

<b>Committee:</b> Strategic Development Committee	<b>Date:</b> 28 <sup>th</sup> July 2016	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report</b> Corporate Director Development & Renewal	<b>of:</b>	<b>Title:</b> Planning Application for Decision	
<b>Case</b> Gareth Gwynne	<b>Officer:</b>	<b>Ref No:</b> PA/16/00479 Full Planning PA/16/00480 Listed Building Consent	
		<b>Ward(s):</b> St Katherine Dock and Wapping	

## 1. APPLICATION DETAILS

**Location:** Royal Mint Court, London, EC3N 4QN  
**Existing Use:** Office (use class B1(a)), Gym (use class D2) and Pub (use class A4)

**Proposals:** **PA/16/00479:- Full Planning**

Full planning permission for comprehensive redevelopment of the site to provide an employment-led mixed use development of up to 81,000sqm of B1, A1, A3 and D2 floor space, involving the refurbishment and restoration of the Johnson Smirke Building (Grade II\* listed), remodelling and refurbishment of the façade of the Registry (Grade II listed), with alterations and extensions to the remainder of the building, the retention, part demolition, alterations and extensions to Murray and Dexter House, the erection of a standalone four storey building with the south west corner of the site, alterations to existing boundary wall to create new access points to the site and associated public realm and landscaping and all ancillary and associated works.

**PA/16/00480:- Listed Building Consent**

Listed Building consent for the refurbishment and restoration of the Johnson Smirke Building (Grade II\*), remodelling and refurbishment of the Grade II façade of the Registry, with alterations and extension to the remainder of the building and alterations to existing boundary wall to create new access points to the site and all ancillary and associated works.

**Drawing Nos:** 5355-00-001, 5355-00-002\_Rev B, 5355-00-101, 5355-00-102, 5355-00-103, 5355-00-104, 5355-00-111, 5355-00-112\_RevA, 5355, 00113\_Rev A, 5355-00-114\_Rev B, 5355-00-121, 05355-00-122, 5355-00-131\_Rev B, 5355-00-132\_Rev B, 5355-MD-00-200, 5355-MD-00-201, 5355-MD-00-202, 5355-MD-00-203, 5355-MD-00204, 5355-MD-00-205, 5355-MD-00-206, 05355-MD-00-207, 5355-MD-00-209, 5355-MD-00-231, 5355-MD-00-232, 5355-TR-00-200, 5355-TR-00-201, 5355-TR-00-202, 5355-TR-00-203, 5355-TR-00-204, 5355-TR-00-205, 5355-TR-00-206, 5355-TR-00-221, 5355-MD-20-200, 5355-MD-20-201\_Rev A, 5355-MD-20-202\_Rev A, 5355-MD-20-203\_Rev A, 5355-MD-20-204\_Rev A, 5355-MD-20-205\_Rev A, 5355-MD-20-206\_Rev A, 5355-MD-20-207\_Rev A, 5355-MD-20-208\_Rev A, 5355-MD-20-209\_Rev B, 5355-MD-20-221\_Rev B, 5355-MD-20-231\_Rev B, 5355-MD-20-232\_Rev B, 5355-TR-20-200, 5355-TR-20-201, 5355-TR-20-202\_Rev A, 5355-TR-20-203\_Rev A, 05355-TR-20-

204\_Rev A, 5355-TR-20-205\_Rev A, 5355-TR-20-206,05355-TR-20-221\_Rev B, 5355-SH-20-200, 5355-SH-20-221, 5355-MD-21-401\_Rev B, 5355-MD-21-402\_Rev B, 5355-MD-21-403\_Rev B, 5355-MD-21-404\_Rev B, 5355-TR-21-401\_Rev B, 5355-TR-21-402\_Rev B 5355-SH-21-401, 1409\_00\_100 Rev. P1, 1409\_00\_101 Rev. P1,1409\_00\_102 Rev. P1 , 1409\_00\_103 Rev. P1 , 1409\_00\_104 Rev. P1, 1409\_00\_105 Rev. P1, 1409\_00\_106 Rev. P1, 1409\_00\_107 Rev. P1,1409\_00\_108 Rev. P1, 1409\_00\_109 Rev. P1,1409\_00\_110 Rev. P1, 1409\_00\_111 Rev. P1, 1409\_00\_112 Rev. P1 , 1409\_00\_113 Rev. P1, 1409\_00\_115 Rev. P1, 1409\_00\_116 Rev. P1,1409\_00\_117 Rev. P1, 1409\_00\_200 Rev. P1 , 1409\_00\_201 Rev. P1, 1409\_00\_202 Rev. P1, 1409\_00\_203 Rev. P1, 1409\_00\_204 Rev. P1, 1409\_00\_205 Rev. P1,1409\_00\_206 Rev. P1, 1409\_00\_207 Rev. P1, 1409\_00\_208 Rev. P1, 1409\_00\_300 Rev. P1, 1409\_00\_301 Rev. P1 , 1409\_00\_302 Rev. P1, 1409\_00\_306 Rev. P1, 1409\_00\_307 Rev. P1, 1409\_00\_308 Rev. P1,1409\_00\_312 Rev. P1,1409\_00\_313 Rev. P1,1409\_00\_314 Rev. P1

## Documents

- Design and Access Statement, dated February 2016
- Landscape Design and Access Statement
- Planning Statement, dated February 2016
- Geotechnical Desk Study, dated February 2016
- Flood Risk Assessment, dated February 2016
- Foul and Surface Water Drainage, dated February 2016
- Incoming Services Strategy,
- Heritage Appraisal, dated February 2016
- Heritage Statement Addendum, dated June 2016
- Contamination Desk Study, dated 2016
- Arboricultural Survey Report, dated July 2016
- Transport Assessment, dated February 2016
- Light Pollution Report (Rev B) dated 19th February 2016
- Outline Ventilation Strategy, dated February 2016
- Statement of Community Involvement, dated February 2016
- Preliminary Ecological Appraisal, dated February 2016
- Environmental Statement, dated February 2016,
- Environmental Statement Addendum, dated June 2016
- Energy Statement, dated 6th May 2016
- Transport Assessment, dated February 2016
- Sustainability Statement (Rev C), dated February 2016
- Daylight, Sunlight and Shadow Study, dated July 2016

**Applicant:** RMC LH Co Ltd

**Owner:** RMC LH Co Ltd

**Conservation Area:** Tower of London Conservation Area

**Historic Building:** Johnson Smirke Building (Grade II\*)  
Seamans Registry Building (Grade II)  
Two cast iron lampstand (Grade II)  
Main gate entrances lodges (Grade II)

## 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 2016) and National Planning Policy Framework (NPPF) plus supplementary planning guidance including the Mayor of London's adopted *City Fringe Opportunity Area Planning Framework* (December 2015) and the London View Management Framework SPG.

- a) In land-use terms the scheme is consistent with policy and strategic framework guidance documents for Tower Gateway and the City Fringe as a proposed office-led mixed-use redevelopment scheme on a site with an existing significant quantum of employment space in an area designated as a Preferred Office Location within the Borough. The proposed flexible use, primarily ground floor commercial uses are complementary to the B1 Use office spaces. The flexible use retail spaces will animate the ground floor plane to this unique 'business campus' site and encourage prestigious companies to take up residency in the 'A' grade B1(a) office space, as well as attracting neighbouring office workers, casual visitors and local residents onto the site to enjoy the site's heritage assets and to enjoy its attractive and generously sized publically accessible landscaped spaces.
- b) In employment terms with the enhanced quality and quantum of office floorspace, the scheme is predicted to lead to a gross employment capacity on site of 5,288 (Full Time Equivalents), currently there are six people employed on site and an existing employment capacity of 4,059 (FTE). Planning obligations would secure skills training and employment opportunities for local people at end phase and during the construction phase; with an anticipated 222 FTE jobs over the estimated 30 month long demolition, refurbishment and construction stage.
- c) The scheme would lead to greater permeability of the site with the public gaining unrestricted access to the site from the north, south and east, thereby providing improved pedestrian links and routes to/from the site to the surrounding area, most notably to the 2<sup>nd</sup> entrance to Tower Gateway DLR Station (to the north on Mansell Street) and St Katherine Dock (to the south). All the proposed access points to the site would be level access or alternatively in the case of access from the public subway provide fully wheelchair accessible lift access in marked contrast to the existing stepped entrances to site, to building and to the rear courtyard.
- d) The external appearance of the buildings on site built in the late 1980's are tired in appearance and in functional terms outmoded internally. As such, they no longer classify as "A" grade office space. The proposed external appearance of Dexter and Murray House would be much improved over today's appearance with the introduction of new facades and a better more sympathetic palette of facing materials. The scale and massing of the proposed buildings is considered to be broadly acceptable in the context of designated heritage assets on and off site.
- (e) The scheme would have a variety of impacts upon the character and appearance of Tower Conservation Area and to listed buildings on site, from some minor

adverse visual impacts upon the skyline of Johnson Smirke to a set of positive visual amenity effects. The latter heritage benefits resulting from the scheme include opening up views of the Johnson Smirke building from East Smithfield (to the south); the erection of a new Staff Building that would help frame the front forecourt; to the visual amenity of the Tower Conservation Area and Mansell Street from the demolition of the existing modern extension to the Registry Building with a more sensitive replacement extension.

- f) The scheme would have no readily discernible impact on LVMF views of the Tower of London World Heritage site. In respect to the identified local setting of Tower of London the scheme is considered to have only minor adverse impacts. The maximum height of the proposed building would be 46.38m (AOD) compared to maximum existing height of 45m (AOD) and would consist of 8 storeys including ground floor plus an additional basement/lower ground floor.
- (g) Great importance and weight needs to be given to the impact of the scheme upon heritage assets when carrying out the balancing exercise in the determination of the application. Taken overall the positive heritage benefits resulting from the scheme is considered to outweigh other resultant heritage dis-benefits. The heritage benefits of the scheme include the opportunity (not previously realised nor adequately secured with the existing 1987 consent) of giving the public appropriate access to the site's archaeology that is of national significance and to secure a Heritage Interpretation Centre to allow the public to meaningfully engage with the site's history, including the production of the Crown's coinage on site. These benefits would be secured by the s106 legal agreement.
- (i) The scheme has been considered in terms of amenity impacts to existing neighbours and found to have no undue adverse amenity impacts.
- j) In respect of highways and transportation, with mitigation measures secured by planning condition and legal agreement, no outstanding highway and transportation impacts are raised by the scheme. Adequate facilities for cyclists will be provided by the development.
- k) In terms of energy use, carbon reduction, ecological 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 and listed building consent subject to:

A. Any direction by The London Mayor

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

#### Financial Obligations:

- a) £301,888 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.
- b) £444,133 towards the end-use phase training and development.

- c) A Carbon top-up mechanism triggered, should the requisite updated Energy Strategy fail to meet the policy 45% CO2 reduction requirements
- d) Central London Crossrail Top up Contribution estimated at £1,621,500

Total financial contributions of £2,367,521 plus monitoring equivalent to £500 per item.

#### Non-financial contributions

- a) Heritage Interpretation Strategy including provision of an Interpretation Centre to enable the public to engage in a meaningful way with the site's rich history including that of the Royal Mint itself and the site's archaeology which is of national significance.
  - b) Archaeology Conservation Management Plan including securing controlled public access arrangements to the site's archaeological ruins and fully prepared architectural designs to best showcase the ruins.
  - c) Provision of incubator workspace structured for small start-up enterprises, delivered by a specialist workspace provider, with individual office/desk space let on a very flexible short term basis with access to shared support facilities. The operation maintained for the life of development.
  - d) Permanent public access across the site with pedestrian access maintained from access points to the north, south, west and east including maintaining lift access from the public subway for the life of the development.
  - e) Public realm improvements outside the red line on the east side of the Tower Hill traffic interchange
  - f) At least 30 apprenticeships to be delivered during the construction phase of the development
  - g) At least 4 apprenticeships during end-user phase to be delivered over the first 3 years of occupation, a minimum of NVQ Level 2 qualification
  - h) Developer to exercise best endeavours to ensure 20% of the construction phase and end phase workforce will be residents of the Borough
  - i) 20% of goods/service during construction are procured from businesses in Tower Hamlets
  - j) Car Parking Management Plan that secures car parking bays are not let on a standalone commercial basis and individual allocated Blue Badge parking bays do not revert to general parking, should they prove surplus to their intended purpose.
- 3.2 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 agreement has not been completed, the Corporate Director development & Renewal is delegated power to refuse planning permission.
- 3.3 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters

### 3.4 **Conditions**

#### **Full Planning Application:**

##### **Pre commencement**

- Construction, Logistics & Environment Management Plan
- Noise Mitigation Strategy
- Land Contamination Risk Assessment
- Zoned Archaeological Mitigation Plan
- Archaeological Recording
- Details of tree and root protection measures
- Revised arboriculture report
- Construction Phase Site Wide Management Plan

##### **Prior to construction works**

- Sustainable urban drainage system and water use efficiency
- Piling Impact Statement & Methodology
- Details of cycle stand specification, locations and shower and storage facilities
- Details of materials
- Details of external appearance including samples of facing materials

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

- Impact of the development upon existing water supply capacity & infrastructure
- Details of wind mitigation
- Biodiversity enhancements
- Updated Energy Strategy including details NOx emissions from energy centre
- Landscape Plan
- Details of external appearance including samples of facing materials
- Details of acoustic glazing and ventilation
- Water infrastructure impact and capacity study
- Air Mitigation Strategy

##### **Prior to first occupation**

- Delivery and Service Management Plan
- Waste Management Plan
- Secure by Design accreditation
- Legible London signage update
- Details of wind mitigation measures
- Detail of specification and design of PV Panel
- Solar glare assessment for glazing
- Updated lighting strategy to mitigate light pollution to World Heritage Site
- Details of extraction for A3 Uses
- Details of privacy devices to east face elevation of Dexter and Murray House
- Floorplan of incubator workspace

##### **Compliance Conditions**

- Time limit for consent
- Accordance with the approved plans
- New buildings achieve BREEAM “excellence” and refurbished buildings “very good”

- Minimum hours of opening of Heritage Interpretation Centre
- Installation and management plan of lift to public subway

### **Listed building Consent Conditions**

#### **Prior to commencement of relevant Works**

- Historic building recording survey
- Details and samples of facing materials, minimum 1:20 drawings for remodelled doors, windows and openings
- **Any additional conditions as directed by the Corporate Director Development and Renewal**

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

### **4.1 Proposal**

4.2 The proposal is for the comprehensive redevelopment of the site to provide an employment-led, mixed-use development comprising primarily of offices (Class B1), with some retail/restaurant uses (Class A1/A3) primarily located at ground floor level, a potential for a gym use (Class D2) and a site specific Heritage Interpretation Centre. The proposals would involve:

- Erection of one relatively small four storey building, identified as the 'Staff Building', on the southern edge of the front forecourt;
- Substantial remodelling of the 1980's built Dexter and Murray House buildings;
- Retention of the listed south faced façade of the Registry Building alongside wholesale demolition and reconstruction of the remainder of the Registry building that is of modern construction;
- Introduction of a mansard roof storey to the Registry Building;
- Internal refurbishment to the Grade II\* Johnson Smirke building plus subtle external alterations/restorations to the rear of the building and roof.
- Creation of three new publically accessible pedestrian access routes to the site from north, south and east involving alterations/ piercings of the boundary wall of the site.
- New landscaping and arrangement of the sites open spaces

4.3 Table 1 below sets out the proposed land use by building (excluding plant/store) with the existing figure provided in brackets.

<b>Building</b>	<b>Use</b>	<b>Area (GEA sq.m)</b>	
		<b>Proposed</b>	<b>Existing</b>
<b>Murray &amp; Dexter House</b>	B1(a)	53,056	43,413
	Gym/Sports Centre D2/ B1(a)	1,486	2,398
	A4	0	305
<b>Registry Building</b>	B1(a)	8,623	10,310
	A1/A3	2084	0
<b>Johnson Smirke Building</b>	B1(a)	3,484	5,158
	A1/A3/B1(a)	906	0

	A1/A3	1,372	0
<b>Staff House</b>	A1/A3/B1(a)/D1	1678	N/A

- 4.4 The scheme would result in a total gross external area of 80,956sq.m, a total addition of 19,372sq.m over existing (GEA) on site. In percentage terms this represents an approximate 24% increase in floor area. The main increase in floor would be achieved from the remodelled and enlarged Dexter and Murray Houses that are located towards the eastern edge of the site.
- 4.5 The proposal would result in a minimum 6,282sq.m (GEA) of additional B1(a) floor space compared to what currently exists on site.
- 4.6 The scheme proposes to retain much of the superstructure of the two largest conjoined buildings on site namely Murray and Dexter House, although the proposal would demolish existing sections of these building on their western edge. This 'cut back' creates greater breathing surrounding the listed Johnson Smirke building.
- 4.7 Dexter and Murray House would have entirely new treatments to each of its buildings elevations.



**Figure1: CGI of proposal showing Murray House (left) and rear façade of Johnson Smirke Building (right)**

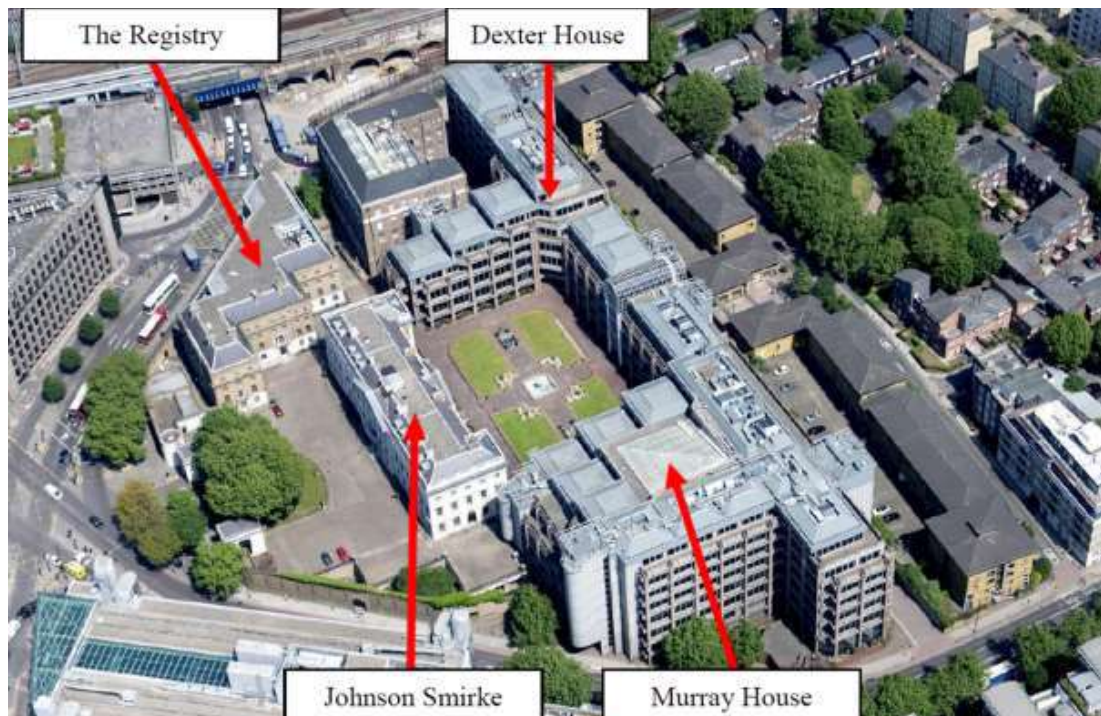
- 4.8 The maximum height of the proposed building would be 46.38m (AOD) compared to maximum existing height of 45m (AOD) and would consist of 8 storeys including ground floor plus an additional basement/lower ground floor.
- 4.9 The site would continue to utilise a service road accessed from East Smithfield and Royal Mint Street that provides loading bay facility at basement level and the scheme



would seek to retain 25 of the 45 existing car parking spaces, 7 parking spaces would be allocated for blue badge users.

#### 4.8 **Site and Surroundings**

- 4.9 The site occupies approximately 2.10 hectares. The site is located to the north east of Tower of London on the east side of the forbidding Tower Hill traffic interchange.
- 4.10 Much of the site's western boundary is marked by an imposing wall to Mansell Street. The wall is not listed but is of heritage value as a record of the site's long history of required enclosure and security. The site is bounded to the north by Royal Mint Street and to the south by East Smithfield. To the east of the site lies a relatively low rise residential development that stands either side of Cartwright Street that was erected.
- 4.11 Within this street block (or land parcel) but outside the red line site boundary is a large and imposing telephone exchange building that opens onto Royal Mint Street and stands between the Registry building (to the west) and the northern end of Dexter House (to the east).
- 4.12 Facing the site to the south on the south side of East Smithfield are two large office buildings known as Tower Bridge House and Commodity Exchange, with St Katherine Docks lying to the south of these two blocks. To the north west of the site are a series of larger office and hotel developments situated on the edge of the City. Royal Mint Street lies to the north side of the site with the Royal Mint Gardens development site located on the north side of Royal Mint Street facing the site.



**Figure 2: Aerial photograph of site**

- 4.13 The site consists of a series of buildings primarily within B1(a) office use. All the site's buildings stand vacant. As the name suggest the site was the location of the Royal Mint with the nation's coinage produced on site from 1810 (when mint production ceased from within the Tower of London). Royal Mint vacated the site in 1976 after production had earlier moved to Llantrisant in Wales. Aside from the listed Registry Building (also known as the Seaman's Registry Building) and the listed Johnson Smirke Building the remaining office spaces on site date from the late 1980's when Crown Estate disposed of the site and the site was redeveloped based on the design of Sheppard Robson, the same architect's practice for the current proposed scheme.
- 4.14 The site falls within the backdrop to London View Management Framework views of the Tower from LVMF View 11B.2 from London Bridge and View 25.A from Queen's Walk, on the banks of the Thames outside City Hall.
- 4.15 The site is enclosed on a number of edges by a historic boundary wall and with railings and two grand gated porticos providing an entrance to the front forecourt set before the principal elevation of Johnson Smirke Building and facing out towards the Tower of London. A listed boundary wall and gate piers to St Katherine's Dock lie to the south of the site and East Smithfield
- 4.16 The Tower of London World Heritage Site (WHS) is located close to the western site boundary and this site is within Tower Conservation Area. In addition to the three main storey Grade II\* listed Johnson Smirke and four storey Grade II listed Registry Building the site contains the Grade II listed main porticos and two cast iron lampstands.
- 4.17 The site is in an area of designated archaeological importance. Indeed the site was subject to a very extensive archaeological dig prior to construction of the office buildings on site of the late 1980's and its archaeology is recognised by Greater London Archaeology Advisory Service to be of national significance containing well preserved ruins of a Cistercian Abbey as well as other archaeology (not all excavated) including Black Death burial grounds and archaeology from the period when he site was Royal Navy goods supply yard (in late 16<sup>th</sup>, 17<sup>th</sup> and early 18<sup>th</sup> century).
- 4.18 The site is within the Central Activities Zone (CAZ) and within the Mayor of London's City Fringe Opportunity Area. The site fails within the Borough Local Plan designated Tower Gateway Preferred Office Location (POL).
- 4.19 The site has a very high Public Transport Accessibility Level (PTAL) of 6a and 6b. The site is approximately 300 metres walking distance from Tower Hill Underground Station and approximately 50m from the 2<sup>nd</sup> entrance to Tower Gateway DLR station on Mansell Street.

## 5 RELEVANT PLANNING HISTORY

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

### On Site

- 5.2 **PA/86/00813** Planning permission granted 21<sup>st</sup> January 1987 for the "*Erection of offices, museums, sport centre, residential accommodation restaurant, retail facilities, community centre, public house, car parking including a new pedestrian subway under East Smithfield*".

- 5.13 **PA/86/01116** Listed Building Consent granted 22<sup>nd</sup> August 1986 for refurbishment of interior and part rear rebuilding of rear of Jonson Smirke Building

### **Surrounding Sites**

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

#### **Royal Mint Gardens, land at corner of Royal Mint Street and Mansell Street**

- 5.7 **PA/15/02773** Application to be determined application and submitted 2<sup>nd</sup> October 2015 involving the erection of a part 11 and part 12 storey building, containing 196 residential units, 796sqm of retail floor space, 2341sqm of commercial floor space. Creation of new public open space, new pedestrian link and new access to DLR (Tower Gateway Station).
- 5.8 **PA/13/01527** Planning permission granted 22<sup>nd</sup> March 2012 for redevelopment of site for a mixed-use development comprising the erection of two buildings of between 3 and 15 storeys, providing 354 residential units (Use Class C3), a 236 room hotel together with 33 serviced apartments and flexible use commercial and community uses including sports facilities and neighbourhood police base within the railway arches.

#### **Tower Bridge House on corner of East Smithfield and Tower Bridge Approach**

- 5.9 **PA/98/1063** Planning permission granted 26<sup>th</sup> April 2000 for demolition of Europe House and redevelopment to provide a seven storey office building with retail units at quay level plus new pedestrian walkways.

#### **London Dock (former News International site)**

- 5.10 **PA/14/02819** Part outline/part detailed planning permission granted 12<sup>th</sup> January 2015 for a comprehensive mixed use development comprising a maximum of 221,924 sq m (GEA) of floorspace and including up to 1800 new residential (C3) homes; office (B1), retail uses, a secondary school, community uses new in a series new buildings (as well as retained buildings) rising to 25 storeys

## **6.0 POLICY FRAMEWORK**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of planning applications must be made in accordance with the plan unless material considerations indicate otherwise.
- 6.2 For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. For a complex application such as this one, the list below is not an exhaustive list of policies; it contains some of the most relevant policies to the application:
- 6.3 **LBTH's Core Strategy (CS) adopted 2010**

Policies: 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
  - DM27 Heritage and Historic Environment
  - DM28 World Heritage Sites
  - DM29 Zero-Carbon & Climate Change
  - DM30 Contaminated Land

#### 6.5 **Supplementary Planning Guidance/Documents**

- Adopted LBTH Planning Obligations SPD (2012)
- Revised draft LBTH *Planning Obligations SPD Document* Version for public consultation April 2016.

#### 6.6 **Consolidated London Plan, including Minor Alterations to the London Plan (March 2016)**

- 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
- 4.3 Mixed Use development and offices
- 4.7 Retail and Town Centre Development
- 4.8 Supporting a successful and diverse retail sector
- 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
- 5.17 Waste Capacity
- 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 Lifetime Neighbourhood
- 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 (December 2015)
- Mayor’s Climate Change Adaptation Strategy
- Mayor’s Climate Change Mitigation and Energy Strategy
- Mayor’s Water Strategy

6.8 **Government Planning Policy Guidance/Statements**

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

6.9 **Other documents**

- Tower of London World Heritage Site Management Plan (2007)
- Tower Hamlets Local Biodiversity Action Plan (2009)
- ICOMOS ‘Guidance On Impacts on World Heritage Properties’ (2011)
- Tower of London WHS Local Setting Study (2010)
- Tower of London World Heritage Site Management Plan (2007)
- Tower of London Public Consultation Draft World Heritage Site Management Plan (2016)

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 No objection, subject to conditions and a s106 obligation to provide
- Updated energy strategy to demonstrate CO2 emission reductions in accordance policy requirements (45%).
  - Specification details of the renewable energy technologies
  - Delivery of BREEAM Excellent Development for new elements and Very Good for refurbishment
  - Carbon top-up mechanism by legal agreement should the updated energy strategy fail to meet the 45% reduction requirements.

**Biodiversity Officer**

7.4 The application site is of low biodiversity value. There is some vegetation on the site, including trees and ivy-covered walls which could provide habitat for nesting birds. The loss of these would be a very minor adverse impact on biodiversity.

Overall, the proposals would lead to a net benefit for biodiversity, as required by DM11. The enhancements should be secured by condition and include

Planted ivy (*Hedera helix*) on appropriate walls to provide cover for nesting birds such as house sparrows; landscaping to include a good diversity of nectar-rich plants to provide food for bumblebees and other pollinators and bat boxes

### **Employment & Enterprise Team**

7.5 No objection. S106 subject to:

- Securing construction and end user phase financial contributions,
- Secure small enterprise flexible lease work space, for circa 100 desk spaces approximately 800sq.m (NIA) floor area  
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 delivery of a minimum 30 construction phase apprenticeships
- A minimum delivery of 18 end-use phase apprenticeships over the first 3 years of the development being occupied

### **Environmental Health (EH):**

#### EH air quality section

7.6 The development does not meet the Air Quality Neutral requirements with regard to the building emissions; it therefore goes against the London Plan policy 7.14.

- NOx emissions are vastly exceeding the benchmarked emissions target. The calculated building emissions are 3799.5 Kg NOx per annum compared to the calculated benchmark of 2221.2 Kg NOx per annum. Objection to the energy centre in its current state. The proposed plant needs to be reconsidered to lower the emissions with the humidifiers in the energy centre reconsidered given their NOx emissions impacts.
- The air quality assessment determines that there will be moderate adverse impacts experienced at several existing receptors (H, I, J, K). Due to the location of the development the receptors modelled are already experiencing air quality that is exceeding the air quality objective for Nitrogen Dioxide, any increases in pollution concentrations are not acceptable.
- A condition needs to be imposed to secure a mitigation strategy to address emissions and comply with air mitigation neutral requirements.

#### EH - land contamination section

7.7 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

### **Highways & Transportation**

7.8 Whilst the 45% reduction in car parking spaces is welcomed the retention of 25 car parking spaces including 7 spaces for Blue Badge holders is not supported for this type of development, particularly given the 6a and 6b rating (the highest rating available). There are adequate public car parking spaces available locally which can be used if

required. No justification / mitigation is provided for the retention of the bays not allocated for blue badge bay spaces

- 7.9 The entrance to the car park appears to be *only* wide enough to allow a one way in / out working. Further details are required as to how this will be managed.
- 7.10 Cycle parking exceed the minimum London Plan standards however there is an absence of Local Plan recommended 'Sheffield' type stands in the basement, this should be revisited. It is disappointing further greater detail is not provided on the location of cycle provision prior to determination to gain greater assurance the stated numbers can be met. No cycle parking is proposed for the gym that is an omission.
- 7.11 The data surveys underpinning the trip generation data on servicing in the Transport Assessment from similar sites have not been provided so it is not possible to robustly test if the Transport Assessment analysis is robust in this respect.
- 7.12 The TA concludes that the development will require eight service bays but it is proposed that only seven are provided due to space constraints. This is a concern as the provision could potentially lead to delivery vehicles waiting for a space. Some of the car parking proposed should be removed to allow servicing bays for smaller vehicles which could alleviate this problem.
- 7.13 It is proposed to improve the public realm within the site and to improve pedestrian permeability, both of which are welcomed.
- 7.14 The applicant will be required to enter into s278 agreement with both highway authorities (LBTH and TfL) to improve the public highway adjacent to the site.
- 7.15 The TA identifies an increase in pedestrian movement to and around the site as a result of the development and we would expect improvements to the surrounding public highway to be funded as mitigation for this. TfL has also requested improvements to the local signage (Legible London) and the applicant has proposed other improvements and this is supported and should be secured by an appropriate planning condition.
- 7.16 Should planning permission be granted the following conditions are required:
- Full details of cycle storage, including access arrangements are provided. Drawings to be at a 1:20 scale;
  - A final Travel Plan approved by the LPA/HA prior to occupation;
  - A final DSP is provided by the applicant and approved by the LPA/HA prior to occupation;
  - A final Demolition and Construction Management Plan is supplied by the applicant and approved by the LPA/HA prior to any works taking place on the site. This needs to identify how the development and construction phases of the development will be carried out with minimal disruption to other users of the public highway;
  - A Parking Management Plan is supplied by the applicant and approved by the LPA/HA prior to any occupation of the development;
  - The applicant will be expected to enter into a S278 agreement with both highway authorities.

### **Waste & Recycling Team**

- 7.17 No objection.



### **Tree Officer**

- 7.18 I surveyed the Royal Mint site and reviewed the Arboricultural report and its update.
- 7.19 The removal of the low value trees from within the site is broadly acceptable, subject to a suitable landscape strategy. The original prepared Arboricultural Survey Report undervalued the quality and amenity contribution of some trees on the BS 5837.

### **Surface Water Drainage Officer**

- 7.20 The proposals are acceptable and comply with the London Plan Policy 5.13 and DM13. The drainage strategies produced by Arup sets out that the proposals will reduce the existing surface water run-off by at least 50%. Four options are proposed to achieve, with the exact combination of these options yet to be fixed. All of the options primarily make use of below ground storage and roof storage. Pumping should be avoided where possible as it would increase flood risk from pump failure. The final details of the sustainable drainage strategy should be secured via a planning condition and include details of future maintenance and the operation and maintenance manual issued to the site's facility management team

### **External Consultees**

#### **Historic England**

- 7.21 The form and layout of the proposed new development are broadly in line with the advice that Historic England has provided at pre-application stage. Our previously expressed objection regarding the impacts upon LVMF View are removed following submission of amended drawings that reduced the proposed height of the Dexter & Murray House and our other previous concern regarding the design of the dormer windows on the Registry Building is also resolved following receipt of amended design details.
- 7.22 We are happy for your authority to determine the proposals as you see fit in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

#### **Historic Royal Palaces**

- 7.23 No objection. The further reductions in height of Murray and Dexter Houses and the amendments to the treatment of their top storeys have made significant improvements to the aspects of the application that were of concern to Historic Royal Palaces, notably in mitigating adverse visual impacts in the views of the north-east from the north wall walk of the Tower, although not removing it these impacts entirely.

#### **London and Middlesex Archaeology Society**

- 7.24 This proposal is within the National Heritage zone (Tower of London) and is being carefully supervised. As Historic England and other conservation bodies are already involved the Committee had no objections other than the following which related to the Registry building:
1. The mansard windows should be reduced in height to respect the existing hierarchy of window openings.
  2. The loss of the chimneys which form part of the existing skyline.

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

- 7.25 The application site includes the sites of a 1348-9 Black Death Cemetery; the 1350 Medieval Abbey of St Mary Graces (Cistercian Order) and associated monks burial ground; the site of the c 1660-1785 Royal Navy Victualing Yard and latterly the site of the Royal Mint from c 1800 to 1975. Extensive area archaeological excavation took place in late 1980's.
- 7.26 The proposed development involves demolition of three bays of the Dexter/Murray building in which archeological remains are located, plus the installation of new piles. Without proper protection and measures taken during both demolition and construction phase phases the medieval bay ruins would be vulnerable to substantial harm.
- 7.27 There has long been an intention to better enhance and interpret the medieval abbey remains which survive on the application site, with proposals for a museum and/or heritage center being required by the planning consent responsible for the construction of the current building in the late 1980's. For whatever reason this seems not to have been implemented and the medieval abbey remains have been simply left where they now reside in a part enclosed basement which contains services for the building above. The remains have not been accessible to the public for over 25 years and there has been no interpretative or exhibition about the medieval abbey or the later Victualing yard either on site or elsewhere in the LB of Tower Hamlets for the benefit of the local community.
- 7.28 The proposals for the new basement and courtyard do not go far enough, in terms set out in paragraph 131 of the NPPF, in sustaining and enhancing the medieval abbey remains, which Historic England believe to be of national importance. There is an opportunity for the conservation of this nationally important but neglected heritage asset to contribute to sustainable communities and local character.
- 7.29 The proposals for the new build basement would have a number of impacts and implication on the setting of the medieval abbey including the existing space in which they occupy being divided up into a series of small corridors or rooms, restricting the way that the remains can be viewed as a coherent whole. This is to the detriment of the ruins setting and needs to be revisited
- 7.30 We have identified the potential for significant harm to undesignated heritage assets of archaeological interest and also opportunities for public benefits from better revealing their significance. The following is required to best preserve and enhance the nationally important archaeological remains on the site
- a) Some re-design of the proposed basement layout and a legal agreement to achieve long term presentation of the medieval abbey within the redesigned and re-configured new basement
  - b) A Section 106 agreement is required for the, interpretation and exhibition of the medieval standing remains and the presentation of the results of the wider 1980's excavation of the abbey, cemetery and victualing yard site
  - c) A properly designed architecturally planned enhancement of the remains that would involve the re-design of the basement layout and its relationship with the adjacent Johnson Smirke building and the form of the new courtyard.

- d) Secured by planning condition, a zoned archaeological mitigation plan and recording survey to take place where some of the new build proposals impact on previously undisturbed and unexcavated areas

### **Twentieth Century Society**

- 7.31 Object to the proposals for the reasons set out below:

#### Significance

- 7.32 *“Murray and Dexter House by Sheppard Robson and RMJM were built in 1985-89, and range around the courtyard behind the listed Johnson Smirke building. We consider them to be a fine example of late 1980s office architecture and very much of their time. Their interest is derived predominantly from their external envelope. A modular system of windows is articulated by thin mullions, and bold extrusive columns in an earthy orange which exaggerate their structural function. Each floor division is expressed externally by a run of cut through panels which are extended slightly from the building façade. The arched glazed roof at the centre of the scheme makes playful reference to the Crystal Palace.*
- 7.33 *The buildings have powerful detailing but are restrained compositionally, with stepped levels down to the Johnson Smirke building. In this way they provide contrast to their neighbouring buildings but without dominating their setting, and through their tone of materials, they harmonise with the central brick court and landscaped pathways.*
- 7.34 *The buildings have powerful detailing but are restrained compositionally, with stepped levels down to the Johnson Smirke building. In this way they provide contrast to their neighbouring buildings but without dominating their setting, and through their tone of materials, they harmonise with the central brick court and landscaped pathways.*

#### Conclusion

- 7.35 *These proposals will result in the loss of a unique building in the post-modern idiom, which forms an important part of the architectural interest of the Tower of London conservation area. We believe that retention and sensitive refurbishment of the cladding could enhance the setting of the listed buildings on site and provide office space that would have the ability to attract high quality tenants, as expressed in the brief for the new development.”*

### **Georgian Group**

- 7.36 Object for the following reasons:

*The Royal Mint is a Grade II\* listed building, the main significance of which lies in its Johnston and Smirke facades, executed between 1807 and 1817. The present development surrounding the listed building dates from the 1980s. although not sympathetic to the historic environment, some effort was made to ensure that the 1980s work allowed visual pre-eminence to the listed*

*building and its immediate environment when viewed from the main axial approach of lower Tower Hill and East Smithfield. This visual space is all the more important now that large office blocks have been erected on either side of the road to the north and south of the Royal Mint building.*

- 7.37 *The current proposals would harm the significance of the Grade II\* listed building and its forecourt (containing the Grade II listed lodges) in a number of ways.*
- 7.38 *The increase in height of the proposed new buildings compared to the existing would mean that the visual pre-eminence of the Grade II\* listed building would be diluted. Any proposed buildings should not seek to increase the height of the existing, in fact every effort should be made to improve the setting of the Royal Mint by reducing the footprint and height of replacement buildings. The current proposals therefore not only make no attempt to improve the historic environment but rather harm it further, resulting in considerable loss to the amenity of the public realm.*
- 7.39 *The Group advises that the application in its current form would cause considerable harm to the significance of this important composition of Grade II\* and Grade II listed heritage assets.*

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

- 7.40 No objection, subject to a condition for the scheme to achieve Secure by Design accreditation

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

##### Strategic Overview

- 7.41 While the application is supported in strategic planning terms the scheme does not currently comply with the London Plan, for the reasons set out below that can be remedied.

##### Land Use

- 7.42 The proposed development for enhanced office provision and mix of uses within the CAZ and City Fringe OAPF is supported, in line with London Plan policies 2.1, 2.10 and 2.11. However the applicant should provide flexible, affordable workplace for SME workspace in line with London Plan policy 4.1.

##### Urban design and heritage

- 7.43 The approach to design is broadly supported in accordance with London Plan Policy 7.1. Whilst active frontages within the scheme have been generally maximised, the existing boundary wall represents a significant barrier to the surrounding street environment. It is recognised that the wall has heritage interest as part of the former Royal Mint complex and that it will be important to ensure that the sense of a continued enclosure is retained. However, the inclusion of more ground floor retail as part of the redeveloped Registry Building provides an opportunity to create active frontage along this currently bleak section of the street.

### Strategic views: and World Heritage Site

- 7.44 The proposal would fall within LVMF view 11B.2 and within the setting of the Tower of London WHS. The scheme is in line with London Plan policies 7.10, 7.11 and 7.12, subject to addressing the issues raised in respect of LVMF 11B.2 and the increased height and bulk of Murray House as viewed from within the Tower of London complex in discussion with Tower Hamlets, Historic Royal Palaces and Historic England.

### Inclusive design

- 7.45 The proposed approach to access and inclusion is supported in accordance with London Plan policies 7.2.

### Climate Change

- 7.46 The current proposed energy strategy meets London Plan Policy 5.2

### Urban Greening

- 7.47 Overall, the proposals would enhance urban greening within the CAZ and are supported.

### Transport

- 7.48 Whilst the proposal is broadly acceptable in strategic transport terms the applicant should address concerns raised in respect to parking and by planning condition deliveries & servicing, travel plan and construction logistics plan. TfL consider the site is suitable for a car free development. A highways agreement with TfL should be carried out to improve the pedestrian realm around the site to improve overall quality of the pedestrian environment to the surrounding Transport for London Road Network

### **Corporation of London**

- 7.49 No comments received

### **London Borough of Southwark**

- 7.50 No comments received.

### **London Fire and Emergency Planning Authority (LFEPA)**

- 7.51 No objection

### **Thames Water (TW)**

- 7.52 No objection.

- 7.53 Thames Water requests the proposal takes appropriate measures to avoid the risk of backflow on the assumption that the sewerage network may surcharge to ground level during storm conditions. The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Two conditions should be attached to any approval in respect of:
- No Piling without methodology statement in relation to such piling

- Submission of a study on the impact of the development upon the capacity of the existing water supply infrastructure

#### **Port of London**

- 7.54 The River Thames is at a distance of approximately 280m from the application site, and therefore the PLA has no objection in principle to the proposals.
- 7.55 Consideration should be given to the use of the river in terms of Transportation, and promotion of the River Bus. It is pleasing to see that these comments have been taken on board.
- 7.56 The Framework Travel Plan, included in Appendix B of the Transport Statement considers the use of the River Bus (as a sustainable, and therefore more environmentally friendly means of transport), and provides information on the following:
- 1) Provision of targets for river bus use (which reflect the targets set out within the River Action Plan);
  - 2) Measures to encourage river bus use
  - 3) Timetable for River Bus stop.
- 7.57 It is noted that details of interest free season tickets, which could be used on the River Bus service, is also suggested as a further incentive for use of the river. The submitted documents advise that a review of the success of these initiatives within 1 year of the first occupation (and on-going). It would be helpful for the PLA to see the results of the monitoring findings.

#### **Victorian Society**

- 7.58 No comments received.

#### **Thames Water Authority**

- 7.59 No comments received.

#### **Tower Hill Improvement Trust**

- 7.60 No comments received.

#### **London City Airport**

- 7.61 No comments received.

#### **NATS**

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

#### **London Underground Infrastructure Protection**

- 7.63 London Underground has no assets within 50 metres of your site.

#### **Environment Agency**

7.64 No comments because we consider the proposal to be low risk in respect of the environmental constraints that fall under our remit.

#### **Natural England**

7.65 No objection.

#### **Crossrail Safeguarding**

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

#### **Network Rail**

7.67 The developer/applicant must ensure that their proposal, both during construction and after completion of works on site, does not:

- encroach onto Network Rail land;
- affect the safety and infrastructure of the companies infrastructure;
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future.

#### **Conservation and Design Advisory Panel (CADAP)**

7.68 The Borough conservation and design panel saw the application at pre-application stage (January 2016) and below is a summary of their comments:

7.69 Further understanding of how the development would integrate with the surrounding area. Queried the scheme was focussing sufficiently at the wider permeability of the area.

7.70 Supported the proposed interventions to the Johnson Smirke building protected at third storey roof level

7.71 Design of remodelling of Registry building still evolving but greater degree of visual separation between the retained façade element and the new extension was sought.

7.72 Principle of new Staff Building support but queried whether there it needed to be of a pastiche recreation of the original or a more contemporary design would be better. As the subway entrance point to the site, more could be made of the design of the building to highlight it as a destination point when viewed from the other side of the road.

7.73 Eastern elevation of the remodelled Murray and Dexter buildings felt to appear somewhat monotonous and overbearing and would perhaps benefit from being broken up more.

7.74 Basic landscape strategy supported some concerns over degree of tree planting in the rear courtyard constraining the flexible use of the space

7.75 Disappointed more could not be made of the Cistercian ruins. Suggested that this aspect of the scheme be revisited to make a greater feature of the ruins.

7.77 Panel interested to learn of a cultural plan for the site. This would include making use of the public space and the provision of public art, reflecting the history of the site.

- 7.78 Panel supported the steps to open up the front of the site by removing the railings and some of the trees, although were not convinced about the stepped lawn arrangement,
- 7.87 Overall, the Panel thought that the scheme failed to sufficiently celebrate the entrances to the site, and did not provide an appropriate visual hierarchy of entrances.

## 8.0 LOCAL REPRESENTATION

8.1 491 neighbouring properties were notified in writing about the original planning and listed building consent applications and were consulted again on 22<sup>th</sup> June following receipt of amended drawings. The full planning and listed consent applications has also both been publicised in East End Life and benefited from display of site notices.

8.2 Two letter have been received from the public in respect of the applications.

One of these letters letter expresses a concern, as a neighbouring international law firm that has employees working regularly early and late hours of the day and on weekends that suitable controls are imposed to include (but not limited) construction phase impacts in respect of noise, dust, construction traffic and broader sunlight/daylight impacts from the development.

8.3 The second letter is a letter of support from a residents association, Friends of St Katherine Docks, who state the scheme is excellent and a worthy improvement of this historic site and one which enhances its historic heritage

## 9.0 MATERIAL PLANNING CONSIDERATIONS

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

- Land Use (10)
- Design (11)
- Heritage including archaeology and Tower of London World Heritage Site (12)
- Amenity (13)
- Highways & Transportation (14)
- Planning Obligations (15)

### Other Considerations including

- Environmental Impact Assessment (16)
- Noise and Dust (17)
- Contaminated Land (18)
- Flood Risk & Water Resources (19)
- Energy and Sustainability (20)
- Biodiversity (21)
- Tree and Landscaping (22)
- Waste (23)
- Microclimate (24)
- Financial Considerations (25)
- Human Rights (26)
- Equalities (27)

## 10.0 Land Use

10.1 Chapter 1 of the NPPF sets out that central government is committed to securing economic growth and that the planning system should do everything it can to support



sustainable economic growth, that planning should encourage and not act as an impediment to sustainable growth and to help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business.

10.2 Paragraph 21 of the NPPF states “*planning policies should recognise and seek to address potential barriers to investment*” and goes onto state “*local planning authorities should:*

- *set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth;*
- *set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;*
- *support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances;*
- *plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries;*
- *identify priority areas for economic regeneration, infrastructure provision and environmental enhancement.”*

10.3 The site is located within the London Plan designated Central Activities Zone (CAZ) and City Fringe Opportunity Area. Table A1.1 within the London Plan sets out that the City Fringe could accommodate a minimum of 7,000 new homes, and 70,000 new jobs. London Plan Policy 4.2 sets out the strategic need for new office space within the CAZ, and supports the renewal of existing stock, and increases in floorspace, where there is demand - in order to meet the needs of a growing and changing economy

10.4 London Plan Policies 2.11 and 4.3 states schemes that propose to increase office floorspace in the CAZ should provide for a mix of uses, including housing, unless such a mix would conflict with other policies. However this policy position is carefully qualified in Paragraph 4.17 which states exceptions to a residential component to office schemes is “*permitted where mixed uses might compromise broader objectives, such as sustaining important clusters of business activity*”. Policy 2.11 (CAZ Strategic Function) Paragraph 2.45 states “*policies favouring mixed use development should be applied flexibly on a local basis so as not to compromise the CAZ’s strategic function*”.

10.5 Set within the context of Paragraph 2.45 of the London Plan, a local plan ‘exceptions policy’ is justified and is indeed formulated in the Local Plan *Preferred Office Location* Policy, as set out Spatial Policy Objective 6 (SP06) of the adopted Core Strategy, DM16 (1) of the Borough’s adopted Managing Development Document and in Policy SP06 of the Core Strategy. The Preferred Office Location policy is consistent with Chapter 1 of NPPF and objectives of Paragraph 21 of NPPF of local planning authorities:

- *supporting existing business sectors*
- *providing a clear economic vision and strategy;*
- *positively and proactively encourages sustainable economic growth;*
- *identifying areas to meet economic development needs over the plan period;*
- *plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries;*

10.6 Within the suite of adopted Local Plan documents, Policy DM16 of the Boroughs *Managing Development Document* states “*Development resulting in the net loss of office floor space in Preferred Office Locations (POLs) will not be supported.*”

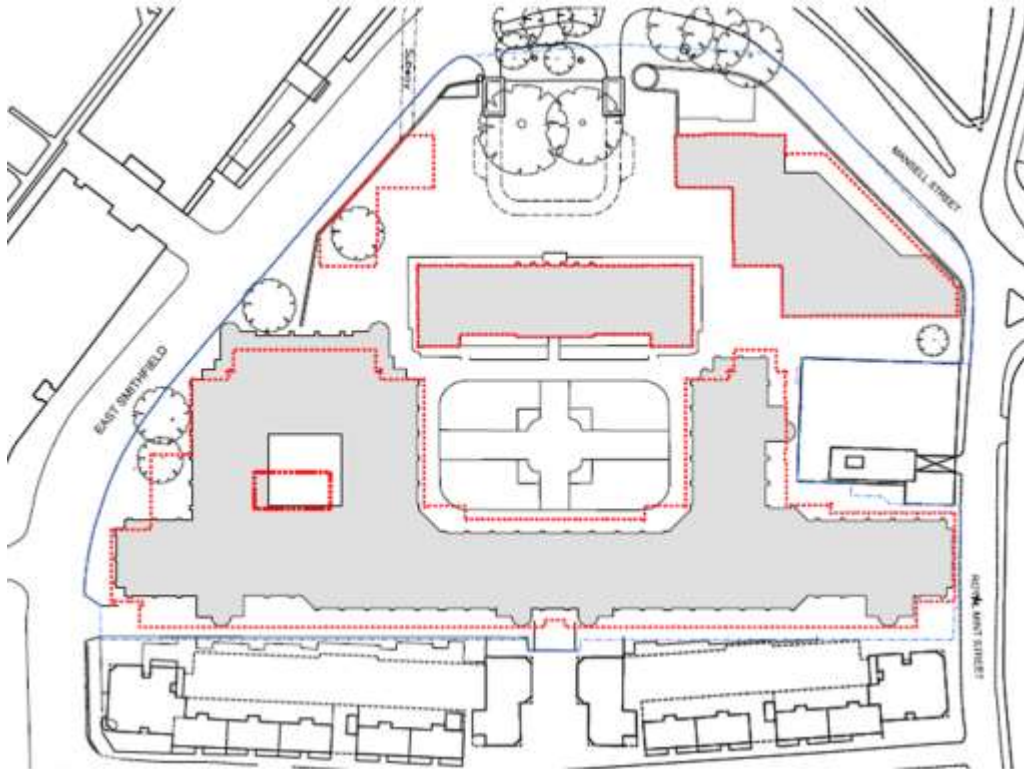
- 10.7 There are four POLs in the Borough located at Canary Wharf, Bishopsgate, Aldgate and Tower Gateway with major office development as the focus, with supporting uses such as gyms, hotels, restaurants and retail uses helping to achieve a sustainable office environment.
- 10.8 Supporting paragraph 16.1 to Policy DM16 states “*within POLs, large floor plate offices are to be expected and in order to ensure the continued growth of these areas.*”
- 10.9 Policy SP06 of the Core Strategy sets out the need for employment uses to be understood within a spatial framework to ensure successful and sustainable local and sub-regional economies. A spatial understanding enabled the Council to identify the locations of its four Preferred Office Locations (POL’s) including that of Tower Gateway that arises from its existing context, infrastructure, concentration of activity, and high levels of accessibility.
- 10.10 Set within the above strategic London Plan and Local Plan policy context it is considered the proposed additional office provision is justified without a residential component to the scheme. This stance is accentuated by the proposed scheme providing a significant sum of retail floorspace at ground floor. The Environmental Statement prepared for the application estimates on completion the scheme bring over £216 million into the Greater London economy, with £4.4 million spent annually in the local Borough economy
- 10.16 The scheme would provide minimum 3,456sq.m of flexible use retail/restaurant uses (Class A1/A3). The scheme makes provision for a series of additional flexible uses which could incorporate a further 2,584sq.m of A1/A3 space or alternatively these spaces could also be used for office (B1) or gym (D2) uses.
- 10.17 The proposed new retail and restaurants would activate the ground floor frontages, would help populate two main external courtyard spaces throughout the day and over weekends and would complement the “B1 office offer” as well as drawing casual visitors and tourists onto the site, to linger, and to enjoy its publically accessible open spaces and heritage assets.
- 10.18 The site is at the top of the Borough’s town centre hierarchy given it is in the CAZ and therefore the site is considered in policy terms an appropriate location for retail. Within the Borough the nearest neighbourhood shopping centre is Thomas Moore Shopping Centre set approximately 300m walking distance to the south east of the site. This neighbourhood centre consists primarily of a large convenience food store supermarket. The relative small size of the proposed individual retail units precludes occupation by large A1 outlet (such as food superstores) as such the scheme is unlikely to draw trade away from the town centre.
- 10.19 The proposed mix of A1 and A3 uses are considered consistent with CAZ policies, would not threaten or undermine the vitality and viability of the nearest shopping centre and be a positive addition in terms of activating the site. There are number of tourists and visitors in the local area who would benefit from the flexible use retail provision as would individuals employed in the offices on-site and in the surrounding office buildings. The retail land use would support the objectives of London Plan policies 2.10 (f), 4.7, 4.8 and 7.1 and Policy DM1 of the Borough Managing Development Document.
- 10.20 London Plan policy 4.1 and the City Fringe OAPF set an objective of providing flexible, affordable workplace for small and medium enterprises (SME’s). The scheme would provide a minimum 100 desk spaces (occupying a minimum 800sq.m) as ‘incubator’

type work space for small start-up enterprises. The desks would be let on an individual or group number (via a 'collaborative working' operator for the life of the development) with very flexible short lease arrangements, with shared meeting rooms, and back office facilities. The applicant has provided a floor plan arrangement for this incubator on the ground floor of Dexter House. However the final location of the space in the scheme would not be agreed until first occupation of the development so it does not restrict the applicant's ability to secure tenants for the main office space.

- 10.21 The provision would be consistent with London Plan policy 4.1 and Borough objectives to nurture new local enterprises and would be secured by legal agreement.

## **11.0 Design**

- 11.1 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 11.2 National Planning Practice Guidance sets out seven qualities a well-designed new or changing places should exhibit:-
- be functional;
  - support mixed uses and tenures;
  - Include successful public spaces;
  - be adaptable and resilient;
  - have a distinctive character;
  - be attractive; and
  - encourage ease of movement
- 11.3 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design and having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable spaces and urban design that optimises the potential of the site.
- 11.4 SP10 and Policy DM23 and DM24 of the Local Plan seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.



**Figure 3: Existing typical floor plan (shaded area) and proposed floor plan marked by overlaid dotted line**

Layout and public realm

- 11.5 The scheme broadly follows the footprints of the existing building on site, albeit with some alterations to Murray and Dexter House that cut back their western edges (to reveal more of the listed Johnson Smirke Building) and the extension on the rear (east face) of Dexter and Murray House that extends the building approximately 2m closer to the site boundary.
- 11.6 A new building, identified as the Staff Building is proposed in the front forecourt set along its southern boundary (its footprint would broadly match the footprint of a previous lost historic building on the part of the site). The proposed building effectively mirrors the Registry Building in terms of scale and design. It would help frame the front courtyard and in townscape terms help mask a modern off site office block on the south side of East Smithfield building from view and similarly help mask Murray House from a key local view (TVIA View 15) from the pavement opposite the site outside the Tower of London.



**Figure 4: Scheme as viewed from pavement outside Tower of London opposite front gates (approximating TVIA View 15) to Royal Mint Court site**

- 11.7 The scheme physically opens up the site providing new pedestrian links between Royal Mint Street and East Smithfield, as well as between the front of the site and Cartwright Street to the rear. This much improved pedestrian permeability across the site both on a north-south and east-west axis is welcomed. The proposed openings in the historic western boundary have been calibrated to strike an appropriate balance in firstly improving both the visual and physical permeability into the site whilst secondly not unduly losing the historically enclosed character of the site (that is important to maintain on heritage character reasons).
- 11.8 The scheme would provide a new wheelchair accessible lift (as well as a set of steps contained within the base of the proposed Staff Building) from the public subway into the site and the front forecourt.
- 11.9 The scheme was originally submitted with the imposing railings marking the front edge of the site and the front forecourt removed but this was subsequently deleted from the proposal for reasons well-articulated in the Georgian Group consultation response made to the application.

#### Height and massing

- 11.10 The proposed scheme increases the maximum roof height (excluding the lift overrun) of the two tallest existing buildings on site (i.e. Murray and Dexter House) by less than 0.5m. The upper floors however now have a larger footprint compared to the existing, most notably in heritage terms on the two wings of Dexter and Murray House as they wrap around the southern and northern edges of the rear courtyard towards the Johnson Smirke Building on the western edge.
- 11.11 The proposed scale and massing of these two main buildings is discussed in more detail in the heritage section of this report. However the Borough Conservation and Design Team consider that overall the current scheme provides a more coherent architectural composition than the existing arrangement. This is because of the deployment of higher quality and more sympathetic façade finishes than the existing building, notwithstanding some challenges posed in terms of the shoulder height of remodelled Dexter and Murray House on their western ends when they are seen in local views with the listed Johnson Smirke building.

## Architecture and materials



**Figure 5: CGI of proposed new entrance from East Smithfield with Staff House (left), south elevation of Johnson Smirke (centre) and Murray House (right)**

- 11.12 For Murray and Dexter House the facades would use brick as the predominant material along with more extensive use of glazing towards the base and on the set back roof storeys. The facades to Dexter and Murray House would also contain Portland Stone to help frame and break up the facades and burnished bronze coloured stainless is also proposed to provide a greater degree of visual interest and range of textures to the materiality to the buildings facades and to seek to avoid an overbearing monolithic character to the buildings.
- 11.13 A shared architectural language and material palette is proposed across all the elevations of Dexter and Murray building, including the long eastern elevation which maintains an overall coherence to the building and avoids a rear elevation that appears as a “poor relation” to the remainder of the development. Modulations in the architectural handling of each façade are proposed in response to the differing site contexts and again to reduce the perceived overall bulk of the buildings.
- 11.14 The overall approach to materials and façade treatment for Murray and Dexter House is supported by the Borough Conservation and Urban Design Team.
- 11.15 The proposed rebuilt Registry Building would also be finished in brick and be of contemporary design. The façade treatments facing out from the site are relatively plain and as such would serve as a foil building; that are considered to contrast while not competing with the retained Georgian façades of the original Registry building.
- 11.16 Officers consider the west facing rebuilt Registry Building extension to provide a better profile and more defined edge to Mansell Street than the existing building. Arguably, the existing building is something of an eyesore with its muddled form, its large expanses of glazing and poor quality metallic cladding that does not contribute positively to the streetscene or the general appearance of the Tower Conservation Area.

- 11.17 To conclude overall the approach to design and the materials palette of the new build /new façade treatment elements of the scheme is considered generally sensitive to its heritage and townscape context and represents a marked improvement in the quality of finish and architectural articulation compared to the existing buildings on site that date from the late 1980's.
- 11.18 The scheme displays a commitment to use of high quality materials and a careful attention to the handling of the individual materials within the individual composition of each façade. Planning conditions will be used to secure strict adherence to high quality materials and detailing in the execution of the architectural facades to avoid any dilution in design quality through potential value engineering exercises that beset other developments, in less heritage sensitive contexts.
- 11.19 The scale, design and architectural treatment of the scheme complies with policies 7.4, 7.6 of the London Plan and policies SP10, DM23 and DM24 of the Borough Local Plan

## **12.0 Heritage**

- 12.1 The council's statutory duty to consider a proposal's impact to listed buildings and conservation areas and their setting is contained in Sections 66(1) and 72(1) (respectively) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), which is reflected in central, regional and local policy and guidance. The Court of Appeal's decision in *Barnwell Manor Energy Limited v East Northamptonshire District Council* [2014] is of relevance to the application of the statutory duty. This provides that where a decision maker finds that a proposed development would harm listed buildings or their setting and/or harm to the character or appearance of a conservation area, it must give that harm considerable importance and weight and very special public benefits should be required to outweigh such harm.
- 12.2 Section 12 of the NPPF headed "*Conserving and enhancing the historic environment*" contains guidance in consideration of development proposals and their effect on the historic environment.
- 12.3 Paragraph 131 of the NPPF states that in determining planning applications local planning authorities need to take into account:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
  - the positive contribution that conservation of the heritage assets can make to sustainable communities including their economic vitality; and
  - the desirability of new development making a positive contribution to local character and distinctiveness.
- 12.4 Paragraphs 132-135 require local authorities when assessing the effects of development on a heritage asset, to give weight to an asset's conservation in proportion to its significance. Heritage assets include designated heritage assets such as listed buildings, World Heritage Sites, Scheduled Monuments and conservation areas.
- 12.5 Paragraph 132 provides that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It emphasises that the weight given should be proportionate to



the asset's significance, and that clear and convincing justification will be required for loss and harm to heritage assets.

- 12.6 Paragraphs 133 and 134 address the balancing of harm to designated heritage assets against public benefits. If a balancing exercise is necessary, considerable weight and importance should be applied to the statutory duty under sections 61 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) where it arises.
- 12.7 Proposals that would result in substantial harm or total loss of significance should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (paragraph 133). Where less than substantial harm arises, this harm should be weighed against the public benefits of a proposal, including its retention in its optimum viable use (paragraph 134).
- 12.8 Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan and London World Heritage Sites SPG – Guidance on Settings (March 2012). Policies SP10 and SP12 of the Core Strategy and policies DM24, DM26, DM27 and DM28 of the Borough's MDD seek to protect the character, appearance and setting of heritage assets and the historic environment, including World Heritage Sites. In addition, the Historic Royal Palaces have produced the '*Tower of London World Heritage Site Management Plan*' and '*Tower of London WHS Local Setting Study*' which guides the consideration of development affecting the Tower of London, its designated local setting and refers to the townscape view and Mayoral policies concerning the London View Management Framework (LVMF).
- 12.10 London Plan policies 7.11 and 7.12, policy SP10 of the CS and policies DM26 and DM28 of the MDD seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- 12.11 The application is accompanied by Environmental Statement with technical chapters dealing with heritage and archaeology including a visual impact study containing verified views that assess the likely effects of the proposed development on the townscape, local heritage assets and upon the strategic views of the Tower of London World Heritage Site, specifically from The Queen's Walk (near City Hall) LVMF View 25 and LVMF View 11A.2 from London Bridge as well as specific local views from the curtain walls of Tower of London.

#### Impact on listed buildings

- 12.12 The impacts on the Grade 1 listed Tower of London is dealt with in a separate section of this report dealing specifically with the World Heritage Site. The material impacts of the scheme upon the other listed buildings and structures are confined to buildings on site, namely the four storey Grade II Seaman's Registry Building, usually referred to the Registry Building, (designed as staff accommodation for the Royal Mint and completed in 1805), Grade II\* Johnson Smirke building (built in 1811), plus two Grade II listed gatehouses located in the front forecourt. Historic England does not identify the historic western boundary wall as listed however, for the purposes of the listed building consent the wall has been treated, as listed curtilage because sections of the wall predate 1948 and serve as curtilage to the two listed buildings.
- 12.13 The external alterations to the Johnson Smirke Building are limited in scope and involve changes in the rear elevation and the roof. Subtle changes are made in the



rear façade at lower ground and ground floor level that will help create a new external seating area at the lower ground floor and would provide direct entry from inside the building into the site's large rear courtyard. This link would be achieved by reinstating two original access bridges and inserting two additional external doors at ground floor, where presently there is only one.

- 12.14 The main proposed alterations to the roof would not be readily visible at ground level from the front other than the removal of some front facing mansard windows that are not original features of the building. The proposed alterations to the roof of Johnson Smirke Building involve the creation of a hidden roof top amenity terrace and also the moving forward of original chimneys by approximately 0.5m. The maximum height of the building would remain unchanged.
- 12.15 The proposed changes within the third storey rear façade involves the removal of architectural features introduced into that façade in the 1980's that are not scholarly true to the original architectural detailing of the building.



**Figure 6: Proposed remodelled rear elevation of Grade II\* Johnson Smirke building**

- 12.16 The existing interior of the Johnson Smirke building is virtually devoid of historic features with it interior effectively gutted in the 1980's (original internal walls, historic ceilings, fireplaces and so forth all lost). Remaining original historic building features in the building are currently confined to the entrance hall and stairs at ground and first floor level, but even here the original character and appearance of this space is largely lost.
- 12.17 The proposed alterations to the Johnson Smirke building have followed extensive archival research on the building and been prepared by Morrow & Lorraine Architects, as opposed to the main Sheppard Robson project architects for this scheme.
- 12.18 The alterations to the rear façade at basement level, ground level and third storey are considered by officers to enhance the exterior, when compared to the intervention dating from the 1980's, as well as better serving the functionality of the interior spaces and the ability to access site's large rear courtyard directly from the ground floor of the building.
- 12.19 The proposed concealed roof terrace is sensitively handled and would not interfere on the profile of the roof as seen from ground level and introduce a more traditional mansard detailing that is absent from the current 1980's intervention, as such it is considered acceptable, is supported by Historic England and the Borough Conservation Team and taken overall represents an improvement upon the existing 3 storey roof and rear façade arrangement.

- 12.20 The Registry Building's meretricious historic features are largely confined to the west and south facing façade. The overall footprint of the building has been extended and the south facade has been extended to the east and west in a Georgian style mimicking the original. Internally the existing building is a modern office block in character and unremarkable. The existing roof to the building is not original in structure or style nor is the building's basic superstructure. As such Officers consider there will be no harm to the heritage significance arising from the façade retention scheme, limited to retaining Georgian and Georgian style facades facing west and at the southern end of the building - with the remainder of the building demolished.
- 12.21 Proposed alterations to the original south listed façade are kept to a minimum including replacing a window with a door that is in line with the original design of the building and other changes that are sensitively handled to retain the original character of the building whilst permitting level access entrance to the building, where it is currently absent. The original building would not have had a mansard roof. However following extensive discussions over the detailing of the mansard and the proposed dormer windows with Historic England and the Borough's own Conservation Team the revised mansard is considered an appropriate and sensitive addition to the building.
- 12.22 The existing design of Dexter and Murray Houses (that rises to 7 storeys) deliberately and markedly steps down in height (to 4 storeys) upon their east-west axis to not appear over-dominant in relation to the shoulder height of the rear of Johnson Smirke building, when viewed from within the rear courtyard and elsewhere. A more pronounced change in storey heights would occur with this remodelled proposal for Dexter and Murray House. Officers have given special weight and importance to this adverse heritage effects and consider it to be less than substantial and outweighed by the significant enhancement the scheme will provide in cutting back the western edge of Murray House which gives the Johnson Smirke building a less cramped setting and the associated much improved views from within the site and East Smithfield of the fine south elevation of the Johnson Smirke building. Further, Officers consider that such harm is also outweighed by the other very special benefits resulting from the proposal as referred to throughout this report including additional employment opportunities, much enhanced permeability of the site, the public gaining access to the archaeology, the creation on site of a Heritage Interpretation Centre.
- 12.23 As highlighted in TVIA View 15 the proposed scheme would result in Dexter and Murray buildings having a greater intrusion upon the clear roofline/skyline of the Smirke building than these existing building do. This redesign has implications in terms of the setting of the Johnson Smirke building as well broader implications in terms of the appearance of the Conservation Area and to a limited degree upon the aspect and historic character of the designated local setting of the Tower of London. Mindful of this particular issue the Borough has engaged in extensive discussions with the applicant and other heritage stakeholders (including Historic England, Historic Royal Palaces, and the Mayor of London's Conservation Advisor) and revised drawings were prepared that led to:
- (i) a reduction in the proposed height of Dexter and Murray building by more than 3 metres;
  - (ii) cutting back the top two storeys of the western wings of Dexter and Murray building (to significantly reduce their intrusion over the ridgeline and visual prominence); and
  - (iii) revisions to the upper storey articulation of the proposed western facades of Dexter and Murray building top soften their appearance. It is considered these alterations address adequately the previous setting and skyline concerns.

- 12.24 Again Officers have given due special regard to any outstanding minor adverse impact upon the setting of TVIA View 15 are on balance considered to be is offset not only by the many public benefits to be brought by this development referred to above; but also the townscape benefits the scheme would bring to this view, compared to the existing situation, with the proposed introduction of the architecturally well-mannered Staff House that helps masks the main bulk of the western elevation of Murray building from TVIA View 15.

### **Tower of London World Heritage Site and London View Management Framework**

- 12.25 London Plan policy 7.10 states that any development should not cause adverse impacts on World Heritage Sites or their settings. In particular, it should not compromise a viewer's ability to appreciate their Outstanding Universal Value (OUV), integrity authenticity or significance. The World Heritage Site Management Plan should be afforded appropriate weight. In this case, the Historic Royal Palaces (HRP) adopted a World Heritage Site Management Plan in 2007. An updated Plan is currently in preparation with a draft consulted upon earlier this year.
- 12.26 The Site lies within the backdrop to the Protected Vista obtained from Viewing Location 25A at Queen's Walk, in the vicinity of City Hall, looking towards the White Tower of the Tower of London and also within the backdrop of LVMF View 11B.2, from London Bridge looking towards Tower Bridge and Tower of London.

Paragraph 199 of the LVMF describes LVMF View as “*providing views to the Tower of London World Heritage Site, Tower Bridge, and beyond, to the rising ground at Greenwich and the cluster of towers at Canary Wharf*”.

- 12.20 Paragraph 205 goes onto state that:

*From the south side of London Bridge (Assessment Point 11B.2) there is a clear backdrop of sky to the White Tower's four turrets and castellations. Development should not cause adverse impact to the World Heritage Site and should not compromise a viewer's ability to appreciate the Outstanding Universal Value of the World Heritage by unacceptably imposing on the Tower, or have a negative impact on a person's ability to recognise and appreciate this Strategically Important Landmark.”*

- 12.21 The submitted Townscape and Visual Assessment demonstrates the scheme would not be visible from protected LVMF View 25A.
- 12.22 Following receipt of amended drawings that have reduced the proposed maximum height of the proposed scheme by 3.4 metres no part of the proposed development would be visible upon skyline set between the four iconic towers of the Tower of London's Keep - otherwise known as the White Tower, as seen from LVMF View 11B.2
- 12.22 The reduction in height has also reduced sight of the proposed scheme (to the left of White Tower) to a point its impact is negligible even when this verified view is seen through a telephoto lense. Historic England, GLA and Historic Royal Palaces have no outstanding concerns in respect of the impacts of the scheme upon LVMF View 11B.2
- 12.23. The submitted TVIA also provides local unprotected views of the application site, including from the Tower of London's inner curtain wall looking east between Martin and Constable Towers (TVIA View 4) and North Wall Walkway (TVIA View 5). TVIA Views 4 and 5 were prepared by the applicant following pre-application discussion the applicant had with HRP.

- 12.24 When the planning application was originally submitted HRP expressed concerns to the Borough in respect of the proposed visual impacts of the scheme upon the skyline silhouette of the Johnson Smirke Building from the walls of the Tower, to the detriment of the quality of the view and the setting of both the Tower of London and the Johnson Smirke building. HRP considered these impacts were accentuated by the proposed “blocky form” of the western facing wings to Dexter and Murray House. Following the receipt of the revised drawings including the reduction in height of the scheme and the cutting back of the top storey glazed western wings HRP have lodged no objection to the planning application and have stated in writing the changes make significant improvements to this aspect of the scheme that were of concern to them.
- 12.22 Separate guidance produced by Mayor of London, Historic England and International Council on Monuments and Sites (ICOMOS) are all clear and consistent in that given the very high sensitivity of World Heritage Sites (WHS) even minor scales of change in the built environment can result in medium to large degree of impact due the significance of the receptor (i.e. it being a WHS site) and similarly moderately classified scale of change can have a large to very large level of significance.
- 12.23 Notwithstanding the consistent guidance that stresses even minor scale changes can result in a medium to large degree of impact upon the Tower of London WHS, Officers conclude the scheme does not present a significant adverse impact upon the Outstanding Universal Value of the setting of Tower of London World Heritage Site following the changes to the scheme that effectively remove all impacts upon LVMF views of the Tower and given the reduction in the intrusion of the proposed scheme upon the local views and thus the local setting and character of the WHS, as experienced from the aforementioned walls of the Tower of London.

The scheme is considered consistent with Policy 7.10 of the London Plan and Local Plan Policies DM28 and SP10.

### **Archaeology**

- 12:25 The National Planning Policy Framework (Section 12) and the London Plan (Policy 7.8) emphasise that the conservation of archaeological interest is a material consideration in the planning process.
- 12.26 London Plan Policy 7.8 (D) states
- “New development should make provision for the protection of archaeological resources.....the physical assets should, where possible, be made available to the public on-site”.*
- 12.27 Paragraph 7.32 provides supporting text in reference to Policy 7.8 and states the following
- “London’s heritage assets and historic environment also make a significant contribution to the city’s culture by providing easy access to the history of the city and its places. Every opportunity to bring the story of London to people and ensure the accessibility and good maintenance of London’s heritage should be exploited.”*
- 12.28 The Local Plan Managing Development Document Policy DM27 (1) states *“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’* and DM27 (4) states *“For proposed development any*

*nationally important remains to be preserved permanently in site, subject to consultation with English Heritage”.*

- 12.29 The site contains archaeology of national significance. Archaeological works undertaken in 1980s, prior to the construction of the existing office development, revealed substantial archaeological remains pertaining to a Black Death cemetery (mid-14th century) and the Cistercian Abbey of St Mary Grace (mid-14th to mid-16th century) as well as post Reformation finds dating from when the remaining buildings of the Abbey were used by the Royal Navy as a victualing yard.
- 12.30 The archaeological remains of the Cistercian Abbey are visible in situ within the basement/ lower ground floor of the site including medieval walls and other structures approximately 2m in height.
- 12.31 The 1987 consented office led development for the site contained details including approved drawings detailing museum/s on the site to enable the public to view the Cistercian Abbey archaeology of the site as well as the history of the Royal Mint and other artefacts of the site including those of the Naval yard.
- 12.32 The Crown Estate in producing its Planning Brief for the Royal Mint site set out displaying the sites heritage assets as a key public benefit of the redevelopment scheme. This conclusion was subsequently shared by the Borough, Museum of London and Historic England’s predecessor English Heritage with the 1987 planning consent.
- 12.33 As set out earlier in this report Historic England’s Greater London Archaeology Advisory Service have commented at length on this scheme and expressed enthusiasm to see the abbey and other neglected archaeological heritage assets of the publically displayed on site, to contribute to sustainable communities and local character.
- 12.34 GLAAS note the site’s archaeological findings have not been publically accessible for 25 years and there has been no interpretative or exhibition about the medieval abbey or the later Victualing yard either on site or elsewhere in the Borough for the benefit of the local community.
- 12.35 To ensure compliance with London Plan policy 7.5 and Local Plan policy DM27 as well as suitable Planning conditions, as detailed by GLAASs are required to secure a re-design of the proposed basement layout, to safeguard the site’s archaeology during demolition and construction works within the basement area including a zoned archaeological mitigation plan.
- 12.36 In addition, as GLAAS comments on the scheme highlight, there is also a requirement to secure by legal agreement and appropriate architectural redesign of the basement to ensure the ruins are displayed to their best potential and with a design that lends itself fully to public access, alongside a written strategy for the interpretation and exhibition of the medieval ruins. If this application is approved this strategy will connect with a presentation of the wider archaeology of the site (including artefact’s presently stored at the Museum of London) and link with a broader on-site exhibition space to highlight and engage the public in the full history of the site. This is considered to be an important public benefit of the proposed development.
- 12.37 Subject to the planning conditions commended by GLAAS, and the securing of planning obligation to secure the conservation, management and public display and exhibition of the site’s archaeology it is considered officers consider the scheme

comply with London Plan Policy 7.5 and Policy DM27 of the Borough's Managing Development Document.

### 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 and have a concern for the amenity of future occupants of the development.

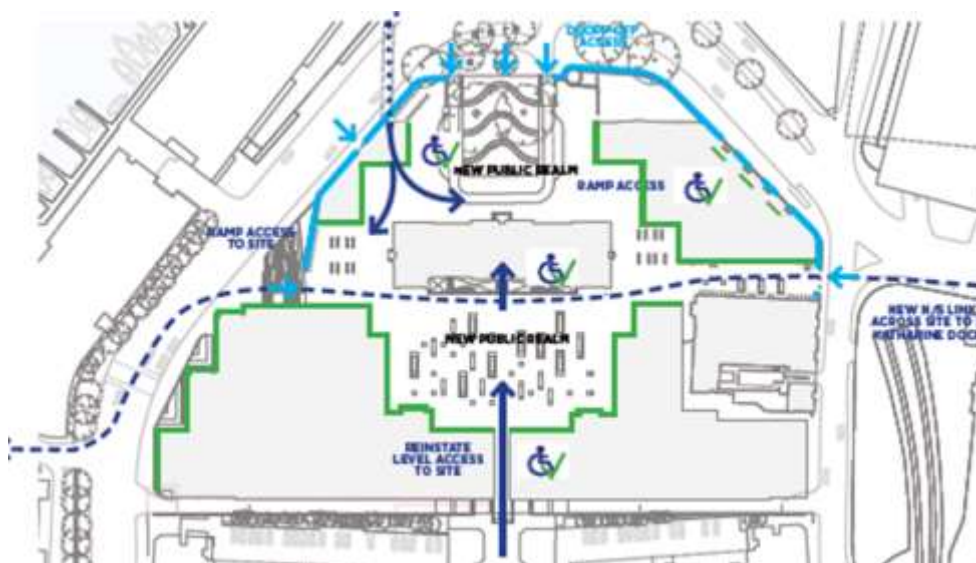
#### Future users of the development

13.2 The exterior appearance of the 1980's constructed Dexter and Murray House buildings on site have not withstood the test of time well; internally the existing office floor plates on site across the application site are out dated, unfit for current office needs, and in some instances contain layouts compromised by inadequate floor to ceiling heights.

13.3 The proposed scheme would replace the existing sub-standard office accommodation with fit for purpose premium "A" grade office accommodation. The proposed internal layouts will provide for much enhanced office reception areas and a better arrangement of building cores for end users, with good level of natural daylight and well ventilated spaces.

13.4 The scheme is designed with full regard to the principles of inclusive design. All buildings will have level access entry, a lift will provide wheelchair accessibility to the site direct from the public subway and the existing landscaped external courtyard that is raised and thereby excludes wheelchair accessibility will be replaced with a levelled courtyard.

13.5 Taken overall the scheme will provide more than satisfactory standard of office/commercial floor accommodation. Taken overall the level of amenity for future occupants will exceed the existing spaces that are of a design and physical condition they are understood to be not readily capable of attracting high value commercial rents lets otherwise commensurate with the site's central location.



**Figure 7: Scheme showing proposed wheelchair accessible pedestrian site entrances**

## **Neighbours Amenity**

- 13.6 Policy DM25 states safeguarding neighbours amenity 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.

### Privacy, Outlook and sense of enclosure

- 13.6 In the preamble to MDD Policy DM25, the document advises that a distance of 18m is normally sufficient to mitigate any significant loss of privacy between habitable facing windows.
- 13.7 An assessment of sense of enclosure or the impact upon outlook of a development is not a readily definable measure and the impact is a matter of judgement. If there are significant failures in daylight and sunlight or infringements of privacy it can be an indicator that the proposal would also be overbearing and create an unacceptable sense of enclosure
- 13.9 Existing residential neighbours facing directly the site are confined to the east and are located on the west side of Cartwright Street, in a development known as St Mary Grace Court and two related 'bookend' blocks to this development (the latter identified as 1-20 Royal Mint Street marking the northern end of Cartwright Street and No. 14-33 East Smithfield marking the southern end of Cartwright Street.
- 13.9 The remodelled Dexter and Murray House would be built tighter to the eastern side site boundary and thereby closer to the main north south axis St Mary Grace Court, than the existing buildings, by approximately 2 metres along Dexter and Murray's main east elevation and for small sections of that elevation (that are currently recessed back) by approximately 4 metres.
- 13.10 The nearest habitable room windows in St Marys Grace Court itself would be approximately 16 metres distance from the proposed east facing façade, although this minimum separation distance is confined to a small number of windows serving a few flats as the footprint of St Mary Graces Court angles obliquely away from the Royal Mint Court site meaning in general a greater separation distance above 18 metres would be maintained.
- 13.11 The narrowest proposed separation distance between Dexter and Murray House and facing habitable room windows on Cartwright Street would be directly opposite No 1-20 Royal Mint Street, where there is an existing pinch point between these two developments and where there is a proposed stairs within the remodelled Dexter House. The applicant proposes the use of a ceramic frit screen to the glazing in this elevation (detailed in the Design and Access Statement) where necessary to address overlooking to 1-20 Royal Mint Street and at the southern end of Murray House to safeguard privacy to habitable room windows facing the development within the block identified as 14-33 East Smithfield. Subject to further details by planning conditions officers are satisfied this design solution addresses the overlooking.
- 13.12 As stated above the proposed enlarged Dexter and Murray House would be set close to St Mary Graces Court than the existing Dexter and Murray House building and would rise to a greater height than the existing building and as such the proposal would result in a greater degree of enclosure than what currently exists and there would be a minor

reduction in outlook to residents and a minor increase in potential overlooking/ loss of privacy. However officers on balance consider these limited adverse amenity impacts in terms of sense of enclosure overlooking to neighbours are not unacceptable considered in a central London site context.

- 13.13 With respect to potential privacy/overlooking impacts to new consented neighbouring residential units within the Royal Mint Gardens development (consented PA/3/01527 and potentially PA/15/02773) the separation distance from the nearest part of the site (to Dexter House) would be greater than 18m and set across a street and therefore not considered a cause for concern or unacceptable.

Effect on daylight and sunlight to neighbouring dwellings

- 13.14 DM25 of the MDD and SP10 of the Core Strategy seek to ensure that existing and potential neighbouring dwellings are safeguarded from an unacceptable material deterioration of sunlight and daylight conditions.
- 13.15 The application is supported by a Daylight and Sunlight Report. The robustness of the methodology and conclusions has been appraised by the Council's independent daylight and sunlight consultants.
- 13.16 DM25 of the MDD and SP10 of the CS seek to ensure that existing and potential neighbouring dwellings are safeguarded from an unacceptable material deterioration of sunlight and daylight conditions.
- 13.17 For calculating daylight to neighbouring properties, affected by a proposed development, the primary assessment is the vertical sky component (VSC) together with daylight distribution assessment where internal room layouts are known or can reasonably be assumed. The 2011 BRE guide emphasises the VSC assessment as the primary method of assessment.
- 13.18 The VSC is a quantified measurement of the amount of skylight falling on a vertical wall or window. The BRE handbook suggests a window should retain at 27% VSC or retain at least 80% of the pre-development VSC value. The significance of loss of daylight can be summarised as follows:
- 0-20 reduction – Negligible
  - 21-30% reduction – Minor significance
  - 31-40% reduction – Moderate significance
  - Above 40% reduction – Substantial significance
- 13.19 A second measurement of the proportion of the room which receives direct sky light through the window i.e. it measures daylight distribution within a room (see table 3 below).The BRE Handbook states that if an area of a room that receives direct daylight is reduced to less than 0.8 times its former value the effects will be noticeable to its occupants.
- 13.20 For calculating sunlight the BRE guidelines state that sunlight tests should be applied to all main habitable rooms which have a window which faces within 90 degrees of due south.
- 13.21 The residential properties most affected by the proposed development are St Mary Graces Court (and its two identified bookend blocks) plus Sanderling Lodge, 11-15 Cartwright Street, 17-25 Cartwright Street, 21 Royal Mint Street, Victoria Court and Royal Tower Lodge, plus the consented Royal Mint Court development.



### St Mary Graces Court

- 13.22 St Mary Graces Court (including the end blocks identified as 1-20 Royal Mint Street and 14-33 East Smithfield Street) is the closest residential properties and the impacts to this development are greater than to any other neighbouring development.
- 13.23 179 rooms were tested for Vertical Sky Component impacts to windows within St Mary Graces Court. Of which 128 rooms 71% met BRE VSC guidelines, 16.7% experience minor adverse impacts (between 20%-29.9% reduction), 1.6% (3 rooms) moderate adverse and 10.5% (18 rooms) experience greater than 40% reduction. The Council's independent daylight/sunlight consultants conclude in respect to the VSC measure, when the design of St Mary Graces Court is taken into account with its balconies and overhanging eaves, as a substantial mitigating factor, the overall impact of the proposed scheme to the block should be classified as moderate adverse.
- 13.24 The daylight distribution results to this development are worse than for VSC with 59% (101) rooms failing outside BRE guidelines, 37 rooms experiencing a 40% or more VSC reduction, 24 rooms between 30%-39.9% reduction and 26 rooms 20%-29.9% reduction.
- 13.25 The Borough's consultants conclude the design of the development with its balcony and eave overhangs are significant mitigating factors and that taken overall the impacts against the no sky limit (daylight distribution) BRE measure should be classified as moderate adverse.
- 13.26 Officers are minded to consider the daylight impacts to this residential development are considered acceptable in the site's context.
- 13.27 With regard to sunlight impacts the adverse sunlight impacts to this residential development building are considered to be minor to moderate adverse but these adverse impacts are limited to only a few flats.

### Sanderling Lodge

- 13.28 The block is located on south side of East Smithfield Street within the St Katherine Dock development.
- 13.29 There are no changes to daylight distribution which would be outside the BRE guidelines. With respect to VSC measure, the Council's daylight consultant report the impacts would be minimal with only one bedroom experiencing a loss marginally outside BRE guidance.

### Royal Mint Gardens (unbuilt but has planning consent)

- 13.30 The results show the VSC losses would be within the BRE guidelines for all of the windows analysed.
- 13.31 Changes in daylight distribution would be outside the BRE guidelines for four living rooms, one on the first floor, two on the second and one on the third floor. The changes range between 29.80% and 39.51%, thus classified as moderate adverse impacts.
- 13.32 As this building does not yet exist, the BRE guidelines would support assessment using ADF. All of the rooms assessed would continue to receive the recommended minimum ADF.

13.33 The loss of sunlight results impacts would all be within the BRE guidelines.

17-25 Cartwright Street

13.34 Loss of VSC to all windows analysed would be within the BRE guidelines, with minimal loss of daylight. Changes to daylight distribution would be marginally outside the guidelines for three rooms on the third floor.

11-15 Cartwright Street, 21 Royal Mint Street, Victoria Court and Royal Tower Lodge

13.35 The daylight impacts on all these buildings assessed against BRE VSC and daylight distribution would be negligible.

13.36 Based upon the applicant's prepared report the loss of sunlight to these properties is classified as negligible.

Context for daylight and sunlight losses in this area

13.37 In reaching conclusions in relation to daylight and sunlight impacts, it is inevitable that in an urbanised borough such as Tower Hamlets and with such pressure being placed on the local planning authority to maximise the full potential of development sites, daylight and sunlight infringement is a regular occurrence. The Council's independent daylight and sunlight consultant considers that the current levels of daylight and sunlight enjoyed by existing residential occupiers is generally below the absolute targets set out in the BRE Guidelines because of the nature of buildings and street patterns,. It is therefore fair and appropriate for the Council to apply a certain amount of flexibility when applying the recommendations, as set out in the BRE Guidelines. This degree of flexibility is utilised on a regular basis. However, as Members will be aware, one needs to make judgements as to the acceptability of daylight and sunlight infringements on a case by case basis, when balanced against other material planning considerations.

13.38 As a general measure, your officers have been advised by its daylight/sunlight experts that reductions in daylight in excess of 40%, especially where daylight is already below standard, would represent a serious loss of daylight and corresponding amenity.

13.39 That said, there have been situations where the Council has accepted reductions in daylight in excess of 40% in the balance, especially where development delivered specific regenerative benefits which were considered to outweigh the harm caused by the reductions in daylight/sunlight.

13.40 In this instance, the development is considered acceptable in relation to other policy considerations and a reason for refusal on grounds of daylight infringements is not, on its own, considered sustainable by officers particularly given that the scheme delivers major employment generation gains, offers place making benefits and public accessibility benefits which outweigh the amenity harm caused.

Effect on sunlight/overshadowing to amenity areas

13.41 An overshadowing assessment was submitted within the daylight/sunlight report.

13.42 The shadow plots for 21 March indicate that the development has minimal impact on amenity areas assessed beyond that of the existing arrangements. Changes to areas capable of receiving at least 2 hours of sunlight on March 21 would all be within the BRE guidelines.

- 13.43 However, there are two nursery play areas associated with the ground floor commercial buildings of St Mary Graces Court that have two small external play areas. The overshadowing impacts of the proposed development to these two nursery playground are limited in duration to around 12:00pm each day. Whilst the loss of sunlight would be short in duration, less than an hour it would not be insignificant as these two nursery play grounds are already limited in achieving 2 hours sunlight each day for 50% of their respective area.
- 13.44 The current quality of the two nursery external play spaces suffers from site constraints including size, orientation, and proximity to existing build development. The impacts of the development as set out above are not insignificant but are not considered to be of a degree as to warrant a reason of refusal as many of the shortcomings of these spaces in terms of receiving the benefit of direct sunlight are already at the lower acceptable limit of BRE guidance.

## **14.0 Highways and Transportation**

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

### Deliveries and Servicing.

- 14.4 Existing servicing and waste collection to Dexter and Murray House is from a service road that runs along the eastern edge of site. The service road operates on a one-way basis with entry from East Smithfield and egress onto Royal Mint Street. The service road is ramped and leads down into a series of goods vehicles loading bays provided in the basement.
- 14.5 The Registry and Johnson Smirke buildings have been serviced to date from a basement service area to the east of the Registry building with vehicular access through the site's main gates (facing the Tower of London). The scheme proposes to bring all servicing and delivery to the rear of the site utilizing the existing service road. Environmental and landscaping improvements would be made to this service road and access/ egress points to improve the public realm and visual amenity of this service road. The proposal for a single point of servicing to the site is welcomed by officers, removing service traffic from the heritage sensitive sections of the site and reducing pedestrian/ vehicular conflict in the front forecourt.

- 14.6 The service and delivery arrangements including seven loading bays for 8m and 10m length service and waste collection vehicles. This provision is considered adequate subject to implementation of an end user Delivery and Servicing Management Plan, secured by planning condition that requires a managed booking-in service for loading bays to avoid spikes in deliveries, particularly during am peak travel times.

#### Cycle and Car Parking Provision

- 14.7 The scheme would reduce on site basement car parking spaces to 25 spaces from the existing 45 with 7 of these bays allocated to Blue Badge holders. 780 cycle parking spaces will be provided for staff employed on site within a variety of lower ground and basement locations. In addition 163 cycle parking spaces would be for site visitors, of which 100 will be Sheffield stand type stands located at ground level across the application site. The scheme will provide staff shower and changing room facilities to meet the demand of cyclists. The quantum of cycle parking provision is consistent with London Plan policy requirements, and the amendments to the internal layout are such that the cycle storage does not prejudice the setting of the archaeology.
- 14.8 There site is well served by publicly accessible off-street car parks within close proximity including at Shorter Street with 321 spaces. The PTAL rating for the site is 6. The reduction in car parking space is welcomed by officers although the Borough Highways and Transport Team have expressed disappointment given the excellent access to public transport and good provision of public car parking areas that the scheme retains any on site car parking provision aside that intended for Blue Badge holders. Officers consider that this impact can be mitigated through appropriate planning conditions and obligations.
- 14.9 Planning conditions will be imposed to secure production of detailed Construction & Environment Management Plan, Construction Logistics Plan, a Travel Plan, a car Parking Management Plan. The legal agreement shall secure that none of the car parking bays can be rented on a commercial basis to individuals or companies not having a bone fide employment operation on-site (to not incentivise car trip generation from the site) and to secure any 'surplus to requirement' blue badge bay holders do not over time be used for general on-site parking provision.

### **15. Planning Obligations**

- 15.1 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's 'Planning Obligations' SPD sets out in more detail how these impacts can be assessed and appropriate mitigation.
- 15.2 The NPPF requires that planning obligations must be:
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and,
  - Are fairly and reasonably related in scale and kind to the development.
- 15.2 Regulation 122 of the CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.

- 15.3 Securing appropriate planning contributions is further supported policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 15.4 The current Planning Obligations SPD was adopted in 2012. A new version has been formed to better reflect the implementation of CIL and the needs of the Borough in respect of planning obligations.
- 15.5 The SPD was approved for public consultation by Cabinet on the 8th of April 2015.

The Boroughs four main priorities remain:

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

The Boroughs other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

- 15.6 The development is predicted to generate a significant number of permanent jobs once the development is complete. Therefore, the development will place significant additional demands on local infrastructure and facilities, including transport facilities, public open space and the public realm and streetscene.
- 15.7 As outlined in the following section LBTH CIL is applicable to the development, which will help mitigate these impacts.
- 15.8 The applicant has agreed to the full financial contributions as set out in the s106 SPD in relation to:
- Enterprise and Employment Skills and Training;
  - Crossrail central London Top Up
  - Energy; and
  - a monitoring contribution.
- 15.9 The developer has agreed to provide 30 construction phase and 4 end phase apprenticeships.
- 15.11 To provide affordable incubator space for small start-up enterprises, delivered by a specialist workspace provider, with individual office/desk space let on a flexible letting basis including very short term contractual lets and access to shared support facilities.
- 15.12 To provide a Heritage Interpretation Strategy including provision of Heritage Interpretation Centre.
- 15.13 To produce and implement an Archaeology Conservation Plan.
- 15.14 Secure public realm improvements outside the red line on the east side of the Tower Hill traffic interchange

- 15.15 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.
- 15.16 A Car Parking Management Plan will be secured.
- 15.17 Tower Hamlets Community Infrastructure Levy (CIL) has been adopted and strategic transport facilities and indeed public realm works are listed in the Council's CIL Regulation 123 list (the list of matters that CIL may assist in funding).
- 15.18 The financial contributions agreed by applicant are summarised in the following table:

<b>Heads of Terms</b>	<b>s.106 financial contribution</b>
Employment, Skills, Construction Phase Skills and Training	£301,888
End User Skills and Training	£444,133
Crossrail Top Up	£1,621,500
Carbon off-setting	Subject to trigger mechanism,

- 15.19 These obligations are considered to meet the tests set out in guidance and the CIL regulations.
- 15.20 The proposed development would be liable for Tower Hamlets and the London Mayor's Community Infrastructure Levy
- 15.21 Mayor of London CIL liability is estimated to be £683,260
- 15.22 The Tower Hamlets CIL liability is estimated to be £1,499,766

## **OTHER MATERIAL CONSIDERATIONS**

### **16 Environmental Impact Assessment (EIA)**

- 16.1 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) (hereafter referred to as 'the EIA Regulations') require that for certain planning applications, an Environmental Impact Assessment (EIA) is undertaken. EIA is a procedure which serves to provide information about the likely effects of proposed projects on the environment, so as to inform the process of decision making as to whether the development should be allowed to proceed, and if so on what terms.
- 16.2 The Proposed Development is considered an 'EIA development' as it falls within the description and thresholds in Schedule 2 10(b) of the EIA Regulations as an 'urban development project' and is likely to have significant effects on the environment.
- 16.3 The planning application was subject to an EIA, and an ES has been submitted with the planning application. The application has been advertised as an EIA application.
- 16.4 The ES contains an Introductory Chapter and individual chapters on
- Environmental Impact Assessment Methodology
  - Existing Site and Land Uses
  - Alternatives and Design Evolution

- The Proposed Development
- Development Programme, Demolition, Refurbishment and Construction
- Socio-Economics
- Noise and Vibration
- Air Quality
- Ground Conditions and Contamination
- Built Heritage
- Archaeology
- Daylight, Sunlight, Overshadowing and Solar Glare
- Wind
- Transportation and Access
- Cumulative Effects

16.5 The ES contains an Introduction, a Townscape Visual Impact Assessment as well as suite of technical appendices to the individual chapters and a requisite Non-Technical Summary.

16.6 LBTH's EIA consultants were commissioned to undertake an independent review of the ES, to confirm whether it satisfied the requirements of the EIA Regulations. The ES has also been reviewed by the Council's EIA Officer. An Interim Review Report (IRR) was prepared and issued to the Applicants

16.7 An ES Addendum was submitted in June 2016, which responded to the IRR and also considered the implications of the proposed amendments on the EIA. This was considered to be 'further information' under Regulation 22 of the EIA regulations, and was processed as required by the EIA Regulations

16.8 LBTH's EIA consultants reviewed the ES Addendum, and a Final Review Report (FRR) was produced. This confirmed that, in their professional opinion, the ES is compliant with the requirements of the EIA Regulations.

16.9 LBTH, as the relevant planning authority, has taken the 'environmental information' into consideration when determining the planning application.

16.10 The mitigation measures identified in the environmental information will be secured through planning conditions and/or planning obligations where necessary.

## **17.0 Noise and Vibration**

17.1 The Environment Statement prepared for the application provides a noise impact assessment for the scheme. It includes potential impacts of noise and vibration to (a) neighbours during demolition, refurbishment and construction works, (b) potential damage to archaeology, (c) traffic flow noise impacts during construction phase and end phase, (d) of noise impacts from external sources upon future occupants of the development, including those from rail and DLR.

17.2 The assessment concludes that the impacts during demolition, refurbishment and construction phase will be acceptable, with appropriate mitigation measures put in place. The applicant estimates works on site will take approximately 30 months.

17.3 A review of the submitted documents by officers of the Council, the Borough's consultants appointed to review the ES, and other bodies including GLAAS are satisfied that 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.

## **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 condition 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 low risk with main risk arising 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 a Sustainable Urban Drainage System 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 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. From April 2014 the London Borough of Tower Hamlets have applied a 45 per cent 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
- 20.4 A range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the proposed development. The demand for cooling will be minimised through good solar control, inclusion of Mechanical ventilation heat recovery (MVHR) units and shading devices such as blinds. An Overheating Analysis using thermal dynamic modelling has been undertaken to assess the overheating risk within the buildings.



- 20.5 The applicant identified one potential district heating network within the vicinity of the development. However they are not proposing to connect to the network, stating there are no currently agreed timescales for the installation of the proposed network and that the costs involved in infrastructure amendments to facilitate connection do not deem such a connection feasible. The applicant has given a commitment to ensure that the development is designed to allow future connection to a district heating network should one become available.
- 20.6 The current proposals are anticipated to achieve CO2 emission reductions of 37.7% through Be Lean Measure, 6% through a CHP site wide heat network and 1.2% from a photovoltaic solar panel system. The cumulative CO2 savings from these measures are proposed to be in accordance with policy DM29 requirements at 45.3%. The new build elements to the scheme are designed to achieve a BREEAM Excellent rating, and the refurbished elements are anticipated to achieve BREEAM Very Good
- 20.7 The scheme will be consistent with Chapter 5 of London plan and DM20 of the Local Plan subject to planning condition
- To provide an Updated Energy strategy to demonstrate CO2 reduction in accordance with 45% policy requirement;
  - Detailed specifications provided of the PV renewable energy technologies
  - Delivery of BREEAM Excellent Development for new elements and Very Good for refurbishment,
  - An ability for the whole of the development (under all proposed use classes) to readily development connect to a district heating network at a future date ,
- 20.8 In addition by s106 legal agreement secure a mechanism for a carbon off set financial contribution, should it emerge the 45% CO2 reduction requirements cannot be met by the Updated Energy Strategy.
- 20.9 The proposed scheme is not meeting Air Quality Neutral Assessment benchmark figures, indeed NOx emissions are calculated as far exceeding the benchmarked emissions target. Accordingly the Air Quality officer objects to the proposed energy centre in the scheme and seeks its specification and design to be revisited. This matter will be secured by condition along with further details of the air quality mitigation measures identified in the submitted air quality assessment to secure relevant London Plan and Local Plan policy compliance

## **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 is not likely to support protected species. There will therefore be no significant adverse biodiversity impacts. There is a building located adjacent to the northern site boundary that has low potential of supporting roosting bats, disturbance to this building could occur during construction phase and the to be agreed by planning condition Construction Environment Management Plan will need to be cognisant of that.

- 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. Accordingly, the proposal will serve to improve the biodiversity value as sought by the relevant London and Local Plan policies.
- 21.4 The applicant has ambitious plans to improve the hard and soft landscaping plan for the site. The final agreed landscaping scheme for the site has not been agreed by officers and will be dealt with planning condition with appropriate consideration given of to the biodiversity implications of its final design and its chosen planting scheme.

## **22 Trees and Landscaping**

- 22.1 A tree survey records prepared in respect of 21 trees within the site and located just outside the application site. Eleven of these trees are located within the red line and 9 of these would be removed. Four of these trees to be removed are classified as 'B' category and 'C' Category, the latter of low quality. The tree officer has reviewed the arboricultural survey has no objection to the identified trees being removed. The two large London Planes in the front forecourt would be retained and protected. The applicant is seeking to plant in the order of forty new trees on site as part of an agreed landscaping strategy that would compensate for the amenity value loss of the existing trees.
- 22.2 The scheme would provide approximately 700sqm, of soft landscape area as well over 6,500sq.m of hard landscaped area (including walkways and vehicular routes within the red line. The majority of the site would be repaved using materials appropriate to the heritage context of the site.
- 22.3 The rear courtyard area between the Johnson Smirke Building and Murray and Dexter House would be redesigned to remove the raised deck element that excludes wheelchair users and others with mobility issues. The initial landscaping plans show extensive tree planning in the courtyard and informal seating area.
- 22.3 Designs have also been produced with glass paving incorporated into the stone paving of the rear courtyard allowing views of the archaeological remains of the Cistercian Abbey below. To date GLAAS remain unconvinced by the efficacy of this design strategy to peer down on the archaeology below and this opinion is shared by officers but the detailed design will be subject to a planning condition and/or obligation.
- 22.4 The scheme was originally submitted with the existing railings at the main entrance proposed to be removed, plus a proposed stepped curvilinear 'lipped' seating area introduced between the two listed main gate porticos interspaced by a lawned area. The removal of the front railings has been deleted from the planning application and the detailing of the landscaping across the site has also been agreed will be reviewed and dealt with by planning condition.
- 22.5 A walled garden to the west of the Registry Building is proposed which would be accessed from the proposed retail units at the ground floor. This provision of a sheltered quiet walled garden space is supported by officers.

## **23 Waste**

- 23.1 An outline of a waste and servicing strategy is contained within the application documentation. It includes details of three proposed 10sq.m waste compactors for mixed recyclables that will significantly reduce required waste vehicle collections from site, in addition food digesters would be used to minimise waste from food and

beverage outlets (by reducing waste into a 'grey water' liquid) that can be released through the site SUDS.

- 23.2 The Borough Waste Team and ES Consultants have reviewed the application documentation and had no objection to the Waste Strategy and considers the scheme is consistent with the Borough's MDD Policy DM14 in regard to managing waste subject to securing a Waste and Recycling Service Management Plan by planning condition.

## **24 Microclimate**

- 24.1 A desk based wind assessment study was prepared for the Environment Statement. It concludes the wind conditions are liable to remain broadly comparable to the current conditions on site.
- 24.2 The submitted study indicates the localised wind conditions will be compatible with the assigned use of each area on the site, benchmarked against the Lawson Comfort Criteria. The ground level conditions would generally be acceptable without mitigation measures. The exception to this is the entrance to the prospective gym entrance and sections of the main rear courtyard space that serve a vital external amenity space for site. Additional mitigation is also required upon some of the roof top amenity terraces. The desk top based study suggests mitigation could be addressed by green it is considered this can be appropriately secured by planning condition.
- 24.3 The findings and the methodology of the study are accepted by officers and the scheme is considered to comply with relevant London Plan policies 5.3, 7.6B and 7.7 and Local Plan the Managing Development Document policies DM24 and DM26 pertaining to microclimate, subject to appropriate mitigation measures being further tested and secured by planning condition.

## **25 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 CIL would be payable on this scheme.
- 25.5 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.

- 25.6 This application is also subject to the Borough’s Community Infrastructure Levy, which came into force for application determined from 1st April 2015. This is a standard charge, based on the net floor space of the proposed development, the level of which is set in accordance with the Council’s adopted CIL charging schedule.

## **26.0 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

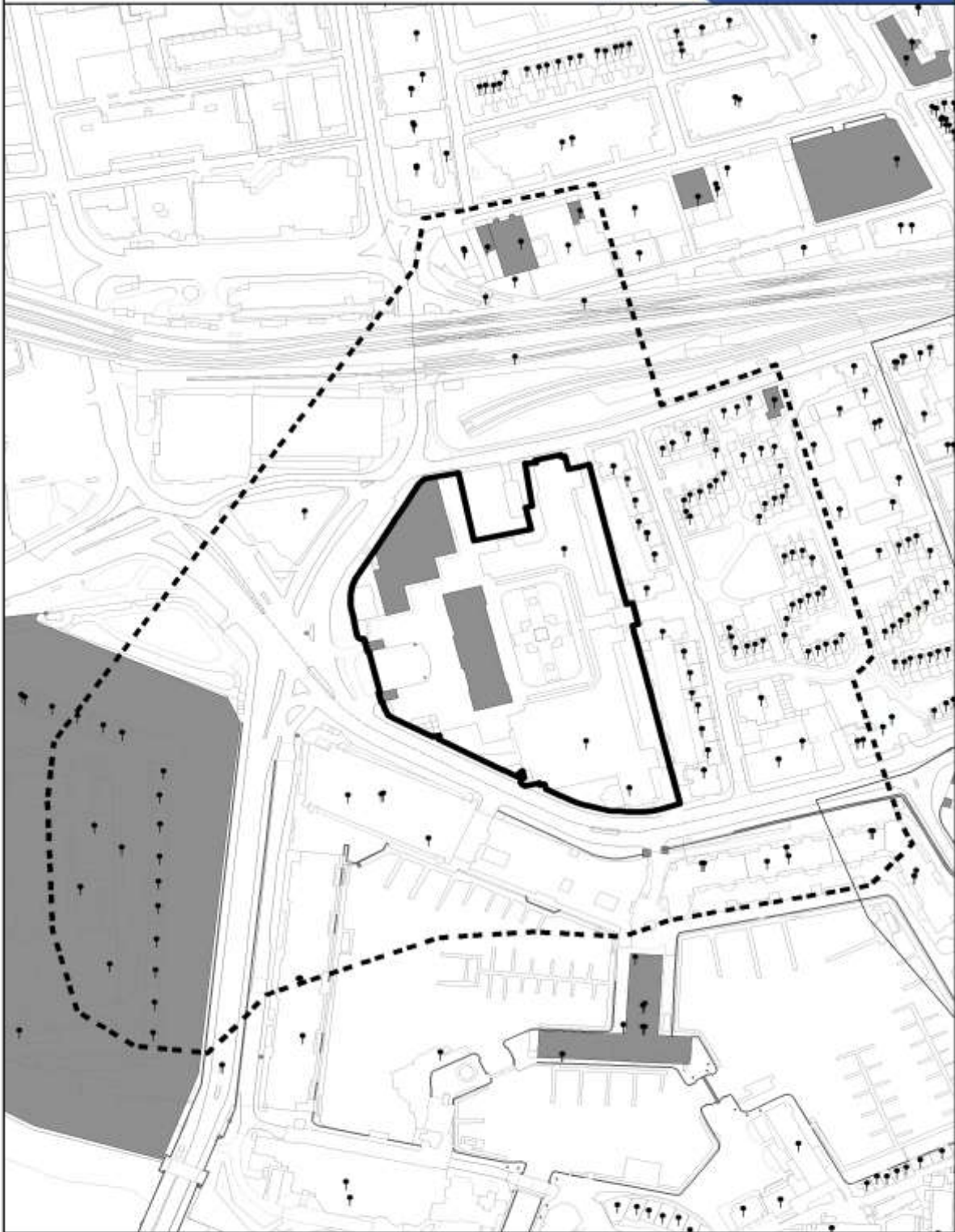
## **28 Conclusion**

28.1 All other relevant policies and considerations have been taken into account. Planning Permission and Listed Building Consent 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.

## **29 SITE MAP**

29.1 Please refer to the next page of this report.

Planning Application Site Map  
PA/16/00479



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address	
 Consultation Area	 Statutory Listed Buildings	0 40 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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