

Committee: Strategic Development Committee	Date: 19 th November 2015	Classification:	Agenda Item No:
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Gareth Gwynne		Ref No: PA/15/01141	
		Ward(s): Whitechapel	

11.0 APPLICATION DETAILS

Location: Enterprise House, 21 Buckle Street, London, E1 8NN

Existing Use: Office (B1 Use Class)

Proposal: Demolition of existing 6 storey office building and erection of a ground plus 17 storey mixed use building (AOD 74.7m to parapet) comprising 1,185sq.m of office space (B1 Use Class) and 106 (C1 Use Class) serviced apartments (2,985sq.m) together with ancillary facilities and associated cycle parking.

Drawing Nos: 400, 401 Rev. A, 402, 403, 404 Rev. A, 405.1. Rev. A, 405.2 Rev. A, 406 Rev. A, 407 Rev. A , 408 Rev. A, 500, 501 Rev. A, 501, 502 Rev. A , 503 Rev. A, 504 Rev. A, 510, 511, RGL 12 1617 02, RGL 12 1617 03, RGL 12 1617 05, RGL 12 1617 06, RGL 12 1617 06, Sk 700, Sk 701, Sk 702, Sk 703, Sk04b

Documents

- Planning Statement
- Design and Access Statement
- Design and Access Statement Addendum, dated October 2015
- Townscape and Visual Impact Assessment
- Verified Photomontages & Supporting Evidence dated October 2015.
- Heritage Statement
- BRE Daylight / Sunlight Report
- Environmental noise and vibration assessment report, dated 22 April 2015
- Archaeological Desk-Based Assessment, dated April 2015
- Phase 1 Geo-environmental Report, dated 17 April 2015
- Ecological Appraisal, dated April 2015
- Transport Statement
- Air Quality Assessment, dated April 2015
- Wind Microclimate Study,
- Noise and Vibration Assessment Report
- Energy Strategy, dated 21st April 2015;
- Sustainability Statement, dated 21st April 2015
- Aldgate Office Market and site viability report (prepared by Allsop dated April 2015)

- Hotel / Serviced Apartment Demand Study
- Transmission Assessment

Applicant: Galliad Homes Limited

Owner: Galliad Homes Limited

Historic Building: N/A

Conservation Area: N/A

2. SUMMARY OF MATERIAL PLANNING 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 2010 (CS), Managing Development Document 2014 (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 Aldgate Masterplan (2007) along with other material considerations and has found that:-

- a) In land use terms the the provision of short term let serviced apartments (C1 Use Class) and the re-provision of the existing office space (B1 Use Class) is acceptable.
- b) The principle of a tall building on this site has not been established. with this scheme. A tall building located on this small and tightly, constrained site, set within an established building block is not considered acceptable. The scheme would result in a cramped and incongruous form of development that would have an overbearing impact on the narrow confined street in which it is located and be overbearing upon neighbouring development including a set of listed buildings set within the same urban street block that physically adjoin the site. The opportunity to make provision for an appropriate high quality public realm space at its base would not be possible.
- c) The scheme is considered to cause significant harm to a cluster of listed buildings located within the same street building block. The harm is by reason of the scale, height and proximity of the tall building to the listed buildings. The incongruous and overbearing quality of the tall building in relation to the listed buildings will have a significant adverse impacts upon the townscape views of the listed buildings, most notably from views of the listed buildings gained from the junction of Lemn Street and Alie Street.
- d) In terms of the quality of the office provision and the amenity for future occupants of the short term let serviced accommodation the scheme is considered on balance acceptable.
- e) The proposal by virtue of its location, proximity and scale would fail to safeguard residential amenity in terms of loss of daylight and sunlight, undue sense of enclosure, an overbearing nature of

development including an unacceptable degree of loss of outlook to surrounding residential properties.

- f) In respect of transportation and servicing arrangements the scheme is considered acceptable subject to appropriate safeguards secured by planning condition and a legal agreement.

3.0 RECOMMENDATION

3.1 That the Committee resolve to REFUSE planning permission for the following reasons, subject to Any Direction by the London Mayor:

- 1) The proposed development would cause substantial harm to the amenities and living conditions of occupiers of adjoining and adjacent residential properties through substantial loss of daylight and sunlight, significant loss of outlook, overbearing nature of the development including undue sense of enclosure. As such the development would be contrary to NPPF, as set out paragraphs 14, 17 and 56 of the NPPF and policies SP10 of the Core Strategy (2010) and DM25 of the Managing Development Document (2013) which seek to ensure that development does not result in unacceptable material deterioration of daylight and sunlight conditions for future and existing residents.
- 2) The proposed development exhibits clear and demonstrable signs of overdevelopment by virtue of:
 - a) its adverse amenity impacts to residential neighbours;
 - b) from its detrimental townscape impacts resulting from the proposed height, scale and mass of the development set on a small, tightly confined site situated upon a narrow street and set within an established lower scale urban street block;
 - c) the proposed developments unacceptable relationship to other tall development set to the east and north of the site that limits the opportunity to achieve a tall building on this site that is compatible with objectives of sustainable development and delivering high quality place-making within Aldgate.

As such the scheme would fail to provide a sustainable form of development in accordance with paragraphs 17, 56, 61 of the NPPF and would be contrary to the Development Plan, in particular policies 7.4, 7.5, 7.6 and 7.7 and 7.8 of the London Plan (2015), policies SP02, SP06, SP10 and SP12 of the Tower Hamlets' Core Strategy (2010) and policies, DM23, DM24, DM25, DM26, DM27 the Tower Hamlets' Managing Development Document and the Borough's strategic framework guidance for the area set out in the Aldgate Masterplan Interim Guidance (2007), that taken as a whole, have an overarching objective of achieving place-making of the highest quality,

- 3) The proposed development would result in significant harm to the setting of the Grade II* listed St George's German Church and to the Grade II listed Dispensary Building, the former St George's German and English Schools, the former St George's German and English Infants' School by reason of the height, scale, mass of the

development set in immediate proximity to these designated heritage assets and the developments impact upon local townscape views of this cluster of listed buildings. The public benefits associated with the proposal, include upgraded employment floorspace, additional short term visitor accommodation housing are not considered to overcome the harm to the setting of the neighbouring listed buildings.

As a result the proposal is not considered to be in accordance with paragraphs 128 to 134 of the NPPF and is contrary to Development Plan Policy 7.8 of the London Plan (2015), policies SP10 of the Core Strategy 2010 and DM24 and DM27 of the Managing Development Document 2013

- 4 In the absence of a legal agreement to secure agreed and policy compliant financial and non-financial contributions including for Employment, Skills, Training and Enterprise, Highways and Energy and Sustainability the development fails to mitigate its impact on local services, amenities and infrastructure. The above would be contrary to the requirements of Policies SP02 and SP13 of the LBTH Core Strategy, Policies 8.2 of the London Plan and the Planning Obligations SPD.

4 PROPOSAL

- 4.1 The proposal is to demolish the existing 6 storey building and erect a ground plus 17 storey mixed (AOD 74.7m to parapet) comprising 1,185 sq.m of gross office space (B1 Use Class) on the lower five storeys and 106 (C1 Use Class) serviced apartments (2,9851sq.m) on the upper floors. The scheme provides a rooftop external amenity space (for shared use by the office tenant's and occupants of the apartments) and services, plant and cycle parking in the basement.



Figure 1: CGI of scheme taken from corner of Lemn Street and Alie Street

4.2 The serviced apartments vary in size from 13.5 sqm to 20 sqm with an average size of approximately 15 sqm. Serviced apartments fall into the same use class as hotels with any lettings required to be for less than 90 days.

4.3 Since the original submission of the planning application the applicant has submitted revised drawings that involve the south east 90 degree corner of the building being replaced with a chamfered edge from the 5th upper storey up to roof level.

5 SITE, SURROUNDINGS and DESIGNATIONS

5.1 The application site of No 21 Buckle Street is located in Aldgate and contains a ground floor plus four upper storey (B1 Use) office building known as Enterprise House. The applicant states the site has been vacant since May 2014.

5.2 The site is small and is close to being square in shape measuring approximately 18 metres by 15.5 metres and occupies an area of approximately 279sqm.

5.3 The existing building occupies the site in its entirety and sits within an established street building block. The street building block is bounded by Buckle Street to the north, Lemn Street to the west, Alie Street to the south and Plough Street to the east.

5.4 The existing building on site fronts onto Buckle Street and this street serves as the northwest edge of the site and Enterprise House also fronts onto

Plough Street (to the northeast) a very small short cul de sac street that runs off Buckle Street. The south western edge of the site attaches to the flank end wall of No 19 Leman Street (also known as City Reach a 6 storey building).

- 5.6 To the rear of the site (on the south eastern site edge) a small courtyard space exists that serves a complex of listed buildings associated with the St George's German Church. No 55-57 Alie Street contains the Grade II listed former St George's German and English Schools, a three storey building facing onto Alie Street (that has been converted into a set of residential flats). To the rear of the School building and within the courtyard and physically abutting the development site is the two storey Grade II listed former St George's German and English Infants' School (converted into two residential flats).
- 5.7 The Grade II* St George's German Church opens onto Alie Street and is attached to the western end of No 55-57 Alie Street. To the west of the Church is attached the Grade II Dispensary Building that occupies the street corner site of Alie Street and Leman Street.

Designations

- 5.8 The site is in a designated Archaeological Priority Area interest but is not located within a conservation area. There are a number of conservation areas in the vicinity, the nearest being the Whitechapel High Street Conservation Area set over 70m to the north. The site falls within the background 'viewing corridor' of View 25.A.1, 25.A.2, 25.A.3 of the London View Management Framework in respect of views of Tower of London World Heritage Site as viewed from the side of the Thames outside City Hall.
- 5.9 The site is within the Central Activities Zone and the City Fringe (Tech City) Opportunity Framework Area as defined by the London Plan and falls within the boundaries of the Borough's Interim Framework Aldgate Masterplan
- 5.10 The nearest underground station is Aldgate East less than 150m walk from the site and the site has very good public transport accessibility with a PTAL rating of 6b.
- 5.11 The core of Aldgate is an area of rapid change in terms of built development and has benefited from a significant degree of recent improvements in the public realm, as the Aldgate road gyratory is largely dismantled. To the immediate north of the application site, on the north side of Buckle Street, is the construction site that is building out the 0.76 hectare mixed use Aldgate Place development that will contain 3 tall towers (set over 20m minimum distance from each other). Alongside that development and also fronting Buckle Street is the under construction 23 storey serviced apartment development at the 0.05 hectare No 15-17 Leman Street site. To the south of the site and set on the south side of Alie Street is the 3.65 hectare mixed use residential led Goodmans Field development that is a mix of mid height buildings and taller towers. Just to the east of the site is the completed 0.25 hectare Altitude residential led development that rises to 28 storeys.

6 RELEVANT PLANNING HISTORY

Application Site

- 6.1 A variety of applications including those for minor works have been submitted over the course of time.

Surrounding Sites

The more noteworthy applications are referred to below:

Aldgate Place

- 6.2 PA/13/00218 Planning permission was granted on 10th 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. This development is currently under construction.

15-17 Leman Street and 1A Buckle Street

- 6.3 PA/14/ 00286 Planning permission granted 28th March 2014 to change a 251 room hotel to an apart-hotel (with 168 short stay suites) with associated changes to the internal layout and elevation
- PA/11/03693 Planning permission was granted on 14th June 2012 for erection of a 23 storey (86.20m AOD) 251 bedroom hotel with ancillary A3/A4 uses
- PA/09/02430 Planning permission was refused on 11th February 2010 for erection of a 23 storey with ancillary A3/A4 uses. Application was subject to an appeal, the Planning Inspectorate dismissed the appeal on 17th December 2010

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

- 6.4 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 (93.8m AOD) in height to provide 235 units, A1/A3 on ground floor and 1351sq,m of B1 office space (set over 6 floors). This development is completed

Goodman's Fields

- 6.5 PA/09/00965 On 17th 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 spaces15-17 Leman Street. This development is currently under construction

City Reach, 19 Lemn Street and turning the corner into Buckle Street

- 6.6 PA/02/1748 On 31st March 2003 planning permission was granted for a part six part seven storey building comprising offices on the basement and ground floor level and 22 x 2 bed residential units on the upper floors.

7 POLICY FRAMEWORK

- 7.1 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.

- 7.2 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:

7.3 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

7.4 LBTH’s Managing Development Document (MDD) adopted 2013

- Policies:
- DM0 Delivering Sustainable Development
 - DM1 Development within the Town Centre Hierarchy
 - DM7 Short Stay Accommodation
 - 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
 - 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

7.5 Supplementary Planning Guidance/Documents

- Revised draft *Planning Obligations Supplementary Planning Document* Version for public consultation April 2015.
- Aldgate Masterplan Interim Guidance (2007)

7.6 **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
- 4.5 Visitor Infrastructure
- 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

7.7 **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;

7.8 **Government Planning Policy Guidance/Statements**

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

7.9 **Other documents**

- Tower Hamlets Local Biodiversity Action Plan (2009)
- Tower Hamlets *Aldgate Connections* study (May 2011)
- English Heritage & CABI Guidance on Tall Buildings (2007)
- English Heritage & Design Council draft Tall Buildings guidance (2014)

8.0 **CONSULTATION RESPONSES**

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

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

Internal LBTH Consultees

Sustainability Officer

- 8.3 No objections to the proposed energy and sustainability strategies for the development. Design is anticipated to achieve a 45% reduction in CO2 emissions through integration of energy efficiency measures, a CHP system (25kWe) and renewable energy technologies (ASHP for comfort cooling).
(Officer Comment: Noted and were the scheme approved planning conditions would be imposed to achieve CO2 reductions, energy efficiency measures and BREEAM Excellence).

Biodiversity Officer

- 8.4 No objection subject to imposition of condition that ensure (a) demolition shall be undertaken between September and February inclusive to avoid harm to nesting birds and (b) biodiversity enhancements are gained including installation of 10 swift nest boxes and the inclusion of nectar-rich planting on the roof terrace.
(Officer Comment: Noted and were the scheme approved the sought planning conditions would be imposed).

Employment & Economic Development Team

- 8.5 No objection subject to the following obligation secured by legal agreement, if the scheme is granted

20% of the construction phase workforce to be local residents of Tower Hamlets. A financial contribution of £ £16,694 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development and a monetary contribution of £47,753 towards training and development of unemployed residents in Tower Hamlets towards to help them gaining access to the end phase employment opportunities this development shall bring. No apprenticeships required during the construction phase subject to details of scheme build costs. 1 end phase apprenticeship is expected to be delivered over the first 3 years of full occupation.
(Officer Comment: Noted and were the scheme approved the sought planning obligations will be imposed).

Environmental Health:

- 8.6 EH noise section

No objection subject to conditions imposed on the consent:-

- To address the issue that the development is to be built in a high noise environment
- To ensure ventilation systems have acoustic attenuation to ensure internal noise levels are not compromised.
- To ensure plant and air conditioner units are not a source of noise nuisance
- To ensure the building structure does not vibrate or act as a transmitter of noise
- To provide adequate sound insulation between the office and residential uses

- A requirement for noise and/or vibration monitoring should be set out in the Construction Environmental Management Plan.
(Officer Comment: Noted and were the scheme approved the planning conditions to address the issues raised would be imposed)

EH air quality section

- 8.7 The assessment shows that the air quality objective for NO2 will be exceeded at the site in the opening year. NO2 filtration will be used in the development to mitigate this issue. The demolition/construction assessment is accepted provided the mitigation measures stated in the report are instigated.
(Officer Comment: Noted and were the scheme approved conditions to address e on air quality and construction environmental management plan).

EH - land contamination section

- 8.8 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 were the scheme approved the sought planning condition would be imposed)

Highways & Transportation

- 8.9 Transport Assessment

The submitted transport assessment is acceptable. The scheme will not adversely affect the safety or capacity of the local highway network. However the demolition / construction phase of the proposal will have a significant impact on Buckle Street in particular and early consideration of this, taking into account the cumulative impact of other intensive development in the area. A Construction Management Plan will be required to be submitted to address this matter in full.

- 8.10 Car Parking

The proposal is for a car free development, which is acceptable. No provision is being proposed for accessible parking. There are concerns regarding the pressure on the current accessible parking space in Buckle Street. A commuted sum to be provided for the provision of additional on street facilities if required. Travel Plan need to include measures to curb patrons and visitors to the site arriving by private vehicles.

- 8.11 Cycle parking

Cycle parking provision complies with minimum London Plan standards.

- 8.12 Servicing

Servicing proposed to take place on-street in Buckle Street, with refuse being collected from Plough Street, a cul-de-sac. This replicates how the current building operates and whilst far from ideal to have servicing take place from street is acceptable given the site is constrained and off-street servicing would be difficult.

- 8.13 There is a suggestion of a new service bay on street as part of the hotel consent on the site. It is recommended that these bays, if provided are made available for this development otherwise Buckle Street will be in danger of becoming little more than a service road. A commuted sum needs

to be agreed for a period of 3yrs from occupation to provide for additional formalised service bays if required.

8.14 The following would be required by condition or legal agreement to any planning permission which may be granted:

- Travel Plan
- Construction Management Plan
- Service Management Plan (although the applicant cannot control how the public highway is used)
- A S278 agreement is required
- All cycle storage facilities are to be retained and maintained for their permitted use throughout the life of the development
- Commuted sums towards on street accessible parking and service bays.

(Officer Comment: *Noted. The matters are dealt with in the Transportation section. Were planning permission granted the sought planning conditions would be secured and the monetary contributions by section 106 legal agreement*).

Waste & Recycling Team:

8.15 No objection subject to more detailed strategy for waste reduction secured by imposition of a condition seeking submission of a detailed Waste Management Plan..

(Officer Comment: *Noted and were planning permission granted the sought planning condition will be imposed*).

Surface Water Drainage Officer

8.16 No objection subject to conditions to (a) ensure the scheme incorporates SUDS to reduce surface water discharge by 50% and (b) details of a strategy demonstrating how any SUDS and/or attenuation features will be suitable maintained for the lifetime of the development

(Officer Comment: *Noted and were planning permission granted the sought planning conditions will be imposed*).

External Consultees

Historic England (formerly English Heritage)

8.17 *“The loss of the existing buildings will have no impact on the historic environment. The proposed tower will be highly prominent in the setting of several designated heritage assets, most particularly The German Lutheran Church of St George (Grade II*), 19A Leman Street (Grade II), and St George’s German and English Infants’ School (Grade II).*

8.18 *The construction of one tall building within the immediate setting of this group of listed buildings has already been completed, some others are underway, and further tall structures have been consented. The setting has, therefore, already undergone significant change. While the proposals compound these changes the lower height of this tower in relation to its neighbours reduces the harm caused by the new building.*

8.19 *Your council should be aware, however, that setting often makes an important contribution to the significance of a heritage asset, and that the*

Planning (Listed Buildings and Conservation Areas) Act 1990 requires Local Authorities to have special regard to the desirability of preserving the setting of a listed building

- 8.20 *We recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice. It is not necessary for us to be consulted again.”*

Georgian Group (formerly Georgian Society)

- 8.21 *“St. George’s Church was founded and built in the 1760s and is listed at Grade II*. The interior retains a complete and original set of pews to ground floor and balconies (a remarkable survival), with high double-decker central pulpit with sounding board set behind altar rails. The side windows (three per side) with early C19 coloured margin-light glazing; stained glass to windows either side of pulpit. The whole interior a remarkable and complete survival of high-quality traditional craftsmanship.*

- 8.22 *The church is now under the care and ownership of the Historic Chapels Trust, befitting its historic and architectural significance, and over £800,000 of public money was spent on securing the structure of the building for public amenity.*

- 8.23 *The proposed building under this application would cause loss of light to St. George’s. This would be especially concerning for the interior, which currently enjoys a good level of light. The admittance of natural light to Lutheran, and most Protestant, churches was theologically important in the eighteenth century, and therefore this is a significant element of the character of the historic interior. St. George’s did not have most of its glass replaced with rich and dense stained glass, as was common in the late nineteenth-century, and therefore this element of its historic significance remains relatively unaltered.*

- 8.24 *The impact of the proposed building on the setting of the church (and also on the Grade II listed former dispensing chemists at 19A Leman Street) would be visually damaging. This is clearly seen in the “View from the junction of Leman Street and Alie Street looking at the listed building with the proposal behind” submitted under this application. The proposed building interrupts the low-scale of the surviving historic environment and undermines the visual amenity of the group of historic buildings formed by the dispensary, St. George’s, and the former German Infant’s School. Although built at different times, these buildings were related to one another by their social mission: that relationship is historically important and worthy of retention as a legible historic ensemble.*

- 8.25 *This group of historic buildings sit in an environment increasingly dominated by very tall new buildings. However, at present the skyline above them gives a sense of the original scale of their environment and of the historic streetscape. Tower Hamlets has recognised that Alie Street is characterised by its historic buildings (Aldgate Characterisation Study 2009).*

- 8.26 *The Group advises that the proposed building under this application would destroy what little remains of the historic setting of these buildings and would cause harm to the setting of St. George’s Church by depriving it of light. We therefore advise that this application is refused consent.*

Historic Chapels Trust

- 8.27 The loss of light will be severe to the burial ground/ yard and to the church will render it unattractive to use. The light study attached to the application fails to address the effect of loss of light on the listed building and its impact on the attractiveness and viability for continued use.
- 8.28 *Consider that the impact on the setting of the listed building will be not merely substantial but severe and we believe the present application should be rejected”.*
- 8.29 The Trust also raises concerns regarding overlooking, objects falling from roof terrace and opening windows.

Historic Royal Palaces

- 8.30 No comments received.

Greater London Archaeology Advisory Service (GLAAS)

- 8.31 Appraisal of this application using the Greater London Historic Environment Record and desk top information submitted with the application indicates that the development would not cause sufficient harm to justify refusal of planning permission provided that a condition is applied to require an investigation to be undertaken to advance understanding
(Officer Note: Noted and were consented granted the suggested planning condition would be added).

Metropolitan Police Designing Out Crime Officer

- 8.32 No objection, subject to a condition for the scheme to achieve Secure by Design Scheme 2 accreditation
(Officer Comment: Noted and were consented granted the suggested planning condition would be added).

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

Employment space

- 8.33 The proposals are supported in line with London plan policy; however the applicant should provide evidence of engagement with a workspace provider or otherwise demonstrates that the space is designed appropriately.

Visitor infrastructures

- 8.34 The proposed serviced apartments are supported in strategic planning terms.

Strategic Views, World Heritage Sites and historic environment

- 8.35 The proposal will not be visible in any strategic views, it will not have any impact on the World Heritage Site and it will not exert substantial harm upon the setting of the neighbouring listed buildings. Due to its lesser height and brick cladding, GLA officers consider that the building will act as a foil to cushion from its tallest neighbours.

Urban design

- 8.36 Although small and restricted site places some limitation on the design is generally acceptable in strategic planning terms; however the Council will need to be satisfied that the impact on the Altitude building is acceptable

Inclusive design

8.37 The proposal is acceptable in relation to the London plan inclusive design policies.

Transport

8.38 Pedestrian improvement is expected along Buckle Street; 23 cycle parking space should be provided as a minimum; a contribution of £90,000 to fund increased Cycle Hire bike redistribution in the vicinity of the site required; a contribution of £60,000 to fund a new cycle docking station is required. Secure by condition travel plan, delivery and service plan, construction logistics plan, a wider construction management plan.

Climate Change

8.39 The response to climate changes adaption is acceptable in view of the limitation of the site.

London Fire and Emergency Planning Authority (LFEPA)

8.40 No comments received.

Thames Water (TW)

8.41 No objection.

Conditions should be attached to any approval in respect of:

- impact piling and methodology statement in relation to such piling
- a study on the impact of the development upon the capacity of the existing water supply infrastructure

(Officer Comment: Noted and were the scheme granted consent the sought planning conditions will be imposed).

National Grid

8.42 No comments received.

EDF Energy

8.43 No comments received.

NATS

8.44 No objection. The proposed development does not conflict with safeguarding criteria

(Officer Comment: Noted)

London City Airport

8.45 No comments received.

London Underground Infrastructure Protection

8.46 No comment to make on the application.

BBC Reception Advice

8.47 No comments received.

Crossrail Safeguarding

8.48 Reviewed the site plan and scheme is outside safeguarding zone, so no further comment to make.

9.0 LOCAL REPRESENTATION

9.1 372 neighbouring properties were notified about the application by letters issued on 22 June 2015 and invited to comment. The application has also

been publicised in East End Life and benefited from the display of site notices located on Buckle Street and Alie Street. A number of individuals living at No 55-57 Alie Street wrote in to state they did not receive the original consultation letters and therefore all the individual flats within the listed buildings at this address were reconsulted on 28 August 2015.

9.2 79 written representations have been received. 56 people have written in support of the application signing a commonly worded letter that states: *“That I am writing to register my support for a mixed use development comprising office and serviced apartments. Development of this site at the proposed height and layout will help regenerate the Whitechapel ward and provide jobs and inward investment. This will be helpful resource for local and national employers and I am happy to support it.”*

9.3 19 individuals have written letters objecting to the scheme. The grounds of objection are:

- Loss of light, loss of views and overshadowing to residents
- Risk of objects falling from the development as occurs with adjacent Altitude.
- Privacy concerns from those windows not obscured glazing and from other windows being inadequately obscured
- Severe adverse impacts on the setting of a cluster listed buildings. A contiguous 17 storey building will dwarf the Old German School and Church complex and become a small and insignificant island dominated by high rise buildings. Provides for no integrated townscape.
- Development is anonymous, bland, lacking charm or harmony with the historic architecture. Altitude development is also bland and monolithic however not directly comparable as it is set back 48 metres from the wall of the church and is set behind another building.
- The erosion of the history and heritage of Tower Hamlets is a major and tragic effect of allowing the construction of buildings such as the proposed development, and will be regretted sorely by future generations.
- The site is not large enough to accommodate a building of the magnitude.
(Officer Response: The residential amenity, townscape, heritage concerns are addressed in the main body of the report).
- Buckle St is a tiny street where will the traffic go? Car free agreements do not address taxi, service & delivery movements.
(Officer Response: A Transport Assessment is submitted with the report and the Borough’s Highway and Transportation Team accepts the analysis that the trip generation associated with the development is acceptable including those resulting from servicing).
- Proposal; result in loss of utilised disabled car parking bay on Buckle Street
(Office response: Disabled space would be retained and applicant expressed willingness to fund an additional bay if future demands secured by s106 legal agreement).

- Serviced apartments can cover a wide range of very short term lets, for all sorts of purposes, which can only be controlled with difficulty and which can rapidly lead to the deterioration of an area.
(Officer response: Officers are not aware of significant issues with authorised serviced apartments in the locality, although issues do arise within C3 Use Class development being used for serviced apartment operation. Details of a Management Plan could be imposed on the use, by condition should the scheme be approved)
- A lack of consultation with residents of the former German Lutheran School building should render this planning application process illegal.
(Officer Response: Refer to paragraph 9.1 of this report. A significant number of letters of objection were received from residents of the former school building which are considered below).

A conservation area should have been created to protect the historical buildings of the area and regret expressed that this was never undertaken by the Council.

(Officer Response: This is outside the scope of consideration to this planning application)

9.4 In addition to individuals the following five groups/associations have made representation and all objecting to the scheme.

- *The Old German School Residents' Association object to the scheme sharing the reasons of objection set out above by individual residents of this block.*
- *Ancient Monument Society have also commented as a group to the scheme objecting to the impact upon the listed church in terms of (i) size and setting, (ii) structural impacts of construction on the church, (iii) overlooking and (iv) daylight impact to the interior.*
- *Anglo-German Family History Society have objected to the scheme for the same reasons set out by the Historic Chapels Trust response (refer to paragraph 7.25 of this report), as have Friends of St. George's German Lutheran Church.*
- World Monuments Fund Britain who echo the reasons of objection set out by Historic Chapel Trust and the Georgian Group
- *The managing agents for the lessee's within City Reach, have lodged an objection based to the proposed development having windows positioned on the west side of the elevation and these windows will prejudice a future opportunity to add further floors to their building.*

10. MATERIAL PLANNING CONSIDERATIONS

10.1 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 (11)

- Design (12)
 - Heritage and townscape Implications (13)
 - Amenity (14)
- Other Considerations including
- Neutralising Neighbouring Site's Development Potential (15)
 - Highways & Transportation (16)
 - Noise and Dust (17)
 - Contaminated Land (18)
 - Flood Risk & Water Resources (19)
 - Energy and Sustainability (20)
 - Biodiversity (21)
 - Waste (22)
 - Microclimate (23)
 - Planning Obligations (24)
 - Other Financial Considerations (25)
 - Human Rights (26)
 - Equalities (27)

11.0 Land Use

11.1 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.

11.2 The scheme proposes two land uses office and serviced (short term let) apartments. Addressing the office space first, the site is located within the London Plan designated Central Activities Zone (CAZ) and City Fringe Opportunity Area. London Plan Policy 4.2 sets out the strategic need for new office space within the CAZ, and supports the renewal of existing stock.

Office Provision

11.3 The scheme will provide an approximate 7% loss in net useable B1 office space than exists on site currently (although greater gross area if ancillary supporting space is included). The new office floor space would be designed to be a higher standard than the existing office space and designed internally in a manner that it lends itself to ready subdivision on each floor compared to what exists on site. This feature is considered beneficial in terms of seeking to attract future tenants from the Telecommunications Media and Technology (TMT) sector that the applicant is seeking to attract.

11.4 The applicant submitted an Aldgate office market and site viability report with the application. The report concludes the office provision can "*only be delivered as a larger package as a loss leader*" given the stated opinion that the impact of the tech / creative market in Aldgate is yet to be felt, or at least yet to impacted upon small floorplate developments. .

11.5 To conclude the scheme would replace the existing gross sum of B1 Use office floor area space with new B1 Use "A" Grade office space as such the provision of office space is considered consistent with London Plan Policy

4.2, a wider raft of local and strategic development plan policies intended to secure employment space within the Central Activity Zone, and the objectives of the Mayor's draft City Fringe Opportunity Area Planning Framework. However the applicant's aforementioned office market report does raise doubt on the level of public benefit derived from the new office space should it prove difficult to occupy.

Short Term Visitor Accommodation

- 11.6 Policy SP06 of the Borough's Core Strategy seeks to concentrate hotels, in the Borough in the Central Activities Zone, it seeks serviced apartments that demonstrate that they will be managed appropriately as short-term accommodation (up to 90 days) and will meet the following criteria:
- a) The size is proportionate to its location within the town centre hierarchy;
 - b) There is a need for such accommodation to serve visitors and the borough's economy;
 - c) It does not compromise the supply of land for new homes and the Council's ability to meet its housing targets;
 - d) It does not create an over-concentration of such accommodation or cause harm to residential amenity; and
 - e) There is adequate road access and servicing for coaches and other vehicles undertaking setting down and picking up movements.

Analysis assessed against policy SPO6 criteria

- 11.7 With respect to visitor accommodation this land use is becoming an increasingly common feature of the Aldgate area: including the 168 unit serviced apartments being built out due at No. 15 to 17 Leman Street as well as consent for a 211 apart-hotel suites scheme located less than 120 metres to the east of this site at No. 27 Commercial Road on the corner with White Church Lane.
- 11.8 Based on information submitted with the application there are estimated to be 23 new hotels proposed within ½ a mile the proposed development that would provide an additional 3,677 bedrooms over the next three years, although *only* 12 of these schemes are confirmed to provide 1,900 bedrooms, this figure makes up 12% of the confirmed supply in London
- 11.9 Serviced apartments are new and emerging sector of the visitor accommodation sector and tend to attract longer stay guests compared with traditional hotels and are popular with businesses looking at providing accommodation to staff visiting the area. The proximity to the City of London, the proximity of many tourist attractions, good public transport links including to Canary Wharf all appear to be features that make Aldgate and surrounds a popular location for visitor accommodation.
- 11.10 Tower Hamlets accounted for 4,200 (11%) of new rooms added to the London supply since 2004 making it the top Borough in terms of supply growth in this period. The London Plan (updated in March 2015) seeks to achieve 40,000 net additional hotel bedrooms by 2036 and recognises the need for serviced apartments as part of this provision. The Hotel Demand Study that underpins the London Plan states that the net extra rooms required in Tower Hamlets between 2006 and 2026 is 2,500. Since 2006 there has been a net increase of 3,440 hotel rooms in the Borough which is 138% of the target set by the demand study and if all the rooms in the

pipeline come to fruition and assuming there are no closures, this will increase to 167% of the 2,500 net increase forecast.

- 11.12 Assessing the scheme against the criteria set out in Policy SP06 it is considered based on the analysis set out above and notwithstanding a concentration of new hotels and serviced accommodation schemes in the area there appears be no evidence of a lack of demand for such accommodation and therefore Policy SP06 (d) in respect of oversupply does not appear an issue.
- 11.13 With regard to Policy SP06 (c) the proposal does not conflict with supply of a significant quantum of new homes on the site given the planning policy constraints of delivering new homes on the site including the strategic London Plan Policy 4.2 for renewal of existing outmoded office stock on sites with upgraded office space to help meet the need for employment space in the City Fringe. With regard to Policy SP06 (e), as set out in further detail in the Highways and Transportation section of this report, the lack of parking provision for coaches is not on balance considered a bar to the delivery of serviced apartment on the site given the unlikelihood users to such temporary accommodation will arrive en-mass in coaches.
- 11.14 As set out elsewhere in this report the scheme does fail to comply with Policy SP06 (a) and (d) as the site does not lend itself for a tall building (despite it being located in a broader area that is accepted is suitable for tall buildings) and the scheme does give rise to residential harm to neighbours from overdevelopment of the site.

Analysis conclusion and public benefits of visitor accommodation

- 11.15 In summary in land use terms there is no overriding objection to the provision of serviced apartments on-site. The grounds of objection to the scheme from officers are based upon the built form of the development, most specifically a tall building given the specific site context. Given that the supply pipeline of traditional hotel rooms in this local area is high this offer of serviced apartments provides for a different type of guest (e.g. business people on extended trips) which allows the economic benefit of an additional segment of the hotel market to be captured within the borough. It also further supports the global financial centre function of the City (Square Mile) as serviced apartments are likely to cater for these business people. However the public benefits of additional provision are considered relatively limited, particularly given the Borough is already identified as well exceeding the target additional visitor accommodation figure set for the Borough in the evidence base supporting London Plan Policy 4.5 (Visitor Infrastructure) and the Borough is set to exceed that figure by a still greater percentage figure by 2026.

12.0 DESIGN

- 12.1 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 12.2 National Planning Practice Guidance sets out seven qualities a well-designed new or changing place should:-
- 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
- 12.3 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.
- 12.4 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.
- 12.5 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.
- 12.6 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

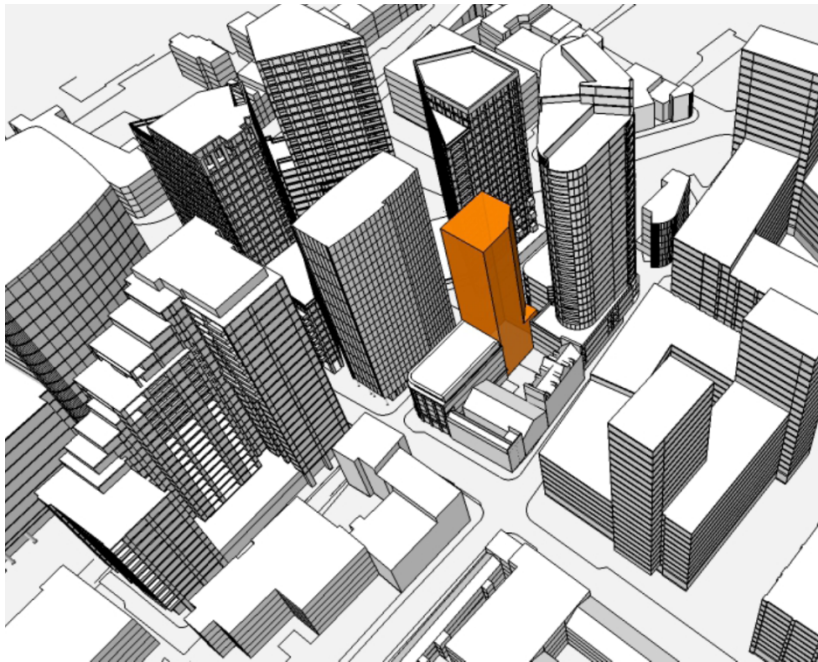


Figure 2: Proposed Scheme in relation to neighbouring consented tall buildings

- 12.7 Core Strategy Spatial Policy SP10 identifies Canary Wharf and an area of Aldgate, containing the designated Preferred Office Location, as appropriate locations for tall buildings. This policy consideration is reflected on the ground in Aldgate with a set of tall buildings built or emerging including: (i) immediately to the north and north west of Buckle Street; (ii) with Altitude development to the east and (iii) Goodmans Fields to the south that contains a set of tall buildings dispersed across amongst a development of lower rise building. Within the policy context of SP10 and the emerging urban context there is no objection per se to the principle of a tall building in this area of Aldgate, provided that height was subordinate to those found in the adjacent POL. However this statement needs to be importantly qualified and treated with due caution as both the individual site and the scheme's design/architectural approach needs to meet all the criteria set out in Policy DM26 and Policy 7.7 of the London Plan with respect to all buildings.

Assessment of setting and local views

- 12.8 The physical constraints of the site are many and limiting in respect of successfully delivering a tall building in urban design terms. The site is:-
- very small at 279sqm,
 - located on a narrow street (less than 8 metre width from building plot to building plot across Buckle Street) and with a pavement set immediately in front of the development less than 1.5m wide,
 - set within an established lower storey street grid block,
 - backs onto a site containing a set of lower storey statutory listed buildings,
 - is located south, at a minimum 10m metre distance from the Leman Street serviced room tower set at 86.6m (AOD).
 - located less than 17m from the predominantly residential Block 83.97m (AOD) within Aldgate Place

- 12.9 The scheme fails to demonstrate it can overcome these site constraints and as such the scheme is considered to involve overdevelopment of the site. A number of key symptoms of over-development are set out elsewhere in the report amongst them amenity issues to neighbours and adverse impacts upon statutorily listed buildings. At this point focusing purely on townscape/streetscene considerations the proposed tall building is considered to appear cramped in appearance relationship to its setting in Buckle Street and in relationship to neighbouring tall buildings set to the north and east of the site. Whilst adopted design guidance and planning policy is familiar with and indeed supportive of tall building clusters there is no justification for policy supporting tall buildings that are unduly squeezed onto very small development plot sites, nestled too tightly to neighbouring tall buildings and built at the back of pavement with no meaningful architectural or urban design strategy in place to help provide a human scale at street level and to mediate the change in scale/massing, and avoiding the creation of canyonised streets.
- 12.10 Both London Plan Policy 7.7 and Policy DM26 of the Council's Managing Development Document require proposals for tall buildings to demonstrate consideration for their successful relationship to surrounding public realm. To help achieve this, a tall building might reasonably be expected to have a certain degree of open space at its foot, or alternatively involve a podium arrangement to give the tall building space 'to breath' and to provide an opportunity for meaningful public realm interventions to give something back to the area and allow design interventions that offer a human scale and a desire/motivation for people to linger at the base of the building. The scheme is singularly lacking in any such design interventions. The tall building occupies the entire development plot, rises immediately from the back of the pavement, on a street that itself is narrow and a pavement that is very close to the minimum recommended width for the safe movement of pedestrians. As a result, the building would have a very immediate and overpowering impact on the street, unacceptably increasing the degree of enclosure and creating an overbearing form of development.
- 12.11 In contrast to the above the Aldgate Place development brings forward a new generously sized pedestrian route (that replicates the route of the former Drum Street through the centre of the re-development and the scheme is well activated at ground level by retail and other publicly accessible commercial uses with the tall buildings occupying a relatively small share of the total plot mingled with a greater expanse of 6-9 storey buildings and open spaces. Within Goodmans Fields development the proportion of lower rise new buildings compared to tall towers is greater still and that gives the tall buildings a tangible space to breath and not appear cramped within the development or in the streetscene. Aldgate Tower and No 1 Commercial Road are larger and more monolithic tall buildings occupying virtually all their respective development plots but are located on much larger sites (set at the centre of the identified tall building cluster for Aldgate within the Borough's Aldgate Interim Masterplan framework document) and are set on streets of a greater scale and primacy than the back street that is Buckle Street. Aldgate Tower also benefits from the public realm space to the south of its site with the Braham Street green Open Space.
- 12.12 It is acknowledged that the neighbouring Altitude development shares some similarities with the development site. However it is worth noting it is made

of 3 readily identifiable constituent components the 27 storey tower fronting Alie Street, an 8 storey podium block fronting Buckle Street and a 4 storey in fill block set next to the listed English and Germans schools. The interplay between these three elements helps mediate the scale of the development at street level. It also means the tall building does not occupy all the plot. The Altitude scheme involved the formation of a small publically accessible space set between the 'in-fill' element of the development and the tower element on Ali Street. The 4 storey building also benefits from a café at ground level to help activate the development and encourage people to linger.

- 11.13 It is worth noting the tall building of Altitude is set to the east of Plough Street and therefore is set apart from the cluster of listed buildings on Alie Street, albeit the tower element of the Altitude development does intrude more upon some vistas of the listed buildings than is desirable in townscape terms. Such visual imposition is not wanted to be replicated on this development site, given the altogether tighter relationship to the listed buildings

Architecture

Treatment of Elevations

- 12.14 The elevations of the proposal consists of a regular grid between storey 7 to 16, with each grid across all the storeys embracing two storeys finished in brown hued brick. On the top two storeys a slight modulation to the grid is introduced to mark the termination of the building and the bottom storeys contain a broadening of the glazed voids and an associated reduction in the brick vertical framing elements to visually help ground the base of the tower. In so far as one can divorce the architecture of the building from its setting, its townscape relationship and the degree of imposition it poses upon its neighbours it is considered the treatment of the elevations and the choice of materials whilst undistinguished is adequate in design terms with the brick finish responding to neighbouring developments, both old and new. The treatment of the elevations is not considered to offer anything that mitigates any of the harmful impacts on the adjacent public realm or nearby heritage assets..

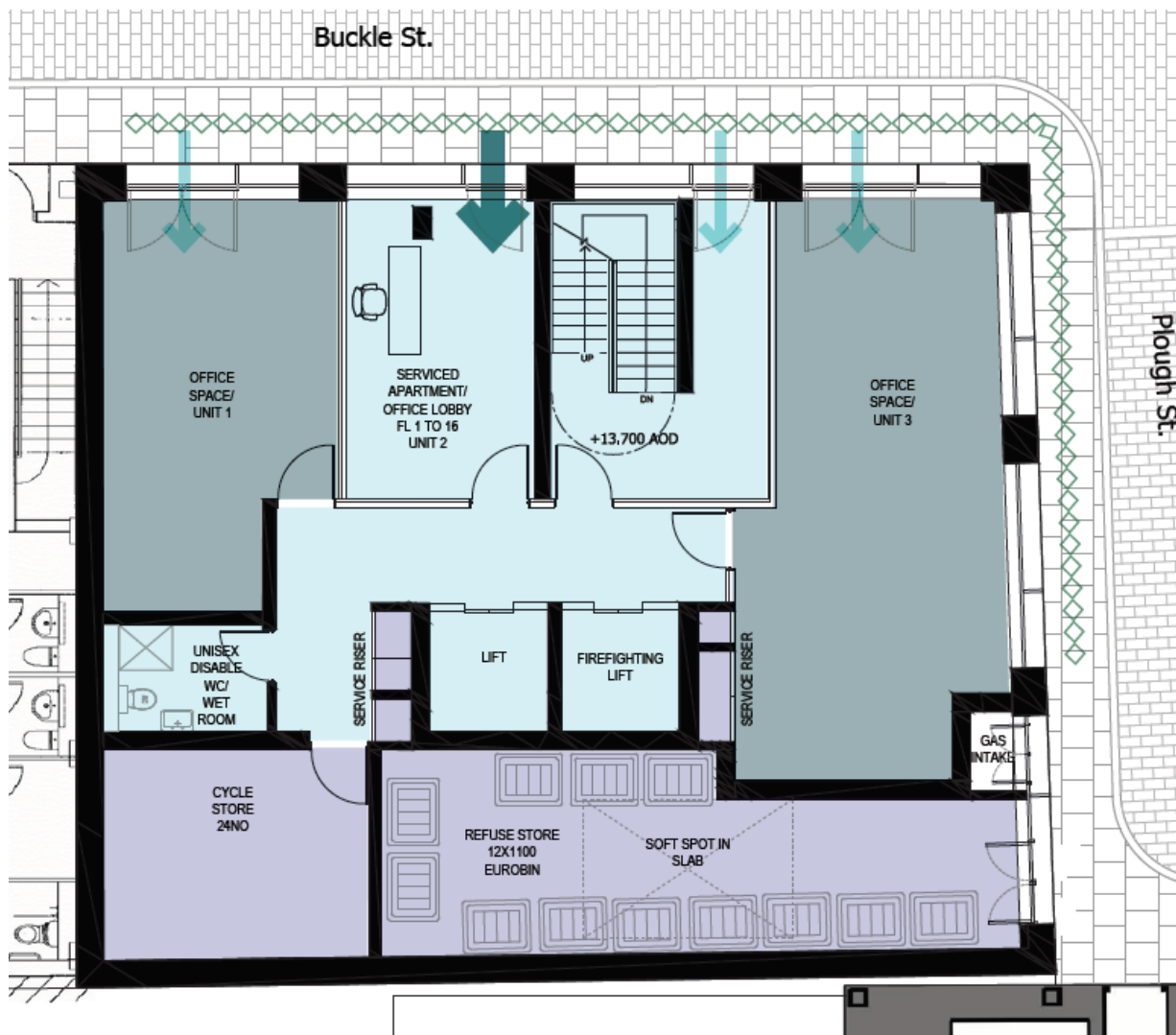


Figure 3: Ground Floor Layout

12.15 The proposed ground floor contains two small B1 Use Office units and an entrance and stairs that front Buckle Street and Plough Street. Servicing areas occupy a minimal length of the two street frontages achieved by servicing and waste collection from the street, with bin stores kept to the back of the ground floor and access to the cycle store gained through the main door to the development.

12.16 The general arrangement of the ground floor is welcomed in terms of the scheme seeking to activate the street frontages. However some concerns remain regarding the success the developer will have in attracting tenants to the two ground floor office units (given their small size and minimal a degree of privacy to these spaces) without tenants recourse to utilising screening devices set towards the windows that risk undermining the degree to which the scheme offers active frontages to street.

13.0 HERITAGE AND TOWNSCAPE

13.1 Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan (2015) and the London World Heritage Sites – Guidance on Settings SPG (2012) policies SP10 and SP12 of the Borough Core Strategy (CS) policies DM24, DM26, DM27 and DM28 of the Borough Managing Development Document (MDD)

seek to protect the character, appearance and setting of heritage assets and the historic environment, including World Heritage Sites.

- 13.2 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.
- 13.3 Detailed Government policy on Planning and the Historic Environment is provided in Paragraphs 126 – 141 of the NPPF.

Impact on the setting of nearby conservation areas.

- 13.4 The site is not located within a conservation area although there are number of conservation areas in the vicinity including Whitechapel High Street Conservation Area, Brick Lane and Fournier Street Conservation Area, Myrdle Street Conservation Area and Wentworth Street Conservation Area.
- 13.5 A heritage statement was submitted with the application alongside a townscape and visual impact assessment. With respect to impact upon views from the above conservation areas, including Whitechapel High Street Conservation Area the nearest conservation area, officers share the conclusions of the submitted Heritage Statement that the scheme is broadly neutral in its impacts upon the above conservation areas given (a) sight of the scheme from these conservation areas would be largely shielded by other tall building (built out or consented), (b) the building would be viewed only in long vistas from any conservation area and within the context of a cluster of other tall developments.

Setting of listed building

- 13.6 There are four Listed Buildings within the immediate vicinity of the site; the Church of St George (German Lutheran Church and Vestry) (Grade II*), 19A Lemn Street (Grade II), St George's German and English Schools (Numbers 55, 57 and 59) (Grade II) and St George's German and English Infants School (Grade II). Together, the first three of these form an attractive group at an important corner location along Lemn Street (the latter being located to the rear and out of view). The Townscape and Visual Impact Assessment, submitted in support of the application, that illustrates the impact of the proposed development on the view of this group of Listed Buildings from the junction of Lemn Street and Alie Street. This shows the close proximity of the proposed development to the rear of the group and the marked disparity in scale between the two, particularly given they are in the same urban street block.
- 13.7 The Heritage Statement, submitted in support of the application considers that the proposed development would result in harm to the setting of the Listed Buildings. Officers consider that this harm would be serious, but less than substantial.
- 13.8 The serious harm should be weighed against the public benefits of the proposal, in accordance with paragraph 134 of the NPPF. In doing this officers have a statutory duty, under section 66(1) of the Planning (Listed Building and Conservation Areas) 1990 Act, to pay special regard to the desirability of preserving the setting of the listed buildings. The Court of Appeal has confirmed in the Barnwell Manor judgement that this means

according 'considerable importance and weight' to any harm identified, when weighing it with other material considerations.

- 13.8 The proposed development would bring forward improved office accommodation as well as new visitor accommodation. The provision of these has not been identified as meeting a particularly pressing need with the supply of visitor accommodation in the Borough exceeding target figures set for the life of the current London Plan.
- 13.9 The proposed development would not improve permeability and connectivity in the area, nor would it create any new areas of public realm, or improve existing ones. In fact, it has been concluded above that the proposed development is considered to result in a material worsening of the character and quality of Buckle Street. Officers cannot therefore agree with the conclusion in the Heritage Statement that weighing the positives and negatives of the scheme results in a neutral impact on the setting of the Listed Buildings. Officers consider that an unacceptable degree of harm would arise.

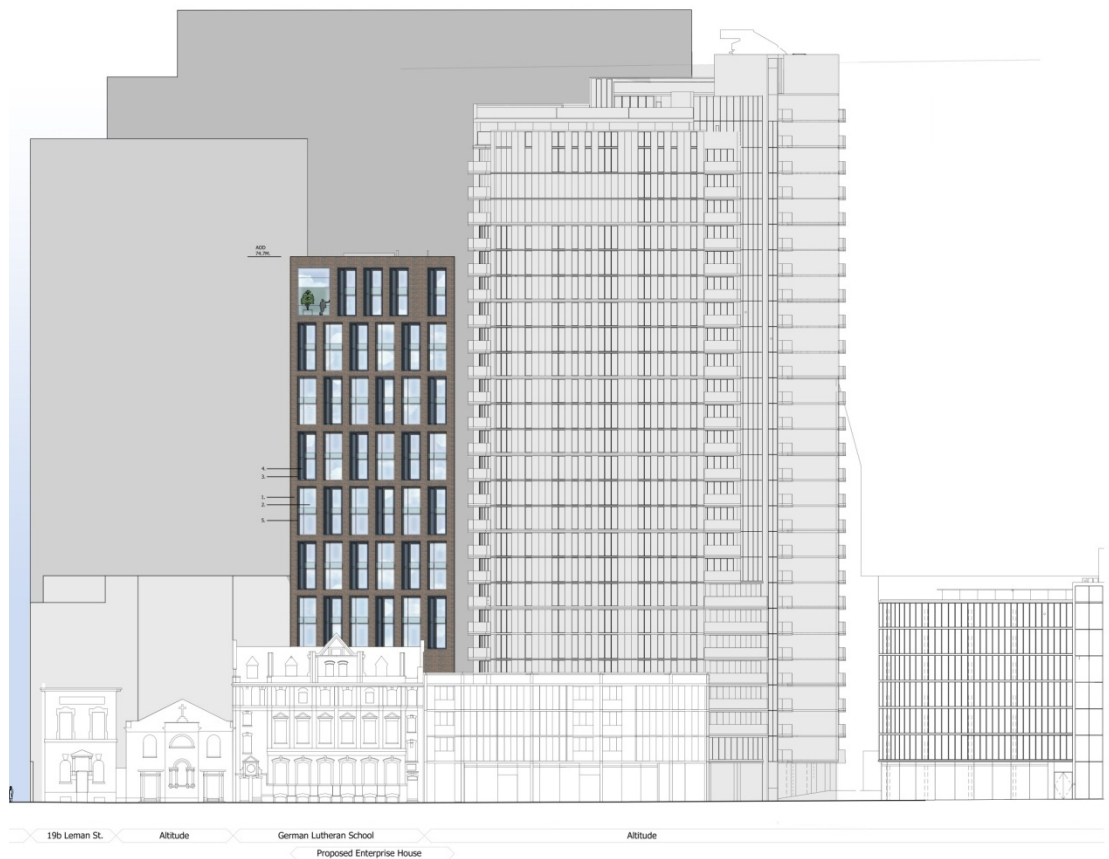


Figure 3: Section drawing (west/east) from Alie Street to south of site with listed Dispensary, St George's Lutheran Church and German and English Primary Schools in foreground. Altitude development to east

Strategic Views

- 13.10 The Site lies within the backdrop to the Protected Vista obtained from Viewing Location 25A of the London View Framework at Queen's Walk, in the vicinity of City Hall, looking towards the White Tower of the Tower of London. The applicant has submitted a verified views viewscape analysis

and it satisfactorily demonstrates the development will not impinge upon this protected vista or any of the LVMF viewpoints.

Archaeology

- 13.11 The National Planning Policy Framework (Section 12) and Policy 7.8 of the London Plan (2015) Policy 7.8) emphasise that the conservation of archaeological interest is a material consideration in the planning process.
- 13.12 A desk based archaeological assessment has been submitted in support of the planning application. It concludes the level of disturbance caused by previous phases of development, and from possible quarrying mean the redevelopment is considered unlikely to result in widespread significant archaeological impact. The desk top study has been reviewed by Greater London Archaeology Advisory Service who advises that the submitted documentation appropriately assesses the likely archaeological remains. Given the likely nature, depth and extent of the archaeology involved, they advise that further fieldwork prior to the determination of the application is not necessary and recommend a condition to agree and implement a written scheme of investigation. Subject to this condition, the impact of the development on archaeology is acceptable.

14.0 **AMENITY**

- 14.1 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:
- (a) protecting privacy, avoiding an unacceptable increase in sense of enclosure;
 - (b) avoiding an unacceptable loss of outlook;
 - (c) ensuring adequate level of daylight and sunlight for new residential development;
 - (d) not resulting in an unacceptable material deterioration of sunlighting and daylighting conditions including habitable rooms of residential dwellings, community uses and offices nor result in unacceptable levels of overshadowing to surrounding open space development; and
 - (e) not result in an unacceptable level of overshadowing to surrounding open space and create unacceptable levels of noise, vibration, light pollution or reductions in air quality during construction phase or operational life of the development.
- 14.2 In applying Policy DM25 supporting paragraph 25.6 states, "*that Council will take account of the sense of enclosure created by the new development. It is important that layout and massing are considered carefully in order to ensure that they do not create an oppressive sense of enclosure for adjoining development*". In respect to avoiding an unacceptable loss of outlook paragraph 25.4 of Policy DM26 again reiterates that "*the Council will expect careful consideration of the layout and massing of buildings*" to avoid a loss of outlook
- 14.3 The upper 13 storeys of the development will be set a minimum of 10 metres away from the tall building element of the Altitude development.

Privacy/Overlooking

Analysis:

- 14.4 Due to the very tight relationship to neighbouring development the design proposes the use of fixed internal louvres to windows to limit the direction of view out from the rooms and use of obscured glazing to windows.
- 14.5 Fixed louvres and obscured glazing are proposed shown on the east elevation of the development and on the chambered south east elevation edge of the development (both these elevations face towards the residential units in Altitude). Between the 5th upper storey and 15th storey of the proposed development the bedroom windows facing towards Altitude development will be set a minimum 13m away from nearest habitable room windows on each of the matching upper floors within the Altitude development. Proposed non-habitable rooms within the development face square onto Altitude at a minimum distance of 10m; these windows will all be treated with an obscured glazed treatment to the windows.
- 14.6 For the proposed office windows within the south east elevation of the scheme facing back towards No 55-57 Alie Street the applicant proposes use of obscured glazing to address overlooking issues. The windows to the service apartments on the south elevation would not be obscured glazing however the minimum separation distance between the lowest of these windows (on the 5th upper floor storey) and the 3rd storey at No 5-56 facing the development directly are greater than 18m distance and as such is not considered to present unacceptable issues of privacy/ overlooking.
- 14.7 For the west elevation on the 6th to 9th upper storey a fixed lover window is proposed that lies adjacent to a roof terrace in City Reach to secure privacy.
- 14.8 The development will be set over a minimum 18m distance from habitable rooms within Block D of Aldgate Place as such it is considered there is no undue overlooking issues.

Conclusions of analysis:

- 14.9 The design measure proposed and described above and shown on the submitted plans are considered sufficient to address the potential unacceptable issues of privacy resulting from the proximity of the development to neighbouring residential properties. Whilst the development will contain windows set within 11m minimum distance of serviced apartment windows within the development at No. 15-17 Leman Street given the scheme's impacts to the development are limited to visitor accommodation and the relationship is across an established street with an established tight relationship in terms of privacy the scheme is considered acceptable to this site: an opportunity exists for guests to draw curtains or blinds to gain additional privacy.

Outlook

- 14.10 Given the close proximity and scale of the proposed building, it is considered that there would be significant impact in terms of outlook for the single aspect residential between Level 4 and 18 within Altitude facing directly the chamfered edge of the proposed development contrary to Policy DM25 (b) of the Borough's Managing Development Document.

Loss of daylight/sunlight

- 14.13 Daylight is normally calculated by two methods. The vertical sky component (VSC) and the average daylight factor (ADF). For existing occupied buildings BRE guidance recommends the primary test for daylight impacts upon windows is VSC with ADF used for buildings proposed but not occupied (as is the case here with Block D), as the loss to existing daylight, will not be a loss experienced first-hand by residents. BRE guidance states “Use of the ADF for loss of light to existing buildings is not generally recommended”.
- 14.14 The applicant submitted a daylight and sunlight report in support of the application and a revised daylight/sunlight report following the introduction of a chamfered edge set towards the south east edge of the development on the upper floors.

Summary conclusions on daylight/sunlight :

- 14.15 The Council appointed independent daylight/sunlight consultants to review the submitted report. The independent consultant’s review concluded that the impacts to the three tested neighbouring residential developments “*are substantial and do not comply with BRE guidelines.*” For clarity, the actual assessment criteria for Vertical Sky Component (VSC) and No Sky Limit (NSL) in terms of how significant the loss of daylight is to neighbours is assessed with reference to bands used for VSC and NSL as follows:
- a loss of 0% to 20% - Negligible significance;
 - a loss of 20.1% to 30% reduction – Minor significance;
 - a loss of 30.1 to 40% reduction – Moderate significance; and
 - a loss above 40% reduction – Major significance.

- 14.16 The proposed development would cause, as set out in the analysis below, unacceptable material deterioration of sunlight and daylight conditions including to habitable rooms of residential dwelling and as such contrary to Policy DM25 of the MDD and these impacts provide a reason of refusal to the scheme. Whilst it is acknowledged some departure from BRE’s standard guideline targets may be appropriate given the urban context and the fact surrounding buildings are irregular in shape and position and occasion do not always stand back from site boundaries these considerations do not negate the findings that there are substantial impacts.

Detailed daylight/sunlight analysis by relevant neighbouring site:

- 14.17 The detailed analysis set out below is prepared with the benefit of the revised daylight/sunlight report submitted by the applicant following the revision to the south east corner of the footplates (i.e. with the introduction of the chamfered edge) and the numerical results adjusted accordingly.

55-57 Alie Street

- 14.18 Daylight to 53-55 Alie Street is heavily constrained by the presence of substantial buildings in other directions. Altitude, Aldgate Place and other existing or consented buildings already block a substantial amount of light from reaching the windows, making it reliant upon light across the site. 21 windows at 53-55 Alie Place were analysed. Of these, one window on the

ground floor would achieve the BRE guidelines the other losses would all be outside the BRE guidelines ranging between 25.66% and 50.86%, with the average failure a loss of 38.25%. The two ground floor windows already receive very little daylight, with existing VSC values of less than 5% and all four first floor receive less than 10%. A relatively small actual loss of VSC will therefore results in a large change in although these rooms are liable to rely heavily on electric lighting already so experience little change in practice. The losses on the higher floors would be more noticeable to the occupants as they currently receive more daylight without the development in place.

- 14.19 20 rooms were analysed for no sky limits, of these, 18 would fall the BRE NSL guidelines, with losses of between 28.08% .and 98.72%. The two windows within guidelines only do so because almost none of their floor area has a direct view of the sky already.
- 14..20 The overall impact on daylight to 53-55 Alie Street is substantial. The windows are north facing so in accord with BRE guidance no loss of direct sunlight required

Altitude.

- 14.21 309 windows were analysed within the Altitude development of which 93 would achieve the BRE VSC daylight guidelines with some showing no impact or, in a few cases, an improvement. The remaining windows would lose between 21.5% and 100% of VSC.
- 14.22 The windows serving 1st floor residential units these windows already receive very little daylight, below or close to below 5% VSC, and therefore these rooms are already liable to rely on electric lighting. On the 2nd and 3rd floor of the 36 windows tested the majority receive less than 5% and a sizeable number under 10%. However there are windows receiving appreciable levels of existing light (10%) notably Window 10 serving a living room (identified as R8) on 2nd. and 3rd located approximately 12m away from the development and Window 11 serving a living room (identified as R7 on the 4th, 5th, 6th, 7th and 9th floors set 10m away from the development that would receive on average a VSC loss of 60% that has the VSC for each of these rooms below 10%.
- 14.23 166 rooms were analysed for No Sky Limit daylight distribution. 36 rooms would lose an amount of area with a view of the sun outside the BRE guidelines, 12 of these acting as living/kitchen dining rooms. In total 61 windows serving kitchen/living/diners were analysed for loss of direct sunlight. 23 of these windows would experience a loss of Annual Probable Sunlight Hours (APSH) outside the BRE guidelines set for living rooms.
- 14.24 The design of the Altitude development with north facing windows recessed below balconies to a degree explains these impacts. No calculations have been provided by the applicant, as BRE guidelines recommend, to establish whether the failed windows would achieve the guidelines without the balconies in place that serve as an obstruction to daylight.
- 14.25 To conclude the impact on this development is considered substantial and this view is shared by the Council's independent consultants.

Aldgate Place Block D

- 14.26 Aldgate Place is unoccupied. 81 out of the 96 residential windows tested within Block D (which have more than a fractional view of the development) would fall outside the BRE guidelines. With the worst effected window, serving a living room (identified as Room 2) on each floor from 1st to 15th floor losing on average over 60% of its VSC and this rooms 2nd window on average 42.16% VSC between floors 1 to 13. Other windows without balconies overhead lose between 39.71% on first floor to 22.80% on 11th floor, with the same window (identified as R6) being within guidelines above the 11th floor. The losses to rooms daylight distribution, NSL are more modest than the losses to VSC.
- 14.27 32 south facing windows serving living/dining/kitchen room were tested for impacts on loss of direct sunlight, of which 28 would experience a loss of sunlight outside the BRE guidelines, with 26 of these windows experiencing a loss outside the winter BRE guidelines, with winter losses consistently above 65% on identified Window 4 serving living rooms on each floor between 2nd and 13th floor.
- 14.28 The Council's consultants conclude the loss of daylight and sunlight to this future occupied residential building would also be substantial.
- 4.29 With regard to the potential loss of daylight received through the windows of the listed St George's Lutheran Church specifically the windows in its east elevation no analysis has been provided by the applicant to give the Council the opportunity to review. Officers conclude there will be some form of an adverse impact (including some loss of reflected light gained off the existing rear wall of Enterprise House) however in the absence of any quantitative analysis provided it is not possible for officers to benchmark the loss against any agreed standard. BRE guidelines are directed primarily at residential development and external amenity spaces that receive direct sunlight, although BRE guidance does acknowledge the guidelines maybe applied to non-residential buildings where the occupants have a reasonable expectation of daylight and this expectation does not appear unreasonable in respect of this building used as a place of worship, venue, place of assembly. Furthermore in this instance the loss of sunlight has a bearing on the historical use and significance of this building.

Amenity – for future users of the scheme

- 14.30 The scheme is designed with proper regard to the principles of inclusive design, including consideration for people with a disability including wheelchair accessibility to the ground floor entrance, lifts, to the individual office spaces, to the roof terrace and with and with ten in number wheelchair accessible serviced apartments.
- 14.31 The development has considered noise and air quality to ensure a suitable internal environment
- 14.32 The windows in the western elevation are design to be 'sacrificial' windows (i.e. could be blocked up) should a redevelopment of the City Reach be achieved in the future that rises above the existing height of the existing building on that site. This does leave the future prospect of a set of serviced apartment bedrooms (identified on Plan as Bedroom 10 on upper floors 5 to 15 and identified Bedroom 19 on the 16th upper floor) with no

access to natural light or outlook which is considered unacceptable in terms of quality of accommodation. The local planning authority are not likely to support at any time in the future any substantial increase in height on the City Reach plot (given the cumulative impacts of the two development coming forward upon the general townscape and setting of the adjoining listed buildings and therefore this future failing of amenity to these bedrooms is not considered to provide an additional reason for refusal to this scheme. However officers are mindful that were a taken decision elsewhere (i.e. at Appeal) to grant consent on No 21 Buckle Street the prospect of significant increase in height on the City Reach site cannot be ignored.

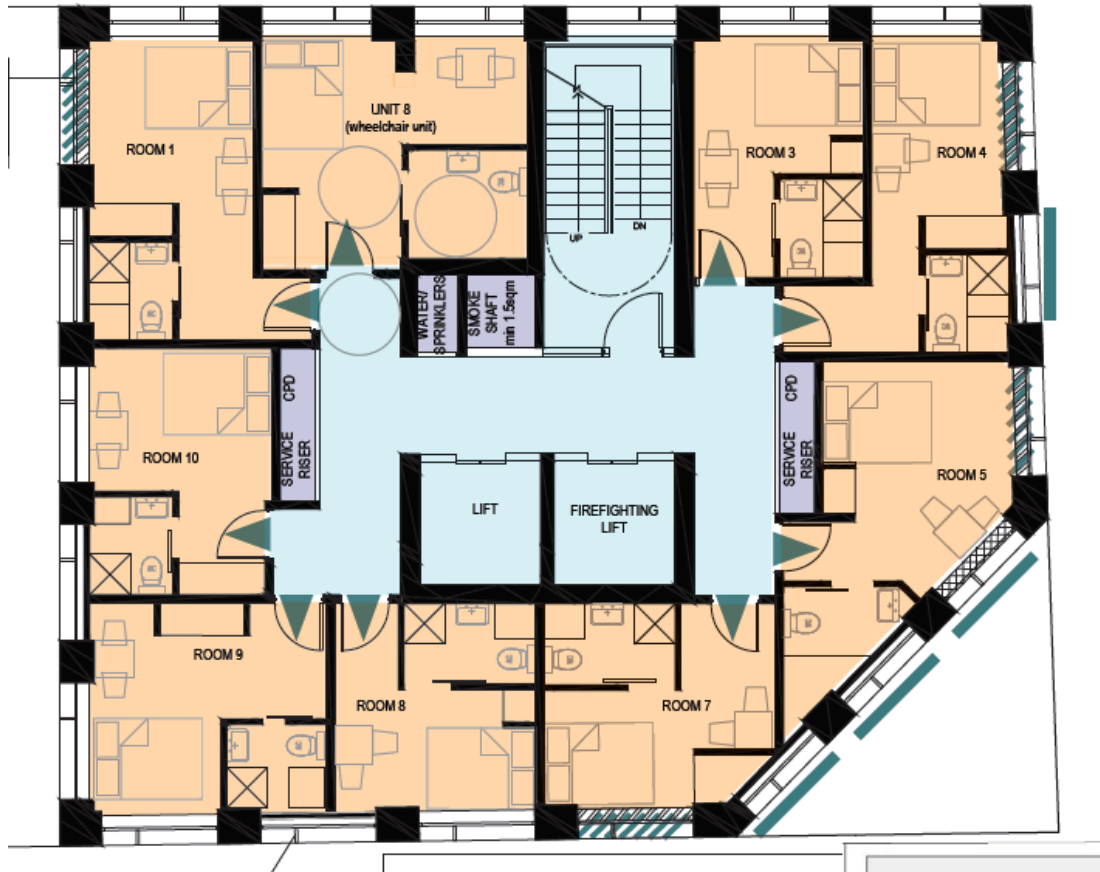


Figure 5: Typical Serviced Apartment Floor Layout

14.33 The quality of the office accommodation and serviced apartments in terms of internal layout, access to natural light and outlook are considered on balance acceptable for the type of land use having taken account of the limited prospect of the redevelopment of City Reach compromising the quality of the development.

OTHER MATERIAL CONSIDERATIONS

15 Neutralising Neighbouring Development Sites

15.1 For the reasons set out in paragraph 13.14 above and the measures taken by the applicant to offer the windows on the western elevation as sacrificial windows (securing this basis by legal agreement) it is not considered the scheme risks neutralising City Reach or any other neighbouring site.

16 Highways and Transportation

- 16.1 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 a transport assessment submitted with a development scheme to assess adequate regard has been made for servicing and for safe vehicular movements associated with this.
- 16.2 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.
- 16.3 The applicant has submitted a Transport Statement contains trip generation analysis and details of servicing arrangements, including waste collection from Plough Street. The scheme proposes no on-site car parking and with servicing and waste collection to be undertaken from street. An existing disabled car parking bay is located next to the site on Buckle Street.
- 16.4 The Borough' Highway and Transportation team reviewed the submitted documentation and is satisfied; (i) the completed development would have no adverse impact on the road network; and (ii) the proposed waste collection and servicing arrangements from the street whilst far from ideal is acceptable given the size of the site and the site constraints that remove the opportunity for off-street servicing. This conclusion is informed by the consideration existing servicing and waste collection of the site is on-street.
- 16.5 To conclude the Borough's Highway & Transportation Team have no objection to the scheme, subject to a set of appropriate planning conditions and securing of financial contributions (commuted sums) towards on street accessible parking and service bays.

17. Noise and Dust

- 17.1 A Noise and Vibration Impact Assessment has been submitted with the planning application. The assessment concludes that the demolition and construction will not result in adverse impacts to neighbours greater than those experienced from other major developments under construction or completed in the immediate vicinity. .
- 17.2 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 to neighbours and future occupants during demolition, construction and occupation phases, subject to the imposition of relevant planning conditions and the powers available to the Council under other legislative frameworks, should planning permission be granted, including construction management plan.

18.0 Contaminated Land

- 18.1 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.
- 18.2 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.

19. Flood Risk & Water Resources

- 19.1 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.
- 19.2 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.

20 Energy and Sustainability

- 20.1 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.
- 20.2 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.
- 20.3 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.
- 20.4 The scheme is designed to achieve a BREEAM Excellent rating with a score of 72. The proposal is anticipated to deliver a 45% reduction in CO2 emissions which is significantly below the policy requirement set out in the Local Plan.

- 20.5 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) CO2 emissions and (iii) energy saving measures including use of renewable energy technologies onsite.

21 Biodiversity

- 21.1 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.
- 21.2 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 there will therefore be no significant adverse biodiversity impacts.
- 21.3 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 including provision for nesting boxes/spaces for swift. Accordingly, the proposal will serve to improve the biodiversity value as sought by the relevant London and Local Plan policies.

22 Waste

- 22.1 Commercial waste would be collected on a daily basis through a private contractor. Given the constraints of the site refuse collection would on-street. The Borough's Waste Management Team have reviewed the details of the scheme and are broadly satisfied with the proposed arrangement subject to strategy for waste reduction secured by imposition of a condition for a Waste Management Plan. In summery the waste arrangements to are scheme are considered satisfactory and to be consistent with the Borough's MDD Policy DM14 in regard to managing waste.

23 Microclimate

- 23.1 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.
- 23.2 A wind assessment study was submitted with the scheme that involved the testing of the scheme with neighbouring consented schemes in a wind tunnel to model microclimate wind impacts. The analysis concludes tthe scheme will not result in any areas on the site or in neighbouring locations being unsafe for people.
- 23.3 The localised wind impacts have been assessed against the Lawson Comfort Criteria for long periods of siting, short periods of standing/sitting pedestrian transit and so forth in the worst month and summer. The analysis shows with the exception of one location there is no location that will be adversely impacted by the scheme. There are number of locations in Buckle Street, Plough Street and in the courtyard set between 55-57 Alie Street that are currently safe for users, but uncomfortable for all users in

summer months, these comfort conditions will remain except for some small improvements immediately to the north of the site on Buckle Street.

- 23.4 The methodology and the findings of the wind study are accepted and are considered not to provide a cause for undue concern. Were the scheme granted planning consent a planning condition would be attached to undertake further analysis to establish if local conditions could be improved by means of mitigation measures incorporating into the detailed design of the scheme

24.0 Planning Obligations

- 24.1 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.

- 24.2 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.

- 24.3 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.

- 24.4 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.

- 24.5 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.

- 24.6 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

- 24.7 In the absence of a legal agreement, it is recommended that the application is refused on the basis that the development fails to mitigate its impact on local services, amenities and infrastructure as well as securing training and employment opportunities for residents of the Borough of Tower Hamlets.

25.0 Financial considerations

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

25.1 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.

25.2 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.

25.3 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 £104,877.50

25.4 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.

25.5 In this case when considering the existing gross B1 floorspace to be lost 1,177sq.m which is replaced with 1,185sq.m gross B1 floorspace and 2,9851sq.m of gross serviced apartments (C1 Use Class), there is a net increase in commercial floorspace of 3,2108sq.m and as such the Crossrail top up is £183,695

25.6 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 uplift of floor space of the proposed development (taking account of existing space used lawfully for a 56 month period in the last 36 months), 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 £462,571

26 Human Rights

26.1 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:-

- 26.2 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".
- 26.3 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.
- 26.4 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.
- 26.5 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.
- 26.6 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 26.7 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.

27. Equality

- 27.1 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.
- 27.2 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.

27.3 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.

27.4 The proposed development allows for an inclusive and accessible development for, employees, visitors and workers. Conditions secure accessibility for the life of the development

28 Conclusion

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