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| Committee: Strategic Development | Date: 13 th March 2008 | Classification: Unrestricted | Agenda Item No: 7.1 |
| Report of: Corporate Director Development & Renewal | | Title: Planning Application for Decision | |
| Case Officer: Shay Bugler | | Ref No: PA/05/471 | |
| | | Ward(s): Spitalfields and Banglatown | |

1. APPLICATION DETAILS

Location: 4-6 and 16-22 Middlesex Street and 3-11 Goulston Street, E1

Existing Use: There is currently a private car park in use on the northern part of the site at ground floor level. The site also comprises of an empty office/warehouse building

Proposal: Redevelopment to provide a mixed use development comprising a 17 storey office building rising to a maximum height of 76m (and providing 41,361m² office floorspace), 8 storey hotel plus plant room; building (providing 207 guest rooms, and comprising 15, 002m² floorspace), together with 872m² of Class a1-a4 use (retail) floorspace, and ancillary car parking, servicing, landscaping and new vehicular access.

Environmental Impact Assessment

Drawing Nos: JS 0413/002 Rev A; js0413/101 Rev B; JS0413/102 Rev C; JS 0413/103 Rev D; JS0413/104 Rev B; JS 0413/105 Rev C; JS 0413/106 Rev B; JS 0413/107 Rev B; JS 0413/108 Rev C; js 0413/109 Rev B; JS 0413/110 Rev B; js 0413/111 Rev B; JS 0413/112 Rev A; JS 0413/114 Rev A; JS 0413/115 Rev A; JS 0413/116 Rev A; JS 0413/117 Rev A; js 0413/201 Rev A; JS 0413/202 Rev A; JS 0413/203 Rev A; JS 0413/204 Rev A; JS 0413/301 Rev C; js 0413/302 Rev C; JS 0413/303 Rev B; JS 0413/304 Rev B; JS 0413/305 Rev A; JS 0413/401 JS 0413/402; JS 0413/403 Rev A

Supporting documentation

- Environmental Statement Volume 1
- Environmental Statement Volume 2 (Transport Assessment Report)
- Environmental Statement Volume 3 appendices
- Environmental Statement Appendix 3./1 Planning Drawings
- Design and Access Statement
- Environmental Statement Non technical summary
- Renewable Energy Strategy Environmental Statement Volume 4
- Part L Compliance Report

Applicant: The Cronlech Property Co Ltd

Owner: The Cronlech Property co Ltd

Historic Building: Not applicable

Conservation Area: Adjacent to Wentworth Street

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, associated supplementary planning guidance, Councils IPG (2007) the London Plan and Government Planning Policy Guidance and has found that:

(1) The proposal is in line with the Mayor and Council's policy, as well as government guidance which `maximise the development potential of sites. As such, the development complies with policy 3A.3 of the consolidated London Plan (2008) and PPS3.

2) The proposed hotel use is considered acceptable given the proximity of the site to public transport and the Central Area Zone. Furthermore, the hotel would not result in the loss of any housing or adversely affect the amenity of any adjoining residential properties. As such the development complies with policy 3A.1, 3C.1 and 3A.3 of the London Plan, ART7 of the Unitary Development Plan and policy CP13 of the Council's Interim Planning Guidance (October 2007) which seek to ensure hotels are suitably located within highly accessible locations and in proximity to business locations and tourist attractions.

(3) The massing and form of the building outline is considered acceptable and will make a positive contribution to the site and immediate area, with the height, bulk and footprint of the building is acceptable given the corner location of the site and the inconsistency of the adjacent street scene. In terms of the detailed design and external materials these will be dealt with via condition. As such, the proposal is in general accordance with the policies 4B.1 and 4B.2 of the consolidated London Plan (2008), DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV2 of the Interim Planning Guidance (October 2007) which seek to ensure the design of development is of high quality, suitably located and responds to the existing character of an area.

(4) The development is not considered to adversely affect the amenity of any neighbouring residential properties in terms of a loss of privacy, increased sense of enclosure and provision of daylight and sunlight. It is considered to be in accordance with policies DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1 of the Interim Planning Guidance (October 2007) which seek to ensure the amenity of adjoining residential properties is protected and maintained.

(5) Transport matters, including parking, access and servicing are acceptable and in line with policies T16 of the Council's Unitary Development Plan 1998 and policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007), which seek to ensure developments can be supported within the existing transport infrastructure and will not affect the safe operation of the highways.

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:

That the Committee resolve to **GRANT** planning permission subject to:

(a) £1,167,180 for transport improvement including public transport and highways, pedestrian and cycle improvements in the vicinity of the site.

(b) Affordable housing- £1.5 million to mitigate against the loss of affordable housing on site.

(c) £333,000 for local community and environmental facilities and Initiatives

- (d): Preparation, implantation and review of a Service Management Plan.
- (d): Preparation, implantation and review of a Green Travel Plan.
- (e): Public realm improvements
- (f) TV reception monitoring and mitigation.
- (g): Completion of a car free agreement to restrict occupants applying for residential parking permits.

3.2 That the Corporate Director Development & Renewal be delegated authority to negotiate the legal agreement indicated above.

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

Conditions

- 3.4
1. Time limit;
 2. Design/materials of external materials proposed
 3. Details of:
 - a) Design of Building to include inclusive design principles
 - b) Hard and Soft Landscaping
 - c) external lighting and CCTV scheme
 4. Secure by design statement
 5. Submission of a statement of the methods of working for the demolition and construction phases.
 6. Details of construction of the foul and surface drainage system
 7. Submission of details of external ventilation/extract ducts to A3 units;
 8. Submission of details of high level/roof top plant and sound attenuation;
 9. Submission of details of refuse/recycling proposals;
 10. Submission of details of disabled access and inclusive design;
 11. Limit hours of operation of restaurant/ bar (Mon – Sun 8am to 11pm);
 12. Details of Water Efficiency measures;
 13. Submission of details of site foundations
 14. Details of renewable energy measures/ assessment to meet minimum 10% provision;
 15. Cycle Storage;
 16. Site Management Plan: location and management of plantings, next boxes and green walls
 17. Archaeology investigation study
 18. Submission of a Code of Construction Practice (CoCP);
 19. Hours of construction (8am to 6pm Monday to Friday; 9am-5pm on Sat and not at all on Sunday or Bank holiday)
 20. Any other condition(s) considered necessary by the Head of Development Decisions.
- 3.5 That if by the 13th June 2008 the legal agreement has not been completed to the satisfaction of the Assistant Chief Executive (Legal Services); the Head of Development Decisions be delegated authority to refuse planning permission.

Informatives

- 3.6
1. Section 106 agreement required;
 2. Section 278 (Highways) agreement required; and
 3. Any other informative(s) considered necessary by the Head of Development Decisions.
 4. Construction Environmental Management Plan Advice.
 5. Environment Agency Advice.
 6. English Heritage Advice.
 7. Ecology Advice.
 8. Environmental Health Department Advice.
 9. Metropolitan Police Advice.

10. Transport Department Advice.
11. London Underground Advice.
12. Landscape department advice.
13. Contact the GLA regarding the energy proposals.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The proposal was originally submitted on the 31/03/2005. The original application was for a slightly larger proposal comprised of the following:
 - 17 storey building providing 41,361sqm of office floorspace
 - 11 storey providing 272 guest rooms and comprising 18, 172 m2 floorspace
 - 310m2 of Class A1(retail) and A3 (restaurant)
- 4.2 Following the changes made during the course of the application during 2005, the current proposal is to create two new buildings for a mixed use development comprising of:
 - 17 storey office building providing 41,361 sqm of office floorspace
 - 11 storey hotel providing 207 rooms comprising 15,002 sqm floorspace
 - 872 sqm of retail (A1-4) floorspace
 - 20 car spaces (including 6 disabled)
 - 19 motorcycle spaces
 - 250 cycle spaces
- 4.3 The office building has primary frontages on to Whitechapel High Street/ Middlesex Street and the hotel fronts onto Middlesex Street with secondary frontage to Goulston Street. Retail type uses and 'active' office/commercial uses are at ground level as well as entrances to the offices and hotel off site. Servicing for the offices and the entrance to the car park are accessed from Goulston Street.
- 4.4 The hotel comprises a gross external floor area of 15, 002m2 and including a ground floor plus 8 upper floors. However the number of floors gradually reduces from the North end from 8 floors to the South end to 4 floors. There are 207 guest rooms incorporating 'disabled' rooms from the second floor up to the eight floor. The hotel has a restaurant bar on the ground floor along with back of house areas and has its main entrance from Middlesex Street. In addition there are meeting rooms and a fitness studio at the ground floor with a function room in the basement. There is a café and retail kiosk adjacent to the new pedestrian route/square between the two buildings.

Site and Surroundings

- 4.6 The site is a long stretch plot of 5061.3 sq.m, approximately 150m long and 45 m wide, largely occupied by an empty office/warehouse building with the ground floor used and a car park. Part of the site is currently used for commercial purposes. The site is delineated by Middlesex Street and Goulston Street on the North-South grid and by Whitechapel High Street on the East-West urban grid.
- 4.7 The site is located in the 'Spitalfields and Banglatown' Ward in the London Borough of Tower Hamlets. The borough boundary to the City of London is located to the west of Middlesex Street.
- 4.8 The site lies in an area of transition, just within the western border of the London Borough of Tower Hamlets. The City of London (Col) is located to the west of the site, on the opposite side of Middlesex Street
- 4.7 The site is not located in a conservation area, but it is immediately adjacent to the Wentworth

Street conservation area. The others closest to it are the Tower, Whitechapel High Street and Fournier Street conservation areas.

- 4.8 A PTAL of 6 has been estimated for the site Both Aldgate and Aldgate East underground stations are within close proximity to the site.
- 4.9 The site lies within an Archaeology Priority Area as designated by the London Borough of Tower Hamlets in its Unitary Development Plan.
- 4.10 The site is located within the Central Activities Zone within the City Fringe AAP.

Planning History

4.12 The following planning decisions are relevant to the application:

PA/05/364 Request for Scoping Opinion as to the information to be contained in an Environmental Impact Assessment to be submitted in respect of redevelopment to provide a mixed use commercial scheme including a 20 storey office building and a 272 room hotel.
Scoping opinion issues 07/04/2005

- 4.13 PA/99/610 Redevelopment to provide
- a basement plus 12 storey building comprising a 388 guest room hotel, 70 no serviced apartments, offices, a health club, retail and restaurant units and ancillary basement car parking (for 40 cars); (ii) a five storey building comprising either Class A1, A2 or D1/D2 use on the ground floor, with 16 no flats on the upper floors, with ancillary basement car parking, (iii) the construction of a new link road between Middlesex Street and Goulston Street and (iv) a new entrance the subway under Middlesex Street.

The scheme was never progressed from resolutions to permission as the Section 106 was never signed.

5. POLICY FRAMEWORK

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

Unitary Development Plan 1998 (as saved September 2007)

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|-----|------------------------|--|---|
| 5.2 | Proposals: Policies | DTSR | Suitable for mixed use development Area of Archaeological Importance |
| 5.3 | Policies: | DEV1 DEV 2 DEV 4 DEV 50 DEV 55 EMP1 EMP6 T16 T21 S7 ART7 | Design Requirements Environmental Requirements Planning Obligations Noise Development & Waste Disposal Encouraging New Employment Uses Employing Local People Traffic priorities for New Development Pedestrian Needs in new Development Special Uses Tourist Accommodation |

Interim Planning Guidance for the purposes of Development Control

- 5.4 Proposals: Area of Archaeological Importance
- 5.5 Core Strategies
- | | |
|------|--|
| CP45 | Strategic Road |
| IMP1 | Planning Obligations |
| CP1 | Creating Sustainable Communities |
| CP3 | Sustainable Environment |
| CP4 | Good Design |
| CP7 | Job creation and Growth |
| CP13 | Hotels, serviced apartments and conference centres |
| CP17 | Evening and night time economy |
| CP38 | Energy efficiency and production of renewable energy |
| CP39 | Sustainable Waste Management |
| CP41 | Integrating Development with Transport |
| CP42 | Streets for people |
| CP46 | Accessible and inclusive environments |
- 5.6 Policies:
- | | |
|-------|--|
| DEV1 | Amenity |
| DEV2 | Character & Design |
| DEV3 | Accessibility & Inclusive Design |
| DEV4 | Safety & Security |
| DEV5 | Sustainable Design |
| DEV6 | Energy Efficiency & Renewable Energy |
| DEV7 | Water Quality and Conservation |
| DEV8 | Sustainable Drainage |
| DEV9 | Sustainable Construction Materials |
| DEV10 | Disturbance from Noise Pollution |
| DEV11 | Air Pollution and Air Quality |
| DEV12 | Management of Demolition and Construction |
| DEV15 | Waste and Recyclables Storage |
| DEV16 | Walking & Cycling Routes & Facilities |
| DEV17 | Transport Assessments |
| DEV18 | Travel Plans |
| EE2 | Redevelopment/ Change of Use of Employment Sites |
- 5.7 City Fringe Area Action Plan (Interim Planning Guidance)
- | |
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| CA24 |
| CA29 |
| CFR12 |
- 5.8 **Supplementary Planning Guidance/Documents**
- Designing Out Crime
Archaeology and Development
- 5.9 **Spatial Development Strategy for Greater London (London Plan)**
- | | |
|-------|--|
| 3A.3 | Maximising the potential of sites |
| 3A.5 | Housing choice |
| 3B.1 | Developing London's Economy |
| 3B.3 | Mixed use development |
| 3B.11 | Improving employment opportunities for Londoners |
| 3C.2 | Matching development to transport capacity |
| 3D.7 | Visitors Accommodation and Facilities |
| 3C.1 | Integrating Transport and Development |
| 4A.19 | Improving air Quality |

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| 4A.4 | Energy assessment |
| 4A.7 | Renewable energy |
| 4A.6 | Decentralised energy, heating, cooling and power |
| 4B.1 | Design Principles for a compact city |
| 4B.2 | Promoting world class architecture and design |
| 4B.3 | Enhancing the Quality of the Public realm |
| 4B.6 | Safety, security and fire potential |
| 4B.5 | Creating an inclusive environment |
| 4B.8 | Respect local context and communities |
| 4B.9 | Tall buildings and location |
| 4B.10 | Large scale buildings- design and impact |
| 4B.15 | Archaeology |

5.10 **Government Planning Policy Guidance/Statements**

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|-------|------------------------------------|
| PPG1 | General Policy and Principles |
| PPS1 | Delivering Sustainable Development |
| PPS22 | Renewable Energy |
| PPG24 | Planning & Noise |

Community Plan

- 5.11 The following Community Plan objectives relate to the application:
- A better place for creating and sharing prosperity
 - A better place for learning, achievement and leisure
 - A better place for excellent public services

6. CONSULTATION RESPONSE

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

- 6.2 The following were consulted regarding the application:

Environmental Agency (Statutory)

- 6.3 No objection subject to conditions

(Officers comment: The recommended conditions will be attached to the decision notice)

Natural England (Statutory)

- 6.4 Natural England is satisfied with the level and methodologies of the habitat and species surveys performed and accept the conclusions that the development will have negligible significance on the local ecology. Mitigation for any losses has been adequately provided for through native shrub and trees plantings, nest boxes and green walls. However, due to the size of the development and its location within an Area of Deficiency there is a requirement not only to mitigate for losses, but to provide additional open space and achieve a net biodiversity gain in line with the Major's Biodiversity Strategy. To make these gains clear it would be useful to address the quantity, location and management of plantings, nest boxes and green walls to be administered through a Site Management Plan to be presented as an obligation in the S106 Agreement.

Government Office for London (Statutory)

- 6.5 No comments received

City of London Corporation (Statutory)

6.6 No comments received

British Waterways (Statutory)

6.7 No comments received

London City Airport (Statutory)

6.8 London City Airport have no objection to the proposed development

6.9 Greater London Authority

The following comments were raised in the GLA Stage 1 report dated 18 October 2005:

- 1) In order to comply with the London Plan's mixed use policy; it should include residential use or contribute towards provision elsewhere.
- 2) A satisfactory design outcome is predicted.
- 3) Improve the application in terms of renewable energy.
- 4) The level of car parking is excessive.
- 5) Disabled parking should be increased and the means of access to the cycle parking is currently inconvenient.

(Officers comment: This will be addressed later in the report.)

Transport for London- Street Management (Statutory)

6.10 Transport for London note that a permanent closure to the subway system at Middlesex Street/Whitechapel High Street junction is recommended.

Commission for Architecture and Built Environment (statutory)

6.11 No comments received

East London and City Health Authority (statutory)

6.12 No comments received

Thames Water Authority (statutory)

6.13 No comments received

English Heritage Archaeology (non statutory)

6.14 No objection (recommend condition). Recommends an archaeological fieldwork need be undertaken prior to determination of the planning applications.

LBTH Environmental Health (non statutory)

6.15 No comments received

LBTH Cleansing Officer (non statutory)

6.16 There is a dedicated refuse storage area accessible via the service road which would need to be serviced on a frequency sufficient to meet the requirements of the site. The applicant should be aware of this.

LBTH Arts, Sports and Leisure Service (non statutory)

6.18 No comments received

London Fire and Emergency Planning Authority

6.18 No comments received

CABE

6.19 CABE were unable to comment on the scheme

7. LOCAL REPRESENTATION

7.1 A total of 433 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 1 Objecting: 1 Supporting: 0
No of petitions received: 0 objecting containing 0 signatories
0 supporting containing 0 signatories

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

- Overshadow Brunswick House
- Block light as well as restricting satellite signal reception.
- Invasion of privacy
- Increase in traffic will cause more disturbance.
- Health and safety.

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land use
2. Provision of off site affordable housing
2. Design & Layout
3. Amenity
4. Transport
5. Sustainability & Renewable Energy

Land use

8.2 The site is designated for 'mixed use development' in the UDP. The site forms part of the City Fringe Area Action Plan. In the Interim Planning Guidance the site is designated for employment (B1), Retail (A1, A2, A3, A4).

Office and retail use

8.3 The site is currently used by a number of employment uses comprising largely of a vehicle service centre (Kwik-fit) the remainder of the site appears to be for a variety of textile, office and storage uses. Council policies EMP1 of the UDP and CP11 of the IPG seek to ensure that existing employment sites are not lost and that job opportunities are retained. It is

therefore considered that the proposal accords with these policies given employment uses will be retained and maximised on site.

- 8.4 The proposal provides B1 and A1-4 uses. The City Fringe Interim Planning Guidance (2007) requires the development at ground floor level to contribute to the vitality of the area. The proposal provides for a flexible A1-4 use on the ground floor level, thus creating active street frontage.
- 8.5 Policy 3B.8, 3B.9 & B.10 of the consolidated London Plan (2008) promotes growth of employment opportunities. Policy EE2 of the Councils Interim Planning Guidance stipulates that proposals for redevelopment/change of use and/or reduction in employment floorspace may be considered where the site is considered unsuitable for continued employment use due to its location, accessibility, size and condition and where the creation of new employment and training opportunities which meet the needs of local residents are maximised in any new proposal.
- 8.6 At present, there is 15,550 sqm of commercial floorspace on site. The proposal will result in 44,970 sqm of office floorspace and 310 sqm of retail floorspace. As such, the proposal will result in an increase of employment generating floorspace on site. The proposal therefore complies with national and local employment policy.

Hotel use

- 8.7 A hotel use on this site is not specifically identified on any local plans. However suitable hotel developments are encouraged in the City Fringe Area.
- 8.5 Policy ART7 of the Unitary Development Plan (UDP) states that the Council will normally give favourable consideration to major hotel developments within the Central Area Zone (CAZ). Outside of this zone major hotels may be permitted if the following criteria is met:
- 8.6
- The scale and density of the development is appropriate for the surrounding area and will not adversely impact on the local environment or amenity of adjoining uses.
 - The site is well served by public transport and is within easy reach of a public transport interchange.
 - The site has adequate road access and can accommodate necessary vehicle movements off the public highway.
 - The development will not adversely affect existing residential accommodation or result in a loss of residential accommodation.
- 8.7 In addition policy CP13 of the Interim Planning Guidance October 2007 (IPG) states that hotel development will be supported in areas of high public transport accessibility and proximity to commercial development. CFR9 supports large scale hotels to provide accommodation for leisure and applicant.
- 8.8 The proposal was originally for an 11 storey hotel (comprising 272 guest bedrooms). The Council had expressed concern with the impact this could have on surrounding residential amenity. Resulting from this, the applicant amended the scheme accordingly. The revised proposal is now for an 8 storey hotel (comprising 207 guest rooms). The applicant has advised that the site currently employs approximately 40 people, with the proposed hotel expected to employ 65 persons.
- 8.9 The proposed use of the site for a hotel is in accordance with the relevant Council policies and will allow for existing employment opportunities on site to be maximised.
- 8.10 The Council believes that the proposed mixed use scheme is acceptable on the site. It is also worth noting that the principle of mixed use development (comprising retail, office and hotel) use on site has been acceptable at committee in December 1999.

Provision of affordable housing off site

8.11 Policy 3A.5 of the consolidated London Plan 2008 requires a mix of uses in new development within the Central Activities Zone including housing. London's economic growth depends on the efficient labour market which in turn depends on adequate housing provision especially affordable housing. As such, as a general principle, all strategically important employment generating development is expected to contain other uses which shall including housing.

8.13 The proposal would not result in the loss of any existing residential accommodation as the site does not presently have any provided on site. Notwithstanding this, the site could potentially be suitable for residential use. The 2005 GLA Stage 1 report states that:

‘To address the policy the requirement the developer should either provide finance toward affordable housing or split the site in order provide permanent residential units.....Any finance to mitigate for the absence of housing in this location should be vested in Tower Hamlets Council's Affordable Housing Fund so that housing can be provided elsewhere in the borough.

8.14 The applicant has agreed to make a payment of £1.5 million to mitigate the loss of housing on site. The Councils considers this to be acceptable.

Design & Layout

8.15 Policy 4B.9 of the consolidated London Plan 2008 states that tall buildings will be promoted where they create attractive landmarks enhancing London's character, help to provide a coherent location for economic clusters of related activity or act as a catalyst for regeneration and where they are also acceptable in terms of design and impact on their surroundings. Policy 4B.9 of the London Plan provides detailed guidance on the design and impact of such large scale buildings, and requires that these be of the highest quality of design.

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

8.17 Policies CP1, CP48 and DEV27 of the IPG October 2007 state that the Council will, in principle, support the development of tall buildings, subject to the proposed development satisfying wide range of criteria.

8.18 Good design is central to all the objectives of the London Plan. Chapter 4B of the London Plan refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at high quality design, which incorporate the principles of good design. These principles are also reflected in policies DEV1 and 2 of the UDP and the IPG.

8.19 Policies DEV1 and DEV2 of the UDP and policy CP4 of the IPG October 2007 state that the Council will ensure development create buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings.

8.20 The site lies at a point of transition between different townscape character areas. Building heights vary across the area, with taller buildings to the west in the City and lower buildings to the east. As such, the height, massing and layout of the proposed development are considered to be acceptable.

8.21 The proposed massing includes a number of setbacks in the building to respect the adjoining properties and to limit the massing at higher levels. The hotel is shaped so as to step away

from the residential to the north and also forms a raised garden at the first floor level. The 'stepping' has been formed following detailed light studies to the adjoining residential buildings. Active uses occur on the main elevations with a bar/restaurant, entrances and views into the hotel lobby.

8.22 In terms of height and massing, the proposal responds to its surrounding context. The proposed height of the office building of 76m on the North end and 48m on the south end is generally of a similar to a smaller scale to the neighbouring office developments. A cluster of tall buildings is evident in the area.

8.23 The 2005 GLA report notes that:

" The location is acknowledged as generally suitable for tall buildings by Tower Hamlets Council and the Mayor. The new tower is a glass curtain wall building that rises from its irregular plan with a calm and simple elevation treatment that gives vertical expression to the site boundary. The proposal is likely to be satisfactory in design terms and does not raise any issues of strategic importance that be addressed by Tower Hamlet's".

8.24 The hotel will not adversely impact the adjacent Conservation Area. The hotel has stone with contemporary glass bays at lower levels and a light 'floating' glass upper levels with a horizontal emphasis creating a lightweight visual link to the offices.

8.25 As mentioned, policy DEV27 of the IPG October 2007 provides a suite of criteria that applications for tall buildings must satisfy. Considering the form, massing, height and overall design against the above mentioned policy requirements, the proposal is considered to satisfy the relevant policy criteria as follows:

- The context of the site requires high architectural and design quality. This design not only meets this standard but also achieve good architectural composition with surrounding buildings and relationship to open space provision (design alternatives other than tall buildings were considered inappropriate);
- the development creates an acceptable landmark building within the centre of the newly defined housing area, which creates a focus point for the emerging group of tall buildings;
- it contributes to an interesting skyline, from all angles and at night time;
- the site is not within a strategic view corridor;
- the site is not within a local view corridor and would not impact adversely on local landmarks;
- the scheme provides adequate, high quality and usable amenity space;
- the proposal also includes an appropriate S106 to secure land for public open space and secure a contribution towards the proposed open spaces;
- the scheme present a human scaled development at street level and enhances the movement of people, including disabled users, through the communal/public open space whilst securing high standard of safety and security for future residents of the development;
- the proposal satisfies the Council's requirements in terms of impact on privacy, sunlight & daylight, amenity and overshadowing;
- the scheme meets the Council's requirements in terms of micro-climate;
- demonstrates consideration of sustainability throughout the lifetime of the development, including the achievement of high standards of energy efficiency, sustainable design, construction and resource management;
- the impact on biodiversity will not be detrimental;
- the mix of uses proposed are considered appropriate and will contribute positively to the social and economic vitality of the surrounding area;
- the site is located in an area with good public transport accessibility;
- takes into account the transport capacity of the area and includes an appropriate S106 contribution towards transport infrastructure, to ensure the proposal will not have an adverse impact on transport infrastructure and transport services;

- the scheme complies with density requirements set out in policy HSG1 of the IPG October 2007;
- conform with Civil Aviation requirements; and
- not interfere, to an unacceptable degree, with telecommunication and radio transmission networks.

8.26 In light of supporting comments raised by the Council's Design Department and the GLA, the form, height, massing of the development is considered to be acceptable. It is recommended that the scheme be conditioned appropriately, to ensure that a high quality detailing of the development is achieved. Overall, it is considered that the proposed development is acceptable in design terms and in accordance with the above mentioned policy and guidance set out in the London Plan and IPG October 2007.

Accessibility & Inclusive Environments

- 8.27 Policies 4B.1 & 4B.5 of the London Plan seek to ensure that developments are accessible, usable and permeable for all users and that development can be used easily by as many people as possible without undue effort, separation or special treatment. Policy 3C.20 refers to the importance that connections from new developments to public transport facilities and the surrounding area (and its services) are accessible to all. Best practice guidance has been issued by the GLA (SPG Accessible London: Achieving an Inclusive Environment, 2004).
- 8.28 Policies ST3 and DEV1 of the UDP require that development contributes to a safe, welcoming and attractive environment which is accessible to all groups of people. A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. This is reflected in policies CP1, CP4, CP40, CP46 and DEV3 of the IPG, which all seek to ensure that inclusive environments are created which can be safely, comfortably and easily accessed and used by as many people as possible without undue effort, separation or special treatment.
- 8.29 With reference to permeability on site, the new landscaped passage between the office block and the hotel will increase site permeability by opening an East-West new pedestrian route across the site from St. Botolph Street to Goulston Street.
- 8.30 The Council's secure by design officer notes that in terms of safety, the scale of the proposed development and the likely number of occupants generated at this location and active ground floor frontage will result in a greater activity within this area allowing for enhanced natural surveillance.
- 8.31 The proposal provides
- level access is provided to all entrances
 - all main entrances have suitable width doors adjacent to revolving doors.-
 - mobility impaired car parking spaces are provided in the basement car park
 - audible sound systems will be incorporated for the information and/or safety requirements.
 - all elements of the buildings will be built to all relevant building regulation codes and practices

Public realm works.

- 8.32 The applicant proposes a new pedestrian link and linear square between Middlesex Street and Goulston Street creating a light, active and safe route through the Law Faculty entrance. In addition, the following works are proposed:
- Improve surface treatment to Goulston Street
 - Improve pedestrian links around the site
 - Improve hard and soft landscaping and pedestrian priority to the areas around the site

- Extend links through the Algate Union proposals to the future possible public square on the south side of Braham Street
- Create local 'landmark and enhanced Tower Hamlets 'gateway'.

The above will be secured by way of condition.

Impacts on adjacent Wentworth Conservation Area

- 8.33 PPG15 (Planning and the Historic Environment) requires local planning authorities who consider proposals which affect a listed building to have special regard to the preservation of the setting of the listed building as the setting is often an important part of the building's character
- 8.34 Policy 4B.10 of the London Plan seeks to protect and enhance London's historic environment. Further, Policy 4B.11 states that boroughs should ensure the protection and enhancement of historic assets based on an understanding of their special character.
- 8.35 Policy DEV 8 seeks to protect local views and is stated as follows:
- "Developments which adversely affect significant local views will be resisted"*
- 8.36 Policy CON1 of the IPG states that planning permission will not be granted for development which would have an adverse impact upon the setting of the listed building.
- 8.37 Viewpoints for assessment were agreed with LBTH as part of the EIA scoping exercise and consultations for the ES submitted in relation to the March 2005 scheme. The key views adopted, which include those where listed buildings and Conservation Area may appear in views or have their settings affected. Views for assessment were taken along the following streets:
- 1: Whitechapel High Street
 2. Mansell Street
 3. Goulston Street
 4. Middlesex Street
 5. St. Botolph's Street
 6. Quenn's Walk LVMF Assessment View 25A.1
 7. Queens Walk LVMF Assessment View 25A.2
- 8.38 `Full views of the proposed redevelopment would be mainly limited to the surrounding streets of the Algate gyratory system (notably from Whitechapel High Street and Braham Street), Middlesex Street, St. Botolph's Street and Goulston Street. Partial views of the proposed redevelopment would be possible from a number of local streets.
- 8.39 Longer-distance views of the proposed redevelopment would be possible from taller buildings in the area. A possible long distance view of the proposed redevelopment from Greenwich Park would not enable the Development to be readily picked out and it would not interfere with the protected vista of St. Paul's Cathedral. No other protected vista of St. Paul's or the Palace of Westminster, covered by the Secretary of State's Direction of May 2007 would be affected by the proposed Development.
- 8.40 The report concludes that the development would be of negligible significance.

Amenity

- 8.41 Policy 4B.9 of the London Plan refers to the design and impact of large scale buildings and includes the requirement that in residential environments particular attention should be paid to privacy, amenity and overshadowing.

8.42 DEV 2 of the UDP seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. Furthermore, Policy DEV1 of the IPG states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The policy includes the requirement that development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms.

Daylight and Sunlight

8.43 The standards for measuring daylight and sunlight are guided by Building Research Establishment (BRE) guidance. Daylight is normally calculated by two methods - the vertical sky component (VSC) and the average daylight factor (ADF). The latter is considered to be a more detailed and accurate method, since it considers not only the amount of sky visibility on the vertical face of a particular window, but also window and room sizes and importantly the rooms actual use.

8.44 The change in sky visibility or VSC method only provides an indication as to whether there will be changes in lighting levels. It does not necessarily reveal whether the predicted quantity and quality of light is adequate, following the construction of a new development. However, the ADF method provides a means for making such an analysis.

8.45 The ADF will consider the amount of light necessary for the rooms use and activities generally undertaken with that room it then gives a minimum percentage for each room. These percentages are 2% for kitchens (though for a kitchen to be considered as habitable the room must be over 13sqm), 1.5% for living rooms and 1.0% for bedrooms. Any other room i.e. bathroom or hallway are not considered to be habitable and are therefore not relevant for assessment under BRE standards.

8.46 Sunlight is assessed through the calculation of what is known as the annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter, for each window within 90 degrees of due south or, in other words, windows that receive sunlight. The amount of sunlight on a window should not be less than 5% of annual probable sunlight hours during the winter months 21st September to 21st March.
This will ensure that the window will appear reasonably sunlit.

8.47 The comprehensive daylight/sunlight report has examined the properties which could potentially be affected by the proposed development. The scope and methods were worked on and agreed by the Local Planning Authority.

The following properties were examined for both the vertical sky component tests and the Average Daylight factor tests

Number 13 Goulston Street

Daylight

8.48 The rooms meet the ADF requirements.

Sunlight

8.49 The sunlight shows that no window would be subject to a reduction in its existing total or winter sunlight that would breach the BRE Guidelines.

Number 15 Goulston Street

Daylight

- 8.50 The VSC analysis shows that no window would be subject to a reduction in its existing VSC value of its excess of 20%.

Sunlight

- 8.51 The sunlight assessment shows that the Development would have a minor impact upon the existing sunlight values and that the retained sunlight would remain high and well in excess of the BRE Guidelines.

Number 17 Goulston Street

Daylight

- 8.52 The ADF analysis supports the conclusions of the VSC test. This analysis shows that the retained ADF values would remain high and very close to the existing values. The percentage reduction in ADF would in each case be 14% or less, showing compliance with the BRE Guidelines for all the rooms.

Sunlight

- 8.53 The sunlight analysis shows that no window would be subject to a reduction in its existing total or winter sunlight that would breach the BRE Guidelines. Each window would retain good APSH values. The BRE Guidelines would be complied with.

Number 19 Goulston Street

Daylight

- 8.54 The proposal retains ADF values.

Sunlight

- 8.55 The sunlight assessment shows that there are no breaches of the BRE criteria as a result of the proposal.

1-10 New Goulston Street

Daylight

- 8.56 The analysis shows that the retained ADF values would remain high and very close to the existing values. The percentage reduction in ADF would in each case be 14% or less, showing compliance with the BRE Guidelines for all the rooms. No windows which currently have an ADF value of 1.5% or more would have its ADF value would remain high and very close to the existing values. The percentage reduction in ADF would in each case be 14% or less, showing compliance with the BRE Guidelines for all the rooms. No window which currently has an ADF value of 1.5% or more would have its ADF value reduced to below 15% as a result of this proposal.

Sunlight

- 8.57 All but four of the windows would retain total APSH values in excess of the BRE Guideline of 25%. This is the guideline for the main window to a residential living room, and in most cases the retained total APSH would be double that of the aforementioned BRE Guideline value.

6 Herbert House

Daylight

- 8.58 For the purpose of this assessment the windows on the internal elevations of this U shaped block have been examined. None of the windows which have an outlook into the internal courtyard are habitable rooms.
- 8.59 The VSC analysis shows that none of these windows would experience than a 20% reduction would be small; and well within BRE Guidelines. The ADF analysis supports this position by demonstrating that the impact to the proposal would be marginal and not in breach of the BRE Guidelines.

Sunlight

- 8.60 The APSH values for the windows on the external elevations of Herbert House would remain substantially unaffected by the Development. The retained APSH values would remain high and in almost every case substantially in excess of the BRE Guideline total APSH value of 25%.

The proposal and its relationship with the London Metropolitan University.

- 8.61 The proposal will result in a loss of daylight to many of the lecture rooms to the Metropolitan University. In order to mitigate the impacts of the proposed development, the applicant and the University have reached an agreement. The applicant will pay 600,000 for modification works to London Metropolitan University and £5,000 for fees. These modifications works will include relocating various staff, general refurbishments, improved use of natural and artificial lighting and the removal of some internal partitions. On the basis of the above, the University is willing to support the application. The Council is satisfied with the agreement made between the applicant and developer.

Conclusion

- 8.62 It is acknowledged there will be a marginal loss of daylight/sunlight resulting from the proposed development. However, sufficient daylight/sunlight levels will be retained and given the urban context of this site, the minor loss of daylight and sunlight should not a warrant refusal of the scheme. There are also no standard protecting non residential buildings. In addition, the proposed development is not considered to adversely affect the amenity of any neighbouring residential properties in terms of a loss of privacy, increased sense of enclosure or the provision of daylight and sunlight. It is considered to be in accordance with policy DEV2 of the UDP and policy DEV1 of the IPG `which seek to ensure the amenity of adjoining residential properties is protected and maintained.

Transport

- 8.63 Both the UDP and the IPG contain a number of policies which encourage the creation of a sustainable transport network which minimises the need for car travel, lorries and supports movements by walking, cycling and public transport. Through the IPG the Council seeks to focus high density development in areas of high public transport accessibility (CP41).
- 8.64 It is considered that the site is well served by public transport being centrally located to the City Fringe by being within walking distance of Aldgate, Whitechapel and Shadwell Underground and DLR Stations and the site's proximity to a number of bus routes. The site has a Public Transport Accessibility Level (PTAL) of 5 which indicates that the level public transport in the area is high

Access

- 8.65 Pedestrian access to the site is provided from Whitechapel High Street to Goulston Street and from Aldgate High Street and from Aldgate High Street to Middlesex Street. From Algate high Street an existing stairwell and ramp situated on the south western corner of the site provides access to the subway beneath Aldgate Gyrator and the western gyratory. Car and taxi pick up/drop off areas are proposed at the office and hotel entrances at Middlesex Street.

Means of access and egress

- 8.66 Access from the street and the pedestrian areas surrounding the buildings will be facilitated by dropped kerbs, tactile paving, traffic lights and other public facilities to aid access to the buildings for use by MIP and wheelchair users.
- 8.67 A new public pedestrian route and linear square has been created between the hotel and offices. It connects the Law Faculty of the Metropolitan University to Middlesex Street and opens up a whole new network of linkages and permeability. It is 12.5m wide.

Building entrances

- 8.68 The office building has two entrances one on Middlesex Street and the other on Goulston Street. Each entrance is located within the recess at ground level and is fully weather protected against the elements. The main entrance on Middlesex Street consists of a manually operated fully glazed revolving door at a minimum 1400 mm diameter.

Car parking

- 8.69 TfL were initially concerned with '*the level of car parking proposed (40 spaces) is excessive, especially in relation to the exceptional public transport accessibility of the site*'. In light of comments made by TfL, the applicant has reduced the car parking bays from 40 to 20 and has increased the number of disabled car parking spaces from 3 to 6. The car parking spaces will be provided at lower ground floor level. This level is accessed from the building interiors by means of the circulation cores. The Council considers this to be acceptable for the development.

Cycle Parking

- 8.70 Policy CP42 of the IPG encourages pedestrian and cycle permeability in new developments. The Council will ensure that new developments have a high level of connectivity with the existing and proposed transport, and pedestrian network.
- 8.71 Tower Hamlets cycle parking standard for employment use is a 'maximum' of 1 cycle space per 250m² GFA/GEA.
- 8.72 A total of 250 cycle parking spaces are proposed at the Site, which is in excess of TfL's 'minimum' cycle parking is proposed at lower ground floor level with access via a proposed wheel ramp situated adjacent to the staircase.
- 8.73 19 motorcycle parking spaces are proposed at lower ground floor level.

Servicing

- 8.74 A total of three loading bays are proposed at the site for the office and retail uses, which are located adjacent to Goulston Street. This loading bay provision has been calculated based on the service vehicle trip generation discussed in Section 5.0

- 8.75 Tow loading bays allow for a maximum 8 metre rigid vehicle and one bay allow for a maximum 10 metre rigid vehicle. The coach parking bay which is 3.5 metres wide and 12 metres in length, can be shared use for both hotel servicing and for coach parking.
- 8.76 The servicing provision is considered adequate for the proposed development.
- 8.77 There is sufficient space in front of the compactor to allow for the skip lorry to loft/remove/replace the skip accordingly.
- 8.78 It is considered that the site and the surrounding road network will have sufficient capacity for additional vehicle movements. In particular any servicing will be restricted to Nelson Street via a dedicated loading area located off an existing access way and all drop off / picks ups restricted to the identified location on Cavell Street adjacent the site.

Cumulative impact of this development

- 8.79 Transport for London advised that in terms of any other committed developments in the area, reference should be made to the Algate Masterplan (currently in draft status), which indicates the development sites in the area..
- 8.80 The Transport Assessment notes that there will not be any significant capacity issues on either the London Underground or mainline rail services in the Aldgate area between 2001 and 2016, which takes into account the predicted increases in local employment and development in the area. The predicted increase in passengers is likely to be accommodated within existing capacity levels at the local stations.

Section 106

- 8.81 The Developer will pay a total of £1,167,180 to LBTH and Transport for London. This will be spent on public transport and highways, pedestrian and cycling improvements in the vicinity of the site the nature of which to be determined following consultation and consideration of representations from the Developer. The Council considers this to be acceptable and is identified in paragraph 3.1

Sustainability & Renewable Energy

- 8.82 Policies 4A.4, 4A.7 and 4A.6 of the London Plan sets out that the Mayor will and the boroughs should support the Mayor's Energy Strategy and its objectives of reducing carbon dioxide emissions, improving energy efficiency and increasing the proportion of energy used generated from renewable sources. The latter London-wide policies are reflected in policies CP3, DEV5 and DEV6 of the IPG Oct 2007. In particular, policy DEV6 requires that:
- all planning applications include an assessment which demonstrates how the development minimises energy demand and carbon dioxide emissions;
 - major developments incorporate renewable energy production to provide at least 10% of the predicted energy requirements on site.

Energy

- 8.83 The applicant has noted in the Environmental Statement that "the proposed development would incorporate a considerable number of energy efficient measures in order to reduce its energy usage compared to a typical office development, as required to meet the 2006 Building Regulations Part L2". These measures include:
- Passive and active design measures
 - Low or zero carbon (LZC) energy measures.

- 8.84 According to the energy statement, the total carbon emissions reductions for the office development would be 11.07% and the total carbon emission reduction for the hotel development is 13.9%. Therefore, both the office and hotel fall short of the GLA target of reducing carbon emissions by 20% as set out in the 4A.7 of the consolidated London Plan 2008. However, when the application was submitted in 2005, the policy requirement was 10% and the proposal would exceed the previous policy requirement. The Council does not believe that the shortfall of the new policy requirement would warrant a refusal. The fact that the application was received by the Council on the 31st March 2005 needs to be considered.

Carbon emissions

- 8.85 Ground source heating/cooling in the preferred low or Zero carbon (LZC) technology for inclusion within the proposed development. Renewable Energy Report notes that: "it is provisionally through likely tri-generation solution offers the most appropriate method of compliance with GLA policy for the office component of the development. The biomass system could make a contribution to reducing the carbon emissions of the hotel development given the hot water and heating loads determined by the dynamic simulations and hot water calculations. The inclusion of a combined heat and power (CHP) engine negates this possibility given the CHP engine is meeting a significant proportion of the hot water and heating load.

Air Quality

- 8.86 Policy 4A.6 'Improving air quality' which states that the 'Major will and boroughs should implement the Major's Air Quality Strategy and achieve reductions in pollutant emissions.
- 8.87 Strategic Policy ST6 of the adopted Unitary Development Plan aims "to protect the environment of the Borough and the amenity of residents from pollution caused by development and the development process".
- 8.88 Policy Dev 2 states that "all development should seek to protect the amenity of residential occupiers and the environment of the borough generally from the effect of pollution".
- 8.89 The site is located in an Air Quality Management Area. An air quality assessment was submitted as part of the Environmental Statement. The report predicts changes of air quality would be of a long term and local character but of minor significance. Slight effects due to the closure of the existing car park, whilst potentially beneficial, would be insignificant in the context of the impact of existing urban traffic and other pollutant sources on NO₂ levels in the City and City Fringe.
- 8.90 The predicted changes in pollutant concentrations as a result of the development would be generally within the lowest significant threshold although due to poor existing and future air quality, the effects are deemed to be of minor significance. Overall, however, and on balance, the effects arising from the development are considered to be of magnitude as to not affect air quality in any material manner.

Noise

- 8.91 Policy DEV50 of the UDP states that the Council will consider the level of noise generated from developments as a material consideration in the determination of applications. This policy relates particularly to construction noise created during the development phase or in relation to associated infrastructure works. Policy HSG15 states that the impact of traffic noise on new housing developments is to be considered.
- 8.92 The Noise and Vibration Assessment, submitted as part of the ES (Chapter 9), concludes that noise of road traffic noise on Goulston Street would be of minor significance. On the other roads in the area the effects would be of negligible significance.

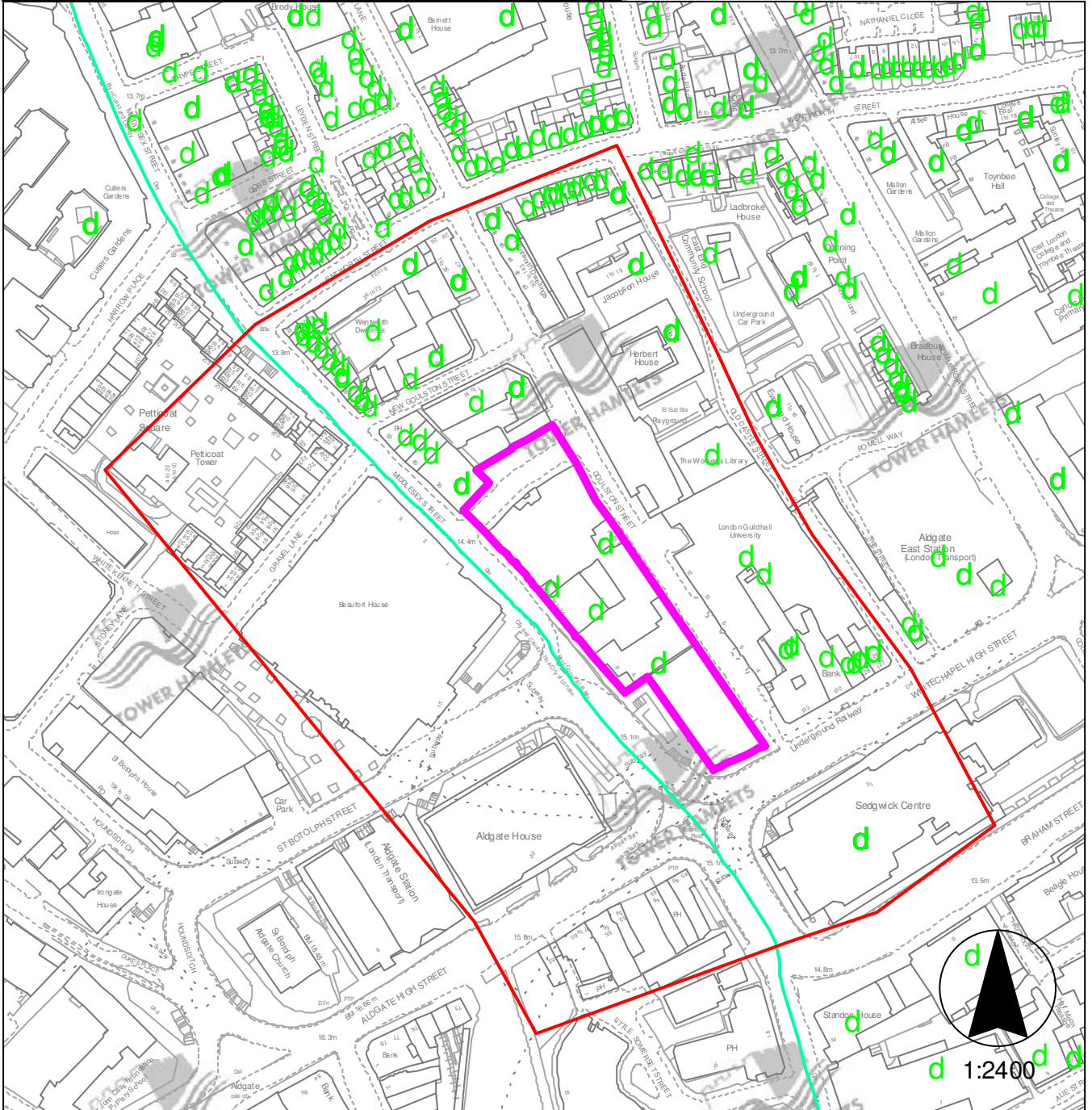
Wind/microclimate

8.93 As part of the application the applicant undertook a Wind Assessment, to assess the impact of the proposal on the microclimate. The conclusions of the study show that compared to the existing site, the proposed development would result in slightly more windy conditions at several locations around the development, but unacceptable conditions would not be obtained at any location for the likely activity at that location. In general, the impact of the proposed development on the local wind environment is relatively small. This can be further reduced by suitable landscaping measures which be secured as a landscape condition for the development.

9 **Conclusions**

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

Site Map



Legend

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

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