

Committee: Strategic Development Committee	Date: 10 th March 2016	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Adam Hussain		Ref No: PA/15/02538	
		Ward(s): Whitechapel	

1. APPLICATION DETAILS

Location: 6 to 8 Alie Street, London, E1 8DD
Existing Use: Office (B1(a) Use Class)
Proposal: Demolition of existing office building on the site and erection of a ground plus seven storey office building (Class B1) with reuse of existing basement together with provision of 4.no ancillary study bedrooms for private use by the college, 40.no cycle spaces, plant equipment and associated works.

Drawing Nos: 1318_P_001, 1318_P_002, 1318_P_099; 1318_P_100, 1318_P_101, 1318_P_102, 1318_P_103, 1318_P_104, 1318_P_105, 1318_P_106, 1318_P_107, 1318_P_108, 1318_P_203, 1318_P_204, 1318_P_301, 1318_P_302, 1318_P_303, 1318_P_304, 1318_P_410, 1318_P_411, 1318_P_430, 1318_P_431, 1318_XP_099, 1318_XP_100, 1318_XP_101, 1318_XP_102, 1318_XP_103, 1318_XP_104, 1318_XP_105, 1318_XP_106, 1318_XP_107, 1318_XP_203, 1318_XP_204, 1318_XP_301, 1318_XP_303.

Documents

- Design and Access Statement, dated 4th September 2015
- Planning Statement, September 2015
- Transport Assessment, September 2015
- Daylight and Sunlight Assessment, August 2015.
- Planning Noise and Vibration Report, dated 2nd September 2015
- Sustainable Development Statement, 1st September 2015
- Energy Assessment and Strategy, August 2015
- BREEAM: Land Use and Ecology Assessment, September 2015
- Phase 1 Environmental Review, dated 20th August 2015
- Archaeological Desk Based Assessment, August 2015

Applicant: Royal College of Pathologists

Owner: Royal College of Pathologists

Conservation Area: N/A

Historic Building: N/A

2 SUMMARY OF MATERIAL CONSIDERATIONS

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

- a) In land-use terms the scheme is entirely consistent with policy and strategic framework guidance documents for Aldgate and the City Fringe as an office redevelopment on an existing office site in an area designated as a Preferred Office Location within the Borough.
- b) In terms of scale, massing, overall appearance and layout, the proposal is considered to be broadly acceptable. The scheme's design, through high quality architectural treatment, materials and finishes will contribute to the architectural form and character of the Aldgate area, in a manner that is distinctive yet complimentary to the area's townscape.
- c) The proposal will preserve the character and setting of surrounding heritage assets, including listed and locally listed buildings.
- d) The scheme has been considered in terms of amenity impacts to existing neighbours and residential occupants of neighbouring consented schemes and found to have no significant adverse impacts.
- e) In respect of transportation, with the mitigation measures secured by legal agreement, no outstanding highway and transportation impacts are raised by the scheme. Sustainable forms of transport are facilitated by this scheme.
- f) In terms of energy use, carbon reduction, enhancements to biodiversity the scheme is considered to provide a sustainable form of development.

3 RECOMMENDATION

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

A. The prior completion of a legal agreement to secure the following planning obligations:

Financial Obligations:

- a) A contribution of £34,816 towards end user employment, skills, training
- b) A contribution of £18,000 towards construction phase skills and training
- c) A contribution of £16,789 towards Carbon Offsetting
- d) A contribution towards monitoring, in accordance with emerging Planning Obligations SPD.

Total Contribution financial contributions £69,605, plus monitoring contribution.

Non-financial contributions

- e) At least 7 apprenticeships to be delivered during the construction phase of the development
- f) Developer to exercise best endeavours to ensure 20% of the construction phase workforce will be residents of the Borough
- g) 20% of goods/service during construction are procured from businesses in Tower Hamlets
- h) Employee & Visitor Travel Plan

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

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

3.2 **Conditions**

Prior to Demolition

- Construction, Logistics & Environment Management Plan
- Archaeology

Prior to Construction

- Sustainable urban drainage system and water use efficiency
- Piling Impact Statement & Methodology
- Capacity to energy system connect to district heat network

Prior to Construction above ground level

- Details of Materials and treatment of elevations
- Details of cycle storage
- Details of Biodiverse roof
- Secure by Design accreditation

Prior to first occupation of building

- Delivery and Service Management Plan

Compliance Conditions

- Time limit for consent
- Accordance with the approved plans
- Demolition and Removal of roof
- Hours of building operations
- Provision of refuse stores
- Building achieving BREEAM excellence standards
- Energy measures implemented in accordance with the energy strategy
- Study Bedrooms to be ancillary
- In accordance with Planning Noise and Vibration Report
- Details of Photovoltaic Panels

- **Any additional conditions as directed by the Corporate Director Development and Renewal**

3.3 Informatives

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

4. PROPOSAL, LOCATION DETAILS AND DESIGNATIONS

4.1 Site and Surroundings

- 4.2 The application site is occupied by a six-storey office building, dating to the late 1980s. To the north it fronts Alie Street, a one-way street connecting the A1210 in the west with Leman Street to the east. To the south is North Tenter Street, a one-way street forming the north side of a square occupied by English Martyrs Roman Catholic Primary School.
- 4.3 Adjoining buildings to the east and west of the application site are 6 storeys, and a 7 storey development is opposite on the north side of Alie Street, all providing office accommodation. To the east the urban block consists of buildings ranging from 4 to 6 storeys including residential and office uses.
- 4.4 The square to the south is characterised by the low-scale Primary School in the centre, with playground and grounds. Forming the edges to the square are the predominantly commercial buildings to the north (including the application site) and west, and lower scale residential buildings to the south and east.
- 4.5 The application site lies within the London Plan's Central Activities Zone (CAZ) as well as the City Fringe Opportunity Area. The site falls within the designated Aldgate Preferred Office Location in the Borough's adopted Local Plan.
- 4.6 It is also within the Office to Residential Permitted Development Exception Zone. Offices within this location are excluded from implementing the General Permitted Development Order 2015 to change without planning permission from Office use to Residential use.
- 4.7 The site is in an area of archaeological importance or potential importance.
- 4.8 The site is not within a conservation area. It is not statutorily or locally listed. There are and no such designated buildings adjoining the site. The closest statutorily listed buildings are Grade II listed at 57-59 Mansell Street, to the west, and 2 & 8 St Mark Street, to the east. 18 Tenter Street is locally listed, located one building down, to the east.
- 4.9 The application site has a public transport accessibility level (PTAL) of 6b (category - excellent).

4.10 **Proposal**

- 4.11 The applicant for this proposal is the Royal College of Pathologists (RCP). The College is a professional membership organisation and a registered charity that advises on a large range of issues relating to Pathology, the study of diseases. The RCP intends to occupy the majority of the proposed accommodation themselves as their new offices and member facilities.
- 4.12 The application proposes redevelopment of the site consisting of demolition of the existing 6-storey office building and construction of a new 8-storey office building.
- 4.13 As with the existing building, the proposed will occupy the footprint of the site in this mid-terrace location.
- 4.14 The massing of the building would be a main 6-storey part, with the 7th and 8th storeys as a 'pavilion' type element set in from front and rear elevations.
- 4.15 The architecture of the building would be characterised by a use of brickwork, predominantly as vertical piers, with horizontal pre-cast concrete 'string courses'. The rooftop 7th and 8th storeys would be detailed with aluminium framed glazing in the form of vertical 'fins'.
- 4.16 The ground and first floor of the proposal would provide the reception, member's room and a conference room. The second floor would provide meeting rooms. The third, fourth and fifth floors would provide the office workspaces. The two-storey pavilion building at sixth and seventh floors provide meeting rooms and 4 study bedrooms, for use by college staff. Basement would provide plant room, kitchen and toilets.
- 4.17 Bicycle storage, refuse and recycling would be located at ground floor, with access from North Tenter Street.

5 **RELEVANT PLANNING HISTORY**

- 5.1 **PA/14/01721** Refurbishment of existing office building, including addition of a sixth floor, alterations to front and rear facades, flooring over central atrium, replacement of parking spaces with cyclists facilities. (Approved: 18/8/14).
- 5.2 **PA/14/01442** Refurbishment of existing office building, including alterations to front and rear facades, flooring over central atrium, replacement of parking spaces with cyclists facilities, re-cladding of roof-top plant enclosure and provision of disability compliant lavatories and other facilities. (Approved 25/7/14).
- 5.3 **PA/87/00039** Redevelopment to provide an office building at basement, ground floor and part four part five upper floors, basement and roof plant rooms and rear car parking. (Approved 26/1/88).

6.0 **POLICY FRAMEWORK**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 ('the 2004 Act')

requires that where regard is to be had to the development plan the determination must be made in accordance with the plan unless material considerations indicate otherwise.

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

6.3 **LBTH’s Core Strategy (CS) adopted 2010**

Policies:	SPO1	Refocusing on our town centres
	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP05	Dealing with waste
	SP06	Delivering successful employment hubs
	SP07	Improving education and skills
	SP08	Making connected places
	SP09	Creating attractive and safe streets and spaces
	SP10	Creating distinct and durable places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering Placemaking
	SP13	Planning Obligations

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

Policies:	DM0	Delivering Sustainable Development
	DM1	Development within the Town Centre Hierarchy
	DM9	Improving Air Quality
	DM10	Delivering Open space
	DM11	Living Buildings and Biodiversity
	DM13	Sustainable Drainage
	DM14	Managing Waste
	DM15	Local Job Creation and Investment
	DM16	Office Locations
	DM20	Supporting a Sustainable Transport Network
	DM21	Sustainable Transport of Freight
	DM22	Parking
	DM23	Streets and Public Realm
	DM24	Place Sensitive Design
	DM25	Amenity
	DM26	Building Heights
	DM27	Heritage and Historic Environment
	DM28	World Heritage Sites
	DM29	Zero-Carbon & Climate Change
	DM30	Contaminated Land

6.5 **Supplementary Planning Guidance/Documents**

Revised draft *Planning Obligations Supplementary Planning Document*
Version for public consultation April 2015.

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

- 1.1 Delivering Strategic vision and objectives London
- 2.1 London in its global, European and UK Context
- 2.5 Sub-regions
- 2.9 Inner London
- 2.10 Central Activity Zone – strategic priorities
- 2.11 Central Activity Zone – strategic functions
- 2.12 Central Activities Zone – predominantly local activities
- 2.13 Opportunity Areas and Intensification Areas
- 2.14 Areas for Regeneration
- 2.18 Green Infrastructure
- 3.1 Ensuring Equal Life Chances for All
- 4.1 Developing London's Economy
- 4.2 Offices
- 4.7 Retail and Town Centre Development
- 4.3 Mixed-use Developments and Offices
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.8 Innovative Energy Technologies
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.21 Contaminated Land
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.5 Funding Crossrail
- 6.9 Cycling
- 6.10 Walking
- 6.11 Congestion and traffic flow
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings
- 7.8 Heritage Assets and archaeology
- 7.9 Access to Nature and Biodiversity
- 7.10 World Heritage Sites
- 7.11 London View Management Framework (LVMF)
- 7.12 Implementing the LVMF
- 7.13 Safety, Security and Resilience to Emergency

- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.19 Biodiversity and Access to Nature
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

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

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

6.8 **Government Planning Policy Guidance/Statements**

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

7.0 **CONSULTATION RESPONSES**

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

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

Internal LBTH Consultees

Sustainability Officer

7.3 For CO2 emission reductions, the scheme looks reasonable, with a carbon offset contribution of £16,789 required to make it acceptable in terms of policy DM29. The scheme is anticipated to achieve a BREEAM Excellent rating with a score of 72.8. So we are happy with the sustainability proposals for the scheme.
(Officer Comment: Noted and planning obligations and conditions will reflect these comments)

Biodiversity Officer

7.4 There is no significant existing biodiversity value. The flat roof of the building has the potential to support nesting birds. An appropriate condition controlling time and manner of demolition should be applied to avoid disturbance.

Proposal includes a green roof of approximately 138sq.m. If implemented in accordance with best practice guidance this will contribute to new habitats. Other biodiversity enhancements that could be considered are nest boxes for swifts and black redstarts. An appropriate condition should be applied to secure biodiversity enhancements.

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

Employment & Enterprise Team

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

- to ensure the developer to exercise best endeavours to ensure 20% of the construction phase workforce will be residents of the Borough
- 20% of goods/service during construction are procured from businesses in Tower Hamlets
- A minimum 7 apprenticeships are delivered during the construction phase of the development

(Officer Comment: Noted, the sought planning obligations (set out in section 3 of this report) will be imposed)

Environmental Health:

EH noise section

7.6 Have examined the acoustic report and accept its findings.

(Officer Comment: Noted. A condition to be imposed to secure the measures set out in the submitted report)

EH air quality section

7.7 No objection. Dust mitigation should be addressed within the Construction Management Plan.

(Officer Comment: Noted. Construction Management Plan to be secured by condition)

EH - land contamination section

7.8 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 the sought planning condition will be imposed)

Highways & Transportation

7.9 Car Parking

Cycle Parking

According to the Further Alteration to London Plan (FALP) the applicant is required to provide at least 61 cycle spaces for this development. The applicant has only provided 44 cycle spaces; this does not meet the London Plan requirement in quantity, please note our Local Plan requirement was superseded by updated London Plan. Therefore, the applicant is required to comply with FALP. Cycle and Waste storage should be separate.

(Officer comment: The provision of cycle parking is addressed under MATERIAL PLANNING CONSIDERATIONS in paragraphs 14.9 to 14.12)

Servicing

In absence of off-street loading bay we will require the applicant to carry out all servicing and deliveries from Alie Street instead. This should be secured through a condition.

(Officer comment: sought condition will be imposed).

Construction Management Plan

The use of North Tenter Street for construction vehicle access route will require timing restriction to avoid school opening and closing hours.

(Officer comment: Noted. Construction Management Plan to be secured by condition) .

Requested Informative:

Permission will be required from Streetworks for any road closures or carriageway space hire associated with, but not restricted to, loading/unloading operations. (Contact officer: David Pryce, Network Coordinator)

(Officer comment: informative to be included).

Waste & Recycling Team:

- 7.10 No objections. Adequate consideration has been given to the strategy and calculation of volumes of waste.

(Officer Comment: Noted. Condition to be applied to secure proposed waste provision)

External Consultees

Greater London Archaeology Advisory Service (GLAAS)

- 7.11 No objection. Recommended condition to secure field evaluation and mitigation prior to construction works.

(Officer Note: recommended condition to be imposed)

Greater London Authority (including Transport for London's comments) Stage 1 Response.

Recommendation:

- 7.12 *"That Tower Hamlets be advised that the application complies with the London Plan for the reasons set out...and does not need to be referred back to the [London] Mayor".*

Principle of development:

- 7.13 *"London Plan policies 2.10 and 4.2 strongly support the renewal of office space within the Central Activities Zone (CAZ), and the City Fringe Opportunity Area Planning Framework (OAPF) recognises Aldgate as having potential to provide workspace for a variety of sectors, particularly those with an affiliation to the City. Noting also the [Tower Hamlets] Local Plan designation of this site as a Preferred Office Location, GLA Officers strongly support the proposal in principle terms."*

Office employment:

- 7.14 *"The proposal comprises a mixture of general purpose office space, as well as some end user-specific facilities – including a conference hall and overnight accommodation/study bedrooms for visiting members. Overall the proposal would provide an uplift of Class B1 floorspace amounting to 371sq.m over what*

has recently been consented at the site. This uplift is in accordance with London Plan Policy 4.2 and the draft City Fringe OAPF.

- 7.15 *London Plan Policy 4.3 seeks to ensure that uplifts in office space provide for a mix of uses including housing. In this case the ground floor is required to serve the office and the proposal falls within a locally designated Preferred Office Location where housing is not regarded as an appropriate use”.*

Urban design:

- 7.16 *“The proposed design is supported in accordance with London Plan Policy 7.1. The scheme is well thought out, optimises the development potential of the site and remains sympathetic (in terms of scale and materials) to the context and neighbouring heritage assets.*

- 7.17 *GLA officers are satisfied that the proposal would not impact on strategic views of the Tower of London World Heritage Site.*

Inclusive Access:

- 7.18 *The principles of access and inclusion have been generally well considered and accord with London Plan policies 4.12 and 7.2.*

Sustainable development:

- 7.19 *The proposed approach comprises energy efficiency measures (including passive design measures, low energy lighting and heat recovery); and renewable energy technologies (comprising 100sq.m of roof mounted photovoltaic panels). On-site energy centre would be designed to be capable of district heat network connection in future.*

- 7.20 *The [London] Mayor now applies a 35% reduction target beyond Part L 2013 of Building Regulations. Based on submitted energy strategy scheme is expected to achieve a 36% reduction in carbon dioxide. This is supported and Council is encouraged to include a planning condition to secure implementation in line with the energy strategy.*

- 7.21 *The Council is encouraged to secure by condition details of proposed green roof and sustainable urban drainage measures.*

Transport :

- 7.22 *Tfl has reviewed the planning application and is satisfied that the scheme is acceptable in strategic planning terms.*

- 7.23 *The commitment to promote sustainable transport modes is particularly supported. Notwithstanding this, TfL is currently engaged in discussions with the applicant and the Council regarding the optimisation of on-site cycle parking provision. GLA and TfL officers are nevertheless satisfied that a reasonable outcome will be secured in this regard. (Subsequent to this comment TfL have commented as follows: If the applicants cannot supply cycle parking on site to standard (and that is reasonable based on our knowledge) - then they should monitor usage/demand and consider how to reach the standard/ cater for demand if it arises e.g. Lockers for folding bikes or spaces elsewhere (offsite or locations within the building). The aim is to mitigate the risk that lack of spaces deters cyclists.)*

7.24 *Tfl requests consultation on routing strategy and construction access in due course.*

7.25 *The site is within the Central London Charging Area where section 106 contributions for Crossrail are sought in accordance with London Plan Policy 6.5 and associated SPG. However, under the terms of the [London] Mayor's SPG, the charge would be waived where the development is to be used wholly or mainly for charitable purposes for more than seven years.*

London Underground Ltd.

7.26 No comment to make.

Crossrail Ltd.

7.27 No comment. The planning application site is outside the limits of land subject to consultation under the Safeguarding Direction.

Secure by Design Officer

7.28 No objection. The summary shown in 2.3.5 of the submitted Design and Access statement is an accurate reflection of the issues relevant to this proposal.

7.29 Due to the proposed use of the building, access control and management practices will be key to its security. Secured by Design standards and principles would assist in this.

(Officer comment: Noted. An appropriate condition is proposed for approval of measures, in consultation with the Secure by Design officer).

City of London Corporation

7.30 No comments received.

Thames Water (TW)

7.31 No objection. Informatives requested.

NATS

7.32 No comments received.

London City Airport

7.33 No comments received.

Environment Agency

7.34 No comment to make.

8.0 LOCAL REPRESENTATION

8.1 100 neighbouring properties were notified about the application and invited to comment. The application has also been publicised in East End Life and benefited from the display of a site notice.

8.2 No representations have been received.

9.0 MATERIAL PLANNING CONSIDERATIONS

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

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

Other Considerations including

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

10.0 Land Use

- 10.1 Chapter 1 of the NPPF sets out that central government is committed to securing economic growth and that the planning system should do everything it can to support sustainable economic growth, that planning should encourage and not act as an impediment to sustainable growth and to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business.
- 10.2 The site is located within the London Plan designated Central Activities Zone (CAZ) and City Fringe Opportunity Area. Table A1.1 within the London Plan sets out that the City Fringe could accommodate a minimum of 7,000 new homes, and 70,000 new jobs. London Plan Policy 4.2 sets out the strategic need for new office space within the CAZ, and supports the renewal of existing stock, and increases in floorspace, where there is demand - in order to meet the needs of a growing and changing economy
- 10.3 London Plan Policies 2.11 and 4.3 “*encourage mixed use office and residential development in the CAZ and Isle of Dogs*”. However this policy position is carefully qualified in Paragraph 4.17 which states exceptions to this mixed use approach are ““*permitted where mixed uses might compromise broader objectives, such as sustaining important clusters of business activity*”. Policy 2.11 (CAZ Strategic Function) Paragraph 2.45 states “*policies favouring mixed use development should be applied flexibly on a local basis so as not to compromise the CAZ’s strategic function*”.
- 10.4 Set within the context of Paragraph 2.45 of the London Plan, a local plan ‘exceptions policy’ is justified and is indeed formulated in the Local Plan *Preferred Office Location* Policy, as set out Spatial Policy Objective 6 (SP06) of the adopted Core Strategy, DM16 (1) of the Borough’s adopted Managing Development Document and in Policy SP06 of the Core Strategy.
- 10.5 Supporting Paragraph 16.3 of policy DM16 states that “*within POLs, large floor plate offices are to be expected and in order to ensure the continued growth of these areas, the Council requires, under part (1) of the policy, that existing office floor space will be protected. Any development of sites currently used for office*

floor space will need to re-provide office floor space to meet the demand for offices within these areas’.

- 10.6 The Core Strategy sets out a vision for Aldgate as “*rediscovering its gateway role as a mixed use, high density area with a commercial centre acting as an area of transition between the City of London and the East End. Become an important place where large-scale office uses cluster around the transport interchange at Aldgate and the new green space at Braham Street*”.
- 10.7 Therefore, at the national, strategic (London) and local plan policy levels and informed by supplementary and interim planning guidance set out in the Mayor of London’s consultation draft City Fringe OAPF an office led scheme is consistent with the policy objectives for this location.
- 10.8 The subject proposal is for demolition of an existing office building, and replacement with a new office building. The site currently provides 3,478sq.m (GIA) of office floorspace. The proposed development provides 4,502sq.m (GIA) representing an uplift in office floorspace of 1,024sq.m.10.9 The internal layout reflects the needs of a modern office layout. Although in this case, as the RCP are both applicants and future occupants it has been designed with their specific preferences in mind. It includes the core office functions of open plan workspace, conference and meeting rooms. At ground floor, in addition to the reception area there is the RCP Member’s library. The top floor of the building includes 4 ‘study bedrooms’. These are for overnight use by guests to the RCP. These are proposed as ancillary to the B1 use. They represent a minor part of the proposed floorspace and are accessible only via the central access core of the building. Officers are satisfied this represents an ancillary feature to the building, the physical layout precluding their independent use. Notwithstanding, an appropriate condition is recommended to confirm that these rooms may only be used ancillary to the office use.
- 10.10 It is also noted that being new office accommodation it will be an opportunity to provide a modern workspace and facilities.
- 10.11 In this context the proposal is fully consistent with the policy objectives for this location set out in London Plan Policy 2.11 and policies DM16 and SP06 of the Local Plan for this location and designations.

11.0 Design

- 11.1 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 11.2 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design and having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable spaces and urban design that optimises the potential of the site.
- 11.3 SP10 and Policy DM23 and DM24 of the Local Plan seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces

and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.

- 11.4 The existing office building was constructed in the 1980s. In regards to its external appearance Officers consider it is relatively unremarkable in design terms, typical of this period
- 11.5 The existing building is 6-storeys high with an additional storey plant enclosure. To North Tenter Street the roofscape is formed by a number of set backs with different materials.
- 11.6 There are two extant applications for re-cladding this building. The most recent, PA/14/01721 includes a roof extension providing a total of 7-storeys of accommodation.
- 11.7 The proposed building would be 8-storeys in height, with the top two storeys part of a 'pavilion' like structure set in from front and rear elevations. Compared to its neighbours and the existing building this is 1 additional storey. There is an existing variation in storey heights along this terrace. At eight storeys this would be the tallest building in the terrace. However, it is considered to be part of a transition in height that sits comfortably in the streetscene. This transition is assisted by the set-back and reduced extent of the sixth and seventh floors. In this context the scale and height of the building is considered reasonable.
- 11.8 In terms of detailed design and architecture, the proposed building would use brick as the predominante material. It seeks to provide a defined base, middle and top. A degree of expression and visual interest is sought through the use of vertical brickwork piers and horizontal concrete banding. The glazing is recessed and arranged in size and proportions in a way that adds some character and interest to the design. The rooftop pavilion element is considered an effective way of defining the top of the building.
- 11.9 Overall, the detailed external design is a considered a successful and well-thought through response to the site context. It is considered a high quality design and meets the policy objectives in this respect.
- 11.10 As set out above, there are two extant consents for this site which include recladding and extension, rather than redevelopment. With either scheme the occupants would still be operating within the existing floorplates. The RCP have found this not to be feasible, partly because of their aim of accommodating a 200 capacity conference room. This is also intended as a long-term investment by the RCP so a new building, providing long-term flexibility of layout and facilities is the preferred option. The RCP also wanted to take the opportunity to have an attractive building in this location.
- 11.11 There is no obligation for an approved scheme to be implemented. Officers also consider the proposal now under consideration is an improvement in terms of design and appearance. It will offer modern facilities and meet current energy efficiency standards (addressed below in section 19).
- 11.12 In this context the proposal is considered acceptable in respect of scale, massing and design, in accordance with the objectives of the NPPF (2012), London Plan policies 7.4 & 7.6, Core Strategy Policy SP10 and Managing Development Document Policy DM23 & DM24.

12. Heritage

- 12.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in respect of Listed buildings, in considering whether to grant planning permission there shall be *'special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'*.
- 12.2 Managing Development Document policy DM27 (Heritage and the Historic Environment) states that *'development will be required to protect and enhance the borough's heritage assets, their setting and their significance as key elements of developing the sense of place of the borough's distinctive 'Places''*.
- 12.3 The closest statutorily listed buildings are Grade II listed at 57-59 Mansell Street, to the west, and 2 & 8 St Mark Street, to the east. The application site is not considered to represent part of the setting of these buildings, somewhat remote from their locations. Furthermore, given the acceptable scale, and well-considered design of the proposal this should not affect the Statutorily Listed buildings or their setting.
- 12.4 The Locally listed 18 North Tenter Street is one building along from the application site, to the east. The existing context of this building is modern developments on either side. The scale and design of the proposal, and that it is not an adjoining property mean there should not be any significant impact on its setting. The proposal is expected to provide some benefits to the wider streetscene by replacing a less attractive 1980s building. 18 North Tenter Street may benefit indirectly from this change.
- 12.5 In this context, the proposal is considered to be acceptable in heritage terms, in accordance with the obligations of Section 66, and in accordance with the objectives of MDD policy DM27.

13.0 Amenity

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

Neighbours Amenity

- 13.3 The application site is part of an urban block predominantly commercial. However, there are residential properties in the vicinity, and English Martyrs Primary School.

- 14-20 Alie Street, one building along to the east.
- 18 North Tenter Street
- 23 West Tenter Street, approx. 40m to the south-west.
- 1 to 143 Guinness Court, approx. 60m to the west, beyond Mansell Street, within City of London.
- English Martyrs Catholic Primary School, opposite the application site to its south, 0.57ha site with low level school buildings.

- 13.4 The results of daylight and sunlight assessment according to BRE guidelines as follows:

Daylight – VSC

- 13.5 The Vertical Sky Component (VSC) is a measure of the amount of visible sky available from a point on a vertical plane (the window). The VSC is the main test used to assess the impact of a development on neighbouring properties. Since the light measurements are taken on the external face of the window, access inside the neighbouring property is not required in order to perform the test. A window may be adversely affected if the VSC measured at the centre of the window is less than 27% and less than 0.8 times its former value.

Address	Total Number of Windows Tested	Number of Windows Meeting BRE Guidelines VSC	Number of Rooms Experiencing Adverse Impacts
1-143 Guinness Court	43	42	1
23 West Tenter Street	29	29	0
14-20 Alie Street	35	35	0
English Martyrs School	99	99	0
Total	206	205	1

- 13.6 There is a high degree of compliance with all windows meeting BRE guidelines, except 1 in Guinness Court. This is a window with an existing VSC of 0.04%, effectively nil light, so proportionally any change would be substantial in VSC calculations.

Daylight – NSL/Daylight Distribution

- 13.7 The No-Sky Line (VSL)/Daylight Distribution is a measure of the amount of floorspace in a room (the 'working plane') that does not have a direct view of the sky.
- 13.8 The BRE guide states that if a significant part of the working plane (normally more than 20%) lies beyond the no sky line (receives no direct skylight), then the

distribution of daylight will be poor and supplementary electric lighting will be required. The BRE guide explains that the daylight distribution of a neighbouring property may be adversely affected if the area of the working plane which receives direct skylight is reduced to less than 0.8 times its former value.

Address	Total Number of Rooms Tested	Number of Rooms Meeting BRE Guidelines for NSL	Number of Rooms Experiencing Adverse Impacts
1-143 Guinness Court	43	43	0
23 West Tenter Street	24	24	0
14-20 Alie Street	34	33	1
English Martyrs School	30	30	0
Total	131	130	1

- 13.9 This is a high degree of compliance. Of the 131 rooms tested, 130 met the BRE guidelines. The room that did not would experience a 27% reduction in daylight distribution. This is over the 20% figure, which would not be noticeable to occupiers, however, this is not considered to be significantly detrimental

Sunlight - APSH

- 13.10 The Annual Probable Sunlight Hours (APSH) test is a measure of the availability of sunlight to properties. The BRE guide recommends that main living room windows should receive at least 25% of the total APSH. It also recommends that at least 5% of the APSH should be received during the winter.
- 13.11 The test should be applied to all main living rooms and conservatories which have a window which faces within 90 degrees of due south. The guide states that kitchens and bedrooms are less important. The guide explains that sunlight availability may be adversely affected if the centre of the window:

Address	Total Number of Rooms Tested	Number of Rooms Meeting BRE Guidelines for APSH	Number of Rooms Experiencing Adverse Impacts
23 West Tenter Street	6	6	0
14-20 Alie Street	4	4	0
English Martyrs School	99	99	0
Total	109	109	0

- 13.12 The submitted report confirms full compliance with BRE standards.
- 13.13 18 North Tenter Street is also a neighbouring residential property, this has not been tested within the daylight assessment but due to its position in relation to the subject site and 14-20 Alie Street (which has been tested) it is possible to

discern that there would be no significant detrimental loss of daylight to these properties, given that there is no significant impact upon 14-20, which face directly towards the site.

- 13.13 Overall the impact on surrounding residential properties and English Martyrs School is acceptable in terms of daylight and sunlight, meeting BRE standards. Officers consider this is consistent with the nature of the development, sitting on the same footprint as the existing and of a similar scale.

Outlook, Privacy and Sense of Enclosure

- 13.11 There would be no flank elevation windows in the development. There would be two roof terraces at sixth floor, to north and south. There may be some opportunity for views in the direction of 14-20 Alie Street, to the east. However, this would be approximately 30m from the nearest facing residential properties. A substantial distance that ensures no significant impact in terms of privacy. Equally given this distance from the proposed development, and the scale of the proposed development, there should not be a substantial impact on residential amenity in terms of outlook or sense of enclosure.

Impact on Commercial Buildings

- 13.11 The emphasis of policy DM25 (Amenity) is on the protection of residential properties. Where a proposal is of sufficient scale, typically where an Environmental Impact Assessment (EIA) is required, and at the judgement of Officers, a detailed analysis of impacts on commercial properties may be appropriate. This is not considered necessary for this application.
- 13.12 This proposal follows the same footprint as the existing building, with the same building lines on Alie Street and North Tenter Street. It would be of a similar scale to the existing building, with one additional storey, which is reflective of the scale of surrounding commercial buildings. It is noted that neighbouring commercial buildings are predominantly purpose-built office accommodation, which typically enjoy large floorplates with multiple aspects.
- 13.13 The proposal would largely maintain the same relationship with neighbouring commercial buildings as is currently the case. In this context the proposal should not have a substantial impact in terms of daylight or sunlight. Privacy, outlook and sense of enclosure should be acceptable.

Overall – Neighbouring Amenity

- 13.14 The impact of the proposal on the amenity of surrounding properties is acceptable, in accordance with Managing Development Document (2013) policy DM25.

14.0 Highways and Transportation

- 14.1 The NPPF and Policy 6.1 of the London Plan seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 of the London Plan requires transport demand generated by new development to be within the relative capacity of the existing highway network. London Plan Policy 6.13 states that developments need to take into account business delivery and servicing. This is also reiterated in MDD Policy DM20 which requires

Transport Assessments submitted with a development scheme to have adequate regard to servicing and for safe vehicular movements associated with this.

- 14.2 Core Strategy policies SP08, SP09 and Policy DM20 of the MDD together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 14.3 The applicant has submitted a Transport Statement that contains details of servicing, a waste strategy, a draft travel plan and a draft construction management plan.

Servicing & Deliveries, Secure Cycle Parking Provision, and Construction Management

- 14.4 Servicing for deliveries is proposed from Alie Street. This is an amendment to the scheme. Following concerns from LBTH Highways and Transportation regarding capacity and potential pedestrian conflict on North Tenter Street, servicing for deliveries is now proposed from Alie Street only.
- 14.5 The predicted trip generation information for the proposed development has been considered by LBTH Highways & Transportation and Transport for London and is not disputed. The development is expected to generate 8 two-way servicing trip movements in a day. This is considered a modest level of vehicle movements, reflective of the office use proposed, and should be acceptably accommodated from Alie Street.
- 14.6 Waste collection would still be from North Tenter Street. This is unchanged from the existing scenario, and is more imperative with the location of waste storage at the south side of the building opening onto North Tenter Street. This should not be more than twice a week, and given this is an existing situation already in place, Planning officers consider this is an acceptable solution.
- 14.7 The site has a public transport accessibility of 6b, which is the highest possible. This reflects excellent connections, with Aldgate and Aldgate East Underground Stations to the north, Tower Gateway DLR and Tower Hill Underground station to the south-west. There are also numerous bus routes in the immediate vicinity. In this context, in accordance with policy SP09 the development is car-free.
- 14.8 Compared to the existing building the proposed development would create an uplift of 30 two-way person trips in the AM peak, and 21 two-way trips in the PM peak. This is not a substantial increase and given the PTAL rating in this location should be adequately accommodated.
- 14.9 Cycle parking provision is to be provided on the south side of the ground floor, accessed from North Tenter Street. The applicants propose spaces for 40 cycles. This complies with LBTH Managing Development Document (2013) policy which seeks a minimum of 36 cycle spaces. However, the latest London Plan (2015) cycle standards have a higher requirement, which for this development is 59 spaces.
- 14.10 Transport for London have reviewed the proposals. They are of the view that the applicants position is reasonable that additional conventional cycle spaces cannot be accommodated, given the constraints of the proposed design. In

response they advise that the applicants travel plan should include monitoring of cycle space uptake and allow for provision of lockers of folding bikes or spaces off-site if needed.

- 14.11 The applicants have carried out a study of existing cycle capacity in the vicinity during peak hours. Their own site visit to publically accessible sheffield stand locations in the vicinity found approximately 50% vacancy during peak hours. It is also noted that there are two Cycle hire docking stations within a 5 minute walk of this location.
- 14.12 It is noted that the level of cycle parking exceeds the Council's MDD standards (2013), of 36 spaces. However, it is the highest threshold that is expected to be met, that being the London Plan (2015) standards. Whilst this would not be met, subject to appropriate measures in the applicants Travel Plan, to be secured within the s106 agreement to monitor cycle parking uptake, on balance this is acceptable. It is also noted that the GLA, including TfL, support this proposal and do not require review of it again at 'Stage 2'.
- 14.13 A Construction management strategy is set out in the submitted Transport Assessment. This identifies that vehicles will use Alie Street as the main location for site access, given the smaller size of North Tenter Street and proximity to English Martyr's primary school. The applicants consultants recommend that construction servicing trips do not occur at times of peak traffic flows to avoid congestion. TfL have sought consultation on construction servicing routes in due course, and LBTH highways note that any access to North Tenter Street is controlled. Subject to this there are no objections to the construction servicing strategy. A complete Construction and Environmental Management Plan (CEMP) is recommended to be secured by condition.
- 14.14 Planning conditions and clauses within the s106 agreement will be imposed to secure production of detailed construction & environment management plan, an end-user servicing and delivery management plan, and a travel plan to ensure the scheme encourages use of sustainable modes of transportation, monitors cycle parking uptake and to safeguard that both construction phase and end-user servicing requirements minimise their impacts upon neighbours, the surroundings road network and safeguards pedestrian and other road users safety.
- 14.15 Subject to the above it is considered the proposal would be acceptable in terms of supporting sustainable modes of transport, it should have no significant impacts on the safety or capacity of the highways network, in accordance with NPPF (2012) policy 6.1, London Plan (2015) policy 6.3, Core Strategy (2010) policies SP08 & SP09, and Managing Development Document (2013) policies DM20 & DM22.

15. Planning Obligations

- 15.1 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's 'Planning Obligations' SPD sets out in more detail how these impacts can be assessed and appropriate mitigation.
- 15.2 Regulation 122 of the 2010 Community Infrastructure regulations require that planning obligations can only constitute a reason for granting planning permission where they are:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and,
- Are fairly and reasonably related in scale and kind to the development.

15.3 These regulatory requirements are replicated in the relevant section of the NPPF

15.4 Securing appropriate planning contributions is further supported policy SP13 in the Core Strategy which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

15.5 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.

15.6 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

15.7 The development is predicted to generate a significant number of permanent jobs once the development is complete. Therefore, the development will place significant additional demands on local infrastructure and facilities, including transport facilities, public open space and the public realm and streetscene.

15.8 As outlined in the following section LBTH CIL is applicable to the development, which will help mitigate these impacts, where it applies. It should be noted that registered charities get charitable relief from CIL. The RCP is a registered charity and so may not be required to make a CIL payment, this will be determined at the time a CIL liability notice is issued by the Council.

15.9 The applicant has agreed to the full financial contributions as set out in the s106 SPD in relation to:

- Enterprise and Employment Skills and Training;
- Energy; and
- a monitoring contribution.

15.10 The developer has agreed to provide 7 construction phase apprenticeships. The developer has also offered to use reasonable endeavours to meet at least 20% local procurement of goods and services, 20% local labour in construction and 20% end phase local jobs.

15.11 The financial contributions agreed applicant are summarised in the following table:

Heads of Terms	s.106 financial contribution
Employment, Skills, Construction Phase Skills and Training	£18,000
End User Skills and Training	£34,816
Carbon off-setting	£16,789
Monitoring	Exact monetary value to be confirmed but shall be met in full by applicant

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

OTHER MATERIAL CONSIDERATIONS

16.0 Noise and Dust

- 16.1 A Noise Impact Assessment has been submitted with the planning application. The assessment concludes that the demolition of the existing building and construction will result in negative impacts during these two phases. A set of mitigation measures are proposed and all construction and demolition works shall be carried out to provide the best practical means of noise control and in accordance with relevant British Standards.
- 16.2 Measures to control dust from the site during construction are recommended to be addressed through a construction management plan, which is to be secured by condition should consent be granted.
- 16.3 The Council's Environmental Health Team have reviewed the documentation and are satisfied the development's impact in terms of control of noise, dust and vibration during demolition, construction and occupation phases will be acceptable, subject to the imposition of relevant planning conditions and the powers available to the Council under other legislative frameworks, should planning permission be granted.

17.0 Contaminated Land

- 17.1 In accordance with the requirements of the NPPF and policy DM30 of the MDD, the application has been accompanied by a land contamination assessment which assesses the likely contamination of the site. It notes that the existing foundations will be re-used with no excavation below existing basement level, except for a lift pit.
- 17.2 The Council's Environmental Health Officer has reviewed the submitted assessment, and advises that subject to a condition to ensure the measures in the submitted assessment are carried out and that appropriate mitigation measures are taken should contamination be found there are no objections to the scheme on grounds of contaminated land issues.

18. Flood Risk & Water Resources

- 18.1 The NPPF, policy 5.12 of the London Plan, and policy DM13 of the MDD and SP04 of CS relate to the need to consider flood risk at all stages in the planning process. Policy 5.13 of the London Plan seeks the appropriate mitigation of surface water run-off.
- 18.2 The site is located in Flood Zone 1 and therefore the main risk is from surface water run-off from the development. The site is already built upon and therefore subject to a planning condition to ensure the scheme incorporates Sustainable Drainage Measures in accordance with the London Plan's hierarchy the proposal is considered acceptable in accordance with adopted policy NPPF, Policies 5.12, 5.13 of the London Plan, Policies SP04 and DM13 of the Borough adopted Local Plan.

19 Energy and Sustainability

- 19.1 The NPPF sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change.
- 19.2 The climate change policies as set out in Chapter 5 of the London Plan 2015 and the Borough's Core Strategy (Policies SO24 and SP11) and MDD (Policy DM29) collectively require new development to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 19.3 From April 2014 the London Borough of Tower Hamlets have applied a 45% carbon reduction target beyond Part L 2013 of the Building Regulations as this is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations. The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.
- 19.4 The scheme is designed to achieve a BREEAM Excellent rating with a score of 72.80%. The proposal is anticipated to deliver a 36.8% reduction in CO2 emissions which falls below the policy requirement set out in the Local Plan. To address this shortfall, in accordance with Policy DM29 a £16,789 offset payment is required to meet current policy requirements.
- 19.5 To conclude the scheme complies with Chapter 5 of the London Plan and Policy DM29 of the MDD subject to the imposition of planning conditions to (i) secure BREEAM Excellent rating, (ii) of the ability of the development to connect to any future planned district heating network (with the necessary plant room left free to allow that); (iii) an ability for all use class spaces within the development to connect to a common CHP system; (iv) a commitment from the applicant to meet necessary financial contribution towards carbon offset being secured by s106, were planning permission to be granted for the scheme.

20 Biodiversity

- 20.1 The Borough's Biodiversity Action Plan (2009), Policy 7.19 of the London Plan, Policy SP04 of the Borough's CS and Policy DM11 of the MDD seek to protect and enhance biodiversity value through the design of open space and buildings

and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity.

- 20.2 An ecology report was submitted with the application. The Borough's Biodiversity Officer is of the view the application site is not of any significant biodiversity value and is not likely to support protected species. There will therefore be no significant adverse biodiversity impacts.
- 20.3 The Council's Biodiversity Officer is satisfied subject to the application of an appropriate condition the completion of the proposed development will result in a net gain in biodiversity. Accordingly, the proposal will serve to improve the biodiversity value as sought by the relevant London and Local Plan policies.

21 Waste

- 21.1 A Waste Management Strategy is submitted with the application. A waste storage room would be located to the south side of the development, accessed from North Tenter Street.
- 21.2 The Waste Management Strategy has been reviewed by the Borough's Waste Team and is considered satisfactory and to be consistent with the Borough's MDD Policy DM14 in regard to managing waste.

22 Financial considerations

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

- 22.1 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.
- 22.2 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.
- 22.3 As regards Community Infrastructure Levy considerations, Members are reminded that that the London Mayoral CIL became operational from 1 April 2012 and is liable for this scheme.
- 22.4 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. In this case the Crossrail charge would be approximately £143,360.

- 22.5 This application is also subject to the Borough's Community Infrastructure Levy, which came into force for application determined from 1st April 2015. This is a standard charge, based on the net floor space of the proposed development, the level of which is set in accordance with the Council's adopted CIL charging schedule.
- 22.6 As set out in paragraph 7.25, the CIL and Crossrail charges would be waived where the development is to be used wholly or mainly for charitable purposes for more than seven years.

23 Human Rights

- 23.1 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:-
- 23.2 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".
- 23.3 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.
- 23.4 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.
- 23.5 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.
- 23.6 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

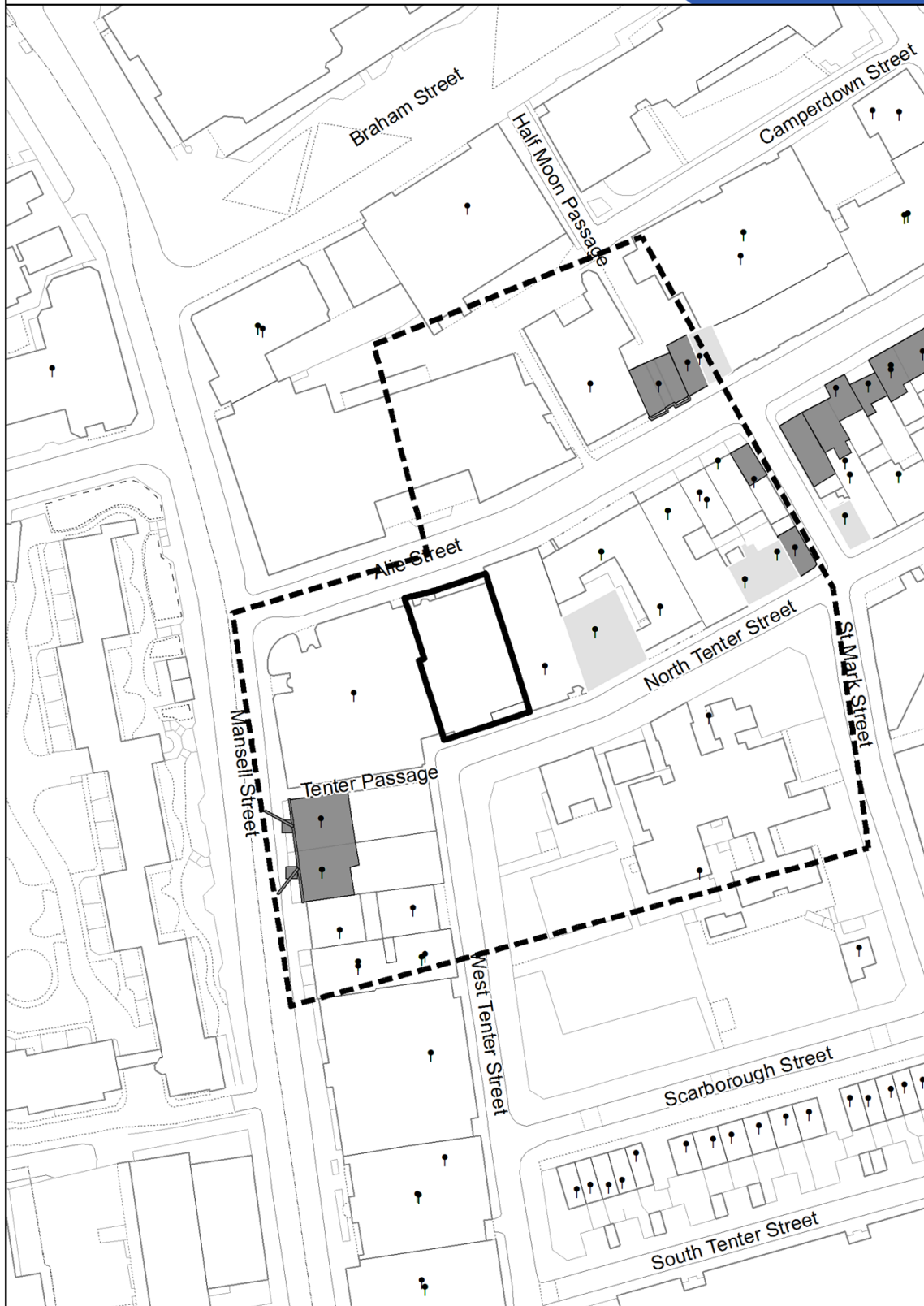
- 23.7 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.


24. Equality

- 24.1 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.
- 24.2 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.
- 24.3 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.
- 24.4 The proposed development allows for an inclusive and accessible development for, employees, visitors and workers. Conditions secure accessibility for the life of the development


25 Conclusion

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





 Planning Application Site Boundary

 Locally Listed Buildings

 Land Parcel Address



 Consultation Area

 Statutory Listed Buildings

0 30 m

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

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