

Enterprise House, 21 Buckle Street, Aldgate**in the London Borough of Tower Hamlets****planning application no. PA/15/01141****Strategic planning application stage II referral**

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

Demolition of existing office building and erection of an eighteen storey mixed use building comprising 1,185 sq.m. of office space (B1 Use Class) and 106 (C1 Use Class) serviced apartments (2,985 sq.m.), together with ancillary facilities and associated cycle parking.

The applicant

The applicant is **GHL (Buckle Street)** and the architect and agent is **Barton Willmore**.

Strategic issues

Tower Hamlets Council has resolved to refuse permission for this application. The Mayor must consider whether the application warrants a direction to take over determination of the application under Article 7 of the Mayor of London Order 2008.

Having regard to the details of the application, the matters set out in the committee report and the Council's draft decision notice there are **no sound planning reasons for the Mayor to intervene** in this particular case and therefore no basis to issue a direction under Article 7 of the Order 2008.

Should the scheme be considered at appeal or a revised application submitted, the applicant should have regard to the following matters:

- All occupiers of the serviced apartments should be exempt from applying for a local parking permit and this should be secured by condition.
- The proposed pedestrian improvements along Buckle Street should be secured appropriately.
- The provision of cycle spaces should be secured appropriately.
- A contribution of £90,000 towards Cycle Hire redistribution is requested, to be secured by section 106 agreement.
- A delivery and servicing plan, construction logistics plan, and construction management plan should be secured by condition.
- The section 106 agreement should be worded so that if the section 106 contribution based on the assumed CIL proves incorrect, the contribution can be adjusted accordingly.

The Council's decision

In this instance, Tower Hamlets Council has resolved to refuse permission.

Recommendation

That Tower Hamlets Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct that he is to be the local planning authority.

Context

1 On 12 June 2015, the Mayor of London received documents from Tower Hamlets Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Category 1C(c) of the Mayor of London Order 2008:

- *1C "Development which comprises or includes the erection of a building of (c) more than 30 metres high and is outside the City of London."*

2 On 22 July 2015, Sir Edward Lister, Deputy Mayor and Chief of Staff, acting under delegated authority, considered planning report D&P/3326a/02, and subsequently advised Tower Hamlets Council that whilst the scheme is generally supported in strategic planning terms, the application did not yet comply with the London Plan for the reasons set out in paragraph 60 of the report. However, the resolution of those issues could result in the application becoming compliant with the London Plan.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, apart from the submission of revised drawings to introduce a chamfered edge on the south-east corner from the fifth storey to roof level. This resulted in a reduction of serviced apartments from 118 to 106 (C1 Use Class) and 1,185 sq.m. of office space (B1 Use Class).

4 On 19 November 2015, Tower Hamlets Council resolved to refuse planning permission for the application and on 26 November 2015 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008, the Mayor may allow the draft decision to proceed unchanged, or issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor has until 9 December 2015 to notify the Council of his decision and to issue any direction.

5 The Council's draft decision notice includes the following reasons for refusal:

1. The proposed development would cause substantial harm to the amenities and living conditions of occupiers of neighbouring residential properties through substantial loss of daylight and sunlight, significant loss of outlook, overbearing nature of the development including undue sense of enclosure. As such the development would be contrary to NPPF, as set out paragraphs 14, 17 and 56 of the NPPF and policies SP10 of the Core Strategy (2010) and DM25 of the Managing Development Document (2013) which seek to protect the amenity of residents including ensuring that development does not result in unacceptable material deterioration of daylight and sunlight conditions for future and existing residents.

2. The proposed development exhibits clear and demonstrable signs of overdevelopment by virtue of:
 - a) its adverse amenity impacts to residential neighbours;
 - b) from its detrimental townscape impacts resulting from the proposed height, scale and mass of the development set on a small, tightly confined site situated upon a narrow street and set within an established lower scale urban street block;
 - c) the proposed developments unacceptable relationship to other tall development set to the east and north of the site that limits the opportunity to achieve a tall building on this site that is compatible with objectives of sustainable development and delivering high quality place-making within Aldgate.

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

3. The proposed development would result in significant harm to the setting of the Grade II* listed St George's German Church and to the Grade II listed Dispensary Building, the former St George's German and English Schools, the former St George's German and English Infants' School by reason of the height, scale, mass of the development set in immediate proximity to these designated heritage assets and the developments impact upon local townscape views of this cluster of listed buildings. The public benefits associated with the proposal, include upgraded employment floorspace, additional short term visitor accommodation housing are not considered to overcome the harm to the setting of the neighbouring listed buildings.

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

4. In the absence of a legal agreement to secure agreed and policy compliant financial and non-financial contributions including for employment, skills, training and enterprise and transport matters the development fails to mitigate its impact on local services, amenities and infrastructure. The above would be contrary to the requirements of Policies SP02 and SP13 of the LBTH Core Strategy, Policies 8.2 of the London Plan and the draft consultation version LBTH Planning Obligations SPD (April 2015).

6 The Mayor's decision on this case, and the reasons, will be made available on the GLA's website www.london.gov.uk.

Article 7: Direction that the Mayor is to be the local planning authority

7 The initial policy test regarding the Mayor's power to take over and determine applications referred under categories 1 and 2 of the schedule to the Order is a decision about who should have jurisdiction over the application rather than whether planning permission should ultimately be granted or refused.

8 The policy test consists of the following three parts, all of which must be met in order for the Mayor to take over the application:

- a) significant impact on the implementation of the London Plan;
- b) significant effects on more than one borough; and
- c) sound planning reasons for his intervention.

9 Parts (a) and (b) of the test identify the impact an application would have on the Mayor's policies and the geographical extent of the impact, whilst part (c) deals with the reasons for the Mayor's intervention, having regard to the Council's draft decision on the application. These tests are intended to ensure that the Mayor can only intervene in the most important cases.

10 This report considers the extent to which the policy tests under Article 7(1) apply in this case and whether, therefore, the Mayor should direct that he is to be the local planning authority and apply the tests set out under Article 7(3) of the Order 2008. In this instance the second does not apply (see paragraph 7 (4) of the Order) [delete if not referable under Category 1A].

Policy test 7(1) (a): Significant impact on the implementation of the London Plan

11 The recommended refusal of this proposal would prevent the provision of 106 serviced apartments. Policy 2.10 of the London Plan lists the strategic priorities for the CAZ, which include business uses that will enhance London's role in the world economy and to enhance and manage the role of the CAZ as the country's premier visitor location. On this basis, the proposal for serviced apartments would support these policies by enhancing facilities for visitors to London and providing local employment opportunities. Similarly, the proposal would support London Plan Policy 4.5 'London's Visitor Infrastructure', which seeks to achieve a target of 40,000 net additional hotel rooms by 2036, ideally focussed within opportunity areas within the CAZ.

12 A reduction in delivery of 106 serviced apartments would have some impact on the aims of London Plan policies; however the application materials, the Mayor's Stage One Report, and the Council's Committee Report make clear that there are a significant number of hotel rooms and serviced apartments proposed (23 schemes and 3,677 rooms) or confirmed (12 schemes and 1,900 rooms) within half a mile of the site. This includes neighbouring sites currently under construction, such as Aldgate Place, Goodman's Fields, and on the corner of Leman Street and Buckle Street. Consequently, the impact on provision and on London Plan policy intentions will be limited. Furthermore, Tower Hamlets Council has no objection to the proposed land use, and the reasons for refusal largely relate to the scale of the development. Consequently, the proposals could be redesigned to meet the Council's concerns.

13 The recommended refusal of this proposal would also prevent the provision of 1,185 sq.m of B1 office space. London Plan Policy 4.2 'Offices' sets out the strategic need for new office space within the Central Activities Zone, and supports the renewal of existing stock. Office provision is also supported by policies relating to the City Fringe Opportunity Area and the Central Activities Zone. The proposed office space would be of a better quality but with a similar, relatively small floorspace. Consequently, the impact on office space provision and on London Plan policy intentions will be limited. As stated above, the proposals could also be redesigned to meet the Council's concerns.

14 In summary, there are not significant impacts on the implementation of the London Plan.

Policy test 7(1) (b): Significant effects on more than one Borough

15 The site is in close proximity to the City of London; however given the scale and nature of the proposals as discussed above, the refusal of the scheme will not have a significant effect on neighbouring Boroughs.

Policy test 7(1)(c): Sound planning reasons for intervening

16 Notwithstanding parts a) and b), part (c) of the policy test is whether the Mayor considers there to be sound planning reasons to intervene. Having regard to the details of the proposal and the Council's draft reasons for refusal, together with the outstanding issues from stage one described below, there are no sound planning reasons to intervene in this case.

17 In order for the Mayor to issue a direction that he is to be the local planning authority, all relevant policy tests must be met. Given policy tests (a), (b) and (c) have not been met, there is no basis to issue a direction under Article 7.

Issues outstanding

18 Notwithstanding the above, should the scheme be considered at appeal or a revised application submitted the applicant should have regard to the following matters. At Stage One, Tower Hamlets Council was advised that whilst the scheme is generally supported in strategic planning terms, the application did not yet comply with the London Plan for the reasons set out in paragraph 60 of the Stage One Report; however, the resolution of those issues could result in the application becoming compliant with the London Plan:

- **Employment space:** The proposals are supported in line with London Plan policy; however the applicant should provide evidence of engagement with a workspace provider or otherwise demonstrate that the space is designed appropriately.
- **Visitor infrastructure:** The proposed serviced apartments are supported in strategic planning terms.
- **Strategic views, World Heritage Sites and historic environment:** The proposal will not be visible in any strategic views, it will not have any impact on the World Heritage Site and it will not exert substantial harm upon the setting of the neighbouring listed buildings. Due to its lesser height and brick cladding, GLA officers consider that the building will act as a foil to cushion the heritage assets from its taller neighbours.
- **Urban design and tall buildings:** Although the small and restricted site places some limitations on the design is generally acceptable in strategic planning terms; however the Council will need to be satisfied that the impact on the Altitude building is acceptable.
- **Inclusive design:** The proposal is acceptable in relation to London Plan inclusive design policies.
- **Transport:** Pedestrian improvements along Buckle Street would be expected to be secured appropriately; 23 cycle parking spaces should be provided as a minimum; a contribution of £90,000 to fund increased Cycle Hire bike redistribution in the vicinity of the site is required; a contribution of £60,000 to extend the Braham Street docking station is required; the travel plan should be secured by condition and discharged in consultation with TfL; a delivery and servicing plan (DSP) should be secured; a construction logistics plan (CLP) should be secured by planning condition; and a wider construction management plan (CMP), which should be discussed with TfL at an early stage.

19 Since then, all issues raised at Stage One have been satisfactorily resolved, other than transport, as discussed below.

20 The Mayor's Stage One report recognised that the south-east corner of the proposed building was approximately five metres from the western elevation of the neighbouring Altitude building; however a system of fixed internal louvres would restrict views and maintain privacy. GLA officers considered this to be acceptable in view of the small and restricted site, subject to the views of the Council. As discussed above, the applicant subsequently submitted revised drawings to introduce a chamfered edge on the south-east corner from the fifth storey to roof level, increasing the distance to the Altitude building to ten metres; however the Council remains concerned about amenity issues, as demonstrated by one of the reasons for refusal.

Transport

21 Transport for London raised issues at Stage One, which remain outstanding. The advice below sets how they could be resolved by condition or via a planning obligation, should the scheme be considered at appeal or a revised application submitted.

22 All occupiers of the serviced apartments should be exempt from applying for a local parking permit and this should be secured by condition.

23 The proposed pedestrian improvements along Buckle Street should be secured appropriately.

24 Subsequent to the Stage One Report, the applicant indicated that 24 cycle spaces would be provided, together with the provision of 8 Brompton folding bicycles. This should be secured appropriately.

25 The Cycle Hire docking stations closest to the site are some of the busiest in London, and consequently it is considered reasonable to secure additional funding to improve capacity and help manage demand in the vicinity of the site, since this development is likely to impact on operational capacity. At Stage One, a contribution of £90,000 was requested to fund increased Cycle Hire bike redistribution in the vicinity of the site, which equates to the cost of one extra visit per day to a single docking station for one year, and a further £60,000 was requested to extend the Braham Street docking station to cater for increased demand. An appropriate number of free membership Cycle Hire keys were also requested for serviced apartment users. Cycle Hire redistribution is the priority, as this will deal with the direct impact from the development and would not be funded by local CIL, and a contribution of £90,000 is therefore requested, to be secured by section 106 agreement.

26 A delivery and servicing plan (DSP) should be secured by condition. A construction logistics plan (CLP) should be produced according to TfL guidance and secured by planning condition. The CLP should form part of wider construction management plan (CMP), as there is some concern about operational and safety impacts on Leman Street, the nearby crossing, and more widely during construction.

27 The Mayor has introduced a London-wide Community Infrastructure Levy (CIL) to help implement the London Plan, particularly Policies 6.5 and 8.3. The rate for Tower Hamlets is £35 per square metre and the required CIL would be confirmed by the applicant and Council once the components of the development have been finalised. The site is also within the Central London Charging Area, where section 106 contributions for Crossrail will be sought in accordance with London Plan Policy 6.5. In these situations, the Mayor's CIL charge will be treated as a credit towards the section 106 liability. The practical effect of this will be that only the larger of the two amounts will normally be sought. As the CIL charge would not be

confirmed until development is about to commence, the section 106 agreement should be worded so that if the section 106 contribution based on the assumed CIL proves incorrect, the contribution can be adjusted accordingly. For development in the Central London Charging area, a contribution of £140 per square metre GIA for offices, £90 per square metre for retail and £61 per square metre for hotels is expected. The Crossrail section 106 contribution is estimated to be approximately £197,238 in this case.

Response to consultation

Statutory consultees

28 Historic England made no objection and recommended that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice. It noted that the construction of one tall building within the immediate setting of this group of listed buildings has already been completed, some others are underway, and further tall structures have been consented, and the setting has therefore, already undergone significant change. Furthermore, it stated that while the proposals compound these changes, the lower height of this tower in relation to its neighbours reduces the harm caused by the new building.

29 The Georgian Group advised that the application be refused consent on grounds of loss of light to the interior of the Grade II* listed St. George's Church, and the visually damaging impact of the proposed building on the setting of the Church and the Grade II listed former dispensing chemists at 19A Leman Street).

Public consultation

30 Tower Hamlets Council publicised the applications by sending notifications to 372 neighbouring properties, as well as issuing site and press notices. The Council received 79 responses, with 56 commonly worded letters in support, 19 individual objections, and 5 groups/associations.

31 The grounds for objection included:

- Loss of light, loss of views and overshadowing to residents.
- Risk of objects falling from the development as occurs with adjacent Altitude.
- Privacy concerns from those windows without obscured glazing and from other windows being inadequately obscured.
- Severe adverse impacts on the setting of a cluster of listed buildings.
- Adverse impact upon the listed church in terms of size and setting; structural impacts of construction; overlooking; and daylight impact to the interior.
- Development is anonymous, bland, lacking charm or harmony with the historic architecture.
- The site is not large enough to accommodate a building of this magnitude.
- Buckle St does not have capacity for increased traffic.
- Serviced apartments can cover a wide range of very short term lets, which can only be controlled with difficulty and which can rapidly lead to the deterioration of an area.
- Windows positioned on the west side of the elevation will prejudice a future opportunity to add further floors to the neighbouring City Reach building.

32 Issues raised by objectors have been considered in this report, the Mayor's Stage One report, and the Council's committee report of 19 November 2015.

Legal considerations

33 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008, the Mayor has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application. The Mayor may also leave the decision to the local authority. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

Financial considerations

34 Should the Mayor take over the application, he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the Council to do so) and determining any approval of details (unless the Council agrees to do so).

Conclusion

35 Having regard to the details of the application, the matters set out in the committee report and the Council's draft decision notice there are no sound planning reasons for the Mayor to intervene in this particular case and therefore no basis to issue a direction under Article 7 of the Order 2008.

for further information, contact GLA Planning Unit (Development & Projects Team):

Colin Wilson, Senior Manager – Development & Projects

020 7983 4783 email colin.wilson@london.gov.uk

Justin Carr, Strategic Planning Manager (Development Decisions)

020 7983 4895 email justin.carr@london.gov.uk

Martin Jones, Senior Strategic Planner, Case Officer

020 7983 6567 email martin.jones@london.gov.uk
