in a response to a threat of demolition.
- 3.15 The Council recently approved a development at 52, 54 – 58 Commercial Road to the south of the site on the opposite side of Commercial Road. This development would have a maximum height of 17 storeys. The Council also recently approved the redevelopment of Aldgate Union with buildings up to 22 storeys.

4. POLICY FRAMEWORK

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

Unitary Development Plan

- 4.2 Proposals: Central Area Zone
Proposal 117. Site on Whitechurch Lane and north of Assam Street allocated for partially for B1 (Business), B8 (Storage and distribution) and A1 (Shop)
Partially as a Special Policy Area where a diverse and balanced mix of use is to be maintained
- 4.3 Policies:
- | | |
|-------|---|
| DEV1 | Design Requirements |
| DEV2 | Environmental Requirements |
| DEV3 | Mixed Use Developments |
| DEV4 | Planning Obligations |
| DEV5 | High Buildings and views |
| DEV12 | Landscaping Provision |
| DEV18 | Public Art |
| DEV50 | Construction Noise |
| DEV51 | Contaminated land |
| CAZ 1 | Developing London's regional, national and international role |
| CAZ 3 | Mixed use development |
| CAZ 4 | Diversity, character and functions of the Central Area Zones |
| EMP 1 | Encouraging New Employment Uses |
| EMP 2 | Retaining Existing Employment Uses |
| EMP 3 | Change of Use – office |
| EMP 6 | Employing Local People |
| HSG1 | Quantity of Housing |
| HSG8 | Access to Housing |
| HSG9 | Density |

HSG 14	Special Needs Accommodation
HSG16	Housing Amenity Space
T15	Transport & Development
T16	Impact of Traffic
T17	Planning Standards (Parking)
T21	Improvement of Existing Pedestrian Routes
T23	Cyclists
S6	New Retail Development

Emerging Local Development Framework

4.4	Proposals:	CF39	Employment (B1), Retail (A1, A2, A3, A4), Residential (C3) Public Open Space.
4.5	Core Strategies:	IMP1	Planning Obligations
		CP1	Creating Sustainable Communities
		CP2	Equal Opportunity
		CP3	Sustainable Environment
		CP4	Good Design
		CP5	Supporting Infrastructure
		CP7	Job Creation and Growth
		CP8	Central Activities Area
		CP11	Sites in Employment Use
		CP15	Range of Shops and Services
		CP19	New Housing Provision
		CP20	Sustainable Residential Density
		CP24	Special Needs Housing and Specialist Housing
		CP25	Housing Amenity Space
		CP30	Improving the Quality and Quantity of Open Space
		CP31	Biodiversity
		CP38	Energy Efficiency and Production of Renewable Energy
		CP39	Sustainable Waste Management
		CP40	A Sustainable Transport Network
		CP41	Integrating Development with Transport
		CP42	Streets for People
		CP46	Accessible and Inclusive Environments
		CP47	Community Safety
		CP48	Tall Buildings
		CP49	Historic Environment
		CP50	Important View
4.6	Policies:	DEV1	Amenity
		DEV2	Character & Design
		DEV3	Accessibility & Inclusive Design
		DEV4	Safety & Security
		DEV5	Sustainable Design
		DEV6	Energy Efficiency & Renewable Energy
		DEV9	Sustainable Construction Materials
		DEV10	Disturbance from Noise Pollution
		DEV11	Air Pollution and Air Quality
		DEV12	Management of Demolition and Construction
		DEV15	Waste and Recyclables Storage
		DEV16	Walking and Cycling Routes and Facilities
		DEV17	Transport Assessments
		DEV18	Travel Plans
		DEV19	Parking for Motor Vehicles
		DEV20	Capacity of Utility Infrastructure

DEV22	Contaminated Land
DEV24	Accessible Amenities and Services
DEV27	Tall Buildings Assessment
EE2	Redevelopment /Change of Use of Employment Sites
RT4	Retail Development
HSG1	Determining Residential Density
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
CON1	Listed Buildings
CFR1	Spatial Strategy
CFR5	Open Space
CFR6	Infrastructure and Services
CFR7	Infrastructure Capacity
CFR8	Waste
CFR9	Employment uses
CFR10	Residential Uses
CFR11	Retail and Leisure
CFR12	Design and Building Form
CFR13	Connectivity
CFR14	Site Allocations

Supplementary Planning Guidance/Documents

- 4.7 Designing Out Crime
Residential Space
Landscape Requirements

Spatial Development Strategy for Greater London (London Plan)

- 4.8 3A.10 Special Needs Housing
3A.22 Education
3B.4 Mixed Use Development
3D.12 Biodiversity
4A.7 Energy Efficiency and Renewable Energy
4A.8 Energy Assessment
4A.9 Providing for Renewable Energy
4A.10 Supporting the provision of renewable energy
4A.14 Reducing Noise
4B.1 Design Principles for a compact city
4B.2 Promoting world class architecture and design
4B.3 Maximising the potential of sites
4B.4 Enhancing the Quality of the Public realm
4B.5 Creating an inclusive environment
4B.6 Sustainable Design and construction
4B.7 Respect Local context and communities
4B.8 Tall buildings, location
4B.9 Large scale buildings, design and impact
4B.10 Built Heritage
4B.11 Heritage Conservation
4B.12 Historic Conservation-led regeneration
4B.15 View Protection
5B.2 Central Activities Zone

Government Planning Policy Guidance/Statements

- 4.9 PPS1 Delivering Sustainable Development

PPG3	Housing
PPG15	Planning and historic environment
PPG24	Planning & Noise
PPS22	Renewable Energy

Community Plan

4.10 The following Community Plan objectives relate to the application:

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

5. CONSULTATION RESPONSE

5.1 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

Environmental Health

5.2 Contaminated land

The proposal is acceptable subject to conditions.

5.3 Air Quality

The proposal is acceptable subject to conditions.

5.4 Sustainability

- This northern end of Commercial Road falls within an area with the densest population of Black Redstarts in London. The area is categorised by English Nature as an area of national significance for that species. Black Redstarts have been recorded in the immediate vicinity of the site. No specialist or specific Black Redstart survey has been undertaken and the data provided in the Ecology report is insufficient. To mitigate the impact that the development will have on the local Black Redstart population, the developer seeks specialist advice on what sort of green roof to install
- The developer should mitigate the potential habitat loss in an area known for bats with the creation of bat habitats.

5.5 Noise

- The final glazing specification needs to be agreed with Environmental Health.
- Operational plant noise needs to be designed to be 10 dB below the lowest recorded background noise.
- Construction hours should be limited to LBTH working hours policy.
- Any proposed extract ventilation systems needs to be approved by Environmental Health.

5.6 Sunlight/ Daylight

- The submitted Sunlight/ Daylight Report is unsatisfactory. The impact of the proposed scheme development on the following buildings requires a more detailed assessment on the following (a) Naylor Building West (b) Morrison Building (c) 1-13 Adler Street.

- More information in respect of the ADF results for the above buildings and how they were arrived at is required.
- The shadow Analysis for March 21st and December 21st cannot be interpreted.
- Figures for Annual probable sunlight hours are required.

5.7 Highways Development

- No objection subject to a “car free” agreement and a section 278 agreement to carry out associated highway works.
- The cycle provision of 670 spaces is considered excessive.
- The total student accommodation would have a significant effect on the local road hierarchy with increased pedestrian loadings on the colleges connecting links. An analysis of the increased pedestrian effects should be submitted for approval.
- A Green Travel Plan will be required plus the appointment of a Travel Plan co-ordinator.
- A Construction Traffic Management Plan should also be submitted covering demolition and the new build operations.

5.8 Education

No observations.

5.9 Cleansing Officer

No response.

5.10 Horticulture & Recreation

No response.

5.11 Corporate Access Officer

No response.

5.12 Primary Care Trust

No response.

5.13 Government Office for London

No response.

5.14 Greater London Authority

The proposal had not yet been presented to the Mayor for Stage 1 comments at the time of preparing this report. Informally the GLA has advised the applicant:

- *“The principle of a tall building is suitable for this central location, as identified in the emerging City Fringe Opportunity Area planning framework, but the project needs to be of an outstanding design quality to meet London Plan Policy. The tower is very tall for its context, being a bit further away from the Aldgate gyratory than existing and proposed tall buildings at the gyratory. Given that the scale of the tower is very different than that of buildings in the immediate vicinity, it requires a very engaging architecture and the proposal needs further development in that respect.*
- *The plans to develop the listed warehouse look convincing but the integration of the warehouse, the new open space on Commercial Road and the tower need to be further developed.”*

5.15 **Transport for London**

No response.

5.16 **Environment Agency**

Objects. The proposal would cause an unacceptable risk of pollution to groundwater because an old borehole is on site and not accounted for in the current EIA. Details should be submitted to the Agency regarding the current state of the borehole and any intentions on using or dealing with it.

5.17 **The Countryside Agency**

No formal representation.

5.18 **English Heritage**

- Advises that the existing roof of the brewery should be retained and considers the proposed additional storey would be an intrusive structure detrimental to the appearance of the listed building. The early twentieth century additions to the original building are of historic and architectural merit in their own right and worthy of retention.
- The position of the proposed circular tower, hard up against the former brewery, would be severely detrimental to the setting of the listed building. It would be very poorly related to surrounding small scale development and impact upon the views of several listed buildings.
- Particularly concerned regarding the impact of the proposal on the Tower of London, a World Heritage Site which due to the damage done to its setting by surrounding tall buildings, UNESCO are considering putting in their at risk category. The proposed tower would have a significant impact on the listed Whitechapel Bell Foundry and on several conservation areas including Myrdle Street.
- If planning permission is granted conditions are recommended to secure a programme of archaeological work and a historic buildings assessment.

5.19 **English Nature**

- Recommends that the applicant provides further information regarding the status of bats at the site. It would be more appropriate to landscape some of the green roofs proposed to create habitat for the black redstarts.

5.20 **Historic Royal Palaces**

Compared to many other proposals, the proposal's impact on the Tower of London would be 'slight' but disagrees that this additional intrusion into the backdrop of the Tower of London would be 'beneficial' as claimed by the developer; rather it would be a distraction, whose shape would make it an object of attention.

5.21 **Health and Safety Executive**

The nearby Gun Makers Company on Commercial Road is a hazardous installation. Whilst it is expected that the probability of a major accident involving explosion is low, should planning permission be granted, the Explosives Inspectorate would need to review the explosives facilities licence.

5.22 **CABE**

- Do not consider that a convincing argument has been made for a tall building on this constrained site; either as a piece of urban design or architecture in its own right, or in

- policy or townscape terms as the site falls outside the Aldgate cluster.
- The scheme seems to be driven by the commercial imperative to achieve a certain quantum of accommodation on a restricted site and is justified by potential, and as yet unproven, regeneration benefits.
 - Meeting demand for student housing is not a good enough reason to build tall and doubtful that this site or programme calls for a 'beacon', the regeneration benefits of which remain to be seen.
 - Given the nature of this complex, dense and historic context, a different, quieter approach to stitching the site back into the area may be more appropriate.
 - Doubtful that first-class design quality necessary of this prominence is achievable within a budget for student housing.
 - Proposal does not come to terms with the difficulties of developing a tall building on a tight, enclosed site.
 - The tall building does not seem to have sufficient space around it and sits uncomfortably close to the listed building.
 - Architecture of the tower has failed to respond to the asymmetrical site.
 - The public should be able to enjoy a building of this prominence from ground level and understand the form in its urban setting; as proposed, the tower meets the ground from the back street across a service yard.
 - Composition of the three buildings on the site is tight and uncomfortable. The listed building is crowded by the tower and podium buildings.
 - Not convinced by the design of the podium building. Building up the party wall significantly higher than its neighbour has resulted in a blank and prominent elevation that fails to address the street.
 - The design of the top of the building needs further refinement.

5.23 London Fire & Civil Defence Authority

No response.

5.24 Corporation for London

No objection.

5.25 BBC

The tower will produce a noticeable shadow in respect of television and radio signals.

5.26 London Fire and Emergency Planning Authority

No response

5.27 London City Airport

No safeguarding objection.

5.28 Thames Water Utilities

Recommends 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.

5.29 Crime Prevention Officer

No comment

6. LOCAL REPRESENTATION

6.1 A total of 572 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: Objecting: 18 Supporting: 1
No of petitions received: 1 objecting containing 164 signatories

6.2 The following local groups/societies made representations:

- Aldgate Triangle Residents Association (which consists of 285 individual apartments across 5 buildings in close proximity to the proposed development)

6.3 One supporting letter has been received in support of the proposed land uses.

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

6.4 Urban Form

- The height of the 10 and 35 storey tower blocks are out of context with the surrounding environment and the listed building. This is not an appropriate location for a building of this height.
- The development is too dense and cramped.
- The relationship between the 35 storey and 10 storey blocks is arbitrary and the later will have a damaging effect upon the streetscape of Commercial Road.
- The location of the 35 storey tower is largely hidden at the lower level by the adjoining development. It does not relate to the grain of the area and cannot be justified in urban design terms as marking a particular strategic point in the urban fabric.
- The tall building in this location would create an unfortunate precedent and prejudice the potential for creating more coherent and satisfactory urban fabric in the area.
- The proposal represents an intensive and gross overdevelopment and will not make a positive contribution either to the regeneration of the area or its visual improvement.
- The architectural quality and design is poor and inappropriate.
- The building has been designed from an energy efficient viewpoint and not a practical living viewpoint.
- The development is not sympathetic to the predominantly residential character of the area.
- The base area around the tower is far too small to justify this scale of development. The proximity of the tower to existing residential and business properties is intrusive.
- The scheme is contrary to Council planning policy as the development does not take into account existing design, bulk, scale and height of neighbouring buildings, it does not reflect the existing street patterns, architecture or heritage and lies outside the Aldgate tall building cluster
- Being on the fringe of the city, it is understood that tall commercial buildings could encroach into this part of London. The proposal however is primarily residential and any business interest is second to that.

6.5 Environmental Factors

- The height and form of the development would cause substantial environmental damage, through the impact of overshadowing, increased wind speeds, overlooking, loss of privacy and light which will affect the amenity of adjoining buildings and the open space

to the north.

- Increased noise caused by construction; the concentration of 1000+ residents/ employees in a very small area; the associated leisure facilities and commercial facilities;
- Traffic congestion.
- The windows of the communal areas will open out onto the Naylor Buildings Courtyard, causing disturbance and noise.
- The green space proposed in the new development will look directly into the rear bedrooms of the ground floor flats in Naylor Building East.
- The development will lead to severe worsening of the noise issues in Altab Ali park due to the spill over of student residents in this area during various periods of the day and night;
- The construction traffic will be very disruptive in terms of noise, dust and general disruption.

6.6 Land Use

- The amount of student accommodation represents an unacceptable concentration of this single use in an area of mixed uses.
- Fears of late opening hours.
- The development would not create as many employment opportunities as one would expect for such a large building so close to the city.

6.7 Traffic

- The increase in pedestrian numbers would have a negative impact upon Assam Street
- There is insufficient parking for residents and the undisclosed volume of business parking requirements.
- Traffic congestion from the development could impact upon emergency vehicles in addition to disrupting the existing thoroughfare.

6.8 Social Issues

- The development will have a social impact on the community where the balance of social groups will tip in favour of students, greatly out-numbering local residents.
- The development will result in an enclosed community.
- The student population will result in an increase of drunk, disorderly and potentially violent incidents in the area.
- The living spaces are very cramped with the communal area being too small for the number of residents. This would mean students would seek out Altab Ali Park for their leisure activities. This would become a student enclave and have adverse impacts upon the residents within the Aldgate Triangle development, particularly from noise and anti-social behaviour.
- There are security concerns regarding who would be able to access the building and surrounding area.

6.9 Heritage Issues

The development pays no regard to the adjacent listed building fronting Commercial Road nor the shape and form of the adjoining Morrison Buildings. It would effectively devalue the historic contribution these two buildings make to the heritage and streetscape of this area.

6.10 The following issues were raised in representations, but they are not material to the determination of the application:

- Additional burden of significant numbers of non-Council tax paying residents, which will be met by the Aldgate Triangle residents.

- Devaluation of property prices.
- Prospective new residents will be put off from the area due to the highly visible student dominated development.
- Selling or buying property will become difficult during the construction phase.
- The long term viability of the tower is questionable. The apartment rental costs are excessive, especially when you add in the service charge, which the developers say they will be building into the monthly rental. The monthly rent works out to be approximately £650 - £700 per month.
- There is a concern that the notification period occurred during the summer holiday break when many interested parties were out of London on holiday.

7. MATERIAL PLANNING CONSIDERATIONS

7.1 The main planning issues raised by the application that the Committee must consider are:

1. Land Use
2. Impact on local context
3. Density
4. Open Space
5. Amenity
6. Access and Transport
7. Sustainable Development and Renewable Energy
8. Access and Inclusive Design
9. Listed building issues

Land Use

7.2 The site is allocated on the Proposals Map of the Tower Hamlets Unitary Development Plan 1998 partially for B1 (Business), B8 (Storage and distribution) and A1 (Shop) purposes and partially as a Special Policy Area within a designated Central Area Zone where a diverse and balanced mix of use is to be maintained.

7.3 On the Proposals Map of the Council's emerging Local Development Framework the site is allocated (Site CF39) for employment, residential, retail and public open space. It also lies within a higher education cluster identified by the City Fringe Action Area Plan (CFAAP) that forms part of the emerging LDF. Given the latter, the propose land uses would appear acceptable. An assessment of each use category is provided below:

Principle of Student Accommodation

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

7.5 UDP Paragraph 5.29 of HSG14 states that the Council will consider student housing in a variety of locations providing there is no loss of permanent housing or adverse environmental effects. It also notes: "*Additional provision could release dwellings elsewhere in the Borough in both the public and the private rented sector*".

7.6 Policy CP24 of the LDF Submission Document states that the Council will promote special needs and specialist housing by inter alia focusing purpose built student housing in close proximity to the London Metropolitan University at Aldgate. This is supported by the inclusion of the site within a higher education cluster identified by the CFAAP.

7.7 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.

7.8 The key issue in this case is whether this CAZ site is appropriate for student accommodation, particularly in preference to a priority office use. The applicant has provided evidence of demand for the student accommodation in this locality, stating:

“There are three higher education institutions (HEIs) with a physical presence in Tower Hamlets (LMU, LSE, and Queen Mary and Westfield College). In addition, there are four HEIs that have a physical location just beyond the Tower Hamlets boundary. In total, these seven HEIs have a student population of over 120,000 (as at 2004/ 2005).”

7.9 The applicant has also made the following points concerning demand:

- There are almost 350,000 students studying in London’s Higher Education Institutions. The GLA estimates that only 38,000 places are made available in university halls of residence.
- A study area within 1 – 2 miles of the site indicated that there are 51,630 students potentially based in the study area, using London-wide data from the Higher Education Statistical Agency (HESA).
- HESA indicates that 25% of students live at home and study. Applying this portion to the 51,630 students based in the study area suggests that there are almost 39,000 students potentially seeking accommodation in the study area.
- There are only 3,664 HEI or student-only but independently operated ‘bed-spaces’ available in Tower Hamlets. Accordingly, approximately 34,000 students are likely to seek accommodation in competition with low-income housing.
- A cautious estimate suggests that there is a shortfall of at least 27,000 student residential ‘bed-spaces’ in the Tower Hamlet area.
- A letter from the London Metropolitan University confirming that they have circa 38,000 students and 1,300 student bed spaces in a number of small halls. The letter confirms LMU’s willingness to discuss the provision of additional student housing.

7.10 The proposal would meet some of this demand in a location within easy access to public transport, and also to the main campus facilities of a number of central London educational Institutions, particularly the London Metropolitan University. There is ample evidence that there is local demand for student housing and policies in the adopted UDP, the emerging LDF and the London Plan provide strategic support for student housing in this location.

Commercial

7.11 The proposed commercial 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.

7.12 The erection of new office and retail space in the CAZ is also supported by the emerging LDF.

7.13 The proposed leisure facility for a swimming pool and gym that is ancillary to the proposed student accommodation is also acceptable.

Impact on Local Context

Height, Scale, Bulk and Design

7.14 Policy DEV 5 of the UDP defines a high building as one that exceeds 20 metres in height. The policy states that the Central Area Zone is considered suitable for high buildings. The policy states:

“In Central Area Zones permission may be given for high building development provided:

- The proposal satisfies policies DEV1 and DEV 2; (Policies that seek to protect amenity, ensure development accords with the surrounding context and be sensitive to the character of the surrounding area in terms of design, bulk, scale, the use of materials and the development capabilities of the site);
- The proposal will not harm the essential character of the area or important views; and
- The building would identify and emphasise a point of visual significance, both locally and in relation to the urban scene, over the whole area from which it would be visible.”

7.15 Policy CP 48 of the LDF Core Strategy and Development Control Development Plan Document supports the development of tall buildings at Aldgate. The site however lies outside the Aldgate Tall Building Cluster identified by the Plan. The policy goes on to say the Council may consider proposals for tall buildings outside the cluster if adequate justification is made. All proposals for tall buildings must:

- Contribute positively to a high quality, attractive environment;
- Respond sensitively to the surrounding local context;
- Not create unacceptable impacts on the surrounding environment;
- Contribute to the social and economic vitality of the surrounding area; and
- Not create unacceptable impacts on social and physical infrastructure.

7.16 Policy DEV1 of the emerging LDF Core Strategy requires development to protect, and where possible improve the amenity of surrounding building occupants and policy DEV2 requires development to take into account and respect the local character and setting of the site including the scale, height, mass, bulk and form of development.

7.17 Policy DEV27 of the emerging LDF Core Strategy provides a suite of criteria that applications for tall buildings must satisfy. Schemes must:

- be sensitive to the site’s context;
- achieve high architectural quality;
- outside the Aldgate cluster demonstrate that alternative built forms have been considered;
- positively contribute to the skyline and assist to consolidate clusters;
- not adversely impact on conservation areas or listed buildings;
- visually integrate with the streetscape and present a human scale development at street level;
- respect local character and seek to incorporate and reflect local distinctiveness.

7.18 The site lies within the Aldgate and Spitalfields sub-area identified in the City Fringe Action Area Plan that forms part of the LDF. Policy CRF12 of the CFAAP specifies the design and built form principles that are to apply in the sub-area. These affirm that tall buildings will be focussed around Aldgate Union in accordance with policies DEV27 and CON5. The policy says that building height throughout the sub-area should respect and complement the central cluster at Aldgate Union. In locations close to established residential areas, building height should be based on the effective transition between established and new buildings. The management of strategic views is emphasised.

7.19 The heights of buildings adjacent to the site vary from 3-7 storeys. In considering the character of the local Aldgate area, there are three noticeable urban scales:

- Low rise historic urban fabric (1 -6 stories);
- Mid-rise development from the past 30 years (7-12 storeys); and
- Recently approved developments of modern, increasingly tall buildings (up to 17 residential storeys to the south of the site and up to 22 commercial storeys around Aldgate Gyratory to the west).

7.20 The proposed 10 and 35 storey towers would have a height of approximately 35 m and 95.1 m above ground. It is considered that the proposed design, bulk, scale, density and height of development would result in an overdevelopment of the site that pays little regard to the surrounding character, including the setting of the Grade 2 listed building. The failures of the proposal can be demonstrated in the following summary:

- The development would be significantly higher than all buildings within the local Aldgate area, including the tall building cluster around the Aldgate Gyratory.
- The site is not identified for landmark development. This would have a negative impact on the skyline, being located outside the identified tall building cluster at Aldgate Union.
- The design approach is considered highly insensitive as a 35 storey building in the middle of the urban block would result in a “free-standing” element towering above surrounding buildings of significantly lower heights.
- The location of the tower would be largely hidden at the lower level by the adjoining development and would not relate to the grain of the area. The building would fail to integrate into the streetscape and surrounding area.
- The attention given to the context beyond the site boundaries is minimal.
- The public realm in and around the building has not been designed to high standards to facilitate inclusive design. The validity and possible potential for public use of the open space along Commercial Road remains to be justified.
- The proposed design of the 10 storey podium building does little to articulate the façade of the building or minimise its massing. The building up of the party wall is significantly higher than the Morrison Building to the east and would result in a blank and prominent elevation that would have a damaging effect upon the streetscape of Commercial Road.
- The composition of the three buildings on the site is not appropriate.

7.21 The proposal also produces significant conflict with Policies 4B.1, 4B.3, 4B.8 and 4B.9 of the London Plan 2004 that provide location and assessment criteria for tall buildings. The GLA has noted that the tower is very tall for its context, being located outside of the tall building cluster of existing and proposed tall buildings at the Aldgate gyratory.

Views

7.22 The applicant provided a *Townscape & Visual Impact Assessment as part of the Environmental Impact Assessment*, which assessed 12 selected viewpoints. In a number of views the proposed tower would have a significant level of impact upon the townscape. Officers are unconvinced that the quality of the design, the appearance and composition of the three buildings would have the benefits claimed.

7.23 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. The tower element of the development would be visible to the right of the White Tower and immediately behind the Salt Tower turret, with a further 5 storeys plus roof element being visible to the right of the turret. Royal Historic Palaces and English Heritage have both raised concerns regarding the impact of the development upon this view, particularly where the tall building is located outside of the tall

building cluster at Aldgate gyratory.

7.24 The Environmental Statement has been reviewed by Atkins on behalf of the Council. Atkins identified that the ES does not adequately confirm that the development would not have an adverse impact on the wider townscape. Atkins commented as follows regarding the townscape assessment:

- *The assessment focuses on the local conservation areas and listed buildings...but relatively little information is provided for other neighbouring areas.*
- *No explanation or justification for the extent of the study area is provided and, as such, the impact assessment may not fully describe wider effects of the proposed development.*
- *There is little information describing other townscape elements, such as its fabric and overall character.*
- *The assessment focuses on the potential for visual impact on the neighbouring conservation areas but does not consider other effects, such as changes to streetscape, urban fabric, urban form, etc.*
- *The impact assessment tends to discuss the beneficial aspects of the scheme only...failing to consider any negative issues such as the loss of skyline, scale and massing of the building, etc. Whilst the overall conclusion of the assessment may in fact be valid, a balanced argument leading up to this conclusion is missing.*

Effect of the setting of the Listed Building

7.25 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states:

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

7.26 Policy DEV39 of the UDP states that *“Development which adversely affects the setting of a listed building including any landscaped areas or garden areas will be resisted”*. Policy CON 1 of the emerging LDF Core Strategy states that *“planning permission will not be granted where development will adversely impact upon the setting of a listed building.”*

7.27 Officers consider:

- The proximity of the 35 storey tower to the listed building would be harmful to the character and setting of the Grade 2 listed building.
- The podium building would be overbearing and insensitively close to the listed building, especially at the upper levels.
- The additional staircase to the rear (west end) of the listed building would be inappropriate and harmful to the character and setting of the listed building.
- The proposed treatment of the space to the north of the former brewery has not been considered carefully. As proposed, it would be harmful to the setting of the listed building.

Density

7.28 The scheme would result in a residential density of 2,130 hrph (habitable rooms per hectare). This substantially exceeds the guidance of 247 hrph provided by Policy HSG9 of the UDP 1998. Policy HSG9 sets out four circumstances where higher densities may be acceptable, these include:

- The development would be for special needs housing or non-family housing;

- The development is located within easy access to public transport, open space and other local facilities;
- The dwellings are part of a substantial mixed use development or are a small in-fill development; or
- It can be demonstrated that the development meets all other standards for new dwellings in the Plan and does not conflict with the Council's policies for the environment.

7.29 UDP policy HSG9 has largely been superseded by the density policies of the London Plan 2004 and Policy HSG1 of the LDF Core Strategy. These both include the implementation of a density, location and parking matrix, which links density to public transport availability as defined by PTAL (Public Transport Accessibility Level) scores which are measured on a scale of 1 (low) – 6 (high). Policy HSG1 of the LDF Core Strategy requires the local context and character to be taken into account.

7.30 The site is excellently served by public transport with a PTAL of 6, the highest available. For 'central site's with a PTAL range of 4 to 6, the recommended density of 650-1100 hrph allows for very dense development, large building footprints and buildings of four to six storeys and above, consistent with larger town centres all over London and much of Central London.

7.31 Policy 4B.3 of the London Plan seeks to encourage the highest possible intensity of use compatible with the local context.

7.32 The proposed density of 2130 hrph exceeds the upper level of the recommended density range approximately twice. Whilst the density recommendation is a guide only, the proposed density coupled with the tall building to achieve this, is considered to result in an overdevelopment of the site that would impact unacceptably on the character and context of the area to the east of Aldgate.

Open Space

7.33 UDP Policy HSG16 and Local Development Framework Submission Document Policy HSG13 both state that all housing developments should include the adequate provision of amenity space. The Council's SPG 'Residential Space' states that for non-family housing a minimum area of 50 sq. m, plus an additional 5sq. m over 5 flats is required. This equates to a requirement of 832 sq. m of amenity space at 33 – 35 Commercial Road.

7.34 Student accommodation is a sui generis use and cannot readily be assessed against standard open space requirements. However, the development would provide the following amenity areas:

- Winter garden (772sqm).
- A triangular public open space fronting onto Commercial Road some 380sqm in area.
- A garden area on the northern rear portion of the site for resident student use. This will take the form of a 700sqm grass roof terrace over the swimming pool, with a planted northern boundary.

7.35 Whilst there are a number of design concerns with the proposed forecourt along Commercial Road, overall the proposed amenity area is considered sufficient for a specialist housing use.

Amenity

Environmental Impact Assessment

7.36 The impact of the development on the amenity of the surrounding properties and existing residents has been considered in the Environmental Impact Assessment (EIA) submitted by the applicant. The EIA sets out to demonstrate that the impact on the surrounding microclimate has been fully tested. The Council's consultants Atkins highlighted a number of

areas where additional information or clarification should be provided. There are two Regulation 19 omissions concerning:

Ecology

There is a Regulation 19 omission to the ecological assessment in the ES and this consists of insufficient bat survey data. Bats are a European Protected Species and therefore the Planning Authority must have sufficient information to enable it to weigh protected species issues when considering a planning application so that it can fulfil its duty under the Habitats Regulations 1994. A bat survey was recommended prior to the granting of any planning permission so that the status of bats at the site can be determined and any necessary mitigation measures for their protection identified.

Townscape and visual assessment.

The main shortcoming of the assessment is that it states at the outset that the scheme is considered to be positive, rather than discussing this within the study itself. It is considered that the assessment should consider the proposals from an impartial and balanced view, outlining both positive and negative aspects and acknowledging alternative opinions. As the assessment's methodology is not balanced in its consideration of likely impacts, this is considered to be a Regulation 19 omission.

Overlooking

- 7.37 Concerns have been raised with regard to the overlooking by the proposed student accommodation, particularly with regard to Naylor Building. The windows facing Naylor Building North and West are set back approximately 24 m, a separation that complies with Policy DEV2 of the UDP where a separation distance of 18 m between opposing habitable rooms is considered acceptable. The 10 storey podium building has been designed to minimise impact of overlooking upon the Morrison Building where habitable rooms are set back from the façade. The development would be setback approximately 8 metres from the building to the east that is in commercial use.
- 7.38 Overall, it is not considered that there would be unacceptable overlooking and the proposal is considered acceptable in line with Council policy and the CAZ designation.

Daylight /Sunlight Access

- 7.39 A daylight and sunlight assessment of the site has been undertaken by the applicant. LBTH Environmental Health Department is not satisfied with the information provided. Atkins also state that the provision of more thorough baseline data and measurements of existing daylight levels for both properties adjoining the site would have added more clarity and strength to the assessment.

Noise

- 7.40 The applicant has also submitted an acoustics assessment that assesses noise during construction and following the occupation of the building. This statement has also been assessed by LBTH Environmental Health. It is concluded that there are several technical errors in the reports that need further clarification. Atkins consider, that due to the choice of impact assessment criteria used in the noise assessment, the significance of the potential adverse impacts of the proposed construction works may have been underestimated. However, it is considered that there are no fundamental issues arising that could not be overcome by conditions limiting construction hours and by further information to determine standards of acoustic glazing.

Wind

7.41 Overall, Atkins has advised that the wind assessment provides very thorough and robust consideration of potential impacts arising from the proposed development. The result of the wind assessment concludes that the wind speeds at all locations are consistent with the expected pedestrian use of the site. In particular the tall building is conical and should not produce the problems typically found with tall slab sided buildings.

Electronic Interference

7.42 The assessment does indicate that the proposed development is likely to adversely impact signal levels and reception. Atkins advised that further post-construction evaluation of the actual impact arising from the development should be agreed with the Council prior to the granting of any planning permission with mitigation measures agreed.

Access and Parking

7.43 All vehicle access to the site would be via Assam Street, which would be modified at its eastern end to provide a hammerhead to accommodate emergency access for high reach fire vehicles. Adjoining the hammerhead would be four vehicle bays for delivery, service and maintenance vehicles. The Council's Highway Development Department considers these arrangements satisfactory.

7.44 The scheme proposes no car parking spaces. This would accord with the standards set out within the UDP and London Plan which supports current Government guidance on encouraging trips by other means. The 670 secure bicycle spaces at basement level are considered satisfactory. No objections have been raised to refuse arrangements.

Sustainable Development/ Renewable Energy

7.45 The London Plan and the Local Development Framework – Core Strategy and Development Control Submission Document contain policies to ensure the environmental sustainability of new development. LDF Policy DEV6 requires major development to incorporate renewable energy production to provide at least 10% of the predicted energy requirements on site.

The applicant has submitted an energy statement which outlines the proposed and potential energy efficiency and renewable energy measures within the scheme. No issue is taken with this and any planning permission could be conditioned to secure the implementation satisfactory measures. The development achieves an eco-homes rating of “very good.”

Access and Inclusive Design

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

7.47 Policy HSG9 of the emerging Local Development requires new housing to be built in accordance with Planning Standard 5: Lifetime Homes with at least 10% of all new housing being wheelchair accessible or easily adaptable for residents that are wheelchair users.

7.48 The development would provide 782 student rooms of which 40 (5%) have been designated for disabled use. The development does not comply with planning policy. Notwithstanding this, the applicant has indicated that in-built flexibility has been designed into the structure allowing different sizes and room configurations and arrangements for disabled people could again be conditioned by any planning permission.

Listed Building Issues

7.49 Planning Policy Guidance (PPG) Note 15 states that '*cumulative changes affecting the history of use and ownership are themselves an aspect of the special interest of some buildings*' (paragraph 3.13). It is considered that a number of the C20th additions comprise elements of special interest to the listed building.

7.50 Policy DEV36 of the UDP states:

“Consent will not normally be granted for the demolition or partial demolition of any listed building except where a strong case for demolition exists having regard to:

- *The relative importance of the building both architecturally and historically;*
- *The condition of the building and the estimated costs of its repair; and*
- *The importance of any alternative use for the site.”*

7.53 Further, Policy CON1 of the LDF Submission Document states that “*applications for demolition of listed buildings will be resisted...except in exceptional circumstances*”.

7.54 As mentioned, English Heritage advise that they are unable to support the development as it stands. Officers consider that there is no adequate case for the demolition proposed and the alteration to the Grade 2 listed building would fail to properly preserve its special architectural and historic interest. The issues of particular concern are as follows:

- The demolition of the previous duty paid warehouse and also the Director's office adjacent to the Morrison Building;
- The additional storey, added to the Grade 2 listed building in approximately 1900 is considered successful both internally and externally. The Council is opposed to its removal. The replacement floor proposed for the same level is also opposed.

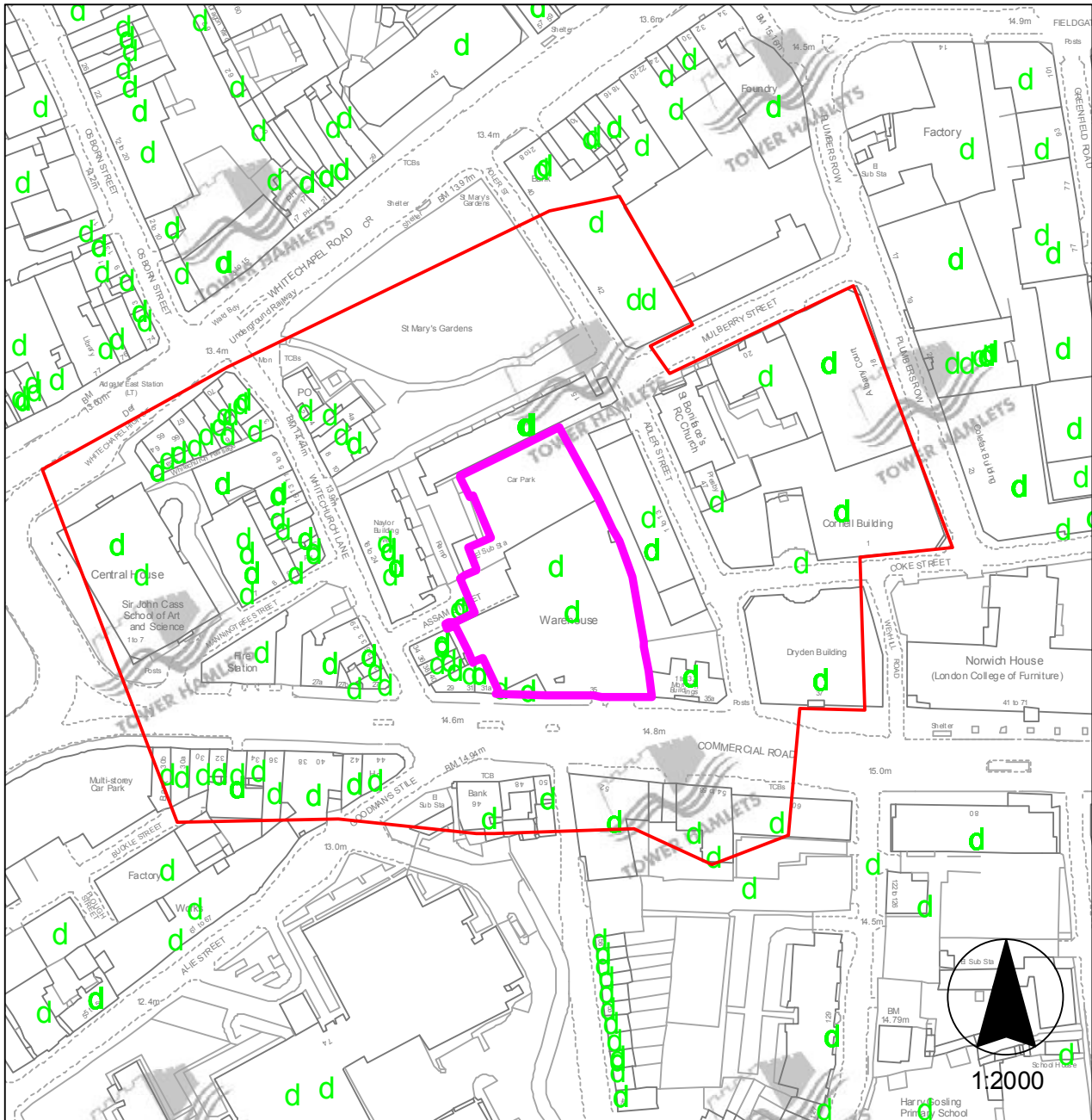
7.56 It is considered that the development would fail to preserve features of special architectural or historic interest which the listed building possesses contrary to Policy DEV36 of the Tower Hamlets Unitary Development Plan 1998, Policy CON1 of the Tower Hamlets Local Development Framework Core Strategy and Development Control Submission Document, and national advice in Planning Policy Guidance Note 15.

8. CONCLUSION

8.1 No objection is seen to the development in land use terms. However, the proposal represents an over-development of the site paying little or no regard to the local context or the setting of the listed building the character, appearance and setting of which would be adversely affected.

8.2 The proposal is considered contrary to the policies of the development plan for the area and the emerging Local Development Framework. It is therefore recommended that both applications are refused on the grounds set out in Section 2 above.

Site Map



Legend

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

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