

<b>Committee:</b> Strategic Development Committee	<b>Date:</b> 21st July 2015	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director Development & Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Gareth Gwynne		<b>Ref No:</b> PA/15/01209	
		<b>Ward(s):</b> Whitechapel	

## 1. APPLICATION DETAILS

**Location:** Former Beagle House (now known As Maersk House), Braham Street, London, E1 8EP

**Existing Use:** Office (B1(a) Use Class)

**Proposal:** Demolition of all existing structures and erection of a mixed use development comprising flexible retail floorspace (2,010sq.m) at ground level (Use Classes A1-A3), with office (Use class B1) floorspace above (33,459 sq.m (GIA) contained within a single building of ground floor plus 17 storeys (and an additional two storeys of enclosed plant at roof level and two basement levels) allowing for a maximum height of 88.15m AOD to parapet, and associated public realm landscaping.

**Drawing Nos:** 1083-10-P-0002 Rev. P00 ,1083-10-P-0020 Rev. P00  
1083-10-P-0021 Rev. P00, 1083-10-P-0050 Rev. P00  
1083-10-P-0500 Rev. P00, 1083-10-P-0501 Rev. P00  
1083-10-P-0998 Rev. P00, 1083-10-P-0999 Rev. P00  
1083-10-P-1000 Rev. P00, 1083-10-P-1001 Rev. P00  
1083-10-P-1002 Rev. P00, 1083-10-P-1010 Rev. P00  
1083-10-P-1012 Rev. P00, 1083-10-P-1013 Rev. P00  
1083-10-P-1015 Rev. P00, 1083-10-P-1016 1 Rev. P01  
1083-10-P-1019 Rev. P01, 1083-10-P-1020 Rev. P01  
1083-10-P-1030 Rev. P00, 1083-10-P-2000 Rev. P01  
1083-10-P-2001 Rev. P01,1083-10-P-2200 Rev. P01  
1083-10-P-2201 Rev. P01,1083-10-P-2202 Rev. P01  
1083-10-P-2203 Rev. P01, 1083-10-P-3300 Rev. P01,  
1083-10-P-3301 Rev. P01, 1083-10-P-3302 Rev. P01,  
1083-10-P-3303 Rev. P01,1083-10-P-5100 Rev. P00,  
1083-10-P-5200 Rev. P00, 1083-10-P-5300 Rev. P00,  
1083-10-P-5400 Rev. P00,1083-10-P-5500 Rev. P00,  
1083-10-P-5600 Rev.P00, 1083-10-P-5700 Rev. P00,  
1083-10-P-5800 Rev. P00, 01083\_SK-271-C.

### Documents

- Design and Access Statement, dated 30<sup>th</sup> April 2015
- Planning Statement, Issue 01
- Air Quality Assessment, dated 29<sup>th</sup> April 2015
- Historic Environment Assessment; Issue 3, dated 24<sup>th</sup> April 2015
- Ground Contamination Geotechnical and Geoenvironmental Desk Study, dated 21<sup>st</sup> April 2015
- Daylight and Sunlight Assessment, dated 28<sup>th</sup> April 2015

- Overshadowing Assessment, dated 27<sup>th</sup> April 2015
- Ecological Report Rev. A, dated 30<sup>th</sup> April 2015
- Energy Statement, dated April 2015
- Sustainability Statement, dated 29<sup>th</sup> April 2015
- Transport Assessment dated 28<sup>th</sup> April 2015
- Travel Plan Framework, dated 28<sup>th</sup> April 2015
- Environmental Wind Assessment dated 29<sup>th</sup> April 2015
- Waste Management Strategy, dated 28<sup>th</sup> April 2015
- Sustainable Drainage Strategy (undated)
- Townscape and Visual Impact Assessment, Issue 2 dated April 2015
- Noise Impact Assessment Report, dated 30<sup>th</sup> April 2015
- 1083 SK-267 Rev. P01 (Massing Comparison)
- Future Provision for District Heating Connection, Technical Note dated 25<sup>th</sup> June 2015
- Note (undated) on SME Space at Beagle House
- Summary of Environmental Wind Testing (Arups) dated 29<sup>th</sup> June 2015

**Applicant:** Aldgate Development Ltd

**Owner:** Aldgate Development Ltd

**Conservation Area:** N/A

**Historic Building:** N/A

## 2 SUMMARY OF MATERIAL CONSIDERATIONS

2.1 The Local Planning Authority has considered the particular circumstances of this application against its adopted planning policies as set out in the Borough's Local Plan, specifically the Core Strategy (CS), Managing Development Document (MDD), it has also assessed the application against strategic development plan policies as set out in the consolidated London Plan (March 2015) and National Planning Policy Framework (NPPF) plus supplementary planning guidance including the Mayor of London's consultation draft *City Fringe Opportunity Area Planning Framework* (December 2014) and the Borough's interim strategic framework guidance *Aldgate Masterplan* (2007) and found that:-

- a) In land-use terms the scheme is entirely consistent with policy and strategic framework guidance documents for Aldgate and the City Fringe as a proposed predominately office-led mixed-use redevelopment on a site with an existing significant quantum of active employment space in an area designated as a Preferred Office Location within the Borough. The commercial ground floor uses are complementary to the office space set above in the context of the Central Activity Zone (CAZ).
- b) In employment terms the substantial increase in office floorspace and provision of ground floor retail commercial uses is predicted to net increase potential job opportunities by approximately 16,600. With planning obligations in place to secure skill set training and employment opportunities for local people the proposal accords with development plan.
- c) The aim to make the building's design attractive to the Technology, Media and Telecoms (TMT) sector is consistent with the strategic objectives for the City Fringe to serve as a vehicle for growth and employment within the CAZ.

The implementation of the scheme will complement and expand out the geographic extent of 'Tech City' digital businesses from its City Fringe origins in an Old Street/Shoreditch technology hub to help solidify a positive hub at Aldgate, also located in the City Fringe Opportunity Area.

- d) In terms of public realm improvements the scheme complements pre-existing public open space improvements achieved on Braham Street (in relation to an open space created on a former arterial highway) by supplementing and extending out these benefits to include an improved public realm/pedestrian environment in Half Moon Passage and Camperdown Street.
- e) In terms of local views, scale, massing, overall appearance and layout, the proposal is considered to be broadly acceptable. The scheme's design offers the opportunity of an architectural treatment to the elevations to be of a potentially high quality finish that will contribute to the architectural form and character of the Aldgate area, in a manner that is distinctive yet complimentary to the area's townscape. The ground floor layout provides tangible opportunities to enliven the Braham Street Open Space and Half Moon Passage by providing active frontages as well as more attractive and wheelchair accessible pedestrian routes through Half Moon Passage to Camperdown Street.
- f) The site falls within the backdrop to the Protected Vista obtained from location 25A looking towards the White Tower of the Tower of London World Heritage Site. In term of strategic views, the proposal is considered by officers to have significant effects to views 25A.2 and 25A.3 of the Tower of London as set out in the London View Management Framework. However with the benefit of a reduction in the storey height since submission and following the removal of letters of objection (pertaining originally to these LVMF views) from Historic Royal Palaces and Historic England it is not considered officers can sustain a reason of refusal on the impacts of the scheme to these strategic views and the associated effect on the *Outstanding Universal Values* of Tower of Hamlets World Heritage Site (WHS). Accordingly, on balance the strategic views are considered acceptable.
- g) In terms of the impact to the character and appearance of surrounding listed buildings and conservation areas, on balance no significant impacts are posed.
- (h) For the reasons set out above ((d) to (g) inclusive) the proposal is considered to broadly satisfy the criteria for consideration of tall buildings set out in the Borough's Local Plan and London Plan, which seek tall buildings to be appropriate to their context, high quality and minimise environmental impacts.
- (i) The scheme has been considered in terms of amenity impacts to existing neighbours and residential occupants of neighbouring consented schemes and found to have no undue significant adverse impacts.
- j) In respect of transportation, with the mitigation measures secured by legal agreement, no outstanding highway and transportation impacts are raised by the scheme. Sustainable forms of transport are facilitated by this scheme including an improved pedestrian environment on Half Moon Passage and

Camperdown Street and adequate facilities for cyclists for occupants of the development will be provided.

- k) In terms of energy use, carbon reduction, enhancements to biodiversity the scheme is considered to provide a sustainable form of development.

### **3 RECOMMENDATION**

3.1 That the Committee resolve to grant planning permission subject to:

- A. Any direction by The London Mayor
- B. The prior completion of a legal agreement to secure the following planning obligations:

Financial Obligations:

- a) A contribution of £678,979 towards end user employment, skills, training
- b) A contribution of £157,684 towards construction phase skills and training
- c) A contribution of £448,200 towards Carbon Offsetting
- d) A contribution towards monitoring, in accordance with emerging Planning Obligations SPD.

Total Contribution financial contributions £1,284,863, plus monitoring contribution.

Non-financial contributions

- e) Public realm/shared surface treatment improvements on Camperdown Street and Half Moon Passage
- f) Provision of 1,210sq.m of flexible lease affordable rent workspace for the life of development
- g) At least 14 apprenticeships to be delivered during the construction phase of the development
- h) At least 7 apprenticeships during end-user phase to be delivered over the first 3 years of occupation
- i) Developer to exercise best endeavours to ensure 20% of the construction phase workforce will be residents of the Borough
- j) 20% of goods/service during construction are procured from businesses in Tower Hamlets
- k) Permanent public access/walking route across Half Moon Passage from Camperdown Street and Braham Street
- l) License with Transport for London for oversailing highway

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

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

### 3.2 **Conditions**

#### **Prior to Demolition**

- Construction, Logistics & Environment Management Plan
- Ground contamination
- Noise Mitigation Measures
- Archaeology

#### **Prior to Construction**

- Sustainable urban drainage system and water use efficiency
- Piling Impact Statement & Methodology

#### **Prior to Construction above ground level**

- Details of Materials and treatment of elevations
- Use of Cranes
- Impact of the development upon existing water supply capacity & infrastructure
- Scheme of highway works
- Details of wind mitigation measures

#### **Prior to first occupation of building**

- Landscaping incorporating details of biodiversity enhancements
- Delivery and Service Management Plan
- Secure by Design accreditation

#### **Compliance Conditions**

- Time limit for consent
- Accordance with the approved plans
- Life of development retention and maintenance of disabled car parking space
- Life of development retentions of bicycle spaces and maintenance of associated changing room & shower facilities
- Service bay door/gate/equivalent
- Transparent glazing at ground floor
- Energy measures implemented in accordance with the energy strategy
- Building achieving BREEAM excellence standards
- Capacity to energy system connect to district heat network
- For life of development roof top terraces to be readily accessible and available during daylight hours for use by users of the development
- A minimum of 60% of the glazing surface area to each of the individual ground floor retail frontages to be maintained wholly transparent and free of window transfers or other blanket obstructions
- No plant or other infrastructure above the maximum AOD height
- Retractable cleaning gantry
- **Any additional conditions as directed by the Corporate Director Development and Renewal**

### 3.3 **Informatives**

- 1) Subject to s278 agreement
- 2) Subject to s106 agreement
- 3) CIL liable

- 4) Thames Water
- 5) License for cleaning gantry

#### 4. PROPOSAL, LOCATION DETAILS AND DESIGNATIONS



**Figure1: CGI Image of scheme from Mansell Street (to west) with Braham Street Open Space in foreground**

##### 4.1 Proposal

- 4.2 The proposal would involve the comprehensive redevelopment of the application site, involving the demolition of the existing 10 storey 1960's office block and the construction of an office led mixed use block.
- 4.3 The new building would contain ground floor lobby/reception spaces plus flexible use commercial spaces (A1-A3 Use Class) and 17 storeys of office space above, plus an additional 2 storeys of enclosed plant rising to a maximum height of 88.15 AOD. The new building would also contain a double storey basement containing plant rooms, cycle storage, shower and changing room facilities.
- 4.4 The application site (red line) embraces the whole of Camperdown Street and Half Moon Passage and this provides an opportunity to deliver via legal agreement public realm landscaping improvements to these two streets. The improvements would involve soft landscaping and shared surface treatment, new pavement and carriageway, plus the removal of the stepped access link separating Braham

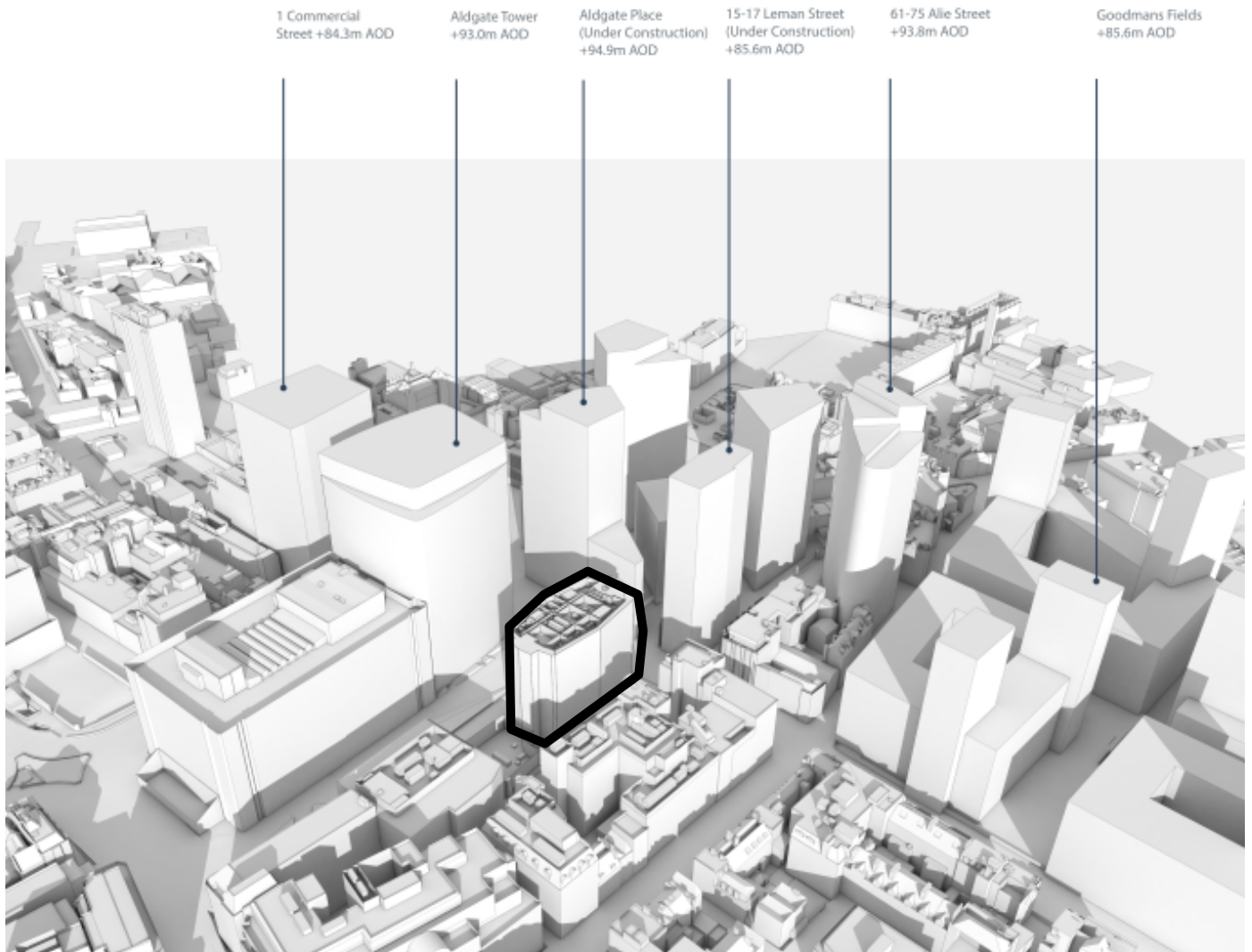
Street and Half Moon Passage to a graded footpath that would be consistent with ease of use by wheelchair users.

- 4.5 The single tower block in the treatment of the elevations will be articulated as four conjoined blocks with the scheme rising to ground plus 12 storeys on its south west edges (63.60m AOD), ground plus 14 storeys on its north west edges (70.90m AOD), ground plus 18 storeys on north east edges and ground plus 19 storeys (inclusive of 2 storeys of upper storey plant) on its south east edges (88.15m AOD).
- 4.6 Internally within the block are proposed a series of 'soft spot zones' that are capable of having the internal floors removed to create an atrium space at a later future date. In addition from the outset of development a small 3 storey atrium will be built within the top 3 storeys at the north east corner of the building.
- 4.7 The ground floor will contain two service delivery loading bays and a built-in disabled car parking bay. These vehicle bays will all be entered/exited from Camperdown Street. On ground floor the scheme has a series of reception and commercial spaces fronting the whole lengths of Half Moon Passage and Braham Street with the building core (lifts and stairwells) set towards the Camperdown Street frontage.
- 4.9 **Site and Surroundings**
- 4.10 The application site is located in Aldgate and excluding the public highway covers an area of approximately 0.26 hectare. The site is bound by Braham Street (to the north), Leman Street (to the east), Camperdown Street (to the south) and Half Moon Passage (to the west). The existing Beagle House is a 10 storey office block of 11,167sqm of B1(a) office space. It is let to the shipping company Maresk (hence the name change to Maresk House). There are 781 existing employees on site. Maresk Ltd have sub-let 3 floors to BskyB and 1 floor to Huddle (a 'cloud' based file sharing company).
- 4.11 The existing office block is designed by the late architect Richard Seifert, a well-regarded architect of commercial office buildings in the modernist architectural tradition (architect of Centrepont on Tottenham Court Road and Natwest Tower in the City). A number of Seifert's office buildings have been statutory listed but there is no suggestion that Beagle House merits such status.
- 4.12 The application site lies with the London Plan's Central Activities Zone (CAZ) as well as the City Fringe Opportunity Area.
- 4.13 The site falls within the designated Aldgate Preferred Office Location in the Borough's adopted Local Plan.
- 4.14 The site is in an area of archaeological importance or potential importance.
- 4.15 The proposed development plot is over-sailed by the background assessment area to strategic view 25A.1, 25A.2 and 25A.3 (at approximately 70 metres above ordnance datum), and falls within the wider setting of the Tower of London World Heritage Site.
- 4.16 The building on site is not listed nor located within a conservation area. However, there are conservation areas and listed buildings in close proximity. The nearest conservation area (CA) is Whitechapel High Street CA set less than 40 metres to

the north and east of the site, set further away to the north west is Wentworth Street CA and to the north east is Fournier Street CA. The nearest listed buildings to the site are to the south at 17-19a Alie Street and White Swan Public House PH, to the east the Dispensary and immediately to the east of that building are St George's Lutheran Church, the German & English Schools and Vestry. St Georges Lutheran Church is Grade II\*.

- 4.17 Braham Street remains in its entirety adopted highway but no longer is trafficked and contains the Braham Open Space - a landscaped public space that emerged from Mayor Livingstone's 100 Open Spaces GLA project.
- 4.18 To the immediate north of the site on the opposite side of Braham Open Space is the recently completed office block known as Aldgate Tower (93m AOD) and immediately to the west of that building the 9 storey RBS building (also known as Sedgewick Centre). Standing immediately opposite the site on the east side of Lemn Street is the currently being built out Aldgate Place development (a mixed use residential led development with a significant quantum of retail/commercial space at ground floor (rising to a maximum 92.90m AOD) and 15-17 Lemn Street (88.60m AOD). Aldgate Place will act as a publicly accessible focal point at the heart of Aldgate at street level. Immediately to the south and west of the building are a set of post 1960's built office buildings (of between 7 to 9 storeys). These office buildings are undistinguished architecturally and of an era and building typology that they are liable to come forward for redevelopment in future years.





**Figure 2: Development site (with existing Beagle House shown) in its emerging tall cluster context. All towers shown are built out or under construction**

4.19 The surrounding area is very diverse in its architectural style and building scale. It covers a diverse spectrum, from small-scale commercial/residential uses in terraces of several storeys to the south along Alie Street and Buckle Street to modern commercial office towers with substantial floorplates. The character and townscape of Aldgate is changing fast with an increasing trend towards large massing including to the south and east of the site with residential led mixed use development schemes arriving in tandem with substantive improvements to the public realm.

4.20 The public realm improvements are many, but the most significant derives from a more “humane□/rationalised arrangement of the arterial road network flowing through the area. This has led to the closure of Braham Street (formerly part of the Aldgate gyratory system) to create Braham Street public open space; and the current wide ranging public realm/highway improvements occurring with the dismantling of the Aldgate High Street gyratory in its entirety; and the return of two way traffic to Aldgate High St, Botolph Street, Middlesex Street and Minories. These works will create a major green open public to the west of St Botolph Church and help provide much improved pedestrian links from City of London to Aldgate and beyond to the Whitechapel area.

- 4.21 The site is very well served by public transport, and registers an accessibility level of six, on a scale of one to six. Three London Underground Stations and a Docklands Light Railway Station are located within a reasonable walking distance, and the site is also well served by buses, with the nearest stops located approximately 200 metres away on Whitechapel High Street. Cycle Superhighway route 2 (Bow to Aldgate) runs along Whitechapel High Street, whilst Cycle Superhighway route 3 (Barking to Tower Gateway) is also relatively nearby, running along Royal Mint Street.

## **5 RELEVANT PLANNING HISTORY**

- 5.1 A variety of applications including those for minor works have been submitted over the course of time. The more recent and noteworthy applications are referred to below:

### **On Site**

- 5.2 **PA/14/00255** Planning permission refused on 9<sup>th</sup> December 2014 for demolition of existing building (Beagle House) and construction of a 25 storey mixed-use development comprising 915sq.m of retail space (Class A1 - A5) at ground floor and 1,110sq.m of office space (Class B1(a)) for occupation by small and medium enterprises (SMEs) at 1st upper floor level with residential accommodation above (on 3<sup>rd</sup> to 25<sup>th</sup> storey) rising to a height of 91.80m AOD to provide 308 flats (Class C3), two basement levels with associated car parking, landscaping, plant accommodation, access arrangements and any other works incidental to the development.
- 5.3 There were 3 reasons of refusal firstly in respect to the proposed development failing to ensure successful and sustainable local and sub-regional economies, by reason of the net loss of existing office floorspace within a designated Preferred Office Location and the scheme failing to safeguard the strategic function of the Central Activities Zone, which seeks to support the financial and business services, by displacing an existing business with no suitable replacement accommodation within the borough, resulting in the loss of jobs. Secondly on ground the proposal represents an overdevelopment of the site that provide poor quality residential accommodation which exhibits clear and demonstrable signs of overdevelopment and fails to mitigate its own impacts which include. Thirdly it was refused on grounds of a failure to secure agreed and policy compliant Affordable Housing and financial and non-financial contributions in the absence of an agreed legal agreement.
- 5.4 **PA/13/00305** On 20 January 2014 this application was finally disposed of under Article 36(13) of the then Town and Country Planning (Development Management Procedure) Order 2010. The application had been for demolition of Beagle House and construction of a 24 storey mixed-use development comprising 1,940sqm of retail/commercial space (Class A1 - A5 use) at

ground floor and 1st floor level with residential accommodation to provide 291 flats (Class C3 use) with associated car and cycle parking, landscaping, plant accommodation, access arrangements

- 5.5 **PA/09/01122** On 28 Sep 2010, planning permission was granted for demolition of the existing building and the erection of an 18 storey tower with 2 ground floor retail units (Class A1-A4) and 17 floors of office space above (Class B1) and two basement levels, rising to 83.65m (AOD).

### **Surrounding Sites**

- 5.6 The following planning decisions on surrounding sites are noted as most salient to this application

#### **Aldgate Place**

- 5.7 PA/13/00218 Planning permission was granted on 10<sup>th</sup> October 2013 for a mixed use scheme comprising three towers of 22, 25 and 26 storeys and a series of lower buildings ranging from 6 to 9 storeys. The scheme includes 463 residential units, office space (2,687sqm), hotel (7,980sqm), retail and leisure (1,334sqm) uses along with new areas of open space

#### **Aldgate Tower and former Marsh Centre at 27, 28 & 29 Whitechapel High Street and 2-4 Colchester Street**

- 5.8 PA/04/01190 On 3<sup>rd</sup> December 2004 planning permission was granted for the refurbishment and extension of the existing Marsh Centre Building and demolition of other remaining buildings and the redevelopment of the site to provide a 16 storey office block rising to 93m (AOD).

#### **Altitude Towers, at 61-75 Alie Street, 17-19 Plough Street and 20 Buckle Street**

- 5.9 PA/07/01201 On 14 March 2008 planning permission was granted for demolition of existing buildings and erection of two buildings of 7 and 28 storeys in height to provide 235 residential units, A1/A3 on ground floor and 1351sq,m of B1 office space (set over 6 floors).

#### **15-17 Leman Street**

- 5.10 PA/11/03693 Planning permission was granted on 14<sup>th</sup> June 2012 for erection of a 23 storey (86.20m AOD) 251 bedroom hotel with ancillary A3/A4 uses
- 5.11 PA/09/02430 Planning permission was refused on 11<sup>th</sup> February 2010 for erection of a 23 storey with ancillary A3/A4 uses. Allocation was subject to an appeal, the Planning Inspectorate dismissed the appeal on 17<sup>th</sup> December 2010

#### **Goodman's Fields**

- 5.12 PA/09/00965 On 17<sup>th</sup> February 2011 planning permission was granted for a mixed use residential led scheme involving erection of four courtyard buildings of 5-10 storeys, 6 buildings of 19-23 storeys and erection of a 4 storey terrace along Gower's Walk containing 772 residential flats, student accommodation, a hotel, a primary care health centre, retail space, commercial uses (Class A1-A4) and creation of public open spaces

### **1 Commercial Street /111-120 Whitechapel Road**

- 5.13 PA/05/00229 On 29<sup>th</sup> August 2006 planning permission was granted on Appeal for a 23 storey (84.30m AOD) mixed use consented scheme including provision of 8,430m<sup>2</sup> of offices (Class B1) on the 2nd to 6th floors; and 217 residential units on the 7th to 22nd floors

## **6.0 POLICY FRAMEWORK**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of planning applications must be made in accordance with the plan unless material considerations indicate otherwise.

- 6.2 For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. For a complex application such as this one, the list below is not an exhaustive list of policies; it contains some of the most relevant policies to the application:

### **6.3 LBTH's Core Strategy (CS) adopted 2010**

- Policies:
- SP01 Refocusing on our town centres
  - SP02 Urban living for everyone
  - SP03 Creating healthy and liveable neighbourhoods
  - SP05 Dealing with waste
  - SP06 Delivering successful employment hubs
  - SP07 Improving education and skills
  - SP08 Making connected places
  - SP09 Creating attractive and safe streets and spaces
  - SP10 Creating distinct and durable places
  - SP11 Working towards a zero-carbon borough
  - SP12 Delivering Placemaking
  - SP13 Planning Obligations

### **6.4 LBTH's Managing Development Document (MDD) adopted 2013**

- Policies:
- DM0 Delivering Sustainable Development
  - DM1 Development within the Town Centre Hierarchy
  - DM9 Improving Air Quality
  - DM10 Delivering Open space
  - DM11 Living Buildings and Biodiversity
  - DM13 Sustainable Drainage
  - DM14 Managing Waste
  - DM15 Local Job Creation and Investment

- DM16 Office Locations
- DM20 Supporting a Sustainable Transport Network
- DM21 Sustainable Transport of Freight
- DM22 Parking
- DM23 Streets and Public Realm
- DM24 Place Sensitive Design
- DM25 Amenity
- DM26 Building Heights
- DM27 Heritage and Historic Environment
- DM28 World Heritage Sites
- DM29 Zero-Carbon & Climate Change
- DM30 Contaminated Land

6.5 Supplementary Planning Guidance/Documents

Revised draft *Planning Obligations Supplementary Planning Document*  
 Version for public consultation April 2015.  
 Aldgate Masterplan Interim Guidance (2007)  
 Aldgate Connections (2015)  
 Aldgate Commercial Land & Property Study, (prepared by BBP, 2007)

6.6 **Consolidated London Plan, including Further Alterations to the London Plan (March 2015)**

- 1.1 Delivering Strategic vision and objectives London
- 2.1 London in its global, European and UK Context
- 2.5 Sub-regions
- 2.9 Inner London
- 2.10 Central Activity Zone – strategic priorities
- 2.11 Central Activity Zone – strategic functions
- 2.12 Central Activities Zone – predominantly local activities
- 2.13 Opportunity Areas and Intensification Areas
- 2.14 Areas for Regeneration
- 2.18 Green Infrastructure
- 3.1 Ensuring Equal Life Chances for All
- 4.1 Developing London’s Economy
- 4.2 Offices
- 4.7 Retail and Town Centre Development
- 4.3 Mixed-use Developments and Offices
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.8 Innovative Energy Technologies
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.21 Contaminated Land

- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.5 Funding Crossrail
- 6.9 Cycling
- 6.10 Walking
- 6.11 Congestion and traffic flow
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings
- 7.8 Heritage Assets and archaeology
- 7.9 Access to Nature and Biodiversity
- 7.10 World Heritage Sites
- 7.11 London View Management Framework (LVMF)
- 7.12 Implementing the LVMF
- 7.13 Safety, Security and Resilience to Emergency
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.19 Biodiversity and Access to Nature
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

6.7 **London Plan Supplementary Planning Guidance/Opportunity Frameworks/ Best Practice Guidance documents**

- London View Management Framework SPG (2012)
- Sustainable Design & Construction SPG (April 2014)
- Accessible London: Achieving an Inclusive Environment SPG (October 2014)
- Control of Dust and Emissions During Construction and Demolition (July 2014) Best Practice Guide
- Shaping Neighbourhoods: Character and Context SPG (June 2014)
- London World Heritage Sites SPG – Guidance on Settings (March 2012)
- Sustainable Design and Construction SPG (April 2014)(
  - City Fringe/Tech City Opportunity Area Planning Framework (Consultation draft. December 2014)
- Mayor's Climate Change Adaptation Strategy
- Mayor's Climate Change Mitigation and Energy Strategy
- Mayor's Water Strategy;

6.8 **Government Planning Policy Guidance/Statements**

- The National Planning Policy Framework 2012 (NPPF)
- The National Planning Policy Guidance (NPPG)

6.9 **Other documents**

- Tower of London World Heritage Site Management Plan (2007)

- Tower Hamlets Local Biodiversity Action Plan (2009)
- English Heritage & CABE Guidance on Tall Buildings (2007)
- English Heritage & Design Council draft Tall Buildings guidance (2014)
- ICOMOS 'Guidance On Impacts on World Heritage Properties' (2011)

## 7.0 CONSULTATION RESPONSES

7.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

7.2 The following were consulted and made comments regarding the application, summarised below:

### **Internal LBTH Consultees**

#### **Sustainability Officer**

7.3 The scheme is designed to achieve a BREEAM Excellent rating with a score of 72.50%. The proposal is anticipated to deliver a 15.8% reduction in CO2 emissions which is significantly below the policy requirement set out in the Local Plan of 45%. To address this shortfall to meet Policy DM29 requirements a £448,200 offset payment is required to meet current policy requirements. Subject to securing the carbon offset payment via legal agreement and the stated BREEAM Excellent rating by condition no objection is raised.  
*(Officer Comment: Noted and planning obligations and conditions will reflect these comments)*

#### **Biodiversity Officer**

7.4 No objection subject to a condition that landscaping will maximise benefit biodiversity to contribute to achieving the objectives of the Borough's Local Biodiversity Action Plan LBAP. The greater biodiversity enhancements to the scheme shall include a:

- greater expanse of bio-diverse green roofs;
- inclusion of nest boxes for swifts;
- possible inclusion of artificial nest boxes for house martin nests into the building;
- nest boxes for black redstarts associated with the green roof.

*(Officer Comment: Noted and the sought planning condition will be imposed)*

#### **Urban Design Officer**

7.5 There is an existing consent for an office building. The proposal follows the consented schemes approach of stepping down in scale from Lemman Street to Moonlight Passage as a series of terraces that fronts Brahms Park.

#### **Height:**

7.6 The site is located at the heart of Aldgate and is a location suitable for tall buildings. The existing consent is for 17 storeys. The recently consented Aldgate Place Scheme is for 21 storeys. The proposed 19 storeys block is located close to Lemman Street and steps down to create a more stepped terrace approach along Brahms Park. In the context of consents and built projects in the area, the proposal for a tall building at the Lemman Street side of the site is in keeping with the transforming nature of Aldgate Area, subject to its height being sensitive and responsive to the setting of the Tower of London and strategic and local view corridors.

### Layout

- 7.7 The site is rectangular with clear street frontages. The proposal is organised to take advantage of the high level of pedestrian footfall to the north along Brahm's Park by locating retail and commercial frontage. This will further activate the park frontage and provide a continuous link to the consented Aldgate Place streets and squares. The retail units wrapping around the corner of Camperdown Street and Moonlight Passage further strengthens the two edges of the block activating streets and the passage.

### Architecture

- 7.8 The building though is one continuous block in plan, but is broken down in volume as a series of four buildings similar in their component parts yet are slightly varied to create difference. The simplicity of the language is welcomed. The massing of the proposal is modelled to provide varying levels and ranges from 13, 15, 17 and 19 storeys adding visual interest and relief to the linear block. This approach to break down the massing enables a better transition to the neighbouring buildings to the south and to the west. Furthermore, this approach aids in the visual perception of the building within its setting from the conservation area and also in the local views.

- 7.9 In summary:

The scheme demonstrates a considered approach to local and emerging context of the area.

*(Officer Comment: Noted)*

### **Conservation Officer**

- 7.10 Officers have considered the impact on local heritage assets. With respect to the closest statutory listed buildings the proposed development will be screened from the principle frontages of these Grade II listed buildings. For other designated heritage assets in the area the building will be viewed in the framework of other tall buildings (including buildings under construction) and on balance cumulatively it is considered that the impact is acceptable.

- 7.11 The proposal has some impacts on the setting of the Tower of London. It is regrettable that this scheme is 4.5m taller than the previously consented despite officers' best efforts to seek further reductions.

*(Officer Comment: Noted. The impact of the height on the setting of the Tower of London is considered in more detail in section 12 of this report)*

### **Employment & Enterprise Team**

- 7.12 No objection. S106 subject to secure end user phase financial contributions toward training and a set of non-monetary obligations set out below:-

- to ensure the developer to exercise best endeavours to ensure 20% of the construction phase workforce will be residents of the Borough
- 20% of goods/service during construction are procured from businesses in Tower Hamlets
- A minimum 14 apprenticeships are delivered during the construction phase of the development
- A minimum of 7 end-use phase apprenticeships to be delivered over the first 3 years of the development being occupied

*(Officer Comment: Noted, the sought planning obligations (set out in section 15 of this report) will be imposed)*



## **Environmental Health:**

### EH noise section

- 7.13 No adverse comments. Impose a condition regarding control of plant and machinery noise and informative regarding compliance with Council's Code of Construction Practice.

*(Officer Comment: Noted and the sought planning condition and informative will be imposed)*

### EH air quality section

- 7.14 No objection. The air quality assessment submitted with the application is accepted.

*(Officer Comment: Noted)*

### EH - land contamination section

- 7.15 No objection subject to a planning condition providing details of a scheme to identify the potential extent of contamination and the measures to be taken to avoid risk to the public, buildings and environment when the site is developed and an associated remediation strategy

*(Officer Comment: Noted and the sought planning condition will be imposed)*

## **Highways & Transportation**

- 7.16 Car Parking

The proposals seek to introduce a car free scheme with the exception of one on site dedicated accessible bay. The existing development has 26 parking spaces so the reduction in car parking is welcomed given the site PTAL.

The accessible space will require a reversing movement in Camperdown Street. Whilst not ideal is considered acceptable as Camperdown Street is a no through road and is comparatively lightly trafficked.

### Cycle Parking

The cycle parking provision and the method of access via a ramp is considered acceptable (particularly as the applicant has indicated that cyclists may also use the goods lift to access the spaces).

### Servicing

The two dedicated servicing bays within the boundary of the development is considered adequate to enable off street servicing as is the reverse movements to exit it given the street is lightly trafficked.

### Walking

The improvements to the LBTH public highway. The changes to the public realm and design of the building will result in the reconfiguration of the existing on street parking arrangements. However, this is considered necessary to enable the development to take place.

### Concluding remarks

No objection subject to planning conditions imposed regarding:-

- retaining accessible parking,
- maintaining cycle parking and ancillary facilities for life of the development,
- securing a full travel plan,
- A Servicing & Deliveries Management Plan,
- A Construction Management Plan
- Retractable gantry to avoid oversailing of highway.
- And a legal agreement for licenses to oversail Leman Street and Braham Open Space

*(Officer Comment: Noted and the sought planning conditions and planning obligations will be imposed)*

**Waste & Recycling Team:**

- 7.17 No objection. Following a review of the submission documentation no concerns are held in respect of the waste strategy proposed.  
*(Officer Comment: Noted)*

**Surface Water Drainage Officer**

- 7.18 No objection subject as the scheme incorporates SUDS and grey water recycling measures to reduce surface water discharge to 50% of existing rates in accordance with relevant policy and guidance and recycle water the proposed development complies with the NPPF, Policies 5.12 and 5.13 of the London Plan and Policies SP04 and DM13 of the Local Plan.  
*(Officer Comment: Noted and the sought planning conditions will be imposed)*

**External Consultees**

**Historic England (formerly English Heritage)**

- 7.19 *"The Tower of London Local Setting Study (August 2010) sets out the significance of this view from The Queens Walk. It states that "Views from this location exemplify many of the cultural qualities that give the Tower its Outstanding Universal Value, including its landmark siting on the River Thames, its role as a symbol of Norman power (represented in this view by the dominance of the White Tower), as an outstanding survival of Norman keep architecture in England and as the model example of a medieval fortress palace".*
- 7.20 *The management guidelines on p105 of the document go on to advise that "buildings behind or close to the White Tower should not detract from its silhouette or diminish its perceived scale from this vantage point." This is consistent with the guidance contained within the London View Management Framework (LVMF) Supplementary Planning Guidance (Assessment Point 25A.2, Mayor of London, March 2012).*
- 7.21 *It states on p419-422 that "elements that become visible in the backdrop of World of Heritage (site) could undermine the ability of the viewer to appreciate the World Heritage Site and its historical significance to the development of London and the nation as a whole. Any development above the Wider Setting Consultation Area in the background of the Protected Vista should preserve or enhance the viewer's ability to recognise the landmark and appreciate its Outstanding Universal Value*
- 7.22 *The identified wireframe views in the Visual Impact Study show that the development would be visible above the treeline and immediately to the west of the White Tower."*

**Comments received from Historic England following receipt of amended drawings:**

- 7.23 *"We welcome the positive change to the scheme which now proposes a reduction in height of the tower by one storey. I have shared the revised wireframe visualisations of the relevant LVMF views to colleagues, and we are in agreement that the scale of the proposed development is now acceptable on the*

*understanding the proposed height is the absolute maximum, and no additional plant or other infrastructure would be added above the wireframe outline.”*  
*(Officer Comment: The LVMF views are discussed within Section 12 of the report)*

### **Historic Royal Palaces**

#### **Comments received from Historic Royal Palaces following receipt of amended drawings:**

- 7.24 *“The current proposal has been reduced by one storey in height and HRP agree that this goes a long way to mitigating the adverse impact the previous scheme had on LVMF views 25A.2 and 25A.3. We endorse Historic England’s recommendation that the height now proposed is the absolute maximum and that nothing, such as plant or infrastructure, should be allowed to project above the wireframe outline.”*  
*(Officer Comment: The LVMF views are discussed within Section 12 of this report)*

### **Greater London Archaeology Advisory Service (GLAAS)**

- 7.25 Awaiting receipt of their comments.  
*(Officer Note: Any comments received from GLAAS will be reported to the Strategic Development Committee, in the Addendum report)*

### **Metropolitan Police Designing Out Crime Officer**

- 7.26 No objection, subject to a condition for the scheme to achieve Secure by Design accreditation  
*(Officer Comment: Noted and the sought planning conditions will be imposed)*

### **Greater London Authority (including Transport for London’s comments)**

#### Strategic overview:

- 7.27 *“The proposed comprehensive office renewal at this CAZ site is strongly supported in strategic planning terms. However, issues with respect to office employment, sustainable development and transport need to be addressed to ensure accordance with the London Plan.”*

#### Principle of development:

- 7.28 *“London Plan Policy 4.2 sets out the strategic need for new office space within the CAZ, and supports the renewal of existing stock and increases in floorspace - in order to meet the needs of a growing and changing economy. The consultation draft City Fringe OAPF recognises the particular commercial characteristics of Aldgate - noting its close functional relationship with the financial and business services district of the City, but also the potential of the area to respond to emerging demand from smaller technology firms (particularly those related to financial services)”.*

- 7.29 *“In accordance with the above context, and noting also the Local Plan designation of the site as a Preferred Office Location, GLA officers strongly support the proposed office renewal scheme in strategic planning terms.”*

#### Office employment:

- 7.30 *“The proposed comprehensive renewal of this CAZ office site is strongly supported in strategic planning terms. GLA officers nevertheless seek the provision of an affordable workspace package for the proposed SME space in accordance with London Plan policies 4.1, 4.2, 4.3 and the draft City Fringe OAPF”.*

Urban design:

- 7.31 *"GLA officers are satisfied that a building of this scale is acceptable in strategic planning terms, and the proposed design response is supported in accordance with London Plan policies 7.3, 7.6 and 7.7."*

Strategic views:

- 7.32 *"The proposal would preserve the viewer's ability to recognise and appreciate views of the Tower of London in accordance with London Plan Policy 7.12."*
- 7.33 *"The applicant has submitted a visual impact assessment. This includes a selection of verifiable visualisations which present the proposal (and other consented schemes) as a wire outline on the horizon."*
- 7.34 *"Based on these visualisations it is evident that the proposal would be visible, to a limited degree, in views 25A.2 and 25A.3, however, the proposal would not be visible from assessment point 25A.1 (as it would fall entirely behind the White Tower)."*
- 7.35 *"The visual analysis demonstrates that only a sliver of the roof the scheme would be perceptible above Lloyds Chamber Building (to the left of the White Tower in view 25A.2) and amongst the trees (to the right of the White Tower in view 25A.3). The cumulative views also demonstrate that the proposal would fall amongst a context of adjacent consented schemes of a similar scale. Accordingly, GLA officers conclude that the proposal would not dominate the World Heritage Site or harm the protected silhouette of the White Tower, and that the proposal would preserve the viewer's ability to recognise and appreciate the strategic landmark."*

Historic environment:

- 7.36 *"A visual impact study was submitted with the proposal that deals with the visual impact of the proposal in key LVMF views. The assessment finds that the principal effect on the World Heritage Site would be a visual change to its setting. The assessment nevertheless concludes that the impact of this on views of, in and across the World Heritage Site would be negligible. GLA officers concur with this conclusion, and are satisfied that the ability to appreciate the Outstanding Universal Value of the Tower of London World Heritage Site would be preserved"*
- 7.37 *"The proposal would not harm neighbouring heritage assets. The application therefore accords with London Plan policies 7.8 and 7.10"*

Inclusive design:

- 7.38 *"The proposed approach to access and inclusion is broadly supported in accordance with London Plan policies 4.12 and 7.2."*

Sustainable development:

- 7.39 *"Whilst the energy strategy is generally supported, in line with London Plan Policy 5.6 GLA officers seek the provision of an on-site network to allow for potential connection to a district energy network in future. The applicant is also advised to liaise with Tower Hamlets Council with a view to addressing the shortfall in carbon dioxide reductions off-site, pursuant to part E of Policy The Council is encouraged to secure detailed approval of the climate change adaptation measures by way of planning condition in line with London Plan policies 5.10, 5.11 and 5.13."*

#### Public Realm

- 7.40 *Various improvements are required to the public realm surrounding the site (including Braham Street Park, Camperdown Street and Half Moon Passage) in order to ensure that pedestrians, cyclists and disabled people can access the development safely and inclusively.*
- 7.41 *The proposed creation of shared space at Camperdown Street and Half Moon Passage is strongly supported, and will significantly enhance the quality of public realm and promote permeability for cyclists and pedestrians.*
- 7.42 *There is also scope to make significant improvements to the quality of Braham Park for the benefit of this scheme and Aldgate generally. In this regard TfL expects a contribution towards upgrading the landscaping of Braham Park as mitigation of the increased use of this space expected to arise as a result of the proposal. Such a contribution may be secured by way of section 106 agreement (if not already addressed under the Tower Hamlets CIL). TfL would welcome further discussion on this, and proposes that details of the upgrade should be agreed prior to occupation of the office accommodation.*

#### Transport:

- 7.43 *“Whilst the proposal is broadly acceptable in strategic transport terms, further clarifications and commitments are sought with respect to public transport; public realm; walking; cycling; construction management; and, Crossrail to ensure accordance with London Plan policies 6.3, 6.5 6.9, 6.10 and 6.14”.*
- 7.44 *TfL requests that the applicant safeguards the necessary land as well as a makes a £200,000 contribution toward a 36 bay TfL operated bicycle docking station*
- 7.45 *With the intention of supporting improved cycle access to the site, TfL has identified a potential cycle improvement scheme for Leman Street. This scheme involves the provision of a contra-flow segregated cycle lane and dedicated cycle signals northbound on Leman Street. This would link into the upgraded CS2 route on Whitechapel Road, as well as future cycle provision on Commercial Street. TfL estimates the cost of these works to be £250,000, and would welcome further discussion with the applicant and the Council with a view to delivering the scheme*

*(Officer Comment: Noted and the substantive issues raised in the GLA Stage 1 Report are dealt with individually in the relevant sub-sections of the material considerations section of this report)*

#### **Corporation of London**

- 7.46 Re: Protected Views

*“The whole site lies within the Wider Setting Consultation Area (Background) of the LVMF City Hall to Tower of London Protected Vista (25A.1) and is directly behind the White Tower. The maximum height of the proposed development is the same as the previous application in October 2014 (91.800m AOD) and exceeds the consultation threshold plane by up to 25.82m – a significant exceeding of this consultation threshold plane.*

**Revised comments received on LVMF, following receipt of amended drawings:**

*“Following the reduction by 1 storey, it is clear that the proposed development would make less impact on LVMF view 25A.2 (even at worst case scenario in winter) as it now sits level with existing buildings in front of it, as well as other consented schemes level with the tree line. Previously the proposed development rose above those buildings and the tree line and had a potential adverse impact on the setting and backdrop of the White Tower”.*

**7.47 Re City Fringe Land Use**

*“This latest proposal appears to have addressed many of the City Corporation’s concerns made on the previous application in October 2014. To summarise the City Corporation’s concerns from October 2014:*

- Impact on development and approach of the City Fringe OAPF*
- Contrary to Tower Hamlets policy on Preferred Office Locations*
- Office Floorspace not adequately replaced*
- Contrary to Policy SP06 of Tower Hamlets’ Core Strategy*
- Significant impact on the ability of the City to attract investment and office tenants to this part of the City*
- Jeopardising opportunities in Aldgate and the Tower Hamlets fringe.”*

**7.48** *“The previous proposal involved a loss of 11,167 square metres of B1 (a) office floorspace. The latest proposal adds 23,713 square metres of high quality office stock in this location and is welcomed. The fact that this proposal is office led, with no residential is supported and is in accordance with Tower Hamlets’ Local Plan”.*

**7.49** *“An office led scheme in this part of Tower Hamlets will bring benefits to the City in terms of attracting investment and allowing opportunities to assist individual occupiers seeking to locate in a fringe part of the City as well as in Tower Hamlets and is therefore in accordance with Policy CS8 of the City’s Local Plan. The Planning Statement (paragraph 5.9) notes that the floorspace of this scheme is specifically designed to meet the current market demand within this part of Aldgate from the TMT sector. In addition to this, flexible commercial floorspace at ground and lower levels is supported (in line with Paragraph 16.3 of the Tower Hamlets Managing Development DPD which lists supporting uses helping to achieve a sustainable office environment) and will assist in attracting occupiers to this area of Tower Hamlets and the eastern part of the City. Finally, the latest proposal appears to be more in line with the broad principles in the City Fringe OAPF in terms of providing significant employment floorspace where proposals include the demolition of existing employment floorspace.”*

**Re Braham Street Park**

**7.50** *“There is a need to actively manage the adjacent Braham Street Park to ensure continuity with the open space improvements being delivered by the City Corporation in Aldgate and the maintenance of a green corridor in this part of the City Fringe. This will help maximise the benefits of the work the City Corporation is doing on its side of the gyratory.”*

*(Officer Comments: Braham Street Park is outside the confines of this application the Council trust TfL as landowner to the Braham Open Space and Aldgate Developments Ltd will advance their partnership working to actively manage Braham Street Open Space and invest in capital works to the Open Space)*

- London Borough of Southwark**  
7.51 No comments received.
- London Fire and Emergency Planning Authority (LFEPA)**  
7.52 No comments received
- Thames Water (TW)**  
7.53 No objection.  
Thames Water requests the proposal takes appropriate measures to avoid the risk of backflow during storm conditions and seek revisions to the outlined in the Sustainable Drainage Strategy.  
Conditions should be attached to any approval in respect of:
- provision of a comprehensive drainage strategy
  - impact piling and methodology statement in relation to such piling
  - study on the impact of the development upon the capacity of the existing water supply infrastructure
- (Officer Comment: Noted and the sought planning conditions will be imposed)*
- National Grid**  
7.54 No objection  
*(Officer Comment: Noted)*
- EDF Energy**  
7.55 No comments received
- NATS**  
7.56 No objection. The proposed development does not conflict with safeguarding criteria  
*(Officer Comment: Noted)*
- London City Airport**  
7.57 No objection  
*(Officer Comment: A condition will be applied in respect to use of cranes during construction)*
- London Underground Infrastructure Protection**  
No comment to make on the application  
*(Officer Comment: Noted)*
- Environment Agency**  
7.58 No objection. Any proposed piling methods need to avoid posing a pollution risk to controlled waters. Deep piling can also result in physical disturbance of aquifers.  
*(Officer Comment: Noted and the scheme will be subject to a condition requiring the submission to and agreement in writing from the local planning authority of a piling impact statement and methodology before commencement. An informative will be added in regard to aquifers and piling)*
- BBC Reception Advice**  
7.59 No comments received
- Crossrail Safeguarding**  
7.60 Reviewed the site plan and scheme is outside safeguarding zone, so no further comment to make.  
*(Officer Comment: Noted)*

## 8.0 LOCAL REPRESENTATION

8.1 818 neighbouring properties were notified about the application and invited to comment. The application has also been publicised in East End Life and benefited from the display of 3 site notices.

8.2 2 letter of objection have been received: 1 letter received from a local resident and 1 letter received from a local business (operating from the immediate neighbouring site to the west).

8.3 The letter from the local resident objects to the scheme on 2 grounds. Firstly, the daylight and sunlight assessment submitted by the applicant makes no assessment of the impact of the proposed development on the Altitude Point development. The objector appreciates there are other developments going up in Aldgate Place located between the 2 sites but understand these to be lower in height than the proposal. Based on the sunlight impacts of Aldgate Tower on Altitude the objector considers this scheme will accentuate adverse daylight/sunlight impacts on Altitude that already result from Aldgate Tower. Secondly the scheme will impact upon the 'feel' of the immediate area. The objector states the area has been subject to substantial residential development in recent years and the erection of an office tower would detract from that sense of a new residential community. The creep of high rise office buildings from the City will surround the residents that have moved into the Aldgate area and potentially create another "Canary Wharf".

*(Officer Comment: The daylight/sunlight impacts of the scheme are discussed in section 13 of this report. With regard to the objection surrounding the construction of a tall office building the site is located in a designated Preferred Office Location, in this aspect the scheme is consistent with the Borough's 2007 Aldgate Masterplan, Local Plan, and the principle of a tall building was established with the extant office consent submitted in 2009).*

8.4 The owner of No 6 Braham Street operating as a data centre objects to the scheme as the Construction Management Plan makes reference to road closures during construction and does not provide an assurance that access to neighbouring buildings will be retained at all times which is required for the operation of their business.

*(Officer Comment: The scheme will be subject to a planning condition requiring submission and agreement in writing from the local planning authority of a full and robust Construction Management Plan that provides detail of maintaining access to neighbouring properties.*

## 9.0 MATERIAL PLANNING CONSIDERATIONS

9.1 The main planning issues raised by the application that the committee must consider are set out below (with report section number in brackets):

- Land Use (10)
- Design (11)
- Heritage including Environment Statement implications (12)
- Amenity (13)
- Highways & Transportation (14)
- Planning Obligations (15)



### **Other Considerations including**

- Noise and Dust (16)
- Contaminated Land (17)
- Flood Risk & Water Resources (18)
- Energy and Sustainability (19)
- Biodiversity (20)
- Waste (21)
- Microclimate (22)
- Financial Considerations (23)
- Human Rights (24)
- Equalities (25)

## **10.0 Land Use**

- 10.1 Chapter 1 of the NPPF sets out that central government is committed to securing economic growth and that the planning system should do everything it can to support sustainable economic growth, that planning should encourage and not act as an impediment to sustainable growth and to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business.
- 10.2 Paragraph 21 of the NPPF states *“planning policies should recognise and seek to address potential barriers to investment”* and goes on to state *“local planning authorities should:*
- *set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth;*
  - *set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;*
  - *support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances;*
  - *plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries;*
  - *identify priority areas for economic regeneration, infrastructure provision and environmental enhancement.”*
- 10.3 The site is located within the London Plan designated Central Activities Zone (CAZ) and City Fringe Opportunity Area. Table A1.1 within the London Plan sets out that the City Fringe could accommodate a minimum of 7,000 new homes, and 70,000 new jobs. London Plan Policy 4.2 sets out the strategic need for new office space within the CAZ, and supports the renewal of existing stock, and increases in floorspace, where there is demand - in order to meet the needs of a growing and changing economy
- 10.4 London Plan Policies 2.11 and 4.3 *“encourage mixed use office and residential development in the CAZ and Isle of Dogs”*. However this policy position is carefully qualified in Paragraph 4.17 which states exceptions to this mixed use approach are *“permitted where mixed uses might compromise broader objectives, such as sustaining important clusters of business activity”*. Policy 2.11 (CAZ Strategic Function) Paragraph 2.45 states *“policies favouring mixed use development should be applied flexibly on a local basis so as not to compromise the CAZ’s strategic function”*.

- 10.5 Set within the context of Paragraph 2.45 of the London Plan, a local plan ‘exceptions policy’ is justified and is indeed formulated in the Local Plan *Preferred Office Location Policy*, as set out Spatial Policy Objective 6 (SP06) of the adopted Core Strategy, DM16 (1) of the Borough’s adopted Managing Development Document and in Policy SP06 of the Core Strategy. The Preferred Office Location policy is consistent with Chapter 1 of NPPF and objectives of Paragraph 21 of NPPF of local planning authorities:
- *supporting existing business sectors*
  - *providing a clear economic vision and strategy;*
  - *positively and proactively encourages sustainable economic growth;*
  - *identifying areas to meet economic development needs over the plan period;*
  - *plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries;*
- 10.6 Within the suite of adopted Local Plan documents, Policy DM16 of the Boroughs *Managing Development Document* states “*Development resulting in the net loss of office floor space in Preferred Office Locations (POLs) will not be supported.*”
- 10.7 There are four POLs located at Canary Wharf, Bishopsgate, Aldgate and Tower Gateway with major office development as the focus, with supporting uses such as gyms, hotels, restaurants and retail uses helping to achieve a sustainable office environment.
- 10.8 Supporting paragraph 16.1 to Policy DM16 states “*within POLs, large floor plate offices are to be expected and in order to ensure the continued growth of these areas.*”
- 10.9 Policy SP06 of the Core Strategy sets out the need for employment uses to be understood within a spatial framework to ensure successful and sustainable local and sub-regional economies. A spatial understanding enabled the Council to identify the locations of its four Preferred Office Locations (POL’s) including the Aldgate POL that arises from existing context, infrastructure, concentration of activity and high levels of accessibility.
- 10.10 The Core Strategy sets out a vision for Aldgate as “rediscovering its gateway role as a mixed use, high density area with a commercial centre acting as an area of transition between the City of London and the East End. Become an important place where large-scale office uses cluster around the transport interchange at Aldgate and the new green space at Braham Street”.
- 10.11 The Core Strategy sets out four urban design principles for Aldgate:
1. *Reorganise distribution of land uses to focus offices and education uses around the public transport node at Aldgate and facilitate mixed use in other areas.*
  2. *Ensure new development contributes to animating the street level by providing active frontages.*
  3. *Promote evening and night-time uses to draw people from the City into the area and contribute to the vibrancy of Aldgate.*
  4. *New buildings should be sensitive and responsive to the setting of the Tower of London and strategic and local view corridors.*”

- 10.12 The consultation draft City Fringe Opportunity Area Planning Framework (OAPF) recognises the particular characteristics of Aldgate in terms of its role in the City Fringe. The OAPF notes that whilst Aldgate has a close functional relationship with the financial and business services district of the City it also has the potential to play an important role in responding to emerging demand from smaller technology firms - particularly those related to financial services.
- 10.13 The Aldgate Masterplan provides a comprehensive framework to guide redevelopment and regeneration and in line with the Preferred Office Location designation (that occupies only a relatively small part of Aldgate) the development site is identified as a location suitable for a commercial and office led development with an emphasis on active ground floor uses that face the street and public spaces.
- 10.14 To conclude set in the national, strategic (London) and local plan policy frameworks and informed by supplementary and interim planning guidance set out in the Mayor of London's consultation draft City Fringe OAPF and the Borough's own Aldgate Masterplan interim guidance an office led scheme is wholly consistent with relevant adopted land use planning policies as set out in London Plan Policy 2.11 and Policies DM16 and SP06 of the Local Plan for this location and designations. As is the provision on the mezzanine floor of 'incubator' type affordable work space aimed at small enterprise with space let (via a "collaborative working" operator for the life of the development at sub market rent on very flexible lease arrangements (to let open plan 'desks' or alternatively small office spaces) .
- 10.16 The provision of flexible use retail spaces (A1- A3 use class) at ground floor is welcomed as it complements the major office floorspace provided above, in addition it will activate the frontages to street/Braham Open Space that will stitch back together the long established retail/commercial ground floor frontages to streets to the east in City of London with the retail street frontages contained in the Aldgate Place development to the east.

## **11.0 Design**

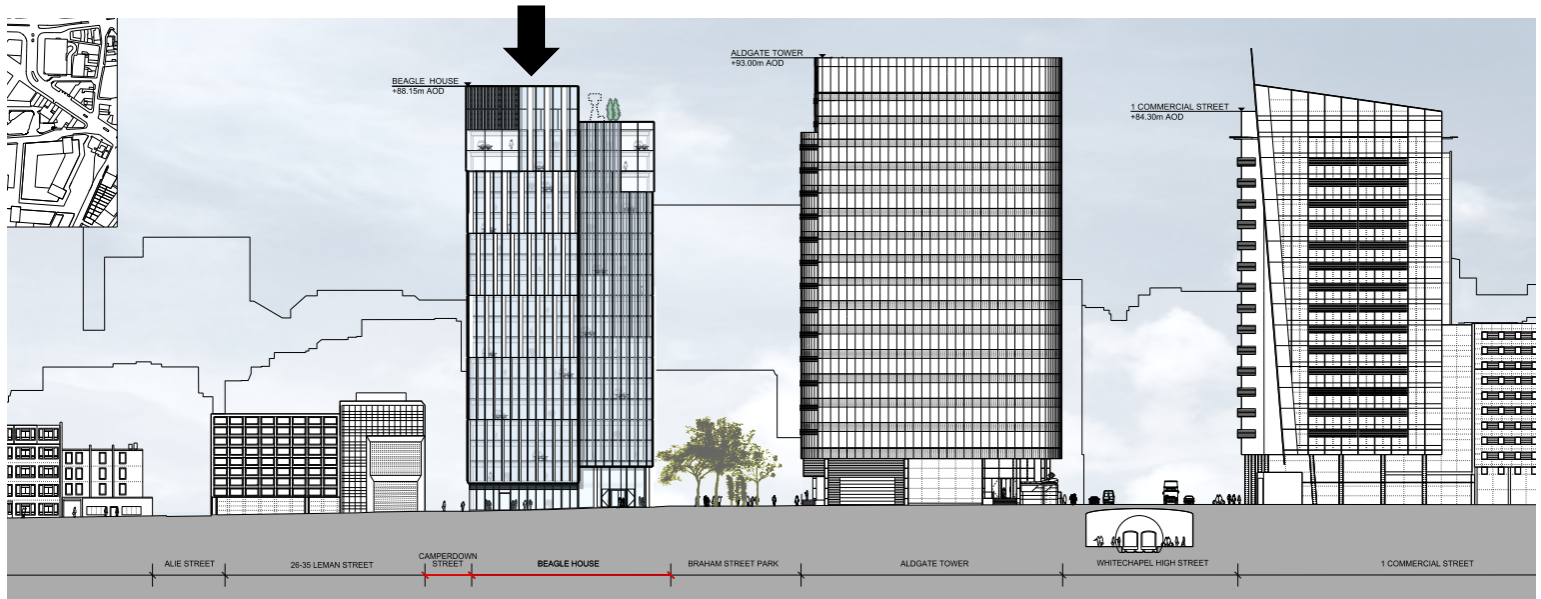
- 11.1 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 11.2 National Planning Practice Guidance sets out seven qualities a well-designed new or changing places should exhibit:-
- be functional;
  - support mixed uses and tenures;
  - Include successful public spaces;
  - be adaptable and resilient;
  - have a distinctive character;
  - be attractive; and
  - encourage ease of movement
- 11.3 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design and having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable spaces and urban design that optimises the potential of the site.

- 11.4 SP10 and Policy DM23 and DM24 of the Local Plan seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 11.5 Policy DM26 of the Borough's Managing Development Document sets out that proposals for tall buildings should satisfy the following criteria:
- a. Be of a height and scale that is proportionate to its location within the town centre hierarchy and sensitive to the context of its surroundings;
  - b. Within the Tower Hamlets Activity Area, development will be required to demonstrate how it responds to the difference in scale of buildings between the CAZ/Canary Wharf Major Centre and the surrounding residential areas.
  - c. Achieve high architectural quality and innovation in the design of the building, including a demonstrated consideration of its scale, form, massing, footprint, proportion and silhouette, facing materials, relationship to other buildings and structures, the street network, public and private open spaces, watercourses and waterbodies, or other townscape elements;
  - d. Provide a positive contribution to the skyline, when perceived from all angles during both the day and night, assisting to consolidate clusters within the skyline;
  - e. Not adversely impact on heritage assets or strategic and local views, including their settings and backdrops;
  - f. Present a human scale of development at the street level;
  - g. Where residential uses are proposed, include high quality and useable private and communal amenity space and ensure an innovative approach to the provision of open space;
  - h. Not adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces;
  - i. Not adversely impact on biodiversity or open spaces, including watercourses and waterbodies and their hydrology, as well as their settings and views to and from them;
  - j. Provide positive social and economic benefits and contribute to socially balanced and inclusive communities;
  - k. Comply with Civil Aviation requirements and not interfere, to an unacceptable degree, with telecommunication, television and radio transmission networks; and
  - l. Demonstrate consideration of public safety requirements as part of the overall design, including the provision of evacuation routes.
- 11.6 Policy DM26 also seeks (where feasible) tall buildings to provide publicly accessible areas within the building including on the ground floor.

#### Principle of a Tall Building

- 11.7 Core Strategy Spatial Policy SP10 identifies Canary Wharf and Aldgate as appropriate locations for tall buildings.
- 11.8 The site is located at the heart of Aldgate and immediately to the south of a location identified within the Aldgate Masterplan for new tall buildings. The Aldgate POL is identified within the Core Strategy as a location for large footplate office employment building. The extant office consent for the site is for 17 storeys rising to a maximum height of 83.6m (AOD). The Aldgate Place scheme and the neighbouring hotel (at 15-17 Leman Street) taken together consist of 4

towers rising to maximum heights of 84m, 92.90m, 96m and 85.6m (AOD) respectively. The Altitude development further to the east rises to 93.80m (AOD). To the immediate north Aldgate Tower rises to 93.0m (AOD) and to north of that scheme No. 1 Commercial Street rises to 86m (AOD).



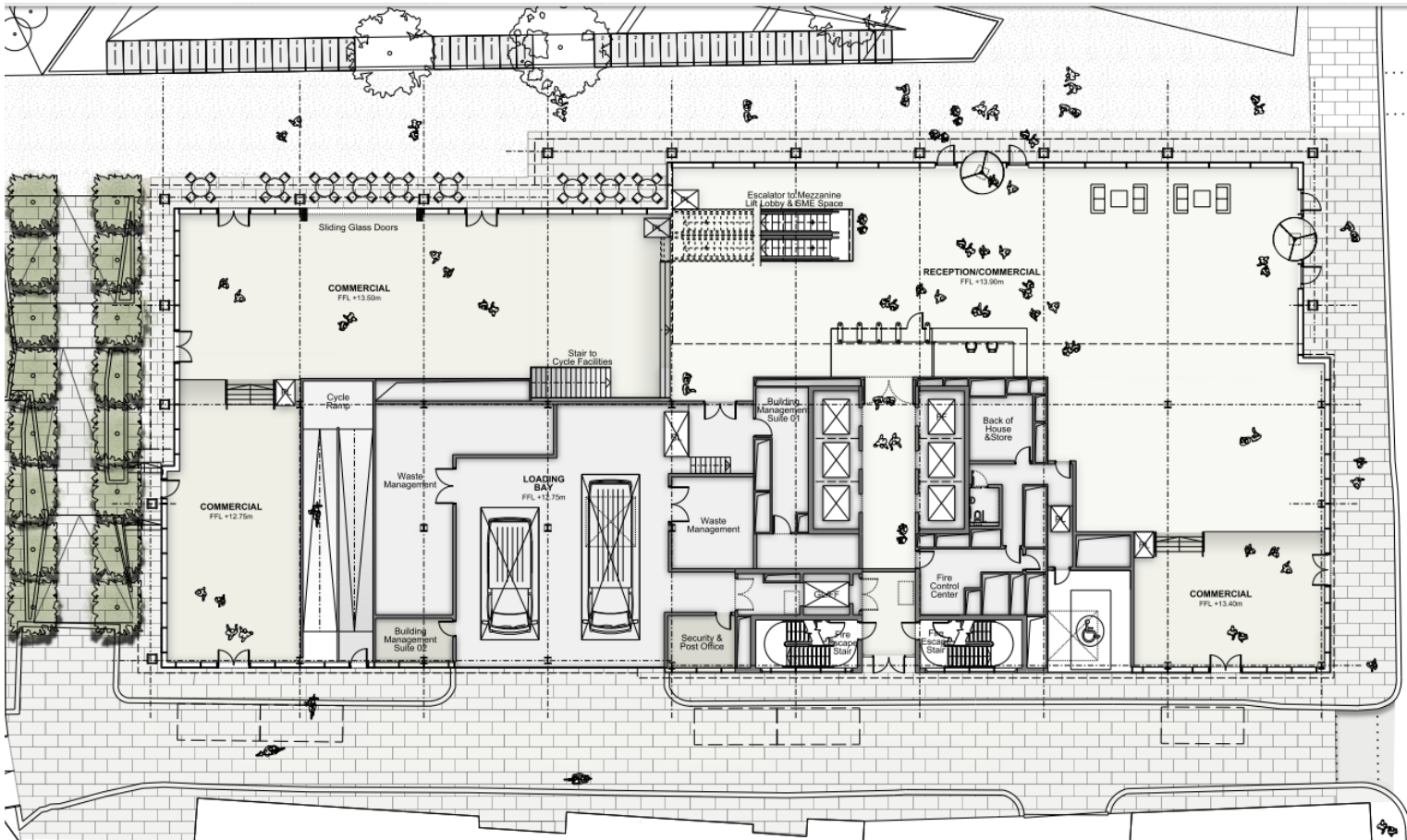
**Figure 3: North/South section drawing scheme in relation to neighbouring development**

- 11.9 The proposed block rises to a maximum height 88.15m (AOD) with ground floor plus 19 storeys above that (of which the top 2 storeys are plant wrapped within the vertical shell of the building). The scheme maximum height is set towards the Lemman Street edge and towards the eastern edge. The proposed single block is broken down into 4 constituent blocks with the lowest block set in the south east corner of the development. This stepped arrangement helps the scheme is intended to provide a better contextual relationship with the smaller scale building located to the south including a set of listed buildings set immediately to the south of the site on Alie Street and St Marks Street.
- 11.10 The principle of a tall building in this location is accepted, subject to the height and bulk of the scheme not having an adverse impact on local heritage assets and is sensitive and responsive to the setting of the Tower of London and strategic and local view corridors (refer to section 12).

Siting, External Layout and Appearance.

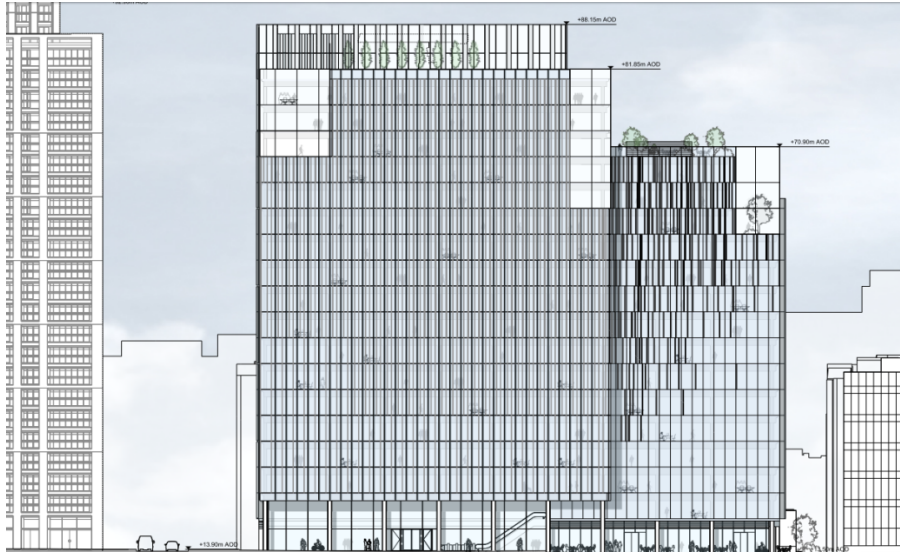
- 11.11 The site is rectangular and the scheme provides four well-defined street frontages. The ground floor layout is organised to take advantage of the high level of pedestrian footfall found on the north side alongside the Braham Open Space, by locating retail frontages on this edge and the main entrance to the offices above on this frontage. This arrangement will provide a much needed additional active edge onto Braham Street Open Space as this green space suffers from a lack of active frontages from the other buildings fronting on it. The retail units proposed to wrap around the corners of the development on the Camperdown Street and Half Moon Passage edges will also help activates these street spaces.

- 11.12 The proposed building is one continuous block in plan but is broken down in elevation to read as a set of four conjoined building blocks similar in their component parts yet slightly varied to create a greater degree of visual interest and help break up the massing and perception of its bulk. This architectural approach is broadly welcomed by the Council's Urban Design Team.
- 11.13 The scheme is larger in footprint and overall building envelope than the extant scheme without the multiple stepped form (that tapered away from the adopted highway of Braham Open Space on its northern edge or without the same degree of step back from the adopted highway of Half Moon Passage) that the consented office scheme possessed.



**Figure 4: Ground floor including public realm works (within scheme's red line) on Camperdown Street (towards bottom edge of figure 4) and Half Moon Passage (right edge of figure 4)**

- 11.14 The shell of the proposed block is treated differently at ground and 1st floor mezzanine level compared the floors above with the facade slightly recessed on the northern and western edges, containing fully glazed frameless facades and a colonnade of external pillars that taken together give added legibility to the ground floor retail spaces for people walking by that will announce these spaces can be enjoyed by the general public. These design features also reduce the visual 'weight' and bulk of the block as it hits the ground.



**Figure 5: North facing Elevation (fronting Braham Street Open Space)**

11.15 The scheme adopts other design devices to assist *breaking* up the massing including:

- lighter more transparent glazing in some sections of the elevation to upper floorspaces where the scheme is physically designed to allow floors to be 'punched out' to create multiple storey height atrium spaces, should a future tenant want such spaces.
- A triple height atrium space will be built into the upper level north west corner of the scheme to provide visual interests and create a space for a tree to be contained within the atrium space
- Each of the four constituent blocks will have slightly different character and visual appearance to the treatment of their elevations to help express them as different blocks to aid breaking up the overall massing of the scheme. Different glazing types will be used across the facades to offer differing levels of transparency and visual interest.
- The stairs and lift core as expressed on the south elevation will provide visual interest through the introduction of feature internal lighting on the 2 external dacong staircases.

11.16 The loading bay, waste collection and access to the basement cycle parking will be located on Camperdown Street. The building block on this frontage will be built virtually at the back of the pavement. To help mitigate against this convergence of 'back of house' activities and the sheer scale of building rising up from the back of the pavement the inclusion within the redline of the whole of Camperdown Street and the associated upgrade to the surface treatment of the pavement and carriageway is necessary to mitigate the scheme's impact upon this street.

## **12.0 Heritage**

12.1 The statutory requirement to consider proposal's upon the impact to the setting of listed buildings and conservation areas is contained in Sections 66(1) and 72(1) (respectively) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), which is reflected in central, regional and local policy and guidance. The Court of Appeal's decision in *Barnwell Manor Energy Limited v East Northamptonshire District Council* [2014] is of relevance to the statutory duty. This held that where a decision maker finds that a proposed development would harm

the setting of listed buildings and/or harm to the character or appearance of a conservation area, it must give that harm considerable importance and weight and very special public benefits should be required to outweigh such harm.

- 12.2 Section 12 of the NPPF headed “Conserving and enhancing the historic environment” contains guidance in consideration of development proposals and their effect on the historic environment.
- 12.3 Paragraph 131 of the NPPF states that in determining planning applications local planning authorities need to take into account:
  - 12.3.1 the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - 12.3.2 the positive contribution that conservation of the heritage assets can make to sustainable communities including their economic vitality; and
  - 12.3.3 the desirability of new development making a positive contribution to local character and distinctiveness.
- 12.4 Paragraphs 132-135 require local authorities when assessing the effects of development on a heritage asset, to give weight to an asset’s conservation in proportion to its significance. Heritage assets include designated heritage assets such as listed buildings, World Heritage Sites, Scheduled Monuments and conservation areas.
- 12.5 Paragraph 132 provides that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. It emphasises that the weight given should be proportionate to the asset’s significance, and that clear and convincing justification will be required for loss and harm to heritage assets.
- 12.6 Paragraphs 133 and 134 address the balancing of harm to designated heritage assets against public benefits. If a balancing exercise is necessary, considerable weight and importance should be applied to the statutory duty under sections 61 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) where it arises.
- 12.7 Proposals that would result in substantial harm or total loss of significance should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (paragraph 133). The Planning Practice Guidance tells us that the test of whether a proposal causes substantial harm is very high and will often not arise. The Court has ruled in *Bedford BC v Secretary of State for Communities and Local Government* [2013] that such harm is that which would have such a serious impact that its significance was either altogether or very much reduced..
- 12.8 Where less than substantial harm arises, this harm should be weighed against the public benefits of a proposal, including its retention in its optimum viable use (paragraph 134).
- 12.9 Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan and London World Heritage Sites SPG – Guidance on Settings (March 2012). Policies SP10 and



SP12 of the Core Strategy and policies DM24, DM26, DM27 and DM28 of the Borough's MDD seek to protect the character, appearance and setting of heritage assets and the historic environment, including World Heritage Sites. In addition, the Historic Royal Palaces have produced the '*Tower of London World Heritage Site Management Plan*' which guides the consideration of development affecting the Tower of London and refers to the townscape view and Mayoral policies concerning the London View Management Framework (LVMF).

- 12.10 London Plan policies 7.11 and 7.12, policy SP10 of the CS and policies DM26 and DM28 of the MDD seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- 12.11 The application is accompanied by Environmental Statement with technical chapters on Visual Amenity and Cultural Heritage including a visual impact study contained verified views that assess the likely effects of the proposed development on the townscape, local heritage assets and upon the strategic views of the Tower of London World Heritage Site, specifically from The Queen's Walk (near City Hall) and LVMF View 25A.1, 25A.2 and 25A.3. The site falls within the backdrop to the Protected Vista obtained from location 25A looking towards the White Tower of the Tower of London World Heritage Site.
- 12.12 The extant office scheme was given a resolution to grant consent at Strategic Development Committee at a height of 92.45m (AOD). The scheme was finally granted consent 8.85m lower (at 83.65m (AOD)). This reduction followed from discussions initiated by the GLA and prior to the Stage 2 Mayor of London Report being issued to the London Borough of Tower Hamlets. The reduction in height for the consented scheme followed concerns raised by Greater London Authority and objections raised at the application stage from Historic Royal Palaces and English Heritage in regard to the impact of the scheme upon heritage assets specifically views of the Tower of London World Heritage Site and the London View City Management Framework (with regard to views then known at 25A.1 and 25A.2 from outside City Hall on the banks of the River Thames). Set within the context of this planning history the current scheme is subject of a limited in scope Environment Statement.

#### Impact on conservation areas and neighbouring listed buildings

- 12.13 The site is not listed nor within a conservation area. However, there are conservation areas and listed buildings in close proximity. They include:
- Whitechapel High Street, Fournier Street and Wentworth Street conservation areas, located to the north;
  - Myrdle Street, London Hospital and Whitechapel market conservation areas, to the east;
  - The Tower conservation area, located to the south east;
- 12.14 The nearest statutory listed buildings are
- White Swan Public House (Grade II) approximately 30m located to the south and next door to this Public House two terraced (originally residential) properties at Nos. 17 and 19 Alie Street (Grade II)
  - The Dispensary (Grade II) at 19A Leman Street approximately 30m to the south east, and clustered next to that building (immediately to the east) on Alie Street - St. Georges Lutheran Church (Grade II\*), St Georges German and English Schools (Grade II)

- With a set of other Grade II listed buildings located approximately 50m to the south of the site serving part of terraces at Nos 28, 30, 32, 36-44 Alie Street,
- Still further from the site and also to the south a series of originally residential buildings at No. 2 and No .8 Mark Street (approximately 70m away).

12.15 As set out in further detail earlier in this section of the report planning policy requires that new development proposals should seek to ensure they do not result in an adverse impact on the character, fabric or identity of identified designated heritage asset or their setting.

12.16 The Whitechapel High Street Conservation Area is the nearest conservation area with the nearest section of that conservation areas is located on the opposite (north) side of Braham Open Space, less than 40m away on the site of the recently completed Aldgate Tower. The height of the proposed development is considered consistent with the neighbouring development being built out on this neighbouring site to the north and with the consented tall buildings consented for Aldgate Place, on the site of former Drum Street, in line with the LBTH Aldgate Masterplan guidance on areas lending themselves for tall buildings.

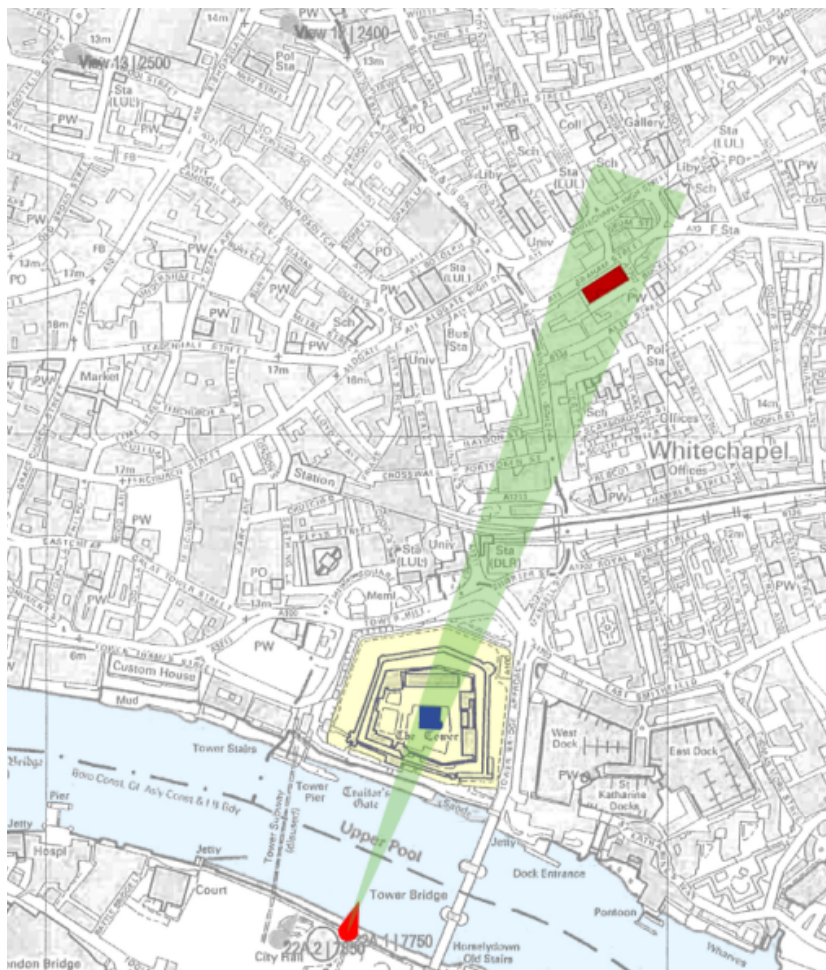
12.17 With the benefit of a Visual Impact Study submitted with verified views of the scheme from Altab Ali, Leman Street, St Mark's Street, North Tenter Street, Mansell Street at junction with Braham Street, and Braham Street with Colchester Street the scheme is not considered to have any adverse impact on the aforementioned views or upon the townscape and general character of Whitechapel High Street Conservation Area, the Wentworth Street Conservation Area or the Fournier Street Conservation Area. This view is shared by the Borough Conservation Officer.



**Figure 6:** CGI image of scheme from junction of North Tenter Street and St Mark's Street (the convenience store in left hand side foreground forms part of a Grade II listed building)

12.18 With regard the impact of the proposed scheme upon the setting of the listed buildings the development is not considered to cause harm. It is notable both Alie Street and Lemn Street, where the closest listed buildings cluster are populated by a diverse range of buildings in terms of architecture, scale and use and this informs why this bulk, scale and height of the building is considered appropriate in heritage terms. In addition the impact and direct visual relationship between the scheme these closest listed buildings is limited (in part) by the tight street pattern and the presence of a set of taller modern buildings set between these heritage assets asset; most specifically, the undistinguished 7-9 storey commercial buildings located at No. 25 Camperdown Street immediately to the south, No 26-30 Lemn Street that occupies the street corner of Lemn Street with Camperdown Street and Frazer House that wraps around the corner of Lemn Street with Alie Street.

Strategic Views and London View Management Framework



**Figure 7: Site and the Protected Vista obtained from Viewing Location 25A at Queen's Walk**

12.19 The Site lies within the backdrop to the Protected Vista obtained from Viewing Location 25A at Queen's Walk, in the vicinity of City Hall, looking towards the White Tower of the Tower of London. Paragraph 411 of the LVMF states that:

"The juxtaposition of the World Heritage Site with the modern city is the central characteristic of this view."

12.20 Paragraph 412 goes on to state that:

*"The clear view of the sky in the backdrop of the White Tower is an important attribute, though current projects under construction will reduce it."*

- 12.21 Paragraphs 418 to 421 of the LVMF advise that development in the backdrop of views towards the Tower of London should:

*"...relate positively to the Tower of London, including all its constituent parts, in viewing from Viewing Location 25A. From all Assessment Points, the World Heritage Site should continue to dominate its surroundings. It is particularly important that any new development relates positively to the White Tower.*

*Elements that become visible in the backdrop of the World Heritage could undermine the ability of the viewer to appreciate the World Heritage Site and its historical significance to the development of London and the nation as a whole. Any development above the Wider Setting Consultation Area in the background of the Protected Vista should preserve or enhance the viewer's ability to recognise the landmark and appreciate its Outstanding Universal Value.*

*The Protected Silhouette should not be altered by development appearing in its background when viewed from any point between Assessment points 25A.2 and 25A.3.*

*New buildings in the background of the view must be subordinate to the World Heritage Site and respect its historic significance. They should not contradict the townscape ensemble of the Tower of London juxtaposed against predominantly trees in its immediate setting and buildings that tend to be horizontal in mass and scale further behind and to the sides."*

- 12.21 The impact of the proposal upon these LVMF views has with been subject of considerable discussion with officers both during pre-application discussions and since submission.
- 12.22 Separate guidance produced by Mayor of London, Historic England and ICOMOS are all clear and consistent with each other that given the very high sensitivity of World Heritage Sites (WHS) even classified minor scales of change can result in medium to large degree of impact due the significance of the receptor (i.e. it being a WHS site) and similarly moderately classified scale of change can have a large to very large level of significance.

## **Environmental Impact Assessment - Screening**

### **EIA Screening**

- 12.23 An Environmental Impact Assessment (EIA) Screening Request (PA/15/00615) was received on 10th March 2015, in respect to Regulation 5 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended). The EIA Screening Request was for a proposed office building on the site with a maximum height of 92 m (AOD).

- 12.24 A formal EIA Screening Opinion was issued by the Council on 17th April 2015. The EIA Screening Opinion concluded that the proposed development is considered an 'EIA development' as it is likely to have significant effects on the environment by virtue of factors such as nature, size or location. The Council concluded the likely significant effects were however limited to built heritage and views.
- 12.25 The Council's EIA Screening Opinion stated the proposed development appears in the background of the Tower of London WHS from LVMF 25A.2 and 25A.3. These two views do not benefit from a Protected Vista. For 25A.2 and 25A.3 the EIA Screening Opinion concluded the proposed development is considered to likely lead to significant effects on views of the White Tower and London Wall Scheduled Ancient Monument. The Screening Opinion also considered the proposed development is likely to lead to significant effect on views looking north east from within the Inner Ward and the north Wall Walk of the Tower of London.
- 12.26 No request for an EIA Scoping Opinion was submitted to the Council.

### **Environment Statement**

- 12.27 The planning application was submitted with an Environment Statement (ES), as required by the EIA Screening Opinion. The ES submitted was scoped accordingly, with technical assessments provided on visual amenity, townscape and cultural heritage, alongside a requisite non-technical summary (NTS) of the ES.

#### *Views*

- 12.28 The ES concludes that the effect of the proposed development on LVMF views is moderate to major adverse during construction, and neutral to negligible during operation. This is considered appropriate for 25A.1, as you are not able to see the application behind the tower. However, the Council does not agree with the operational assessment of views 25A.2 and 25A.3.
- 12.29 The EIA Screening Opinion concluded that the effect on these views would likely be significant, given the high sensitivity of the receptor and the magnitude of change. This is still the opinion of the Council, and the ES is considered to downplay the effects on the proposed development on these protected views.

#### *Built Heritage*

- 12.30 The ES concludes that the effect of the proposed development on the Tower of London World Heritage Site and London Wall Schedule Ancient Monument (SAM) is neutral, based on high sensitivity and no change. The Council disagrees with the assertion that the proposed development will lead to 'no change'. The introduction of an 88.15m (previously 92 m) tower will change to the setting of these heritage assets and therefore cannot be categorised as 'no change', albeit this does not necessarily imply that the proposal will cause harm.
- 12.31 The EIA Screening Opinion stated that the effect on the World Heritage Site and SAM would likely be significant, given the high sensitivity of the receptor and the magnitude of change. This is still the opinion of the Council, and the ES is considered to downplay the effects on the proposed development on these

heritage assets. Accordingly, a full assessment of the actual impacts are summarised further from paragraph 12.32.

### **Consultees**

- 12.32 Following submission of the planning application representations from a number of consultation bodies were received including the Corporation of London, Historic England and Historic Royal Places with comments on the effect of the scheme on heritage assets, and in particular effects on the views of the Tower of London World Heritage Site. All three aforementioned consultation bodies raised concerns regarding the adverse effects of the scheme on LVMF 25A.2 and 25A.3 and objected accordingly. Historic England also queried that there did not appear sufficient public benefits been included as part of this submission to offset (justify) this harm.
- 12.33 Following receipt of a one storey reduction and wirelines of the revised scheme, these three consultation bodies individually concluded the proposed development would reduce the adverse effect on these LVMF views, and removed their respective objections.
- 12.34 To conclude with regard to the assessment of the significance of the scheme in respect to Tower of London World Heritage Site and LVMF views of the World Heritage Site and Scheduled Ancient Monument submitted scheme and with the benefit of the information submitted in the Environment Statement and broader heritage considerations as set out in the comments received from the Borough's Conservation Officer's comments, it is considered the applicant's decision to propose a development with a maximum height set 4.5m above the height of the 2009 extant consent would cause harm upon LVMF views of the World Heritage Site. However, this harm would be minor, as demonstrated through the support of Historic Royal Palaces (HRP) and Historic England (HE). As some harm would be caused, one must consider the desirability of avoiding that harm, and the public benefits of the proposal overall. The view of the relevant statutory consultees HRP and HE, as well as the Borough's own Conservation Officer not to object to the revised proposal is notable, and demonstrates that the harm is not substantial enough to warrant a refusal of the planning application on these grounds. Furthermore, the proposal will deliver substantial benefits – much needed employment floorspace within the POL, together with public realm improvements surrounding the site. Accordingly, the proposal is considered acceptable in relation to impacts upon the LVMF views of the Tower of London.

### **Archaeology**

- 12:35 The National Planning Policy Framework (Section 12) and the London Plan (Policy 7.8) emphasise that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF sets out that applicant's should be required to submit appropriate desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development.
- 12:36 The formation of a double level basement (as proposed) is liable to disturb any archaeological remains/artefacts on the site. A condition would be required within any approval to agree and implement a written scheme of investigation

and methodology statement prior to commencement on site. Subject to this condition, the impact of the development on archaeology is considered acceptable.

### **13.0 Amenity**

13.1 Policy DM25 of the Borough's adopted Managing Development Document (MDD) requires development to protect, and where possible improve, the amenity of surrounding neighbours, have a concern for the amenity of future occupants of a building and have regard to users of the surrounding public realm to a new development. The policy states that this should be by way of protecting privacy, avoiding an unacceptable increase in sense of enclosure, avoiding a loss of unacceptable outlook, not resulting in an unacceptable material deterioration of sunlighting and daylighting conditions or overshadowing to surrounding open space and not creating unacceptable levels of noise, vibration, light pollution or reductions in air quality during construction or operational phase of the development.

### 13.2 Future Users

The scheme is acceptable in these terms in the following ways:

- The scheme is designed with regard to the principles of inclusive design, including consideration for people with a disability including wheelchair accessibility to all the ground floor and lifts, toilet and showering facilities services and on site disabled car parking provision
- The development has considered noise and air quality to ensure a suitable internal environment
- The development is provided with accessible outdoor roof terraces,
- The development shall remove an existing step only pedestrian connection between Braham Street and Half Moon Passage with a graded pavement with a maximum gradient that is suitable for wheelchair users;
- Provide high quality office space that benefits from good daylight and protection from solar gain

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

### Neighbours Amenity

13.4 There are no existing residential neighbours in close proximity to the proposed building scheme (i.e. within 28m) to the development. The Aldgate Place when complete will provide the nearest residential neighbour set at a minimum 15.5m distance. This separation distance will be set across a busy arterial road and within this context it is not considered the minimum separation distance poses any unduly significant additional privacy issues to neighbouring future residents.

### Effect on daylight and sunlight of neighbouring dwellings

13.5 DM25 of the MDD and SP10 of the CS seek to ensure that existing and potential neighbouring dwellings are safeguarded from an unacceptable material deterioration of sunlight and daylight conditions.

13.6 The application is supported by a Daylight and Sunlight Assessment (DSA).

### Impact on Residential Dwellings

- 13.7 With respect to the impact on residential units in Aldgate Place the assessment concluded the scheme would have only minor impact as assessed by BRE guidance. In Block D all living rooms would meet BRE guidelines for summer month and only just fall short of the BRE guidelines in winter. In respect to Blocks F and G the ADF alterations to daylight measured by ADF in absolute terms are generally small and therefore the impacts are considered minor and in a small number cases moderate. For sunlight there are some technical breaches for living rooms of the BRE 0.8 times former value criteria but on balance these are considered acceptable in the context of an inner London urban location and with the presence of balconies on the buildings that impact upon sunlight received to these rooms.
- 13.8 For all 3 Blocks D, E and F) the results compared to the extant consented scheme would be either no change or relatively imperceptible
- 13.9 Nos 17- 21 Alie Street which includes the (White House Public House (at No 21) which is understood to contain some residential accommodation the impact of the scheme is considered minor with only small losses as assessed against the ADF criteria .
- 13.10 The submitted daylight/sunlight assessment did not assess the impacts upon Altitude development. However the Council's own appointed daylight/sunlight consultant did review and comment on the exclusion of this development from the daylight/sunlight assessment submitted pursuant to the refused (2014) residential scheme for Beagle House (that was taller in maximum proposed height on its eastern edge). At that time the Council's daylight/sunlight consultant's (Delva Patman Redler) concluded with the applicant's experts that there would be no significant loss of light due to (i) Altitude being located some distance away, (ii) with Block D to Aldgate Place set between the development that already reduces the sky visibility to the lower windows at Altitude and (iii) the upper floors to the Altitude development retaining reasonably good levels of light. These conclusions are considered to carry over to this scheme.

To conclude, in regard to daylight/sunlight compared to the existing office consent for the site there are no significant adverse daylight/sunlight impacts to residential neighbours

### Impact on Commercial Buildings

- 13.11 With respect to neighbouring commercial buildings the Daylight/Sunlight Assessment scheme were also assessed. The principle impacts are in respect to Aldgate Tower to the north of the site, to 25 Camperdown Street, No 39-47 Alie Street (Frazier House) and No 26-30 Leman to the south of the site and No. 6 Braham Street to the west.
- 13.12 With regard to Aldgate Tower there are a mix of breaches and passes of BRE daylight guidelines. However the No Sky Limit will remain good and with each floor benefiting from views to the north, south and west and a very modern office building that benefits from excellent artificial lighting it is not considered the impacts are considered unacceptable.
- 13.13 With regard to No 6 Braham Street there are notable losses to Vertical Sky Component (VSC) and No Sky Line (NSL). However there are very poor extant



light conditions and as such these losses are considered not unduly significant notably in the context of the building being used as a data centre. Compared to the consented scheme the proposed scheme generally results in a mix of gains and losses to daylight which are minor to moderate in scale.

- 13.14 With respect to Frazer House and No. 25 Camperdown Street there are breaches to BRE guidelines for VSC, ADF and NSL criteria. The VSC losses are fairly minor to moderate in absolute terms due to poor existing lighting conditions. 14 of the 19 rooms tested in Frazer Street are set to breach VSC guidelines with the proposed scheme. These results are a product of the proximity of the site. The vast majority of rooms in these two buildings currently experience very lowlight conditions of less than 2%. In No. 25 Camperdown Street 90% of the rooms currently experience less than 1% ADF value and as such would already rely on electric lighting as the main source of room lighting. For both these buildings in terms of daylight there are no material loss to VSC, ADF and NSL compared to the extant consented scheme; indeed there are gains in daylight to the majority of rooms compared to the consented scheme for Frazer House.
- 13.15 For 25 Alie Street there are predicted a few breaches of BRE criteria in regards to VSC and NSL, in absolute term these losses are considered very minor. There are no material losses to daylight compared to the consented scheme and indeed some modest gains.
- 13.16 No 26-30 Lemman Street there are losses to VSC, ADF and NSL. In absolute terms these losses are considered fairly moderate. Compared to the impacts of the consented scheme in daylight terms there are some negligible losses and other rooms which would experience gains in NSL and VSC.
- 13.17 The upper floors of No 19 Lemman Street/No. 24- 26 Buckle Street are understood to be serviced apartments. There would be failures against BRE residential guidelines for daylight. However in the context of the accommodation being short term let use accommodation as opposed to C3 residential accommodation it is not considered these impacts are unduly significant. There are few isolated breaches in BRE daylight guidance for the hotel (assessed against BRE residential standards) being currently built at 15-17 Lemman Street but these considered not unduly significant as they are hotel rooms where electric lighting source is acceptable.

To conclude, with respect to neighbouring commercial buildings the impact in absolute terms are considered in general to be no more than moderate and when compared against the impacts of the extant consented office scheme minor in significance. The daylight/sunlight results are considered appropriate for buildings of this type in a dense urban location.

#### Effect on sunlight/overshadowing of Braham Open Space

- 13.20 An overshadowing assessment was submitted for the public open space. The BRE guidance *recommended that for an outdoor amenity space to appear adequately sunlit throughout the year, at least the amenity area should receive at least two hours of sunlight on 21 March*. The assessment submitted records on 21<sup>st</sup> March 56.5% of the area of Braham Open Space will receive 2 hours of direct sunlight (compared to 74.6 with the consented office scheme). For 24<sup>th</sup> June the sun exposure will be significantly greater with less than 10% of the area receiving less than 2 hours. On that basis, notwithstanding the reduction in

sunlight compared to the extant consented office scheme, the scheme would meet BRE guidelines and is acceptable.

## **14.0 Highways and Transportation**

- 14.1 The NPPF and Policy 6.1 of the London Plan seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 of the London Plan requires transport demand generated by new development to be within the relative capacity of the existing highway network. London Plan Policy 6.13 states that developments need to take into account business delivery and servicing. This is also reiterated in MDD Policy DM20 which requires Transport Assessments submitted with a development scheme to assess adequate regard has been made for servicing and for safe vehicular movements associated with this.
- 14.2 Core Strategy policies SP08, SP09 and Policy DM20 of the MDD together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 14.3 The applicant has submitted a Transport Statement that contains details of servicing, a waste strategy, a draft travel plan and a draft construction management plan.

### Servicing, Deliveries, Disabled Car parking and Secure Cycle Parking Provision

- 14.4 The vehicular access to the development for servicing and waste collection will be from Camperdown Street and this street also provides the access to the disabled car parking bay that is built into the shell of the building. A dedicated ramped entry/exit to the basement bicycle parking spaces will be accessed from Camperdown Street. Greater pedestrian footfall is anticipated on Camperdown Street in part a product of the presence of two retail units at ground floor bookending the Camperdown Street ground floor frontage at Half Moon Passage and Leman Street respectively, but also resulting from the provision of non-stepped access between Half Moon Passage and Braham Street.
- 14.5 Set within the above development proposal context and with the scale of building that is to be built at the back of the pavement on Camperdown Street it is considered appropriate the scheme improves the overall quality of the public realm on this street with a comprehensive new treatment to the pavement and highway including measures to calm traffic.
- 14.6 The scheme will provide 461 secure cycle stands in the basement and the provision of 39 short stay cycle stands within Braham Street Open Space opposite the main entrance. The scheme will also provide staff shower and changing room facilities in the basement to meet the demand of cyclists. The cycle provision complies with London Plan (2015) cycle standards.
- 14.7 The scheme complies with relevant Chapter 6 (Transport) London Plan policies and policies SP08, SP09 and DM20 of the Local Plan.
- 14.8 Planning conditions will be imposed to secure production of detailed construction & environment management plan, an end-user servicing and delivery management plan, and a travel plan to ensure the scheme encourages use of

sustainable modes of transportation and to safeguard that both construction phase and end-user servicing requirements minimise their impacts upon neighbours, the surroundings road network and safeguards pedestrian and other road users safety.

## **15. Planning Obligations**

- 15.1 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's 'Planning Obligations' SPD sets out in more detail how these impacts can be assessed and appropriate mitigation.
- 15.2 The NPPF requires that planning obligations must be:
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and,
  - Are fairly and reasonably related in scale and kind to the development.
- 15.2 Regulation 122 of the CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.
- 15.3 Securing appropriate planning contributions is further supported policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 15.4 The current Planning Obligations SPD was adopted in 2012. A new version has been formed to better reflect the implementation of CIL and the needs of the borough in respect of planning obligations.
- 15.5 The SPD was approved for public consultation by Cabinet on the 8th of April 2015.

The Boroughs four main priorities remain:

- Affordable Housing
- Employment, Skills, Training and Enterprise
- Community Facilities
- Education

The Boroughs other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

- 15.6 The development is predicted to generate a significant number of permanent jobs once the development is complete. Therefore, the development will place significant additional demands on local infrastructure and facilities, including transport facilities, public open space and the public realm and streetscene.
- 15.7 As outlined in the following section LBTH CIL is applicable to the development, which will help mitigate these impacts.

- 15.8 The applicant has agreed to the full financial contributions as set out in the s106 SPD in relation to:
- Enterprise and Employment Skills and Training;
  - Energy; and
  - a monitoring contribution.
- 15.9 The applicant has also agreed to mitigate the site specific impacts of the development including an upgrade to the public realm on Half Moon Passage and Camperdown Street
- 15.10 The developer has agreed to provide 14 construction phase and 7 end phase apprenticeships.
- 15.11 To provide market discounted affordable rent incubator space for small enterprises, delivered by an affordable workspace with individual office/desk space let on a flexible letting basis including very short term contractual lets.
- 15.12 The developer has also offered to use reasonable endeavours to meet at least 20% local procurement of goods and services, 20% local labour in construction and 20% end phase local jobs.
- 15.13 Transport for London (TfL) has identified cycle improvement works on Lemn Street and is seeking a £250,000 contribution to deliver these improvements that would link to the Super Cycle Highway improvement on Whitechapel High Street and a further £200,000 contribution towards provision of a new 36 point cycle hire station, whilst TfL acknowledge cycle facilities are quite good in the Aldgate area.
- 15.14 Tower Hamlets Community Infrastructure Levy (CIL) has been adopted and strategic transport facilities and indeed public realm works are listed in the Council's CIL Regulation 123 list (the list of matters that CIL may assist in funding). The Council have received formal legal advice from Counsel that the transport facility improvement facilities and the monies sought from the financial obligation sought to improve Braham Street Open Space (outside the red line) falls under the CIL heading of "infrastructure" and therefore this matter is to be dealt with by LBTH CIL and is not appropriate for inclusion as a Section 106 contribution since CIL Regulation 123(2) prohibits a local planning authority from requiring an obligation where the Regulation 123 list provides for funding of the same infrastructure as applies to this application.
- 15.15 The financial contributions agreed applicant are summarised in the following table:

<b>Heads of Terms</b>	<b>s.106 financial contribution</b>
Employment, Skills, Construction Phase Skills and Training	£157,684
End User Skills and Training	£678,979
Carbon off-setting	£411,133
Monitoring	Exact monetary value to be confirmed but shall be met in full by applicant
Public Realm Improvements to Half Moon Passage and Moon Passage and Camperdown Street	Exact monetary value to be confirmed but shall

- 15.16 These obligations are considered to meet the tests set out in guidance and the CIL regulations.

## **OTHER MATERIAL CONSIDERATIONS**

### **16.0 Noise and Dust**

- 16.1 A Noise Impact Assessment has been submitted with the planning application. The assessment concludes that the demolition of the existing building and construction will result in negative impacts during these two phases. A set of mitigation measures are proposed and all construction and demolition works shall be carried out to provide the best practical means of noise control and in accordance with relevant British Standards.

- 16.2 Measures to control dust from the site during construction are recommended to be addressed through a construction management plan, which is to be secured by condition should consent be granted.

- 16.3 The Council's Environmental Health Team have reviewed the documentation and are satisfied the development's impact in terms of control of noise, dust and vibration during demolition, construction and occupation phases will be acceptable, subject to the imposition of relevant planning conditions and the powers available to the Council under other legislative frameworks, should planning permission be granted.

### **17.0 Contaminated Land**

- 17.1 In accordance with the requirements of the NPPF and policy DM30 of the MDD, the application has been accompanied by a land contamination assessment which assesses the likely contamination of the site.

- 17.2 The Council's Environmental Health Officer has reviewed the submitted assessment, and advises that subject to conditions to ensure that further site based assessments and appropriate mitigation measures are taken should contamination be found there are no objections to the scheme on grounds of contaminated land issues, subject to the appliance of an appropriately worded planning condition.

### **18. Flood Risk & Water Resources**

- 18.1 The NPPF, policy 5.12 of the London Plan, and policy DM13 of the MDD and SP04 of CS relate to the need to consider flood risk at all stages in the planning process. Policy 5.13 of the London Plan seeks the appropriate mitigation of surface water run-off.

- 18.2 The site is located in Flood Zone 1 and therefore the main risk is from surface water run-off from the development. The site is already built upon and therefore subject to a planning condition to ensure the scheme incorporates SUDS and grey water recycling to reduce surface water discharge to 50% of existing rates in accordance with relevant policy and guidance and recycle water the proposed development complies with the NPPF, Policies 5.12, 5.13 of the London Plan, Policies SP04 and DM13 of the Borough adopted Local Plan.

## **19 Energy and Sustainability**

- 19.1 The NPPF sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change.
- 19.2 The climate change policies as set out in Chapter 5 of the London Plan 2015 and the Borough's Core Strategy (Policies SO24 and SP11) and MDD (Policy DM29) collectively require new development to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 19.3 From April 2014 the London Borough of Tower Hamlets have applied a 45% carbon reduction target beyond Part L 2013 of the Building Regulations as this is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations. The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.
- 19.4 The scheme is designed to achieve a BREEAM Excellent rating with a score of 72.50%. The proposal is anticipated to deliver a 15.8% reduction in CO2 emissions which is significantly below the policy requirement set out in the Local Plan. To address this shortfall to meet Policy DM29 requirements a £448,200 offset payment is required to meet current policy requirements.
- 19.5 To conclude the scheme complies with Chapter 5 of the London Plan and Policy DM29 of the MDD subject to the imposition of planning conditions to (i) secure BREEAM Excellent rating, (ii) of the ability of the development to connect to any future planned district heating network (with the necessary plant room left free to allow that); (iii) an ability for all use class spaces within the development to connect to a common CHP system; (iv) a commitment from the applicant to meet necessary financial contribution towards carbon offset being secured by s106, were planning permission to be granted for the scheme.

## **20 Biodiversity**

- 20.1 The Borough's Biodiversity Action Plan (2009), Policy 7.19 of the London Plan, Policy SP04 of the Borough's CS and Policy DM11 of the MDD seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity.
- 20.2 An ecology report was submitted with the application. The Borough's Biodiversity Officer is of the view the application site is not of any significant biodiversity value and is not likely to support protected species. There will therefore be no significant adverse biodiversity impacts.
- 20.3 The Council's Biodiversity Officer is satisfied subject to the application of an appropriate condition the completion of the proposed development will result in a net gain in biodiversity. Accordingly, the proposal will serve to improve the biodiversity value as sought by the relevant London and Local Plan policies.

## **21 Waste**

- 21.1 A Waste Management Strategy is submitted with the application. Two waste management rooms will be provided at ground floor level next to the service bays. Collection will be collected very two days. Waste/recycling collections will be made by a private contractor and accessed through the service bay facilities.
- 21.2 The Waste Management Strategy has been reviewed by the Borough's Waste Team and is considered satisfactory and to be consistent with the Borough's MDD Policy DM14 in regard to managing waste.

## **22 Microclimate**

- 22.1 Tall buildings can have an impact upon the microclimate, particularly in relation to wind. Where strong winds occur as a result of a tall building it can have detrimental impacts upon the comfort and safety of pedestrians and cyclists. It can also render landscaped areas unsuitable for their intended purpose.
- 22.2 A wind assessment study was submitted with the scheme and further wind tunnelling modelling has been undertaken subsequently, although the full analysis has not been shared the local planning authority to date. The localised wind impacts have been assessed against the Lawson Comfort Criteria.
- 22.3 This preliminary assessment indicates there are no areas liable to exceed the pedestrian safety criteria although there will be adverse impacts compared to the consented scheme around Half Moon Passage and around the foot of both the south west and north west corners of the building block.
- 22.4 Mitigation measures are proposed including a canopy of trees flanking either side of Half Moon Passage. Further more detailed mitigation measures will be required as part of a planning condition, informed by the detailed results of the wind tunnelling modelling of the scheme and a comprehensive set of mitigation measures need to be set out to the local planning authority and included in the finalised design details of the scheme in terms of treatment of the elevations, landscaping and detailing of the roof terraces.

## **23 Financial considerations**

### Localism Act (amendment to S70(2) of the TCPA 1990)

- 23.1 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:
- The provisions of the development plan, so far as material to the application;
  - Any local finance considerations, so far as material to the application; and,
  - Any other material consideration.
- 23.2 Section 70(4) defines "local finance consideration" as:
- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
  - Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

- 23.3 As regards Community Infrastructure Levy considerations, Members are reminded that that the London Mayoral CIL became operational from 1 April 2012 and would be payable on this scheme. The approximate net Mayoral CIL contribution is estimated to be around £2,312,360 (Crossrail minus Mayoral CIL)
- 23.4 The mechanism for contributions to be made payable towards Crossrail has been set out in the Mayor's Supplementary Planning Guidance (SPG) "Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy" (April 2013). The SPG states that contributions should be sought in respect of uplift in floorspace for B1 office, hotel and retail uses (with an uplift of at least 500sqm). These are material planning considerations when determining planning applications or planning appeals.
- 23.5 In this case when considering the existing B1 floorspace to be loss 11,167sq.m which is replaced with 33,459sq.m B1 and commercial floorspace, there is a net increase in commercial floorspace of 22,292 and as such the Crossrail top up is ££3,301,780
- 23.6 This application is also subject to the Borough's Community Infrastructure Levy, which came into force for application determined from 1st April 2015. This is a standard charge, based on the net floor space of the proposed development, the level of which is set in accordance with the Council's adopted CIL charging schedule. The estimated chargeable Borough CIL contribution for this development is approximately £2,259,350

## **24.0 Human Rights**

- 24.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-
- 24.2 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
  - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and,
  - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".



- 24.3 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 24.4 Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified.
- 24.5 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 24.6 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 24.7 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

## **25. Equality**






- 25.1 When deciding whether or not to proceed with the project, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't (the public sector duty). Some form of equality analysis will be required which is proportionate to proposed projects and their potential impacts.
- 25.2 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty, inter alia, when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
  3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 25.3 The requirement to use local labour and services during construction and at end phase enables local people to take advantage of employment opportunities, supports community wellbeing and social cohesion.
- 25.4 The proposed development allows for an inclusive and accessible development for, employees, visitors and workers. Conditions secure accessibility for the life of the development

## **26 Conclusion**

- 26.1 All other relevant policies and considerations have been taken into account. Planning Permission should be granted for the reasons set out and the details of the decisions are set out in the RECOMMENDATIONS at the beginning of this report.

Planning Application Site Map  
PA/15/01209



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address	 1:3,500
 Consultation Area	 Statutory Listed Buildings	0 30 m 	

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.  
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