

Committee: Strategic Development Committee	Date: 24 th August 2016	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Application for Planning Permission
Case Officer: Adam Williams	Ref No: PA/15/01789
	Ward: Whitechapel

1. APPLICATION DETAILS

Location: Site Bound by Raven Row, Stepney Way Sidney Street, London E1

Existing Uses: Vacant self-storage facility and a temporary 'pop-up' multi-sports facility

Proposal: Demolition of existing buildings and erection of three blocks ranging from 4 to 25 storeys in height comprising 564 residential units, commercial floorspace, 70 off-street car parking spaces, communal courtyards, associated landscaping and associated ancillary works.

Drawing and documents: *Drawings:*
3273 PL00B (Rev P1);
3273 PL100 (Rev P1);
3273 PL110 (Rev P1);
3273 PL00A (Rev P1);
3273 PL00 (Rev P6);
3273 PL01 (Rev P5);
3273 PL02 (Rev P5);
3273 PL03 (Rev P6);
3273 PL04 (Rev P6);
3273 PL05 (Rev P5);
3273 PL06 (Rev P5);
3273 PL07 (Rev P5);
3273 PL08 (Rev P6);
3273 PL09 (Rev P4);
3273 PL10 (Rev P4);
3273 PL11 (Rev P4);
3273 PL12 (Rev P4);
3273 PL13 (Rev P4);
3273 PL14 (Rev P2);
3273 PLB01 (Rev P5);
3273 PL200 (Rev P4);
3273 PL201 (Rev P5);
3273 PL210 (RevP4);
3273 PL211 (Rev P4);

3273 PL220 (Rev P5);
3273 PL221 (Rev P5);
3273 PL250 (Rev P3);
3273 PL251 (Rev P3);
3273 PL252 (Rev P3);
3273 PL253 (Rev P3);
3273 PL300 (Rev P4);
3273 PL301 (Rev P4);
3273 PL310 (Rev P4);
3273 PL311 (Rev P4);
3273 PL320 (Rev P6);
3273 PL321 (Rev P6);
3273 PL400 (Rev P2);
3273 PL401 (Rev P2);
3273 PL402 (Rev P2);
3273 PL403 (Rev P2);
3273 PL404 (Rev P2);
3273 PL405 (Rev P2);
3273 PL410 (Rev P2);
3273 PL411 (Rev P2);
3273 PL412 (Rev P2);
3273 PL413 (Rev P2);
3273 PL414 (Rev P2);
3273 PL420 (Rev P2);
3273 PL421 (Rev P2);
3273 PL422 (Rev P2);
3273 PL423 (Rev P2);
3273 PL424 (Rev P2);
3273 PL-500 (Rev P2);
3273 PL-501 (Rev P2);
3273 PL-502 (Rev P2);
3273 PL-503 (Rev P2);
3273 PL-504 (Rev P2);
3273 PL-505 (Rev P2);
3273 PL-510 (Rev P2);
3273 PL-511 (Rev P2);
3273 PL-512 (Rev P2);
3273 PL-513 (Rev P2);
3273 PL-514 (Rev P2);
3273 PL-520 (Rev P2);
3273 PL-521 (Rev P2);
3273 PL-522 (Rev P2);
3273 PL-523 (Rev P2);
3273 PL-524 (Rev P2);
3273 PL-525 (Rev P2);
3273 PL-526 (Rev P2);
3273 PL-527;
3273 PL-258;
3273 PL-529;
3273 PL-530;
3273 PL-531;
3273 PL-532;
3273 PL-533;
3273 PL-534;
3273 SK160524;

WSLQ-STO-ZZ-00-DR-A-060-0003 (Rev T01);
WSLQ-STO-ZZ-B1-DR-A-060-0004 (Rev T01);

Documents:

Design and Access Statement, prepared by Stock Wool, dated June 2015;
Design and Access Statement Addendum, prepared by Stock Wool, dated December 2015;
Planning Statement, prepared by DP9, dated June 2015;
Planning Comments for Whitechapel Central, prepared by MLM, dated 16 December 2015;
Radio & Television Interference Assessment, prepared by EMC Consultants, dated 29 May 2015;
Landscape Strategy, reference TOWN571(08)2001 R04;
Revised Landscape Layout, reference TOWN571(08)2003 R03;
Outline Energy Statement, Revision 03, prepared by MLM, dated 8 June 2015;
Waste Management Plan, Version 1, prepared by Laing O'Rourke, dated 15 June 2015;
Statement of Community Involvement, prepared by Your Shout, dated June 2015;
Sustainability Statement, prepared by Waterman, dated June 2015;
Whitechapel Central Addendum Letter: Sustainability, prepared by Rob Miller of Waterman, dated 18 December 2015;
Summer Overheating Assessment, Revision P01, prepared by MLM, dated 27 August 2015;
Transport Assessment, Revision 01, prepared by MLM, dated June 2015;
Travel Plan, Revision 01, prepared by MLM, dated June 2015;
Technical Note 2015.842 – Whitechapel Central Response to Transportation Comments, prepared by MLM, dated 18 December 2015;
Environmental Statement: Non-Technical Summary, prepared by Waterman, dated 19 June 2015;
Environmental Statement Volume 1: Main Text, prepared by Waterman, dated June 2015;
Environmental Statement Volume 2: Figures, prepared by Waterman, dated June 2015;
Environmental Statement Volume 3: Townscape, Heritage and Visual Assessment, prepared by AVR, dated June 2016;
Environmental Statement Volume 4: Appendices, prepared by Waterman, dated June 2015;
Environmental Statement Addendum Volume 1: Main Text, prepared by Waterman, dated December 2015;
Environmental Statement Addendum Volume 2: Figures, prepared by Waterman, dated December 2015;
Environmental Statement Volume 3: Townscape, Heritage and Visual Assessment, prepared by AVR, dated December 2015;
Environmental Statement Addendum Volume 4: Appendices,

prepared by Waterman, dated December 2015;
Further Environmental Information: Environmental Statement Addendum 2: Volumes 1, 2 & 4, prepared by Waterman, dated May 2016;
Further Environmental Information: Environmental Statement Addendum 2: Volume 3: Townscape, Heritage and Visual Impact Assessment, prepared by AVR, dated May 2016;
Environmental Statement: IRR Clarifications, prepared by Waterman, dated November 2015
Supplementary Planning Information – Daylight & Sunlight Analysis, prepared by Waldrams, dated 17 December 2015;
Letter from Michael Harper of Waldrams, dated 23 June 2016, with Appendices.

Applicant:	London & Quadrant Housing Trust
Ownership:	London & Quadrant Housing Trust London Borough of Tower Hamlets
Historic Building:	None
Conservation Area:	Site lies immediately to the north of the Ford Square Sidney Square Conservation Area and to the east of the London Hospital Conservation Area

2. EXECUTIVE SUMMARY

Officers have considered the particular circumstances of this application against the Council's Development Plan policies in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (2016) and the relevant Government Planning Policy Guidance including National Planning Policy Framework and National Planning Practice Guidance and has found that:

- 2.1. The proposals involve the demolition of the existing buildings and the redevelopment of the site to provide 564 residential units (Use Class C3), 2,845sqm of office floorspace (Use Class B1), 437sqm of gym floorspace (Use Class D2) and 223sqm of restaurant floorspace (Use Class A3). The loss of the existing B8 storage floorspace is considered to be acceptable on the basis that the proposed B1 office floorspace would have a higher employment yield than the existing use. In addition, the proposed delivery of new homes and complimentary commercial uses accords with adopted policy and the Council's aspirations and objectives for the site, as set out in Key Place Transformation 5 in the Whitechapel Vision Masterplan SPD. The proposals are therefore acceptable in land use terms.
- 2.2. The Council's aspirations and objectives for the site, as set out in KPT5 in the Whitechapel Vision Masterplan SPD, are for the delivery of a high-density residential-led mixed use scheme. The site also lies within the City Fringe Opportunity Area and Policy 2.13 of the London Plan (2016) seeks to optimise residential densities in such locations. The proposed development would have a net residential density of 1,178hr/ha, which sits slightly above the upper end of the London Plan target density range of 650–1,100hr/ha for this site.

- 2.3. The proposed development would deliver 30.7% affordable housing by habitable room, with the 1 and 2 bed rented units being provided as affordable rented units (at borough framework rents), and with the larger 3 and 4 bed units being provided as social rented units. This is supported as it helps to meet an identified housing need in the borough, of which the greatest need is for the delivery of more family sized affordable homes. The tenure split is 69/31 rented to intermediate, which is just outside the Council's target split of 70/30 and is considered to be acceptable. In addition, the overall residential mix is considered to be acceptable on balance, including a good provision of family sized affordable homes.
- 2.4. The associated Viability Appraisal has been reviewed by the Council's appointed viability consultant, Deloitte, and both officers and Deloitte consider that the current proposals represent the maximum provision of affordable housing that could be provided in this scheme.
- 2.5. The scheme would provide 0.37 hectares of new public open space within the site and includes a significant and policy compliant provision of child play space and communal amenity space. In addition, all homes within the development would benefit from their own private amenity spaces.
- 2.6. The proposed development comprises three courtyard blocks, with buildings ranging from 4 to 25 storeys in height, together with landscaped public open space providing pedestrian routes into and through the site from Raven Row, Sidney Street and Stepney Way. The blocks will be principally faced in brick with shared architectural themes repeated across the scheme, and include two tall buildings, namely Buildings A2 and C1, the facades of which include double and triple order pre-cast concrete grid frames, set within which would be metal cladding, ventilation panels and glazing.
- 2.7. It is considered that the proposed development incorporates the principles of good design, with tall buildings that are of a high architectural quality that will be visible in a number local views from surrounding streets, which accords with the Council's design objectives for the site, as set out in the Whitechapel Vision Masterplan SPD. The submitted Townscape, Heritage and Visual Impact Assessment shows that the proposals would have a negligible impact on strategic views, whilst the impacts on local designated heritage assets would be limited, given the existing local context which includes the new Royal London Hospital building. Special regard has been had to the desirability of preserving or enhancing the setting of heritage assets and any harm that would be caused to designated heritage assets would be 'less than substantial' in nature and this harm would be clearly outweighed by the public benefits of the scheme.
- 2.8. In terms of amenity impacts, the proposed development would result in a noticeable reduction in daylight and sunlight to some neighbouring properties. However, on balance, it is considered that these impacts are not so significant so as to constitute a reason for refusal on amenity grounds. In addition, some of the proposed residential units within the development include habitable rooms that would receive very low levels of daylight and sunlight, particularly on the lower floors of the buildings. Members will need to be satisfied that that the overall quality and regenerative benefits of the scheme outweigh the amenity shortcomings of a number of units on the lower floors.
- 2.9. The scheme includes 70 car parking spaces at basement level, which exceeds the Council's maximum parking standards. Ten percent of spaces would be for disabled parking and 20 percent active/passive provision for electric vehicle charging would be provided, which accords with local and London wide policy. Overall, it is considered that the over-provision of car parking is not so significant so as to constitute a reason for

refusal in this instance. The S106 agreement would also include a clause to prevent residents from obtaining an on-street residential parking permit.

- 2.10. The scheme includes residential and commercial cycle stores which meet policy requirements. The waste storage and collection arrangements are generally acceptable, although will require modification to ensure that local traffic is not disrupted, which would be secured through a Refuse Management Strategy condition. A condition would also be included to secure a Delivery and Service Plan, which will need to ensure that use of the on-site loading bay is maximised.
- 2.11. In terms of energy efficiency and sustainability, the scheme follows the Mayor of London's energy hierarchy of 'Be Lean / Be Clean / Be Green', including the use of high thermal performance materials, a site-wide CHP system and a photovoltaic array. Overall, the scheme would achieve a 56.34% improvement in CO2 emissions over Building Regulations 2013 minimum requirements, which accords with adopted policy. The commercial elements of the scheme have also been designated to achieve a BREEAM 'Excellent' rating, which is supported and would be secured by condition.

3. RECOMMENDATION

- 3.1. That the Committee resolve to GRANT planning permission subject to:
- 3.2. The prior completion of a **legal agreement** to secure the following planning obligations:

Financial contributions:

- a) A contribution of £211,104 towards construction phase employment, skills, training and enterprise.
- b) A contribution of £86,715 towards end user phase employment, skills and training.
- c) A contribution of £88,195 towards Crossrail (to be offset against the Mayoral CIL contribution)
- d) A contribution of £40,000 towards the local bus network (TfL clause)
- e) A contribution of £500 per obligation towards monitoring

Non-financial contributions:

- a) Delivery of 30.7% Affordable Housing comprising of 51 affordable rented units, 43 social rented units and 55 intermediate units.
 - b) 20% local employment during the construction and operational phases.
 - c) 20% of procurement from local business during the construction phase
 - d) Apprenticeships during construction (28) & end user (1) phases
 - e) Advertise vacancies through skillsmatch
 - f) Car Permit Free
 - g) Safeguarding of Land for TfL Cycle Hire Docking Station
 - h) Residential and Commercial Travel Plans
 - i) Scheme of Highway Improvement Works
 - j) Public access to open spaces (Whitechapel Central Square and Whitechapel Green)
 - k) Requirement to include advice to future leaseholders regarding the potential local noisy environment
 - l) TV reception surveys and mitigation
 - m) Compliance with LBTH Code of Construction Practice
- 3.3. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.

3.4. That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:

3.5. **Conditions**

1. Time limit
2. Development in accordance with plans
3. 10% wheelchair homes
4. 1:50 plans of wheelchair adapted homes
5. Details and samples of facing materials and detailed drawings
6. Details of landscaping, including communal amenity space
7. Details of child play space
8. Secure by Design certification
9. Internal noise levels for residential units
10. Noise insulation between commercial and residential premises
11. Noise limits for fixed plant
12. Mechanical ventilation and fixed shut windows to residential units
13. Contaminated land scheme
14. Archaeological Written Scheme of Investigation (Historic England GLAAS)
15. Car Parking Management Plan (including allocation of disabled spaces and electric charging points)
16. Details of cycle parking stores
17. Details of surface level short stay cycle parking
18. Construction Environmental Management Plan
19. Construction Logistics Plan
20. Delivery and Service Plan
21. Refuse Management Strategy
22. Surface water drainage scheme
23. Detailed Phasing Plan and Programme of Works (Barts Health NHS Trust)
24. Movement of abnormal loads (Barts Health NHS Trust)
25. Geotechnical Report (London Overground)
26. Crane / Lifting Management Plan (London Overground & Barts Health NHS Trust)
27. Water Supply Impact Study (Thames Water)
28. Piling Method Statement (Thames Water)
29. Biodiversity enhancement measures
30. Revised Air Quality Neutral Assessment with alternative CHP
31. Details of mechanical ventilation with NOx filtration or high level intake
32. CO2 emission reductions in accordance with the Outline Energy Statement;
33. Detailed specification of photovoltaic array
34. BREEAM 'Excellent' rating for non-residential element of the development
35. Details of wind mitigation measures to balconies

3.6. **Informatives**

1. Subject to s106 agreement
2. Subject to s278 agreement
3. CIL liable
4. Thames Water informatives

3.7. Any other conditions(s) considered necessary by the Corporate Director Development & Renewal.

- 3.8. That, if within 3 months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning consent.

4. PROPOSAL, LOCATION DETAILS and DESIGNATIONS

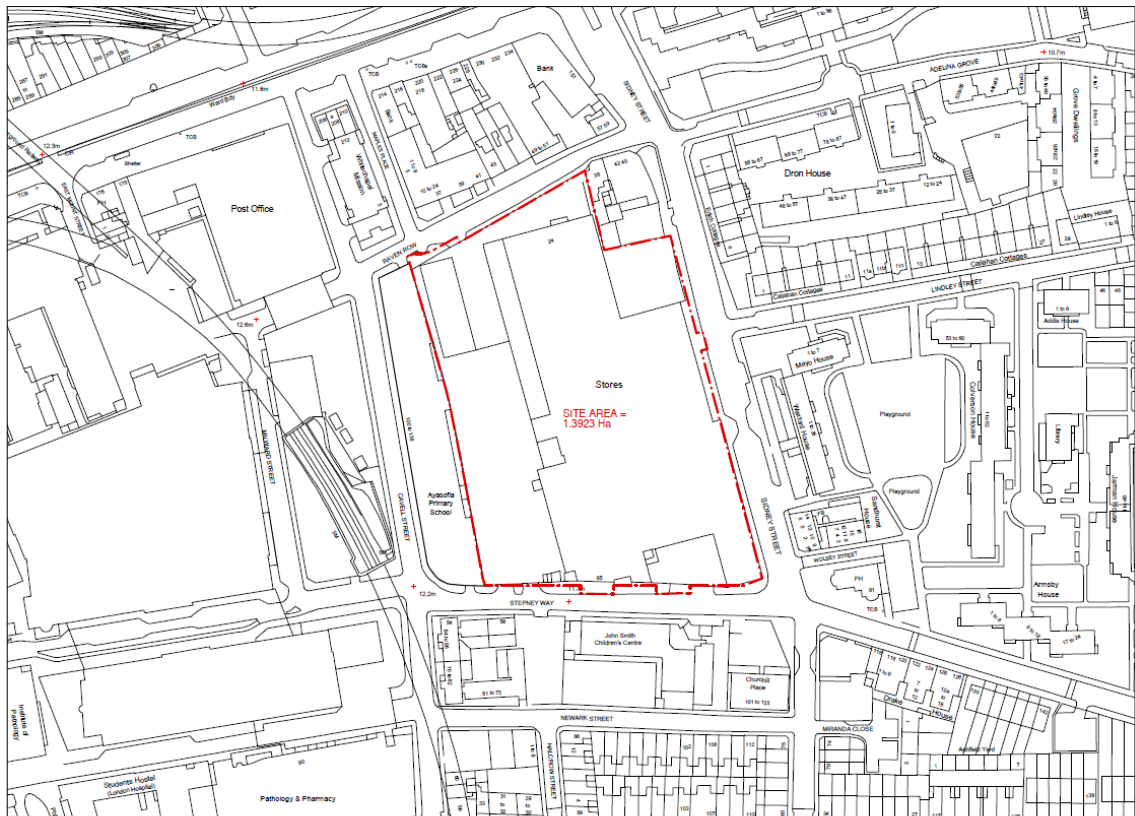
Proposal

- 4.1. The proposals are for the demolition of the existing buildings on the site and erection of three blocks ranging from 4 to 25 storeys in height to provide 564 residential units, 223sqm of A3 restaurant floorspace, 2,845sqm of B1 office floorspace and 437sqm of D2 gym floorspace, with communal courtyards, associated landscaping and ancillary works and 70 off-street car parking spaces at basement level.

Site and Surroundings

- 4.2. The application site covers an area of 1.39ha and is broadly trapezoidal in plan form, comprising a main building which ranges between two and six storeys in height plus a tall lift-overrun, together with a single-storey open-sided shed and open land. The main building comprises 23,880sqm of floorspace and was formerly occupied by Safestore Self-storage. The building currently includes 19,180sqm of vacant B8 storage floorspace whilst part of the building is currently in use as a temporary 'pop-up' multi-sports facility, which covers 4,700sqm of floorspace.
- 4.3. The northern edge of the site bounds the public highway on Raven Row, the north-east corner of the site bounds a two storey Victorian house at 38 Raven Row and a cleared site at 40-42 Raven Row and 143-149 Sidney Street that is currently used as a car park and car wash, the eastern edge of the site bounds the public highway on Sidney Street, the southern boundary of the site bounds the public highway on Stepney Way and the eastern edge of the site bounds the two storey building at 100-136 Cavell Street, which includes a range of commercial and educational uses.

Site Location Plan



- 4.4. The surrounding area is home to a broad range of uses and activities, with the site located 60 metres to the south of Whitechapel Road, which includes a large number of retail and commercial units, together with the vibrant Whitechapel Market. The site is also located a short distance to the east of the Royal London Hospital and the surrounding area includes a number of associated medical and educational facilities, with the area to the south of former Royal London Hospital being informally referred to 'Med City'. The areas to the south and east of the application site are predominantly residential in character, including period terraced housing and post-war flatted development.
- 4.5. The surrounding built form is equally varied in character and scale, with the skyline being dominated by the new Royal London Hospital Building, which has a large footprint of approximately 8,000sqm and rises to a height equivalent to 26 residential storeys, whilst the area to the south of the site is characterised by traditional Georgian and Victorian terraces of two storeys in height arranged around protected London Squares, specifically Ford Square and Sidney Square. The wider area also includes post-war former social housing blocks that rise to up to six storeys in height, with the closest blocks being located on the opposite side of Sidney Street from the application site.
- 4.6. The site benefits from excellent access to public transport, being located 180 metres to the south-east of Whitechapel Station, which is served by London Underground and London Overground services and will be served by the forthcoming Elizabeth Line (Crossrail) services from 2019. Whitechapel Road and Sidney Street are also well served by a large number of bus routes. A new TfL Cycle Superhighway has recently been installed on Whitechapel Road and there are a number of TfL Cycle Hire docking stations located a short walk from the site. As a result the Public Transport Accessibility

Level (PTAL) within this site ranges from 6a at the south to 6b at the north, where a PTAL score of 1 is poor and 6b is excellent.

Designations

- 4.7. The site lies within the 'Core Growth Area' part of the City Fringe Opportunity Area, as designated in the London Plan (2016). The site also lies within 'Key Place Transformation 5: Raven Row' in the Council's Whitechapel Vision Masterplan Supplementary Planning Document (SPD) (2013).
- 4.8. The site, as with the whole Borough, is within Air Quality Management Area.
- 4.9. The site lies within the 'Whitechapel Station' Crossrail Charging Zone.
- 4.10. Whilst the site itself is not within a Conservation Area, the site lies immediately to the north of the Ford Square Sidney Square Conservation Area and a short distance to the east of the London Hospital Conservation Area, the focal point of which is the Grade II listed former Royal London Hospital building on Whitechapel Road.
- 4.11. The application site and its immediate surroundings include no statutory or locally listed buildings.

Relevant Planning History

PA/00/00305

- 4.12. On 11th April 2000 planning permission was granted for continuation of a temporary car park use by staff of Barts and the London NHS Trust.

PA/00/00637

- 4.13. On 15th June 2000 planning permission was granted for an extension to the existing storage facility.

PA/00/01480

- 4.14. On 22nd December 2000 planning permission was granted for the installation of telecommunications equipment on the roof of the Abbey Storage Building.

PA/01/00221

- 4.15. On 6th April 2001 temporary planning permission was granted for the continued use of the site for car parking for NHS Trust staff for a period of three years.

PA/01/00638

- 4.16. On 9th October 2001 advertisement consent was granted for the display of eight illuminated signs at different locations on the building.

PA/04/01591

- 4.17. On 17th February 2005 advertisement consent was granted for the display of signage.

PA/05/00906

- 4.18. On 26th July 2005 advertisement consent was granted for the display and replacement of internally illuminated fascia signs.

PA/05/01536

- 4.19. On 27th October 2005 planning permission was granted for the erection of a new shopfront in line with front elevation.

PA/14/02527
4.20. On 24th October 2014 the Council issued a Scoping Opinion on the information to be contained in an EIA to be submitted in support of an application for commercial/residential development.

PA/14/03608
4.21. On 9th March 2015 planning permission was granted for the creation of a 'pop-up' style multi-sports environment on 2nd floor level within existing vacant building including ancillary refreshment area, for a temporary period until 1st April 2016.

PA/15/02081
4.22. On 20th August 2015 an application for prior notification of proposed demolition was withdrawn by the applicant.

PA/15/03151
4.23. On 30th November 2015 the Council issued a Screening Opinion advising that an EIA would be required in respect of the demolition of the existing buildings on land bound by Raven Row, Stepney Way and Sidney Street.

PA/16/00604
4.24. An application for planning permission has been received, although is currently invalid, which proposes the renewal of planning permission PA/14/03608 for creation of a 'pop-up' style multi-sports environment on 2nd floor level within existing vacant building including ancillary refreshment area which is due to expire on 1st April 2016.

PA/16/00670
4.25. An application for planning permission has been received and is currently pending determination for the demolition of existing buildings above ground slab level.

5. POLICY FRAMEWORK

5.1. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.

5.2. **Government Planning Policy Guidance/Statements**
National Planning Policy Framework (2012) (NPPF)
Planning Policy Guidance (Online)

5.3. **London Plan - incorporating the Minor Alterations to the London Plan (2016)**

- 2.1 London
- 2.9 Inner London
- 2.13 Opportunity Areas and Intensification Areas
- 3.1 Ensuring Equal Life Chances for All
- 3.2 Improving Health and Addressing Health Inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People's Play and Informal Recreation Facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities
- 3.10 Definition of Affordable Housing

- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 3.16 Protection and Enhancement of Social Infrastructure
- 3.19 Sports Facilities
- 4.1 Developing London's economy
- 4.2 Offices
- 4.3 Mixed Use Development and Offices
- 4.8 Supporting a Successful and Diverse Retail Sector and Related Facilities and Services
- 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
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.17 Waste Capacity
- 5.18 Construction, Excavation and Demolition Waste
- 5.21 Contaminated Land
- 6.1 Strategic Approach to Transport
- 6.3 Assessing Effects of Development on Transport Capacity
- 6.4 Enhancing London's Transport Connectivity
- 6.5 Funding Crossrail and Other Strategically Important Transport Infrastructure
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings
- 7.8 Heritage Assets and Archaeology
- 7.9 Heritage-led Regeneration
- 7.10 World Heritage Sites
- 7.11 London View Management Framework
- 7.12 Implementing the London View Management Framework
- 7.13 Safety, Security and Resilience to Emergency
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.18 Protecting Local Open Space and Addressing Local Deficiency
- 7.19 Biodiversity and Access to Nature
- 7.21 Trees and Woodland
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy (CIL)

5.4. **Tower Hamlets Core Strategy (2010) (CS)**

- SP01 Refocusing on our Town Centres
- SP02 Urban Living for Everyone
- SP03 Creating a Healthy and Liveable Neighbourhoods
- SP04 Creating a Green and Blue Grid
- SP05 Dealing with Waste
- SP06 Delivering Successful Employment Hubs
- 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

5.5. **Managing Development Document (2013) (MDD)**

- DM0 Delivering Sustainable Development
- DM1 Development within the Town Centre Hierarchy
- DM3 Delivering Homes
- DM4 Housing Standards and Amenity Space
- DM8 Community Infrastructure
- DM9 Improving Air Quality
- DM10 Delivering Open Space
- DM11 Living Buildings and Biodiversity
- DM13 Sustainable Drainage
- DM14 Managing Waste
- DM15 Local Job Creation and Investment
- DM20 Supporting a Sustainable Transport Network
- DM21 Sustainable Transportation of Freight
- DM22 Parking
- DM23 Streets and the Public Realm
- DM24 Place-sensitive Design
- DM25 Amenity
- DM26 Building Heights
- DM27 Heritage and the Historic Environment
- DM29 Achieving a Zero-carbon Borough and Addressing Climate Change
- DM30 Contaminated Land

5.6. **Supplementary Planning Documents and Guidance include**

- Whitechapel Vision Masterplan Supplementary Planning Document, LBTH (2013)
- Planning Obligations Supplementary Planning Document (2012)
- Revised Draft Planning Obligations Supplementary Planning Document, LBTH (Consultation Version, 2015)
- Designing Out Crime Supplementary Planning Guidance, LBTH (2002)
- Draft Affordable Housing Supplementary Planning Document, LBTH (Engagement Version May 2013)
- Housing Supplementary Planning Guidance, GLA (2016)
- City Fringe Opportunity Area Planning Framework, GLA (2015)
- Shaping Neighbourhoods: Play and Informal Recreation Supplementary Planning Guidance, GLA (2012)
- Use of Planning Obligations in the Funding of Crossrail Supplementary Planning Guidance, GLA (2013)
- London View Management Framework Supplementary Planning Guidance, GLA (2012)
- Sustainable Design and Construction Supplementary Planning Guidance, GLA (2014)

5.7. **Tower Hamlets Community Plan**

The following Community Plan objectives relate to the application:

A Great Place to Live

A Prosperous Community

A Safe and Supportive Community

A Healthy Community

5.8. **Other Material Considerations**

Ford Square Sidney Square Conservation Area Character Appraisal and Management Guidelines, LBTH (2007)

London Hospital Conservation Area Character Appraisal and Management Guidelines, LBTH (2007)

Whitechapel Market Conservation Area Character Appraisal and Management Guidelines, LBTH (2009)

Stepney Green Conservation Area Character Appraisal and Management Guidelines, LBTH (2009)

London Borough of Tower Hamlets Strategic Housing Market & Needs Assessment, DCA (2009)

Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment, English Heritage (2008)

The Setting of Heritage Assets, English Heritage (2011)

Conservation Area Designation, Appraisal and Management – Historic England Advice Note 1 (2016)

Tall Buildings – Historic England Advice Note 4 (2015)

Air Quality Action Plan, LBTH (2003)

Clear Zone Plan 2010-2025, LBTH (2010)

Tower Hamlets Tenancy Strategy, LBTH (2013)

District Heating Manual for London, GLA (2013)

6. CONSULTATION RESPONSE

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

6.2. The following were consulted regarding the application:

Internal Consultees:

LBTH Environmental Health (Air Quality)

6.3. The Air Quality Assessment concludes that the development will not have any significant impacts on the Local Air Quality from the operational phase and that the existing air quality at the site will be below the air quality objectives in the opening year therefore is suitable for residential use. I would however question why the Ayosofia Primary school next door to the development was not included in the sensitive receptors modelled in the study.

6.4. The Air Quality Neutral Assessment shows that the development is not Air Quality Neutral in regards to the building emissions which are over twice as high as the benchmarked emissions. This is not acceptable. The chosen heating plant should be reconsidered to reduce emissions so that the development is air quality neutral or further mitigation must be provided. It is recommended that details of alternative heating plant be secured by condition.

- 6.5. The NO2 Sensitivity Test shows that in the opening year the NO2 annual objective would be exceeded at the ground floor. A mechanical ventilation condition should be included for all residential units shown to exceed the annual NO2 objective (first 2 floors) as shown in the sensitivity test included in Appendix 9.2 of the ES, with either Nox filtration or the air inlet high up on the roof where the air will be cleaner.
- 6.6. The demolition and construction assessment identifies the development as a High Risk Site for dust and emissions from construction, and lists mitigation measures for a site of this risk. The demolition/construction assessment is accepted provided the mitigation measures stated in the report are instigated at the development throughout the duration of construction, with a Construction/Demolition Environmental Management Plan to be secured by condition. This is required prior to the commencement of the development. As the development will have phased occupation dust monitoring is required.
- 6.7. *Officer Comments: Noted. The above conditions will be included.*

LBTH Environmental Heath (Contaminated Land)

- 6.8. No objections subject to the inclusion of a planning condition to require no development to commence until a land contamination scheme has been submitted to and approved by the Council, and to require the development not to be occupied until the remediation works thereby approved have been carried out in full and a verification report has been submitted to and approved by the Council.
- 6.9. *Officer Comments: Noted. The above recommended land contamination condition will be included.*

LBTH Environmental Heath (Noise & Vibration)

- 6.10. *No comments have been received.*

LBTH Enterprise & Employment

- 6.11. The following planning obligations should be secured through a S106:

Financial Contributions

- Construction phase = £211,104.00
- End-user phase = £86,715.37

Non-financial Obligations

- 20% local labour construction
- 20% use of local suppliers construction (enterprise)
- construction apprenticeships
- 20% end-user phase jobs (reasonable endeavours) for local people
- all vacancies advertised through Skillsmatch
- apprenticeships/traineeships where possible

Officer Comments: Noted. The above planning obligations would be secured through the S106 agreement.

LBTH Communities, Localities & Culture

- 6.12. *No comments have been received.*

LBTH Transportation & Highways

- 6.13. Highways object to the proposed level of on-site car parking given that the site benefits from excellent access to public transport. Residential car parking on this site, aside from blue badge holder (disabled) parking should be nominal, only accounting for the potential need to absorb demand resulting from the Council's Permit Transfer Scheme. Either the number of parking spaces should be substantially reduced, or the proportion of blue badge holder parking should be increased.
- 6.14. The S106 agreement should include an obligation prohibiting all occupiers of the new development from obtaining on-street parking permits, given the excellent public transport accessibility and high-levels of on street parking stress in the surrounding streets.
- 6.15. The proposed level of cycle parking is in line with London Plan policy.
- 6.16. With regard to servicing, the use of the on-site loading bay should be maximised and a condition should be included to require the submission of a Delivery and Service Plan prior to first occupation of the development.
- 6.17. With regard to refuse storage, the refuse store adjacent to the vehicle entrance on Stepney Way is not acceptable as stopped refuse vehicles in this location could cause localised traffic congestion. Refuse collection for Blocks B and C should take place from the on-site servicing bay between Blocks C1 and C3.
- 6.18. With regard to the public realm works, the proposed alterations to Raven Row are acceptable, save for the widening of the carriageway adjacent to the western end of the site, which should be reduced to accommodate only one large servicing vehicle on Raven Row.
- 6.19. A condition should be included to secure a scheme of highways improvement works and the S106 should include an obligation to secure improvements to the access between the site and the local public transport / walking / cycling network.
- 6.20. *Officer Comments: Noted. These points are discussed in Section 8 of this report below. The above conditions/ obligations will be included.*

LBTH Biodiversity Officer

- 6.21. The application site consists largely of buildings and hard standing, with a few trees on the boundary. The buildings are not suitable for roosting bats. There will, therefore, be no significant adverse impacts on biodiversity, though the loss of the existing boundary trees would be a minor adverse impact. Ecology was correctly scoped out of the ES.
- 6.22. The proposals include significant areas of soft landscaping, including public realm and courtyards at ground level and "brown roofs". A condition should be included to secure details of all biodiversity enhancements, to be agreed by the Council before work commences. This will ensure that best practice guidance is followed, which in turn will ensure that the development contributes to LBAP targets.
- 6.23. *Officer Comments: Noted. The above biodiversity condition will be included.*

LBTH Arboricultural Trees Officer

- 6.24. *No comments have been received.*

LBTH Education Development Team

6.25. *No comments have been received.*

LBTH Public Health Strategist

6.26. *No comments have been received.*

LBTH Market Services

6.27. *No comments have been received.*

LBTH Surface Water Run-off Team

6.28. A pre-commencement condition should be included to secure details of a surface water drainage scheme, to include a strategy to demonstrate how any SuDS and/or attenuation features will be suitably maintained for the lifetime of the development.

6.29. *Officer Comments: Noted. The above surface water drainage scheme condition will be included.*

LBTH Occupational Therapist

6.30. Further information should be provided on the accessibility of routes to/from communal refuse store and any communal gardens. In addition, if there is no parking on-site, a car drop off/pick up space should be provided. All 1 bed and 2 bed wheelchair adapted units must have showers not baths and also wheelchair accessible kitchens with hobs/sink and a run of worktop on height adjustable brackets.

6.31. I have reviewed the detailed plans of the wheelchair adapted units, the layout of some of which will need to be modified to ensure that they are fully compliant. It is recommended that a condition be included to secure full details of all wheelchair adapted units.

6.32. *Officer Comments: Noted. The scheme does provide on-site car parking, including disabled parking. The above recommended condition will be included.*

LBTH Waste Policy & Development

6.33. The submitted plans indicate that the refuse stores for some blocks do not include the required amount of containers. For Block A3 & A4 the bin stores are seemingly over the maximum 10 metre distance from collection vehicle. This will need to be rectified, or, as with Block B and C3, containers will need to be wheeled to a temporary holding area near Sidney Street (within 10 metres), allowing for the total number of containers to be stored prior to collections being made so there are not waiting periods during collections (i.e. 45 containers - including food).

6.34. Regarding the temporary holding area for Block B and C3 bins, can it be clarified that this area will be large enough to store all the necessary bins (worst case scenario is that all collections are arranged on the same day to create service efficiencies) from these stores (i.e. in total – including food waste – 99 containers). It will be necessary for the containers to be brought to the street level holding area prior to collections so there is no waiting time whilst containers are brought up to street time and / or rotated.

- 6.35. *Officer Comments: Noted. The scheme was subsequently amended and the adequacy of the refuse storage and collection arrangements is discussed in Section 8 of this report. It is recommended that a condition be included to secure a Refuse Management Strategy for the development.*

External Consultees

Greater London Authority

Principle of Development

- 6.36. The principle to include residential and commercial uses as part of a high-density mixed-use development proposal is considered acceptable in line with the London Plan and the draft emerging [now adopted] City Fringe Opportunity Area Planning Framework (OAPF).

Employment

- 6.37. The proposals are within the area identified by the draft emerging City Fringe OAPF as the 'outer core' area, where demand from SMEs is expected to continue and demand from the expanding digital-creative cluster expected to increase over the medium-long term. As the application involves demolition of existing employment floorspace, it is expected that a significant quantum be provided in the scheme.
- 6.38. The applicant has confirmed that the proposals will provide approximately 3,497sqm (GIA) of B1 office floorspace, which could support 350 jobs using an assumption of 10sqm per employee, which roughly equates to the number of jobs that the current building can support. More jobs could be provided if an 8sqm job density assumption was used, such as for offices with hot-desking, which is a reasonable assumption for at least some of the office space, particularly any affordable element. The level of office space is therefore welcomed in line with the draft City Fringe OAPF. Further details should be provided on how any affordable workspace would be secured by the Council.

Housing Supply

- 6.39. The provision of 609 units [subsequently reduced to 564 units] on this site is a welcome contribution towards meeting London's housing need and is supported in line with London Plan Policy 3.3.

Density

- 6.40. The current proposals equate to 1,152 habitable rooms per hectare, which is slightly higher than the range indicated in Table 3.2 of the London Plan. However, this has been calculated using the total site area rather than the net residential site area, as is recommended for mixed use schemes. The applicant should re-calculate the density using the net residential site area.

Affordable Housing and Tenure Split

- 6.41. The proposals would deliver 118 affordable rented units and 58 shared ownership units, comprising a total of 530 habitable rooms. This equates to 33% affordable housing by habitable room, split 72/28 between affordable rented and intermediate tenures. This represents a departure from Policy 3.11 of the London Plan [which seeks a 60/40 split]; however, it is recognised that this has regard to local need and the 70/30 split favoured by Tower Hamlets Council. One and two bedroom units are predominant within the

indicative mix, with 86 units being three bed or larger, which is welcomed. Of the larger units, 49 are for affordable rent, which is welcomed in line with Policy 3.11.

- 6.42. With regard to scheme viability, given the size of the scheme and the likelihood that it will be delivered in phases, it is likely that a review mechanism will be appropriate, to be secured through the S106.

Children's Play Space

- 6.43. The landscape strategy estimates (using Tower Hamlets guidelines) that the development would have a maximum child yield of 168 children, whilst the GLA child calculator provides an alternative estimate of 186 children. The Shaping Neighbourhoods SPD states that the require children's play provision would equate to 1,860sqm and should include space for under 5s and on-site youth space.
- 6.44. The Landscape Strategy confirms that a total of 2,407sqm of play space would be provided, including doorstep, neighbourhood and local playable space, together with youth space. Whilst this provision is welcome and is considered to be a reasonable offer, the final mix and tenure should be confirmed once viability discussions have concluded to check the child yield and play space provision remains in line with policy.

Urban Design

- 6.45. The proposed development has been discussed extensively at pre-application stage and officers are generally supportive of the design of the scheme. The overall layout creates a permeable and legible public realm network through the site, which is well defined and animated by flanking development. Inactive frontages at ground floor level have been minimised, which is welcomed.
- 6.46. Further works remains to be done to the ground floor residential units, as many have bedrooms facing the public highway, which compromises their privacy and quality. However, notwithstanding this point, the residential quality is generally high.
- 6.47. The proposed height of the scheme is taller than the overall existing contextual height in the area, although there are a number of other tall buildings, including the hospital. However, given the site's location within an Opportunity Area, its high PTAL and proximity to Whitechapel District Centre, the height of the scheme does not raise a strategic concern in itself. The architectural appearance of the proposal is considered to be acceptable and the use of brick as a main material provides a robust and long lasting look.

Strategic Views

- 6.48. The submitted Townscape and Visual Impact Assessment (TVIA) demonstrates that the development site is not within any London View Management Framework (LVMF) viewing corridors or background assessment areas. In each instance, the impact on the LVMF panoramas is minor and the resulting effect negligible, with the setting of St Paul's unaffected.

Historic Environment

- 6.49. The site lies 1.6km to the east of the Tower of London UNESCO World Heritage Site (WHS) and the views in the TVIA demonstrate that the proposals would have a negligible impact on the setting of the WHS and no impact on the ability to recognise the landmark. The development also has the potential to impact on 17 Grade I and II listed

buildings within 300 metres of the site and 6 nearby Conservation Areas. In most instances the distance between the site and nearby listed buildings and conservation area, the dense nature of the building environment and the lack of street or open spaces aligned to allow a view of the site mean that any potential effects to the setting of these designated heritage assets are negligible. Where the taller elements of the scheme become visible they would be seen in relation to the taller elements of the Royal London Hospital already within the established setting.

- 6.50. In shorter views the taller elements appear set-back from the lower buildings and part of an emerging cluster, where as in longer views the tall, slender tower helps to break up the bulk and mass of the hospital structures. Within the Ford Square Sidney Square Conservation Area the TVIA demonstrates that the proposals would be largely screened by mature trees, even at times of the year when foliage is absent, and the effect of the significance of the locally listed buildings in Ford Square would be negligible.
- 6.51. Whilst the TVIA illustrates that scheme is visually prominent in some views, officers do not consider it to create any harm to the setting of nearby conservation areas, listed buildings or non-designated heritage assets.

Inclusive Design

- 6.52. The scheme proposals include 10% wheelchair adaptable units, provided across all tenures, which preference given to ground floor units in order to facilitate good access. The submitted plans show that all wheelchair adaptable units conform to Building Regulations Part M. There are no significance level changes across the site and the Design & Access Statement confirms that access to all residential front doors, amenity space, balconies, terraces and gardens will be step free, which is welcomed.

Climate Change

- 6.53. The applicant has broadly followed the energy hierarchy and sufficient information has been provided to broadly understand the proposals as a whole. By following the London Plan energy hierarchy the applicant expects an overall reduction of 359 tonnes of CO₂ per year in regulated emissions compared to a 2013 Building Regulations compliant development, which is equivalent to an overall saving of 56%, which is welcomed. However, further information is required before full compliance with London Plan policy can be verified.

Flood Risk & Sustainable Drainage

- 6.54. The site lies within Flood Zone 1 and has no significant surface water flood risk. The submitted flood risk assessment confirms that the site will reduce the current surface water discharge from a maximum of 118 litres per second to 10 litres per second through the use of four floor water attenuation tanks. The application is therefore considered compliant with London Plan Policy 5.13.

Transport

- 6.55. The applicant proposes 70 car parking spaces for the residential element, of which 7 are for Blue Badge holders only, equating to 0.11 spaces per unit which, is within the London Plan maximum standards. The commercial element is car free, which is welcomed. However, the Blue Badge provision is not in line with the Housing SPG, which requires all wheelchair accessible units to have access to a Blue Badge bay. It is expected that the allocation process would be managed through a Car Parking

Management Plan, to be secured by condition. In addition, 20% active and 20% passive electrical vehicle changing points should be provided and it is expected that future occupiers will be prevented from securing a residential on-street parking permit.

- 6.56. The application proposes 996 cycle parking spaces, which accords with the London Plan minimum standards. However, there remain concerns with their location and access, particularly those located within residential amenity spaces and areas of public realm.
- 6.57. The Pedestrian Environment Review System (PERS) audit identifies that a section of footway on the west side of Sidney Street suffers from restricted width and it is recommended that the Council explores the feasibility of widening the footway.
- 6.58. The cumulative impact of the development within the Whitechapel area will have an impact on local bus capacity and a financial contribution of £40,000 should be secured through the S106 to mitigate this impact.
- 6.59. The closest cycle hire docking station has very high utilisation and demand is expected to increase. Therefore, in accordance with London Plan Policy 6.9 it is requested that the proposals safeguard land to accommodate a 32 point cycle hire docking station on-site.
- 6.60. Both a residential and a workspace travel plan are required, which should be secured through the S106. The preference is for all freight activities to occur on site and a Delivery and Servicing Plan and framework Construction Logistics Plan should be secured by condition, to be discharged in consultation with TfL.

Crossrail

- 6.61. The site is within a defined 1km Crossrail charging zone and on the basis that there is an uplift of 3,338sqm of B1 office floorspace a financial contribution towards Crossrail of £103.478 should be secured in the S106.
- 6.62. *Officer Comments: Noted. The scheme has been revised since the above comments were made and a detailed assessment of the proposals is provided in Section 8 off this report. The above recommended conditions and S106 obligations will be secured.*

Transport for London

Car Parking

- 6.63. TfL remain content that the overall parking provision is acceptable and welcome the provision of Electric Vehicle Charging Points in line with the London Plan, the location of which should be secured through a Carpark Management Plan. However, TfL's initial concerns over the level of Blue Badge Parking [see GLA comments above], which would require all car parking spaces to meet Blue Badge specifications, have not been addressed and this matter should be resolved before the application is determined.

Cycle Parking

- 6.64. TfL welcomes the positive response of the applicant to provide double width (1.2m) doors to access all cycle parking rooms and the inclusion of powered doors and the inclusion of space for non-standard cycles complies with the London Cycle Design Guidance best practice guidance. However, access to basement cycle storage area 'C1-120' does not meet the required width, which should be addressed.

Cycle Hire

- 6.65. TfL have identified the site as suitable for providing additional docking points for the cycle hire network. The docking station should be integrated into the public realm in such a manner that would not affect the urban design principles. The station would have to be on the footway or carriageway with 24/7 loading access so we can carry on the bike redistribution. The footway would need to be wide enough to leave approximately 2m for pedestrians, buggies etc... Further discussion is welcomed by TfL to ensure the station is located appropriately for both parties.

Freight

- 6.66. TfL queries why all servicing cannot place from the off-street loading bays. A Framework Delivery and Servicing Plan should be provided prior to stage 2 to detail the effects and determine the necessity of any on-street servicing requirements.
- 6.67. *Officer Comments: Noted. A condition will be included to secure full details of the cycle parking facilities, including access arrangements. The applicant has agreed to safeguard an area of public open space within the site for a new cycle hire docking station, which will be secured through the S106 agreement. In addition, a Delivery & Service Plan would be secured by condition.*

Historic England

- 6.68. The site is not in a Conservation Area and does not contain any heritage assets. The extent of demolition and the principle of development are not contentious.
- 6.69. We note that the tall elements of the proposal will appear in the setting of the Ford Square and Sidney Square Conservation Area, and above the roof line of those two London Squares. The setting of these designated heritage assets has already been compromised by the presence of the Royal London Hospital though we advise the council to be mindful of the cumulative impact of further construction on this scale. The development itself will approach the height of the hospital (Block C is only ten metres shorter) and at 91.75m AOD will exceed the maximum 75m height identified in the council's draft tall buildings strategy for this site.
- 6.70. Your council should be advised that the Whitechapel Vision Masterplan which underpins the planning of this development included the protection and enhancement of the historic environment as one of the guiding principles and ambitions of the Vision (Section 5.3). The revealing and enhancing of significance through new development in the setting of designated heritage assets also constitutes one of the aims of the National Planning Policy Framework's strategy for the historic environment (Paragraph 137).
- 6.71. We continue to question the suitability of the Whitechapel area for the construction of new buildings of this dramatic height. Further, we advise that your council satisfy themselves that the scale, and quality of this development will not negatively impact on the sense of local distinctiveness. We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
- 6.72. *Officer Comments: Noted. A full assessment of the heritage impacts of the proposal is provided in Section 8 of this report.*

Historic England – Greater London Archaeological Advisory Service

- 6.73. I am in receipt of the further archaeological information previously requested. The results of the further field evaluation show that there is no evidence that the line of C16/C17 post holes encountered in the first stage of field evaluation in 2015, extend to form the Red Lion Playhouse and are in fact part of an early post-medieval boundary.
- 6.74. In conclusion therefore there is no longer any objection on the grounds of insufficient archaeological information to a decision being made on this application. However there remains the likelihood that other post-medieval archaeological remains may survive across the site, but that these are not considered to be of national significance and can be dealt with through an archaeological planning condition.
- 6.75. Specifically, a condition should be included to require the submission for approval of a Written Scheme of Investigation (WSI), in consultation with Historic England GLAAS. The WSI must include the statement of significant and research objectives, together with programme and methodology of site investigation and recording, and the programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.
- 6.76. *Officer Comments: Noted. The above archaeological condition will be included. This is discussed further in Section 8 of this report.*

Environment Agency

- 6.77. We are a statutory consultee on all development projects subject to Environmental Impact Assessment. We have no comments for this application because we consider the proposal to be low risk in respect of the environmental constraints that fall under our remit.
- 6.78. *Officer Comments: Noted.*

London Underground

- 6.79. I can confirm that London Underground Infrastructure Protection has no comment to make on this planning application
- 6.80. *Officer Comments: Noted.*

London Overground (Rail for London)

- 6.81. A Rail for London (RfL) tunnel runs north to south between Whitechapel and Shadwell in this location. RfL needs to ensure that the proposed works do not present a risk to the safe and efficient operation of the railway. To this end, it is requested that planning conditions are included to secure both a Geotechnical Report and a Crane/Lifting Management Plan, to be agreed with RfL.
- 6.82. *Officer Comments: Noted. The above requested conditions are considered to be reasonable and appropriate and will be included.*

Crossrail

- 6.83. The site of this planning application is identified outside the limits of land subject to consultation under the Safeguarding Direction. The implications of the Crossrail

proposals for the application have been considered and I write to inform you that Crossrail Limited do not wish to make any comments on this application as submitted.

6.84. *Officer Comments: Noted.*

National Air Traffic Services

6.85. The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

6.86. *Officer Comments: Noted.*

London City Airport

6.87. The proposed development has been examined from an aerodrome safeguarding aspect and from the information given LCY has no safeguarding objection. However, this response applies to the completed structures as specified in the planning application with a maximum height of 91.70m AOD. In the event that during construction, cranes or scaffolding is required at a higher elevation than that of the planned development, then their use must be subject to separate consultation.

6.88. *Officer Comments: Noted.*

London Fire and Emergency Planning Authority

6.89. Pump appliance access and water supplies for the fire service appear adequate. In other respects this proposal should confirm to the requirements of part B5 of Approved Document B. This Authority strongly recommends that sprinklers are considered for new developments and major alterations to existing premises, particularly where the proposals relate to schools and care homes. Please note that it is our policy to regularly advise our elected Members about how many cases there have been where we have recommended sprinklers and what the outcomes of those recommendations were. These quarterly reports to our Members are public documents which are available on our website.

6.90. *Officer Comments: Noted.*

Thames Water

6.91. As the proposed works will be in close proximity to underground sewerage utility infrastructure, it is requested that a condition be included to secure a piling method statement, to be considered in consultation with Thames Water.

6.92. The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommends that a condition be included to secure impact studies of the existing water supply infrastructure, to be considered in consultation with Thames Water.

6.93. Thames Water also requests that an informative be included to advise the applicant that a Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer.

6.94. *Officer Comments: Noted. The above conditions and informative will be included.*

Metropolitan Police – Crime Prevention Officer

- 6.95. I have reviewed the documents and have made the following comments for you to consider:
- All Species of trees/shrubs need to allow clear lines of sight so that shrubs grow no higher than 1M in height and trees canopies grow no lower than 2M from the ground.
 - Please ensure that low walls/railings are very difficult to sit upon. This is to ensure that 'hanging around' is deterred.
 - Please ensure that there are no undercroft areas which are an attraction for those individuals and groups with illegitimate intent.
 - The vehicle parking must have secure access/egress points. This can be achieved with suitable gates or similar. I would be keen to see any detail prior to implementation.
 - I would need to see a lighting plan prior to implementation.
 - I would need to see a CCTV plan prior to implementation
 - All Podium doors should have access/control and be to SBD standards.
 - Please ensure that it is not possible to climb to first floor above using any fitted building furniture such as downpipes etc.
 - Please ensure that all access/egress to from basement (including at basement level to inner core needs to have SBD standard doors and access/control.
 - Access to basement via ramp. Can I see details of security gates.
 - Vehicle access Stepney Way appears very set back. This is creating a large recess which would be used for 'Hanging about in', potentially resulting in ASB or easy access to car parking space.
 - The store in south/west corner (Stepney way) has two doors. This makes the internal area of the development vulnerable via an internal door. Can this door be removed please.
 - Internal 2nd door to refuse stores. One only please. These second doors make it far easier for illegitimate access.
 - I would respectfully request that a condition is placed upon this proposal to achieve Secured By Design accreditation to level 2 (part) to ensure a secure and sustainable development for the residents and those legitimately using it.
- 6.96. *Officer Comments: Noted. In order to address the above points it is recommended that a condition be included to require the development to achieve Secure by Design certification, in consultation with the Metropolitan Police Designing Out Crime Officer.*

Barts Health NHS Trust

- 6.97. In principle there is a general level of support towards this scheme, although some concerns are raised. The proximity of the site to the hospital's A&E department is likely to put additional strain on A&E particularly if there is insufficient access to GPs. The Trust notes that the Council's CIL Regulation 123 List covers Health Facilities, but seeks assurances from the Council that the monies obtained through CIL payments will be allocated to health as necessary to avoid placing an unfair burden on A&E and other healthcare facilities.
- 6.98. Given the proximity of the hospital and in particular the helipad the Trust would request that the Applicant attaches a covenant to any freehold, leasehold or tenancy agreement, which prevent future tenants from complaining to any operational elements of the hospital. It is requested that this be addressed by way of a clause in the S106.

- 6.99. In terms of construction impacts, short term road closures and additional HGV traffic could restrict access to and from the hospital, which could have serious implications for access for emergency vehicles. The Trust requires the Council to place a planning condition to secure a detailed phasing plan and programme of works prior to the commencement of construction, to be agreed with the Trust. A Construction Environmental Management Plan (CEMP) should also be secured.
- 6.100. The Helicopter Emergency Medical Service (HEMS) will need to be consulted on the location of tower cranes during construction to ensure that the development does not impact on the flight path.
- 6.101. It is also requested that the movement of abnormal loads is conditioned so that the contractor has to notify the London Ambulance Service, giving at least one weeks notice so that alternate measures can be considered for the routing of ambulances. Street parking in the area is already at or near full capacity and there should therefore be a condition of no on-street parking.
- 6.102. It is also requested that the applicant fully considers that impacts of the development on the daylighting and sunlighting conditions at the hospital and adjacent buildings before any planning decisions are made.
- 6.103. *Officer Comments: Noted. Any requests for funding from the borough's CIL will need to be made separately to the LBTH Infrastructure Team. All decisions on CIL funding will be made through the Council's Infrastructure Delivery Framework. The applicant has agreed to the inclusion of the above conditions and S106 clause and the other points are addressed in Section 8 of this report below.*

BBC (Reception Advice)

- 6.104. *No comments have been received.*

National Grid

- 6.105. *No comments have been received.*

EDF Energy

- 6.106. *No comments have been received.*

Maritime Greenwich World Heritage Co-ordinator

- 6.107. *No comments have been received.*

Historic Royal Palaces

- 6.108. *No comments have been received.*

Network Rail

- 6.109. After reviewing the information provided in relation to the above planning application, Network Rail has no objection or further observations to make.

- 6.110. *Officer Comments: Noted.*

Air Ambulance Service

6.111. I am satisfied with the applicant's responses to my queries.

6.112. *Officer Comments: Noted.*

Twentieth Century Society

6.113. *No comments have been received.*

The Victorian Society

6.114. *No comments have been received.*

The Georgian Group

6.115. *No comments have been received.*

The Garden History Society

6.116. *No comments have been received.*

The Society for the Protection of Ancient Buildings

6.117. *No comments have been received.*

City of London Corporation

6.118. *No comments have been received.*

London Borough of Hackney

6.119. No objections.

6.120. *Officer Comments: Noted.*

London Borough of Newham

6.121. *No comments have been received.*

Royal Borough of Greenwich

6.122. The Royal Borough has now formally considered the matter and raises no objections. The Council has no further observations to make.

6.123. *Officer Comments: Noted.*

London Borough of Southwark

6.124. *No comments have been received.*

London Borough of Lewisham

6.125. *No comments have been received.*

London Legacy Development Corporation

6.126. *No comments have been received.*

Whitechapel Ward Forum

6.127. *No comments have been received.*

Ford Square Tenants Association

6.128. *No comments have been received.*

7. LOCAL REPRESENTATION

7.1. The applicant undertook their own public consultation at pre-application stage, details of which are provided in the submitted Statement of Community Involvement.

7.2. At application stage a total of 2,036 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site and in the local press. The number of representations received from neighbours and local groups in response to notification and publicity of the application to date are as follows:

No of individual responses:	52	Objecting: 46	Supporting: 4	Observations: 2
No of petitions received:	3	Objecting: 3 (with a total of 55 signatories and a further 27 names without signatures)	Supporting: 0	Observations: 0

7.3. The following points were raised in representations that are material to the determination of the application and are addressed in the next section of this report. The full representations are available to view on the application case file.

Objections

7.4. Land Use

- There is enough residential in the area and the site should be used to provide a supermarket/more shops instead.
- The Whitechapel Vision SPD seeks active commercial frontages at ground level and the proposals need additional independent shops, cafes or restaurants to prevent the area becoming dead at night.
- A new community centre should be included in the proposals.
- The closure of the Safestore storage facility has severely impacted on the local community, as it provided a much needed service.

7.5. *Officer Comments: The acceptability of the development proposals in land use terms is discussed in Section 8 of this report, in which the relevant Development Plan Policies and Supplementary Planning Guidance/Document relating to land use are set out. Each application must be assessed on its own merits and the appropriateness or otherwise of alternative uses for a site can therefore be given little weight during the determination of this planning application. The closure of the Safestore storage facility and the cessation of the service that it provided is not a relevant material planning consideration, in and of itself. However, the acceptability of the loss of the Use Class B8 storage and distribution floorspace at the site is discussed in detail in Section 8 of this report.*

7.6. Housing

- At 1,152 habitable rooms per hectare, the density is above the high level deemed acceptable (650-1,100hr/ha).
- Virtually all of the social rented units will be in Block A and so it will not be a mixed development.
- More social housing is needed.
- No evidence has been provided as to why more family sized units could not be provided.
- The affordable housing provision does not meet the Council's target.
- A condition should be added to require buyers to be residents and not rent out the units.
- A proper percentage of the homes should be for key workers and be 'affordable'.
- Most of the apartments will not be affordable.
- The tenure mix does not meet the Council's target.
- The proposed 3+ bed shared ownership scheme is not acceptable and should be rejected as it does little to address the Council's affordable housing policy.

7.7. *Officer Comments: Residential density, mix and affordable housing are discussed in Section 8 of this report. There is no policy basis for the Local Planning Authority to require home buyers to live in the units and not rent them out. It should also be noted that the Council does not promote 'key worker' accommodation but rather prioritises shared ownership housing. With regard to the final point, it should be noted that the applicant has reduced the number of 3 bed shared ownership units during the course of the application due to concerns raised about the affordability of these units.*

7.8. Urban Design

- The development is out of scale with its surroundings and the bulk and mass of the towers would have an unacceptable impact on the character of Whitechapel.
- The tower blocks will create an 'urban canyon' effect.
- The proposals would create a wall of development 11m from 100-136 Cavell Street.
- The 25 storey tower will dominate the area and create a precedent for other towers.
- The tower should be moved to the middle of the site to lessen its impacts.
- The towers are too close together and visually merge together in some views.
- The site masterplan will create a lot of dead space that will invite crime and anti-social behaviour.
- The public open space within the development looks sterile.
- The new public open spaces should be concentrated next to existing roads, with widened pavements and grass verges.
- The proposed trees and shrubs are too small to be beneficial.
- The boundary treatment the building on Cavell Street should be reconsidered.

- The layout and building heights ignore the guidance for Key Place for Transformation 5 in the Whitechapel Vision SPD.
- The central part of the site is not identified as an appropriate location for a landmark building in the Whitechapel Vision SPD.
- The proposals fail to take an integrated and comprehensive approach to development as they ignore neighbouring sites.
- The proposals have no regard to the need to bring forward a coherent masterplan for the whole urban block.
- The proposals should include more green or open spaces, which are needed.

7.9. *Officer Comments: Matters pertaining to the layout, form, height, bulk, massing and landscaping of the development are discussed in Section 8 of this report. The scheme was revised during the course of the application and the amendments include the moving Block C further away from 100-136 Cavell Street and improving the treatment of the western boundary.*

7.10. Conservation, Heritage and Archaeology

- The tall and bulky buildings will have a massive negative impact on the Conservation Areas and listed buildings in the vicinity of the site.
- Planning permission should not be granted until the possible archaeological remains of the Red Lion Theatre are fully investigated.
- If remains of the Red Lion Theatre are found they should be preserved in-situ and the design and the landscaping and/or land use should take this into account, such as the inclusion of a theatre/outdoor theatre/theatre workshop for young people.

7.11. *Officer Comments: These matters are discussed in Section 8 of this report.*

7.12. Amenity

- The development will overshadow neighbouring residential blocks and open spaces.
- The development will result in a material loss of daylight and sunlight to neighbouring residential properties, commercial premises, a local primary school and a local college.
- The towers would limit light levels in the new residential units in the development.
- The proposals will result in a loss of privacy to neighbours through overlooking.
- The issues of privacy and amenity for new residents would inhibit the reasonable use of neighbouring educational/commercial premises within 100-136 Cavell Street.
- The construction works will result in noise/vibration/dust disturbance to neighbouring residents, particularly on weekends, and to a local primary school.
- The developer did not consult with local residents regarding the revised daylight and sunlight assessment.
- The proposed design has not taken into consideration the privacy and safeguarding of local primary school children.

7.13. *Officer Comments: These matters are discussed in Section 8 of this report. It should be noted that the primary school and college within 100-136 Cavell Street, to which the above comments refer, do not benefit from planning permission. These uses are therefore unlawful, which must be taken into account when considering the impacts of the development on these uses.*

7.14. Highways

- The proposals will have an adverse impact on local traffic and associated air pollution.
- The proposals will impact on local on-street parking, where there is already a shortage of spaces.
- The developer's traffic plan bears no resemblance to the current situation as on any day there is a constant traffic jam on Sidney Street.
- Placing the entrance/exit to the basement car park on a Blue Light Route cannot be a good idea.
- Construction traffic could disrupt existing servicing and delivery arrangements for local companies.
- The proposed 70 on-site car parking spaces will be insufficient for a development of this size.
- Objection is raised to the bin store located adjacent to 100-136 Cavell Street (at the west side of the site) as this will result in smell nuisance to neighbouring occupants.
- The revised proposals make no reference to 'car club' parking, which was originally planned on-site.
- Local roads are already congested.
- How will the streets be modified to accommodate the increased traffic associated with the development, whilst allowing urgent access to the Royal London Hospital?
- The proposals make no reference to how the limited provision of on-site parking will be allocated.
- Even if the development is secured as 'car free' it will not limit car ownership as residents and visitors will still be able to park on-street outside of controlled hours.
- The development should be secured as 'car free'.
- The on-site parking should be reserved for visitors and disabled parking only.

7.15. Officer Comments: *These matters are discussed in Section 8 of this report.*

7.16. Other:

- The tallest building will be above the level of the air ambulance helipad.
- Does a 24 storey building next to the air ambulance helipad contravene any Civil Aviation Authority rules?
- The height of the buildings breach Rule 5 of the CAA Rules of the Air Regulations, which requires that aircraft be flown no closer than 500ft (152m) to any structure.
- The Planning Statement relies on the Whitechapel Masterplan, which was adopted under the now discredited Mayor Lutfur Rahman and should be begun anew.
- A lot of the facts included in the application are inaccurate.
- The proposals will obstruct views from nearby properties.
- Contrary to what is said in the application, the Ayasofia Primary School and Citizens UK have no record of having been formally consulted by the applicant.
- The proposals will result in a loss of value to neighbouring residential properties.
- The impacts of the construction works will reduce the rental income from nearby properties.
- If the impacts of the construction works cannot be mitigated than alternative accommodation must be provided in advance for neighbouring residents.
- The proposals will build up to the party wall with 38 Raven Row and block a window, kitchen extract and fire escape.
- The introduction of a large number of new residents will impact on local services and social infrastructure (including schools and GP practices).

- The information provided by the applicant on the occupiers of 100-136 Cavell Street is misleading, as a number of occupiers are charitable or community organisations.
 - The assessment of the socio-economic effects of the development should take into account the cumulative impacts of other sites in the masterplan area, particularly in terms of the impacts on local healthcare infrastructure.
 - An appropriate financial contribution to the CIL should be secured.
 - Will healthcare or educational facilities be provided by the developers?
 - The applicant should donate the site to the Royal London Hospital to be used for car parking.
 - The proposals will impact on neighbouring residents' Right to Light.
 - The Council should translate the application documents into Bengali so local residents can participate in the consultation process.
- 7.17. *Officer Comments: It should be noted that the tallest part of the development would sit below the level of the helipad on the Royal London Hospital and that the London Air Ambulance were consulted on the application and raise no objections. National Air Traffic Services and London City Airport were also consulted and raised no safeguarding objections. Regulation 5 (low flying rule) of the Rules of the Air Regulations 2007 sets height limits of 500 feet above any structure generally, or 1,000 feet in a city, although states that the CAA can give written permission for flying below these heights. Given the nature of the London Air Ambulance Service and the location of the helipad, the service would be unable to operate were it not to have written approval for low level flying from the CAA.*
- 7.18. *Whilst the Whitechapel Vision Masterplan SPD (2013) was adopted under the previous administration, it remains an adopted supplementary planning document (SPD) and it therefore carries significant weight during the determination of planning applications. It should be noted that a loss of a view is not a relevant material planning consideration and can therefore be given little weight in planning decision making. The same is true for any impact on the value of surrounding properties, including rental incomes, and any impact on a resident's Right to Light, which is a civil matter between landowners.*
- 7.19. *With regard to any impact on local healthcare infrastructure, such infrastructure is included in the Council's Regulation 123 list, which sets out those elements of local infrastructure that will be funded through the Council's Community Infrastructure Levy (CIL) in order to mitigate the impacts of development. The contribution that the proposed development will make to the borough's CIL is estimated to be approximately £1,748,016, part of which could go towards local healthcare infrastructure.*
- 7.20. *With regard to 38 Raven Row, the proposed development will be set back from the flank (west) elevation of 38 Raven Row and will therefore not block-in the window, kitchen extract or fire escape. Lastly, the Council does not have the facility, resources or a statutory duty to translate planning application submissions to other languages, though offers were made available to assist residents with reviewing the application via the duty planning officer service.*
- 7.21. Detailed letters of objection have also been submitted on behalf of KTS Group, who own the site that adjoins the western boundary of the application site at 100-136 Cavell Street. The main points that KTS Group raised in objection to the scheme as originally submitted are as follows:
- The scheme appears to have been conceived on a discrete, self-contained basis. It is incompatible with the requirement for comprehensive and integrated development

across KPT5 and will inhibit a cohesive, unified and policy compliant masterplan being achieved across the Cavell Street urban block.

- The development's layout and scale are inconsistent with relevant policy and guidance and it forms a contextually inappropriate response to the townscape.
- There is no policy basis contained in the development plan of Whitechapel Vision for the location, height and lateral mass of the proposed towers. The towers would have a materially harmful effect on the townscape and visual amenity experienced in this part of Whitechapel.
- The siting and proportions of Block C1 cause particular concern, with the building rising the 80m above ground level and being 26m wide, whilst being located just 11m from the existing Cavell Street building and the prospective development at that site.
- The scheme would cause significant harm to the area's townscape and visual amenity. The towers would coalesce in key local views from Whitechapel District Centre forming a single, dominant discordant feature within the local townscape.
- The development would cause materially unacceptable residential amenity impacts in terms of daylight/sunlight, overshadowing, privacy and outlook. Many of the proposed residential units would experience low interior daylight/sunlight levels and all public spaces would fail to achieve BRE guideline levels for overshadowing.
- The development would prevent reasonable operations continuing within the existing building at 100-136 Cavell Street by introducing large scale buildings, residential accommodation and amenity space unacceptably close to the existing building.
- The proposals depart from the guidance in the Whitechapel Vision SPD and would prejudicially inhibit a reasonable and policy compliant development from being pursued on 100-136 Cavell Street.
- The Townscape and Visual Impact Assessment (TVIA) and Daylight and Sunlight Assessment should consider the cumulative effects arising from both the application proposals and the proposed development on 100-136 Cavell Street.
- Appropriate mitigation is required to overcome the unacceptable impacts above, which as a minimum should include a reduction in the height and scale of the towers and their relocation away from the western boundary; the introduction of a larger courtyard space with a greater separation distance in Block C, and ; the creation of more generous and less overshadowed areas of public/amenity space.

7.22. KTS group subsequently submitted a further letter of objection in response to the revised scheme, in which the following points are raised:

- KTS considers that the amendments to the L&Q development are modest and do not overcome the scheme's deficiencies. A development which is consistent with the adopted Whitechapel Vision would be a preferable solution at the site. Nonetheless, the amended L&Q proposals and the Cavell Street development have been assessed in terms of cumulative impacts and interactions. This has demonstrated that the two developments would not cause materially unacceptable townscape and amenity effects and can coexist within the KPT5 site. This is predominantly due to the amendments and concessions introduced to the Cavell Street development and any residual effects still caused by the two schemes are principally attributed to the L&Q development.
- In conclusion, KTS considers that the L&Q development remains suboptimal and inconsistent with the Whitechapel Vision. We would urge officers to require the applicant to make further, more meaningful amendments to the scheme to address the guidance in the Vision and to enhance the relationship with the Cavell Street development. Nonetheless, the amendments and concessions made by our client

will allow the two parallel developments to coexist, as demonstrated in the planning application for the Cavell Street site.

7.23. *Officer Comments: It is noted that KTS group raise particular objection to the fact that the layout of the proposed development differs to the indicative layout shown in the Whitechapel Vision Masterplan SPD. However, the site layout in the Whitechapel Vision is indicative only and assumes that the entire urban block would be brought forward for redevelopment as a comprehensive scheme. However, it is evident that the urban block will come forward for redevelopment in a piecemeal fashion due to the different land ownership interests. An assessment of the proposed development against the Council's aims and objectives for the site, as set out in KPT5 in the Whitechapel Vision, is provided in Section 8 of this report below.*

7.24. *It should also be noted that the planning application for the redevelopment of 100-136 Cavell Street (by KTS Group) has since been submitted, reference PA/16/00784, and is currently pending determination. The ES for the L&Q scheme has been updated to include an assessment of the cumulative impacts for both schemes, which is discussed further in Section 8 of this report.*

7.25. **Support**

- This is a high-quality proposal that is needed for Whitechapel.
- The existing site is under-utilised and low-quality, with a negative visual impact on the area.
- The proposals involve public open space and the scale of development is appropriate.

7.26. *Officer Comments: These matters are discussed in Section 8 of this report.*

7.27. **General Observations**

- What protocol is to be put in place to avoid any television and radio interference during and after the works?
- The demolition/construction works should be limited to Monday to Friday (no Saturday works).
- The developer should make a financial contribution to local GP surgeries whose practice boundaries cover the site.
- The scheme should include the derelict site on the corner of Raven Row and Sidney Street, which is an eyesore.
- The pavement on Sidney Street is too narrow and should be widened.
- The cobbled street on Raven Row should be re-surfaced with a modern surface.
- How will the new public square on the site of the Whitechapel Mission be funded and delivered, in order to mitigate the impacts of this high-density development.
- The Design & Access Statement and Appendix 3 of the Environmental Statement are no available on the Council's website.
- An outdoor swimming pool/lido for local residents should be incorporated into the plan.

7.28. *Officer Comments: A clause could be included in the S106 to mitigate any impacts on TV/radio/satellite reception in the area. The Council's normal construction working hours, as set out in the Code of Construction Practice (CoCP), are 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays. The S106 agreement will also include a clause requiring the developer to comply with the CoCP, which also includes noise limits for*

construction works. It is considered that this clause, together the Construction Environmental Management Plan, which is to be secured by condition, would ensure that the construction works would not result in unacceptable noise and vibration impacts to nearby properties and it would therefore be inappropriate to deviate from the Council's normal working hours for this development.

- 7.29. As discussed above, local healthcare infrastructure is covered under the Council's CIL. The site on the corner of Raven Row and Sidney Street is in separate ownership and is not included within the application site. The Council has a duty to consider the current application on its own merits. With regard to the pavement on Sidney Street and the cobbled street to Raven Row, as per the request from LBTH Transportation & Highways a condition will be included to secure a Scheme of Highway Improvement Works.
- 7.30. With regard to the new square on the site of the Whitechapel Mission, as proposed in the Council's Whitechapel Vision Masterplan SPD, the current proposals do not rely on the provision of public open space outside of the application site and it would therefore be inappropriate to seek a financial contribution for the square. However, it is likely that financial contributions would be sought for redevelopment proposals immediately adjacent to the mission that are unable to provide policy compliant levels of public open space / play space / amenity space on-site.
- 7.31. The Case Officer has checked the availability of documents on the on-line planning register and can confirm that the Design & Access Statement has been available to view on the website. It should also be noted that the Appendices to the ES follow the same numbering sequence as the main chapters and that there is no Appendix 3 of the ES. Lastly, the current proposals do not include an outdoor pool and the application must be assessed on its own merits.

8. MATERIAL PLANNING CONSIDERATIONS

- 8.1. The main planning issues raised by the application that the committee must consider are:
- Sustainable Development
 - Land Use
 - Housing
 - Urban Design & Conservation
 - Amenity
 - Transportation & Highways
 - Energy & Sustainability
 - Biodiversity
 - Environmental Considerations (Air Quality, Contaminated Land)
 - Planning Contributions and Community Infrastructure Levy
 - Local Finance Considerations
 - Human Rights
 - Equalities

SUSTAINABLE DEVELOPMENT

- 8.2. Local planning authorities must have regard to the National Planning Policy Framework (NPPF) that sets out the Government's national objectives for planning and development management and the related guidance in the National Planning Practice Guidance 2014.

- 8.3. The Ministerial foreword to the NPPF and paragraph 6 say that the purpose of planning is to help achieve sustainable development. Sustainable is said to mean “*ensuring that better lives for ourselves don’t mean worse lives for future generations.*” The foreword provides key themes to assess whether proposals would result in sustainable or unsustainable development:
- *“Sustainable development is about change for the better.*
 - *Our historic environment can better be cherished if their spirit of place thrives, rather than withers.*
 - *Our standards of design can be so much higher. We are a nation renowned worldwide for creative excellence, yet, at home, confidence in development itself has been eroded by the too frequent experience of mediocrity.*
 - *Sustainable development is about positive growth – making economic, environmental and social progress for this and future generations.*”
- 8.4. The NPPF Introduction page 2 paragraph 7 says achieving sustainable development involves three dimensions:
- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places.
 - a social role – supporting strong, vibrant and healthy communities, by creating a high quality built environment.
 - an environmental role – contributing to protecting and enhancing our natural, built and historic environment.
- 8.5. NPPF Paragraph 8 emphasises that these roles should not be undertaken in isolation, being mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously with the planning system playing an active role in guiding development to sustainable solutions.
- 8.6. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life (NPPF Paragraph 9).
- 8.7. NPPF Paragraph 14 says that for decision taking this means approving development proposals that accord with the development plan without delay unless specific policies in the Framework indicate development should be restricted.
- 8.8. Officers consider that when assessed against NPPF criteria the proposed scheme amounts to sustainable development. This opinion is supported when consideration is given to applicable core land-use planning principles set out at paragraph 17. Planning decisions should inter alia:
- be genuinely plan led;
 - be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
 - proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
 - always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

- take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
 - encourage the effective use of land by reusing land that has been previously developed;
 - promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas;
 - conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- 8.9. This is reflected in the Council's Core Strategy (2010) at Strategic Objective SO3 'Achieving wider sustainability.' This emphasises the achievement of environmental, social and economic development, realised through well-designed neighbourhoods, high quality housing, and access to employment, open space, shops and services.

LAND USE

Existing Land Uses

- 8.10. The application site comprises the former Safestore self-storage building and associated land, with the existing building providing a total of 23,880sqm of floorspace, of which 19,180sqm is vacant storage floorspace (Use Class B8) and 4,700sqm is in use as a temporary 'pop up' multi-use sports facility (Use Class D2). The sports facility use benefited from a temporary planning permission which expired on 1st April 2016 (planning reference PA/14/03608). A new planning application has been received which seeks to extend this use until such a time as the site is redeveloped (planning reference PA/16/00604), although the application is currently invalid.

Land Use Policy Context

- 8.11. Policy DM15(1) of the Council's adopted Managing Development Document (2013) seeks to resist the loss of active and viable employment uses, unless it can be shown that the site has been actively marketed, or that the site is unsuitable for continued employment use due to its location, viability, accessibility, size and condition.
- 8.12. The application site lies in the 'Outer Core Growth Area' of the City Fringe Opportunity Area. Strategy 3 of the City Fringe Opportunity Area Planning Framework (2015) states that where there is an existing employment use and the proposals include a net loss of employment floorspace, the applicant should demonstrate that a similar number of jobs could still be supported within the development through the use of recognised and appropriate job density figures.
- 8.13. Policy DM8(1) seeks to protect leisure facilities in the borough where they meet an identified local need and the buildings are considered suitable for their use. Parts 2 and 3 of the policy seek the re-provision of existing leisure facilities as part of redevelopment proposals, unless it can be demonstrated that there is no longer a need for the facility, or the facility is being re-provided elsewhere in the borough. Part 4 of the policy seeks to locate new leisure facilities within or at the edge of town centres.
- 8.14. Policy SP02(1) of the Council's adopted Core Strategy (2010) and Policy 3.3 of the London Plan (2016) support the delivery of new homes in the Borough, in line with the housing targets set out in the London Plan.

- 8.15. Policy 3.7 of the London Plan (2016) encourages large residential development including complementary non-residential uses in areas of high public transport accessibility. This policy also seeks to ensure that schemes providing over 500 dwellings are progressed through an appropriately plan-led process.
- 8.16. Policy 2.13(B) of the London Plan (2016) supports the strategic policy directions set out in the adopted Opportunity Area Planning Frameworks and seeks to optimise residential and non-residential output and densities, provide necessary social and other infrastructure to sustain growth and, where appropriate, contain a mix of uses. This policy also seeks to realise the scope for intensification associated with existing or proposed improvements in public transport accessibility, such as Crossrail, and supports wider regeneration and the integration of development proposals to the surrounding areas.
- 8.17. Policy SP06(3) of the Council's adopted Core Strategy (2010) and Policy DM15(3) of the Council's adopted Managing Development Document (2013) support the provision of new office floorspace in the Borough, in particular small, flexible workspaces of up to 250sqm that are suitable for Small and Medium Enterprises (SME).
- 8.18. Policy DM1(4) of the Council's adopted Managing Development Document (2013) seeks to direct new Use Class A3 restaurant uses to the Central Activities Zone, Tower Hamlets Activity Area and Town Centres, provided they do not result in a local overconcentration of A3/A4/A5 uses.

Proposed Land Uses

- 8.19. The proposals involve the demolition of the existing buildings and the redevelopment of the site to provide 564 residential units (Use Class C3), 2,845sqm of office floorspace (Use Class B1), 437sqm of gym floorspace (Use Class D2) and 223sqm of restaurant floorspace (Use Class A3). The development would come forward in three buildings, referred to as Blocks A, B, and C, which are to be located at the north-east, south-east and south-west corners of the site respectively.
- 8.20. The existing building includes 19,180sqm of vacant B8 storage floorspace and whilst the proposals would provide 2,845sqm of B1 office floorspace, overall the proposals would result in a net loss of employment floorspace. In such instances, the adopted City Fringe Opportunity Area Planning Framework (2015) as cited above seeks to ensure that a similar number of jobs can be supported within any redevelopment proposals.
- 8.21. Using the Homes and Community Agency (HCA) Employment Density Guide (2015), and categorising existing vacant B8 storage floorspace as a regional distribution/storage centre, it can be seen that the existing employment floorspace could support approximately 249 jobs, with an employment density of 1 job per 77sqm of floorspace. With regard to the proposed employment use, assuming that the B1 offices were used as general offices, then the new office use could support 237 jobs, with an employment density of 1 job per 12sqm of floorspace. The proposals also include the provision of 437sqm of D2 gym floorspace and 223sqm of A3 restaurant floorspace, which together could support an additional 22 jobs.
- 8.22. It is noted that in their Stage 1 report the GLA advise that it would be reasonable to apply a higher employment density to the new offices in this instance as it is anticipated that they would include affordable workspaces, which have a higher employment density. If a higher employment density of 1 job per 8sqm were used, it can be seen that the proposed offices would support up to 356 jobs, which would constitute a net uplift in overall employment at the site. Therefore, on the basis that the employment yield of the

new offices would at the very least support a similar number of jobs to the existing site, and likely more, whilst the overall employment yield of the development would support a greater number of jobs than the existing uses regardless of the employment density of the office use, it is considered that the net loss of employment floorspace is generally acceptable in this instance.

- 8.23. The site also currently includes a 'pop up' D2 sports facility, although the temporary permission for this use has now lapsed and a new application to renew the temporary permission is invalid as the submission is incomplete. Given that the temporary D2 sports facility use was permitted as a meanwhile use on a site that was anticipated to come forward for redevelopment in the near future, the loss of such a use should not be resisted. However, as the proposals include 437sqm of gym floorspace it is considered that the retention of a leisure use on this site, which is located close to the edge of Whitechapel District Centre, accords with the objectives Policy DM8 of the Managing Development Document (2013).
- 8.24. With regard to the proposed delivery of 564 new residential units (Use Class C3), the proposals would clearly contribute both towards the delivery of new homes locally and towards the Council's ability to meet housing targets in the London Plan, which at 3,931 homes per annum is the highest housing target of any London borough. The proposals therefore accord with Policy SP02(1) of the Council's adopted Core Strategy (2010) and Policy 3.3 of the London Plan (2016).
- 8.25. The application site benefits from excellent access to public transport, with a Public Transport Accessibility Level (PTAL) of 6a to 6b, on a scale from 1 to 6b where 6b is excellent. Furthermore, access to public transport modes and routes will become greater still once the Whitechapel Crossrail Station opens in 2019, which lies within 200 metres of the site. As such, it is considered that the proposals accord with Policies 3.7 and 2.13(B) of the London Plan (2016), which encourages large residential developments including complementary non-residential uses in areas of high public transport accessibility, and seeks to realise the scope for intensification associated with existing or proposed improvements in public transport accessibility, such as Crossrail.
- 8.26. Policy 3.7 also seeks to ensure that large residential developments are progressed through an appropriate plan-led approach and in this instance the application site lies within the area of the Whitechapel Vision Masterplan Supplementary Planning Document (SPD). Specifically, the application site is identified as Site 18b and 18c within 'Key Place for Transformation 5: Raven Row' (KPT5) in the Masterplan, which states that the site provides opportunities for high density development providing new homes, including affordable homes, with a mix of active uses/frontages and an opportunity to provide storage for the nearby street market.
- 8.27. In addition to the office, gym and residential uses, the proposals also include the provision of 223sqm of A3 restaurant floorspace. Whilst Policy DM1(4) of the Managing Development Document (2013) seeks to direct restaurant uses to locations within the town centre hierarchy, given that the site is located close to the edge of the Whitechapel District Centre, and given that the inclusion restaurant use will provide an active frontage that will help to animate the public open space within the development, it is considered that the proposed restaurant use is acceptable.
- 8.28. Overall is considered that the proposed mix and quantum of land uses accord the Council's aspirations for the site, as set out in KPT5 in the Whitechapel Vision SPD, with the development providing a significant quantum of residential units, including affordable housing, together with complimentary commercial uses and a storage area for the street market, which is located at basement level within the development.

- 8.29. Taking into account the above, it is considered that the proposed development is acceptable in principle in land use terms.

HOUSING

Residential Density

- 8.30. Policy 3.4 of the London Plan (2016) seeks to optimise housing output for different locations within the relevant density ranges shown in Table 3.2 in the London Plan, taking into account local context and character, the design principles and public transport capacity. Policy 2.13(B) of the London Plan (2016) seeks to optimise residential densities on sites within Opportunity Areas.
- 8.31. The application site is in a 'Central' location with a Public Transport Accessibility Level (PTAL) of 6a. The Sustainable Residential Quality (SRQ) Density Matrix at Table 3.2 of the London Plan (2016) provides a target density range of 650–1,100 hr/ha for sites in such locations.
- 8.32. For mixed use schemes, whereby buildings include a mix of residential and non-residential uses, the residential density should be calculated using the net residential area, also known as the 'Greenwich Method', whereby the non-residential proportion of the site is discounted from the site area for the purposes of the density calculations.
- 8.33. In this instance, the non-residential floorspace (excluding ancillary basement) accounts for 6.64% of the total floorspace within the scheme. The total site area of 1.39ha must therefore be reduced by 6.64% in order to arrive at the net residential site area, which equates to 1.30ha.
- 8.34. The proposed development would provide a total of 1,531 habitable rooms on a net residential site area of 1.30ha, which results in a net residential density of 1,178hr/ha. This sits slightly above the upper end of the London Plan target density range of 650–1,100 hr/ha for sites with a PTAL of 4-6 with a 'Central' setting.
- 8.35. Whilst the proposed density is clearly high, it should be noted that the Council's aspirations for the site, as set out in KPT5 in the Whitechapel Vision Masterplan SPD, are for the delivery of a high-density residential-led mixed use scheme. The site also lies within the City Fringe Opportunity Area and Policy 2.13 of the London Plan (2016) seeks to optimise residential densities in such locations.
- 8.36. The supporting text to Policy 3.4 of the London Plan (2016) makes it clear that density calculations should not be applied mechanistically. Whilst a high residential density can indicate towards overdevelopment in some instances, the density figures must be considered together with the wider impacts and implications of the development before an informed judgement can be arrived at.
- 8.37. Such considerations include the impact of the development on surrounding townscape and heritage assets; the impact on the amenity of surrounding residents and the area generally; the impact on the surrounding transport networks; the quality of residential accommodation that would be provided, and; the environmental effects of the development. These matters are discussed in detail in the later sections of this report and officers consider that, on balance, the proposed residential density is acceptable in this instance.

Affordable Housing

- 8.38. Policy 3.11 of the London Plan (2016) seeks to maximise affordable housing provision and ensure an average of at least 17,000 more affordable homes are provided per year in London over the term of the London Plan.
- 8.39. Strategic objective SO8 of the Council's adopted Core Strategy (2010) seeks to ensure that housing contributes to the creation of socially balanced and inclusive communities by offering housing choice reflecting the Council's priorities for affordable and family homes. Policy SP02(3) Core Strategy requires the provision of 35% - 50% affordable homes on sites providing 10 new residential units or more, subject to viability.
- 8.40. Policy DM3(2) of the Council's adopted Managing Development Document (2013) seeks to ensure that affordable housing is built to the same standards and shares the same level of amenities as private housing. Policy DM3(3) of the Managing Development Document seeks to ensure that development maximises the delivery of affordable housing on-site.
- 8.41. The proposals are for the redevelopment of the site to provide a total of 564 new homes (1,531 habitable rooms), of which 149 units (470 habitable rooms) would be affordable housing and 415 units (1,061 habitable rooms) would be market sector housing. A breakdown of proposed affordable housing by unit size and tenure is provided in Table 1 below.

Table 1: Proposed Affordable Housing

Tenure	1 bed Units	2 bed Units	3 bed Units	4 bed Units	Total Units	Total Hab Rooms
Affordable/Social Rent	24	27	29	14	94	325
Intermediate	23	26	6	0	55	145

- 8.42. The proposed development would deliver 30.7% affordable housing by habitable room. In the scheme as originally submitted all of the rented units were to be provided as affordable rented accommodation, with the rental levels set at Borough Framework Levels. However, during the course of the application and following discussions with officers, the affordable housing offer was amended, whereby the 1 and 2 bed rented units would be provided at Borough Framework Levels, with the 3 and 4 bed rented units now being provided at Social Target Rent Levels. The specific rental levels that would be secured are as follows:

Affordable Rent (Borough Framework Levels inclusive of service charges)

1 bed – £234 per week

2 bed – £253 per week

Social Target Rent

3 bed – £158 per week

4 bed – £166 per week

- 8.43. This approach is supported by officers as it will ensure that the family sized rented units are provided at the most affordable rental rates for the borough's residents, for which there is an identified housing need in the borough, as set out in the Tower Hamlets Strategic Housing Market Assessment (2009).
- 8.44. Sensitivity testing around the viability of the proposal has taken place and has found that the development can provide 32.4% affordable housing if all units are provided at

Borough Framework Levels, however officers considered that securing lower rent levels for the larger units and providing a lower overall percentage of affordable housing was the better outcome for the residents of the Borough. In terms of number of units, the current proposal, in providing the larger units at social target rents results in three less 2bed units and 2 less family units.

- 8.45. The affordable housing would be located on the lower floors of Blocks A and C, with the upper floors comprising market sector homes. The 14 x 4 bed social rented units would be provided as maisonettes within Block A (i.e. arranged over two floors), 11 of which include a ground floor frontage and a garden, which is strongly supported. The majority of the family sized (3+ bed) affordable units also include separate kitchen/diners and living areas, which is likewise supported.
- 8.46. The current application is accompanied by a Viability Appraisal, which has been independently assessed by the Council's appointed consultant, Deloitte Real Estate. Deloitte have advised the Council that the scheme is financially unviable at current costs and market values and is therefore reliant on growth in the model, and as such the proposed development could not support any increase in affordable housing provision, over and above the current offer. Officers have reviewed the viability appraisal and agree with the conclusion draw by Deloitte.
- 8.47. Taking into account the above, it is considered that the proposed development maximises the delivery of on-site affordable housing, in accordance with the objectives of Policy SP02(3) of the Council's adopted Core Strategy (2010) and Policy 3.11 of the London Plan (2016).

Residential Mix

- 8.48. Policy SP02(5) of the Council's adopted Core Strategy (2010) and Policy 3.8 of the London Plan (2016) require developments to provide a mix of housing sizes. In addition, local policies place an emphasis on the delivery of family sized affordable homes given the shortfall of family units across the Borough identified in the LBTH Strategic Market Housing Assessment (2009), which forms part of the evidence base for Policy SP02 of the Core Strategy (2010).
- 8.49. Policy DM3(7) of the Council's adopted Managing Development Document (2013) sets out the Council's targets for the mix of dwelling sizes by tenure. Table 2 below sets out the proposed residential mix against the Council's target residential mix by tenure.

Table 2: Proposed Residential Mix

Tenure	Home Type	No. Units	Proposed Mix	Policy Target Mix
Market	1 bed	175	42%	50%
	2 bed	203	49%	30%
	3 bed	37	9%	20%
	4 bed			
Intermediate	1 bed	23	42%	25%
	2 bed	26	47%	50%
	3 bed	6	11%	25%
	4 bed	0	0%	0%
Affordable/Social Rented	1 bed	24	25%	30%
	2 bed	27	29%	25%
	3 bed	29	31%	30%
	4 bed	14	15%	15%

- 8.50. With regard to the market tenure mix, the proposals would result in an under-provision of 1 bed and 3-4 bed units and an over provision of 2 bed units against policy targets. However, the mix of market tenure units invariably responds to current market conditions and on the basis that a good overall mix of market tenure units would be provided, with the majority of units being provided as 1 and 2 beds whilst including some family sized units, it is considered that the market tenure mix is generally acceptable.
- 8.51. With regard to the intermediate tenure mix, the proposals result in an over-provision of 1 bed units, a slight under-provision of 2 bed units and a greater under-provision of 3 bed units. Whilst this deviates from the Council's target mix for intermediate tenure units, given the current buoyancy of the residential property market together with the central location of the site, it is acknowledged that it is increasingly becoming a challenge to keep 3 bed intermediate units affordable in this location. Taking this into account, it is considered that the intermediate tenure mix is on balance acceptable.
- 8.52. With regard to the affordable / social rented tenure mix, the proposals would be very close to the Council's policy targets, with a slight under-provision of 1 bed units, a slight over-provision of 2 and 3 bed units, and meeting the target for 4 bed units. A key benefit of the scheme is that the family sized (3+ bed) rented units would be provided at social target rents and the fact that the proposals would slightly exceed the Council's target of 45% for 3+ bed social rented is strongly supported.
- 8.53. Taking into account the above, it is considered that the proposed residential mix is acceptable on balance, in accordance with the objectives of Policy SP02(5) of the Core Strategy (2010), Policy DM3(7) of the Managing Development Document (2013) and Policy 3.8 of the London Plan (2016).

Tenure Split

- 8.54. Policy 3.11 of the London Plan (2016) seeks an affordable housing tenure split of 60/40 for rented/intermediate tenures. Policy SP02(4) of the Council's adopted Core Strategy (2010) and Policy DM3(1) of the Council's adopted Managing Development Document (2013) requires a tenure split of 70/30 for rented/intermediate tenures.
- 8.55. The tenure split for the proposed affordable homes is 69/31 for rented/intermediate tenures, which is just outside the Council's target split and is considered to be acceptable on balance.

Residential Design & Space Standards

- 8.56. Policy 3.5 of the London Plan (2016) seeks to ensure that new housing is designed to meet the Nationally Described Space Standard and takes into account of factors relating to 'arrival' at the building and the 'home as a place of retreat'. New homes should have adequately sized rooms and convenient and efficient room layouts which are functional and fit for purpose, meeting the changing needs of Londoners over their lifetime.
- 8.57. Policy DM4(1) of the Council's adopted Managing Development Document (2013) seeks to ensure that all housing developments have adequate provision of internal space in order to provide an appropriate living environment, meeting the minimum space standards in the London Plan (2016).
- 8.58. The proposed residential units have been assessed against the above policies, the GLA's Housing Supplementary Planning Guidance (2016) and the Nationally Described

Space Standard, and it can be seen that the units all either meet or exceed the relevant space standards.

- 8.59. The majority of the 4 bed social rented units are provided as maisonettes with front doors opening onto either the street on Raven Row or the central east/west boulevard (public open space) within the site, including areas of defensible space, which is supported. In addition, the scheme does not include any single aspect north-facing units, which is supported.
- 8.60. Standard 12 in the Housing SPG (2016) states that each residential core should be accessible generally to no more than 8 units per floor. Whilst all of the cores in Blocks B and C meet this standard, it is noted that two of the four residential cores within Block A (namely Cores A2 and A3) would be accessible to up to 10 units per floor. However, this is limited to the fourth and fifth floors for Core A2 and the third floor for Core A3. Whilst this is above the recommended 8 units per core per floor in Standard 12, given the limited number of floors affected and given the overall high residential quality of the scheme, it is considered that the residential access is generally acceptable.
- 8.61. Taking into account the above, it is considered that the proposed residential units are well designed and include adequate internal space so as to provide an appropriate living environment for future residential occupants. The proposal therefore accords with Policy DM4(1) of the Council's adopted Managing Development Document (2013) and Policy 3.5 of the London Plan (2016).

Private Amenity Space

- 8.62. Policy SP02(6e) of the Council's adopted Core Strategy (2010) and Policy DM4(2) of the Council's adopted Managing Development Document (2013) require residential developments to include adequate provision of private amenity space. Specifically, a minimum of 5sqm must be provided for each 1-2 person dwelling with an additional 1sqm to be provided for each additional occupant, with balconies/terraces to have a minimum width of 1,500mm.
- 8.63. Each of the residential units includes either a garden, terrace, balcony or winter garden for use as private amenity space. The majority of private amenity spaces either meet or exceed the Council's minimum amenity space standards, although it is noted that the balconies of some units fall slightly below these standards.
- 8.64. Specifically, a number of 2, 3 and 4 bed units across all tenures have balconies that typically fall between 0.2sqm and 0.8sqm below the relevant minimum standard. For example, 4 x 4 bed (6 person) social rent maisonettes at second and third floor level in Block A have 8.5sqm balconies, against a policy minimum requirement of 9sqm, whilst a number of 2 bed (4 person) private tenure units at third to twenty-first floor level in Block C have balconies ranging between 6.1sqm and 6.8sqm, against a policy minimum requirement of 7sqm.
- 8.65. In a small number of cases, the balconies fall a greater extent below the policy targets, with 9 x 3 bed (5 person) social rent and intermediate units at ground to fourth floor level at the southern end of Block C having balconies ranging between 5.1sqm and 6.8sqm, against a policy minimum requirement for 8sqm.
- 8.66. Given that all residential units include private amenity spaces, the vast majority of which either meet or exceed the minimum space standards, and given that the scheme includes a substantial over-provision of communal amenity space, on balance it is considered that the proposed provision of private amenity space is acceptable. The

proposals therefore accord with the objectives of Policy SP02(6e) of the Council's adopted Core Strategy (2010) and Policy DM4(2) of the Council's adopted Managing Development Document (2013).

Communal Amenity Space

8.67. Policy DM4(2) of the Council's adopted Managing Development Document (2013) requires all developments with 10 or more residential dwellings to include adequate provision of communal amenity space. Specifically, 50sqm of communal amenity space must be provided for the first 10 units, with a further 1sqm to be provided for every additional unit thereafter. The proposed development would deliver 564 new residential units, for which adopted policy requires the following minimum provision communal amenity space:

- **Block A (161 Units) = 201sqm**
- **Block B (210 Units) = 250sqm**
- **Block C (193 Units) = 233sqm**
- **Total (564 Units) = 684sqm**

8.68. The proposals include the provision of communal amenity spaces within each of the three Blocks, located both within the courtyards at ground level and on the terraces at roof level. The breakdown of communal amenity space provision by Block is shown in Table 3 below:

Table 3: Communal Amenity Space Provision by Block

	Number of Units	Courtyard Level Amenity Space	Roof Terrace Level Amenity Space	Total
Block A	161	125sqm	114sqm	239sqm
Block B	210	365sqm	0sqm	365sqm
Block C	193	181sqm	98sqm	279sqm
Total	564	671sqm	212sqm	883sqm

8.69. As can be seen in Table 3, a total of 883sqm of communal amenity space would be provided across the site, which represents an over-provision of 211sqm against policy minimum requirements. In terms of the amount of communal amenity space provided within each block, it can be seen that the bulk of the amenity space is provided within the three central courtyards, whilst two smaller communal roof terraces are provided in Block A and one communal terrace is provided in Block C.

8.70. Of the three high-level communal terraces, only the southern terrace in Block A would be accessible to affordable / social rent tenants, with the other two terraces accessible only via the private and intermediate tenure cores. However, it is noted that the communal amenity spaces that are accessible to affordable / social rent tenants are of sufficient size to meet the amenity space needs for those units.

8.71. In terms of the usability of these communal amenity spaces, the submitted Environmental Statement (ES) includes a Daylight and Sunlight Assessment, which models the levels of sunlight that would be received within the communal amenity spaces in the development. The results of this assessment are discussed in detail in the 'Daylight and Sunlight' section of this report below; however, in summary, the central courtyard within Block A would receive very poor levels of winter sunlight, whilst the courtyards within Blocks B and C would broadly meet the recommended minimum winter

sunlight levels. The high-level communal terraces would receive good levels of sunlight throughout the year.

- 8.72. It is acknowledged that the poor sunlighting conditions within the courtyard of Block A stem from the design and layout of the building, which is of a courtyard block typology, whereby the central courtyard is enclosed on all sides by the building itself. However, it is considered that the provision of two high-level, well sunlit, communal amenity spaces within Block A, one of which will be accessible to affordable / social rent tenants, will help to mitigate the poor winter sunlight conditions within the courtyard by providing alternative high-level amenity spaces that could be more intensively used during the winter months.
- 8.73. Overall, it is considered that the scheme will provide good levels of communal amenity space across the site. It is recommended that a condition be included to secure full details of all hard and soft landscaping within the site, including the communal amenity spaces. Subject to condition, it is considered that the proposals include adequate provision of communal amenity space, in accordance with Policy DM4(2) of the Council's adopted Managing Development Document (2013).

Child Play Space

- 8.74. Policy 3.5 of the London Plan (2016) states that all new housing developments should make provision for public, communal and open spaces, taking particular account of the needs of children, the disabled and older people.
- 8.75. Policy SP02(6e) of the Core Strategy (2010) and Policy DM4(2) of the Council's adopted Managing Development Document (2013) require developments providing family homes to include adequate provision of child play space, with at least 10sqm of play space to be provided for each child.
- 8.76. The Mayor of London's Play and Informal Recreation Supplementary Planning Guidance (2012) seeks to ensure that all children and young people have access to places for play within reasonable and safe walking distance of new residential developments. For children under 5 years old play spaces should be provided within 100m of their homes, whilst for 5-11 year olds play spaces should be within 400m of their homes and for 12+ year old should be within 800m.
- 8.77. The proposed development includes the provision of child play space for all age groups, with the play spaces being located within the courtyards of all three blocks, at roof terrace level on Block A and within the main areas of public open space within the site.
- 8.78. Table 4 below sets out the child yield that would be generated by each Block, using the GLA's current child yield calculator, together with the required minimum level of child play space by block and the proposed provision of play space.

Table 4: Proposed Child Play Space Provision and Minimum Requirements

	Block A	Block B	Block C	Public Open Space	Total
>5 Years Child Yield	41	12	17	0	70
5-11 Years Child Yield	45	5	10	0	60

12+ Years Child Yield	35	3	7	0	45
Total Child Yield	121	20	34	0	175
Minimum Play Space Requirement	1,210sqm	200sqm	340sqm	0sqm	1,750sqm
>5 Years Play Space Provided	852sqm	186sqm	229sqm	0sqm	1,267sqm
5-11 Years Play Space Provided	374sqm	120sqm	113sqm	323sqm	930sqm
12+ Years Play Space Provided	0sqm	0sqm	0sqm	467sqm	467sqm
Total Play Space Provided	1,226sqm	306sqm	342sqm	790sqm	2,664sqm

- 8.79. As can be seen above, the total amount of child play space to be provided across the site would substantially exceed policy minimum requires, with an over-provision of 914sqm across all age groups. Each block would include an over-provision of play space for the younger age groups (under 5's and 5-11 year olds), either within the courtyard or roof terraces of the blocks themselves, which is supported (see Child Play Space Plan below). It is noted that the play spaces for the older age group (12+ year olds) would be provided within the main areas of public open space within the development. This approach is considered to be acceptable and in line with the Mayor of London's play space SPG, which advises that play spaces for older children should be provided within 800m of a given development.

Child Play Space Plan



- 8.80. It is recommended that a condition be included to secure full details of the design, layout, extent, landscaping and equipment/features to be provided within each area of child play space, and to require the play spaces to be retained and maintained in perpetuity.
- 8.81. Subject to condition, it is considered that the proposed provision of child play space is acceptable, in accordance with the objectives of Policy SP02(6e) of the Core Strategy (2010), Policy DM4(2) of the Council's adopted Managing Development Document (2013) and Policy 3.5 of the London Plan (2016).

Inclusive Design and Wheelchair Adaptable/Accessible Homes

- 8.82. Policy 3.8(B)(d) of the London Plan (2016) requires 10% of new dwellings to meet Building Regulations requirement M4 (3) 'wheelchair user dwellings', in that they must

be designed to be wheelchair accessible, or easily adaptable for residents who are wheelchair users.

- 8.83. Of the 564 proposed units, 56 units (10%) have been designed to be wheelchair adaptable, which are provided across all three of the blocks and across all tenures. The bulk of the wheelchair adaptable units are provided at ground floor level, which is supported for ease of accessibility. Where wheelchair adaptable units are provided on the upper floors of the buildings, they are accessed from cores that benefit from two lifts. This accords with Standard 16 in the Mayor of London's Housing SPG (2016) and is supported as it provides wheelchair access resilience in the event that one lift is rendered out of service.
- 8.84. The proposals have been reviewed by the LBTH Occupational Therapist, who advises that the detailed layout and configuration of some of the wheelchair adapted units will need to be amended in order to meet current standards. It is recommended that conditions be included to ensure that 10% of the homes are provided as wheelchair adapted units, and to secure detailed plans, at 1:50, of all wheelchair adapted units.
- 8.85. Subject to the above conditions, it is considered that the proposed development would provide an appropriate environment for wheelchair users and accords with current accessibility standards, in accordance with Policy 3.8(B)(d) of the London Plan (2016) and Policy SP02(6) of the Council's adopted Core Strategy (2010).

URBAN DESIGN & CONSERVATION

Existing Condition of the Site

- 8.86. The application site comprises the Safestore self-storage building and associated land, which make up the vast majority of the urban block that is bounded by Raven Row, Sidney Street, Stepney Way and Cavell Street. The building dates from around the mid-twentieth century and is of industrial design and appearance, being principally faced in concrete panels with expansive elevations and predominantly blank frontages at ground level. The building ranges between two and six storeys in height and the open land within the site to the north and west of the building is enclosed by metal security fencing with gated access. The land at the western side of the site is currently used for car parking and includes a single storey open sided shed.

Photograph of the Existing Building



- 8.87. The existing building is of no architectural interest and it is considered that the building and associated land detract from the appearance of the area due to its expansive and largely blank concrete facade, together with its security fencing, which makes the site appear uninviting and impermeable.
- 8.88. Subject to the replacement buildings being of an appropriate scale, height, form and architectural quality, which is discussed further in the following section of this report, officers have no in principle objections to the loss of the existing building. Furthermore, it is considered that the redevelopment of the site poses an opportunity to provide high quality buildings and public open space that positively responds to the surrounding built form and public realm, in accordance with the aims and objectives of KPT5 in the Whitechapel Vision Masterplan SPD (2013).

Urban Design and Townscape

- 8.89. Policy 7.4 of the London Plan (2016) seeks to ensure that buildings, streets and open spaces provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets, contributes to a positive relationship between the urban structure and natural landscape features, is human in scale, allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area, and is informed by the surrounding historic environment.
- 8.90. Policy SP10(4) of the Council's adopted Core Strategy (2010) seeks 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.
- 8.91. Policy DM24 of the Council's adopted Managing Development Document (2013) requires development to be designed to the highest quality standards, incorporating principles of good design and ensuring that the design is sensitive to and enhances the local character and setting of the development in terms of scale, height, mass, building plot sizes, building lines and setback, roof lines, streetscape rhythm, design details and through the use of high quality building materials and finishes.

- 8.92. The Council's Whitechapel Vision Masterplan SPD (2013) sets out an overarching masterplan for the 'Key Place Transformation 5: Raven Row' (KPT5) area, which is located immediately to the east of the Royal London Hospital and to the south of Whitechapel Road, which includes the application site. The key challenges and opportunities for KPT5 include a lack of public spaces, poor public realm and inactive frontages, opportunities to expand the retail offer, and an increase in residential and commercial densities.
- 8.93. The Council's key aspirations and objectives for KPT5 as set out in the Masterplan SPD are the provision of high quality architecture to be seen in long views within the surrounding area; realise opportunities for high density residential development, to include affordable homes; the promotion of a mix of uses and active frontages, including retail, leisure and office uses; realise opportunities to provide storage space for the nearby market, and; the provision of a new large open space with high levels of permeability to the existing surrounding street network.
- 8.94. The proposals are for the demolition of the existing buildings and structures, the formation of a new basement across the southern third of the site, and the erection of three new courtyard blocks (Blocks A, B and C) at the north-east, south-east and south-west sections of the site. These new blocks are intersected by public open space providing new routes into and through the site from the public highway on Raven Row to the north, Sidney Street to the east and Stepney Way to the west.
- 8.95. Block A is located in the north-east section of the site and is 'U' shaped in plan form, with the buildings arranged around a rectangular central courtyard, which is broadly orientated east/west. This block is located immediately adjacent to the north-west corner of the urban block, which is under separate ownership and does not form part of the application site.
- 8.96. Block A is comprised of four adjoining buildings, with Building A1 having a south-facing frontage onto the 'Whitechapel Green' section of public open space within the site and is 6 storeys in height. Building A2 has a principally west-facing frontage that faces towards the 'Whitechapel Square' section of public open space within the site. Building A2 is 5 storeys in height at its northern end, which also includes a section of frontage onto Raven Row, and includes an 18 storey tower element at its southern end. Building A3 has a north-facing frontage onto Raven Row and is five storeys in height, whilst Building A4 has an east facing frontage onto Sidney Street and is 6 storeys in height.
- 8.97. Block B is located at the south-east section of the site is 'U' shaped in plan form. As with Block A, the buildings are arranged around a rectangular central courtyard, although in Block B the courtyard is broadly orientated north/south. This block is comprised of five adjoining buildings, with Buildings B1, B2 and B3 principally having east facing frontages onto Sidney Street and being 8 storeys in height with the upper 2 storeys being set-back. The southern end of Building B3 drops to 6 storeys in height where it fronts onto Stepney Way. Buildings B4 and B5 have principally west-facing frontages onto the 'Whitechapel Green' section of public open space and are 8 storeys in height.
- 8.98. The Stepney Way street frontage of Block B comprises the southern elevations of Buildings B3 and B4, which flank the single storey basement car park entrance. Buildings B3 and B4 rise to 6 and 8 storeys in height respectively, although both drop to 2 storeys where they adjoin the single-storey basement car park entrance. During the course of the application, and following discussions with officers, the design and layout of Block B was amended, with the height of Building B4 being reduced from 12 to 8 storeys, the building above the car park entrance being omitted and the width of the southern end of the central courtyard being widened. These amendments have

significantly reduced the massing of the building when viewed from Stepney Way and have increased the amount of daylight and sunlight entering the central courtyard, which is supported.

- 8.99. Block C is located at the south-west section of the site and as with the other two blocks is 'U' shaped in plan form. The western edge of Block C lies adjacent to the boundary with the neighbouring site at 100-136 Cavell Street and a courtyard is provided between Block B and the neighbouring site. Block C is comprised of three adjoining buildings, with Building C1 being a part 21 storey, part 25 storey tower located at the north-east corner of the block, fronting onto the central area of public open space within the site. Buildings C2 and C3 are 7 storeys height incorporating a set-back roof storey fronting eastwards onto the Whitechapel Green public open space. The southern frontage of the buildings, facing onto Stepney Way, falls from 7 storeys to 4 storeys in height as the building approaches the adjacent site at 100-136 Cavell Street.
- 8.100. The proposed buildings would be principally faced in brick, with different colours of brick used on different blocks. The set-back roof storeys would be faced in pre-cast concrete cladding on Building A3 and anodised aluminium rainscreen cladding on Building A4, Block B and Block C. This juxtaposition of facing materials on the lower and upper elements of the buildings will provide a degree of visual separation between these two elements and minimise the impression of massing when viewed from ground level, with the lower storeys appearing solid and robust and the upper storeys appearing visually recessive.
- 8.101. Common architectural themes are repeated across the blocks, including the use of brick as a facing material with vertical brick piers, horizontal pre-cast concrete bands between the first and second floors, a regular pattern of fenestration with windows set within reveals, and projecting, recessed and Juliette balconies set behind metal balustrades. It is considered that this approach will give the development a solid, cohesive character and appearance, whilst the variation in brick type between the blocks will provide a degree of visual interest and assist in local wayfinding.
- 8.102. A different architectural approach has been taken to the two towers, the facades of which incorporate external pre-cast concrete frames in a grid form. However, the grid patterns differ slightly between the two towers. For Building A2 the horizontal elements of the frame repeat every two floors, whilst for Building C1 they repeat every three floors, with a break of four floors at the top of the building. The vertical elements of the frame are also set slightly wider apart on Building A2 than on C1.
- 8.103. Building C1 has a stepped profile, being part 21, part 25 storeys in height. Following discussions with officers the design of Building C1 was revised in order to lessen the visual bulk and mass of the structure by providing a clear visual break between the two halves of the building. These design revisions include off-setting the grid frames and providing a recessed vertical glazed break between the two halves of the building. As a result, Building C1 has the appearance of two slender volumes, as opposed to one wide tower, in local views, which is supported (see below).

Buildings A2 and C1 (CGI Looking West)



- 8.104. The bays that are recessed within the pre-cast concrete grid have a strong vertical emphasis and are clad in unitised aluminium cladding with solid panels and spandrels, together with glazing and vertical ventilation panels. Both towers include recessed and projecting balconies set behind glazed balustrades and Building C1 also includes winter gardens.
- 8.105. It is considered that the two tower elements are of a high architectural quality and will appear as elegant structures when viewed from the surrounding area, which meets a stated objective of KPT5 in the Whitechapel Vision Masterplan SPD. The use of an external grid frame, with double and triple height bays, provides a unified architectural language that is shared between the towers, whilst the differentiation of the grid pattern, bays and balcony arrangements between the towers distinguishes them as individual structures and mitigates their coalescence in local views.
- 8.106. With regard to the general scale and form of the development within its local context, it is noted that the surrounding built form varies significantly in terms of architectural quality, scale and height. The new Royal London Hospital building to the west of the site rises to an equivalent height of 26 residential storeys. The buildings to the north and east of the site on Raven Row and Sidney Street typically range between 2 and 6 storeys in height, predominantly comprising mid to late twentieth century flatted development. The scale and quality of buildings to the south of the site is different again, including attractive two storey Victorian and Georgian terraces within Ford Square and Sidney Square, which also lie within a Conservation Area of the same name.
- 8.107. It is considered that the proposed development provides a suitable response to the scale of the surrounding built form, with the tallest elements located internally within the site, on the western side, towards the monolithic hospital building. On the northern side of the site the proposed 5 storey buildings are not significantly taller than the 3-6 storeys

buildings on the opposite side of the street, as with the western side of the site, with the eight storey buildings not rising significantly above the height of the 6 storey Wexford House. The design of the development also includes elements that seek to minimise the impression of scale and mass, notably through the inclusion of set-back roof storeys (see below).

Proposed Building Heights



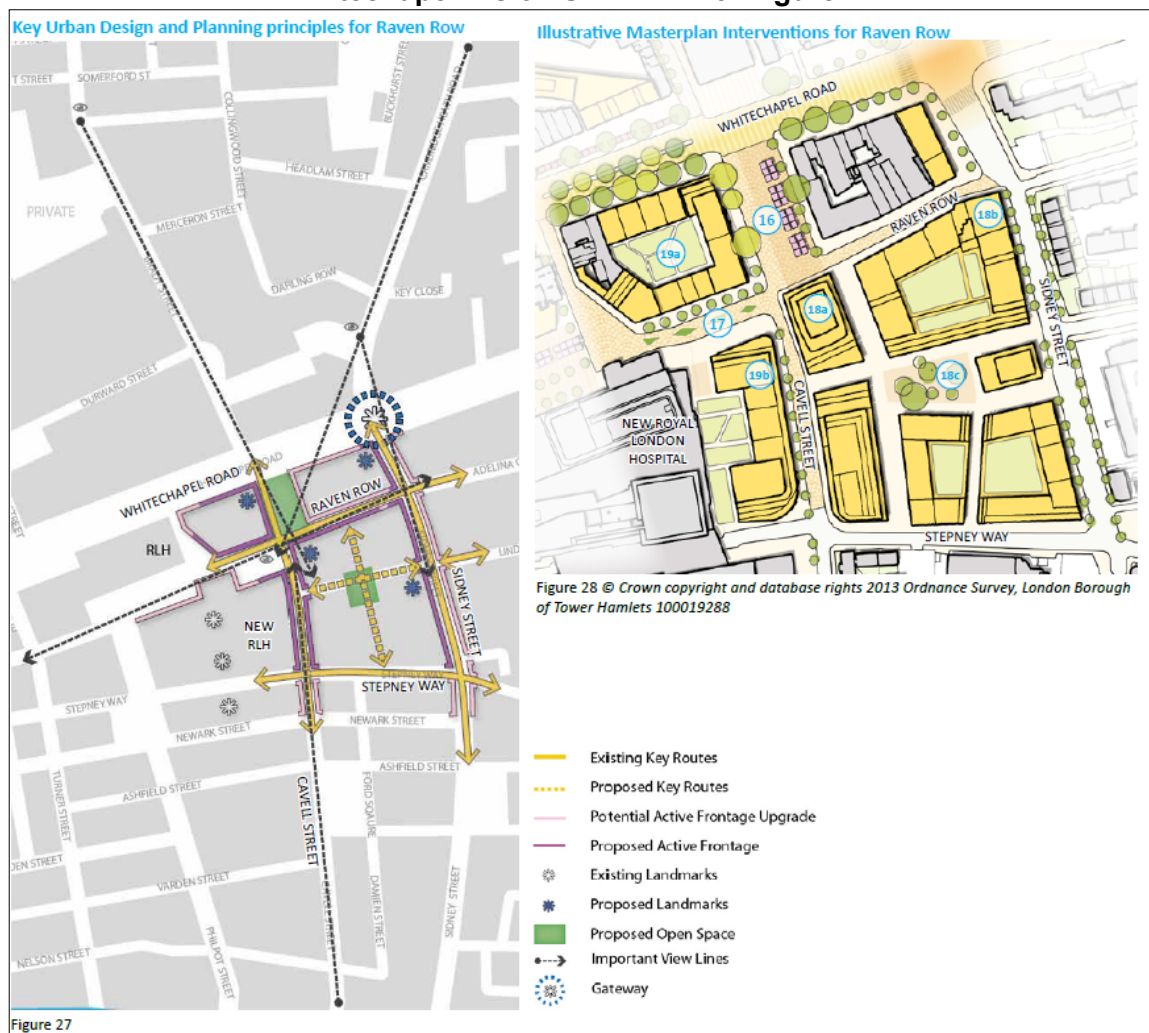
- 8.108. It is recommended that a condition be included to secure full details and samples for all facing materials and design details.
- 8.109. Overall, it is considered that the proposed development is of a high architectural quality and incorporates the principles of good design, respecting and positively responding to the surrounding built form and public realm in terms of layout, scale, height, massing, detailed design, elevational treatment and finished appearance. The proposals therefore accord with Policy 7.4 of the London Plan (2016), Policy SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM24 of the Council's adopted Managing Development Document (2013).

Building Heights

- 8.110. Policy 7.7 of the London Plan (2016) relates to the location and design of tall and large buildings. Part A of this policy states that tall and large buildings should be of a plan-led approach and should not have an unacceptably harmful impact on their surroundings. Part B of this policy requires applications for tall and large buildings to be supported by an urban design analysis. Part C of this policy sets out detailed criteria for tall and large buildings, which are discussed below.
- 8.111. Part D of Policy 7.7 seeks to ensure that tall and large buildings do not result in adverse impacts in terms of microclimate/wind, overshadowing, noise, glare, aviation, navigations, telecoms interference and strategic views. Part E of this policy states that tall buildings in sensitive locations should be given particular considerations, which could include sites within Conservation Areas or within the setting of listed buildings.

- 8.112. Policy DM26 of the Council's adopted Managing Development Document (2013) sets out the Council's plan-led approach to tall buildings, providing detailed criteria for new tall buildings, which are discussed below.
- 8.113. Key Place for Transformation 5 (KPT5) within the Council's Whitechapel Vision Masterplan SPD (2013) states that the Council will expect redevelopment proposals on these key sites to be of high quality iconic architecture, to be seen from long views along Brady Street, Cambridge Heath Road, Cavell Street, Sidney Street, Whitechapel Road and Mile End Road (see page 31). The key urban design and planning principles for KPT5 are set out in Figure 27 in the SPD, which include the provision of a 'landmark' building on the application site. Figure 27 has been reproduced below:

Whitechapel Vision SPD – KPT5: Figure 27



- 8.114. At both 18 storeys and part 21, part 25 storeys, it is considered that Buildings A2 and C1 should be categorised as tall buildings for the purpose of the above policies. With regard to London Plan Policy 7.7(A), the proposed tall buildings form part of a plan-led approach, as set out in KPT5 in the Council's Whitechapel Vision Masterplan SPD (2013). Figure 27 in KPT5 in the Whitechapel Masterplan SPD seeks the provision of a 'landmark' building on the application site. A definition of landmark buildings is given on page 14 of the SPD, which states:
- 8.115. "Landmark buildings are an important visual representation of regeneration and provide an opportunity to provide high quality architecture within the existing built environment.

In some areas, where redevelopment can provide significant regeneration benefits for Whitechapel, a new landmark building may be expressed as a high quality taller building. Existing taller buildings include the new RLH building which currently marks the skyline and views into and out of Whitechapel. In this context, taller buildings designed with high quality architecture provide an opportunity to positively contribute to the new built form and character of Whitechapel.”

- 8.116. The current application relates to a large regeneration site in Whitechapel and the proposals would bring significant regeneration benefits, not least through the delivery of a significant quantum of housing, including affordable housing, together with new public open space and employment opportunities, both in the construction and end-user phases. In this context, it is considered that a ‘landmark’ on this site could be expressed as a taller building.
- 8.117. With regard to Policy 7.7(B), the current application is supported by an urban design analysis, as set out in the submitted Design & Access Statement (June 2015) and Design & Access Statement Addendum (December 2015). In addition, details of the design evolution of the scheme are provided in Chapter 4 of the Environmental Statement.
- 8.118. Policy 7.7(C) sets out a range of detailed criteria, stating that tall and large buildings should:
- a) generally be limited to sites in the Central Activity Zone, opportunity areas, areas of intensification or town centres that have good access to public transport*
- 8.119. The application site lies within the City Fringe Opportunity Area, which accords with the above requirement.
- b) only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building*
- 8.120. The application site is located within Whitechapel and lies immediately to the east of the new Royal London Hospital Building, which is a monolithic and imposing building that has a massive footprint of over 0.8 hectares and rises up to a height equivalent to approximately 26 residential storeys. As such, the proposed tall buildings would be located in an area that is already characterised by a highly visible tall building.
- 8.121. In addition, the site itself if not located within a Conservation Area and the impact of the tall buildings on the setting of nearby Conservation Areas and listed buildings is discussed further below. In summary, it is considered that any harm that would be caused to designated heritage assets would be ‘less than substantial’ in nature and would be clearly outweighed by the public benefits on the scheme. As such, it is considered that the above policy requirement has been met.
- c) relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level*
- 8.122. The scale and height of the surrounding built form is markedly varied, ranging from the Royal London Hospital (equivalent to 26 residential storeys) to 2 storey terraced housing. The prevailing height of buildings to the north and east of the site typically ranges between 3 and 6 storeys. As set out in the ‘Urban Design & Townscape’ section of this report, the proposed courtyard blocks typically range between 5 and 8 storeys in height, with the upper storeys being set back to minimise the massing of the blocks.

8.123. The proposed tall buildings, which would rise to 18 and 21/25 storeys respectively, would be located centrally within the site and would therefore primarily be visible in the skyline in local views, set back from the public highway, rather than massing directly onto the street. It is considered that this approach will provide street frontages that positively respond to the scale, height and form of surrounding buildings, whilst the inclusion of the tall buildings in the skyline will help to break up the massing of the Royal London Hospital building in local views.

8.124. The urban grain within the surrounding area is fragmented, including large blocks with a very coarse urban grain, such as the Royal London Hospital and Royal Mail Centre to the west of the site and the post-war housing estate to the east of the site. Conversely, Newark Street, Ashfield Street and Sidney Square to the south of the site provide a finer urban grain and are largely characterised by terraced housing. The proposed development would serve to subdivide the host urban block and provide new pedestrian routes into and through the site, providing a finer urban grain than presently exists at the site. The proposed pedestrian routes would also include hard and soft landscaping features, including green spaces, planting and new trees, which will enhance the pedestrian environment at street level and is supported. As such, it is considered that the above policy requirement has been met.

d) individually or as a group, improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate, and enhance the skyline and image of London

8.125. The proposed tall buildings would mark the site, which include a significant amount of new public open space and a mix of commercial uses. In addition, one of the key objectives of KPT5 in the Whitechapel Vision Masterplan SPD is the delivery of a new public square on the site of the Whitechapel Mission. The proposed tall buildings would help to mark this new square, particularly in views from the north side of Whitechapel Road. In addition, the tall buildings would serve to partly screen the monolithic facade of the Royal London Hospital in longer views from the east of the site, and would enhance the skyline. As such, it is considered that this policy requirement has been met.

e) incorporate the highest standards of architecture and materials, including sustainable design and construction practices

8.126. As discussed in the 'Urban Design & Townscape' section of this report above, it is considered that the proposed towers are of a high architectural quality and incorporate principles of good design. Sustainable design and construction requirements for residential development now form part of the Building Regulations. For the commercial elements of the scheme, a condition will be included to ensure that a BREEAM rating of 'Excellent' is achieved. As such, it is considered that this policy requirement has been met.

f) have ground floor activities that provide a positive relationship to the surrounding streets

8.127. The proposed development includes active commercial frontages at ground level, including A3 restaurant, B1 office and D2 gym uses. These uses will help to animate the public open spaces within the development and together with the residential element of the development will provide activity at the site throughout the day. The residential element of the scheme also includes ground floor units with doors onto the street with defensible spaces, which will ensure good levels of passive and natural surveillance of

the streets and public open spaces, which is supported. As such, it is considered that the above policy requirement has been met.

g) contribute to improving the permeability of the site and wider area, where possible

8.128. The proposed development would provide a significant amount of public open space, equating to 27% of the application site by area. These spaces will provide publically accessible routes into and through the site from Raven Row, Sidney Street and Stepney Way, where presently none exist. The proposals would therefore result in a significant improvement in the permeability of the site and wider area, in accordance with the above policy requirement.

h) incorporate publically accessible areas on the upper floors, where appropriate

8.129. The proposed development does not include publically accessible areas on the upper floors. It is considered that this would be inappropriate in this instance as the upper floors are served by residential cores. Introducing public access to the upper floors therefore raises security and maintenance issues. As such, officers would not seek to resist the tall buildings on this basis.

i) make a significant contribution to local regeneration.

8.130. As discussed under Policy 7.7(A) of the London Plan above, the proposed development would deliver significant regeneration benefits to the site and wider area, including the delivery of a significant quantum of housing, including affordable housing, together with new public open space and employment opportunities, both in the construction and end-user phases of the development. As such, it is considered that the above policy requirement has been met.

8.131. The local policy context for tall building is principally provided by Policy DM26 of the Council's Managing Development Document (2013). This policy sets out a range of detailed criteria for tall buildings, which must:

a) Be of a height and scale that is proportionate to its location within the town centre hierarchy and sensitive to the context of its surroundings;

8.132. The application site technically lies outside of the LBTH Town Centre Hierarchy, although immediately abuts the southern boundary of the Whitechapel District Centre, which policy identifies as a potentially suitable location for taller buildings. On the basis that the site abuts the Whitechapel District Centre, is designated for a 'landmark' building in KPT5 in the Whitechapel Vision Masterplan SPD, and lies immediately to the east of the Royal London Hospital, it is considered that the proposed tall buildings are appropriate in this context.

b) Within the Tower Hamlets Activity Area, development will be required to demonstrate how it responds to the difference in scale of buildings between the CAZ/Canary Wharf Major Centre and the surrounding residential areas.

8.133. The application site is not located within a LBTH Activity Area. This requirement is therefore not applicable.

c) Achieve high architectural quality and innovation in the design of the building, including a demonstrated consideration of its scale, form, massing, footprint, proportion and silhouette, facing materials, relationship to other buildings and

structures, the street network, public and private open spaces, watercourses and waterbodies, or other townscape elements;

8.134. This is discussed under London Plan Policy 7.7(C)(c) above and in the 'Urban Design & Townscape' section of this report. The tall buildings are considered to be of a high architectural quality, positively responding to the surrounding built form and public realm in terms of their form, scale, height, layout, detailed design, materials and finished appearance. The above policy requirement has therefore been met.

d) Provide a positive contribution to the skyline, when perceived from all angles during both the day and night, assisting to consolidate clusters within the skyline;

8.135. As discussed above, it is considered that the proposed tall buildings are of a high architectural quality and would provide a positive contribution to the skyline. In addition, the tall buildings would cluster around new Royal London Hospital building and would serve to partly screen the monolithic eastern facade of the hospital in local views. As such, it is considered that this policy requirement has been met.

e) Not adversely impact on heritage assets or strategic and local views, including their settings and backdrops;

8.136. This is discussed under the 'Impact on LVMF Views, Townscape and Heritage Assets' section of this report below. In summary, it is considered that the proposals would not adversely impact on any LVMF views and that any harm that would be caused to the setting of any designated heritage assets would be 'less than substantial' in nature and would be clearly outweighed by the public benefits on the scheme. The above policy requirement has therefore been met.

f) Present a human scale of development at the street level;

8.137. The proposed tall buildings are located centrally within the site and therefore do not have a frontage directly onto the public highway. The buildings would flank the central section of public open space within the site, which in turn provides the buildings with a relatively expansive setting. During the course of the application the design of the two tall buildings was modified and their positions were moved, increasing the separation distance between the blocks from 17 metres to 19.5 metres and moving the blocks further away from the neighbouring site at 100-136 Cavell Street.

8.138. The residential and commercial entrances to Buildings A2 and C1 are set within double/triple height glazed frontages that are recessed behind the external pre-cast concrete frames. It is considered that the design and generous height of the ground floor frontages corresponds well to the expansive setting of the buildings, which in turn would provide the buildings with adequate 'breathing space' so as to ensure that they would not appear unduly overbearing when viewed from ground level within the site. As such, it is considered that the proposed tall buildings would present a human scale of development at ground level, in accordance with the above policy requirement.

g) Where residential uses are proposed, include high quality and useable private and communal amenity space and ensure an innovative approach to the provision of open space;

8.139. This is discussed under the 'Private Amenity Space' and 'Communal Amenity Space' sections of this report above, and the 'Public Open Space' section below. In summary, all residential units would benefit from provision of private amenity space and the scheme includes a substantial over-provision of communal amenity space. The scheme

would also provide a significant amount of new public open space within the site, equating to 27% of the site by area, including areas of hard and soft landscaping and child play space. The above policy requirement has therefore been met.

h) Not adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces;

8.140. This is discussed in the 'Environmental Considerations' section of this report. In summary, the wind microclimate assessment within the submitted Environmental Statement shows that the proposed development would not result in any significant adverse impacts on local wind microclimate, either within the site or its immediate surroundings. As such, the above policy requirement has been met.

i) Not adversely impact on biodiversity or open spaces, including watercourses and waterbodies and their hydrology, as well as their settings and views to and from them;

8.141. This is discussed in the 'Biodiversity' section of this report below. In summary, the existing buildings are of no particular biodiversity value and the proposed development, which includes new landscaped areas with planting and trees, green roofs and habitats, would result in a net uplift in biodiversity value at the site. The above policy requirement has therefore been met.

j) Provide positive social and economic benefits and contribute to socially balanced and inclusive communities;

8.142. The proposed development, including the tall buildings, would provide a significant quantum of housing, including affordable housing with the family sized (3+ bed) units provided at social target rents, which is considered to be a significant social benefit. Both market and affordable units would be provided within Blocks A and C, and wheelchair adaptable and adapted units would be provided in all blocks, which would contribute towards a socially balanced and inclusive community within the development. The proposed development would also create local employment opportunities during the construction and end-users phases, providing positive economic benefits. As such, it is considered that the above policy requirement has been met.

k) Comply with Civil Aviation requirements and not interfere, to an unacceptable degree, with telecommunication, television and radio transmission networks;

8.143. It is noted that letters of representation have been received several local residents in which specific objections have been raised to the proposed tall buildings on the grounds that they would conflict with Civil Aviation Authority Air Regulations and the safe operation of the London Air Ambulance due to the height of the buildings and their proximity to the Royal London Hospital helipad.

8.144. Responsibility for air traffic control in the UK lies with National Air Traffic Services (NATS). NATS were consulted on this planning application and advised the Council that they had examined the application from a technical safeguarding aspect and confirmed that it does not conflict with NATS safeguarding criteria. NATS have no safeguarding objection to the proposal. London City Airport were also consulted on the application and have confirmed that they have no safeguarding objection to the proposal. In addition, the London Air Ambulance, who operate from the helipad, were consulted on the application and raise no objections to the proposals.

8.145. With regard to any impacts on telecommunication, television and radio transmission networks, the associated S106 agreement would include a clause to secure pre and post development TV reception surveys and to require appropriate mitigation if necessary. As such, it is considered that the above policy requirement has been met.

l) Demonstrate consideration of public safety requirements as part of the overall design, including the provision of evacuation routes.

8.146. The proposals have been assessed by the London Fire and Emergency Planning Authority, who advise that the pump access and water supplies for the fire service appear adequate and recommend the installation of a sprinkler system, and raise no objections on public safety grounds. Matters pertaining to evacuation routes are covered separately by Part B of the Building Regulations. As such, it is considered that the above policy requirement has been met.

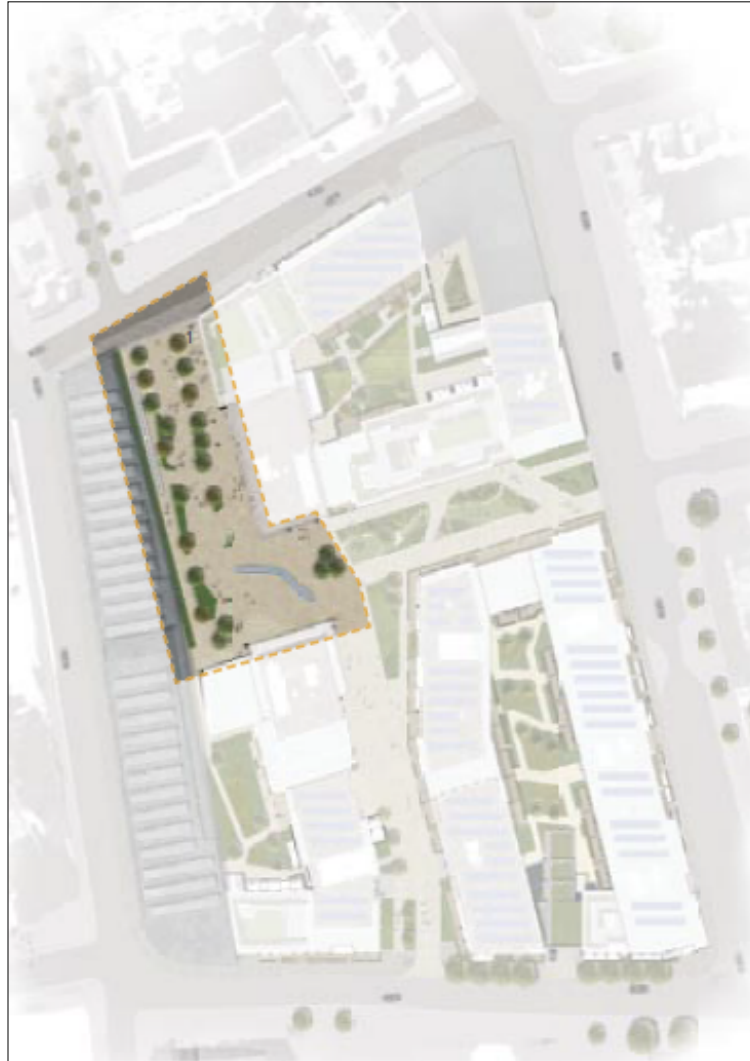
8.147. Taking into account the above, it is considered that the proposed tall buildings, specifically Building A2 at 18 storeys and Building C1 and 21/25 storeys, accord with the requirements of Policy 7.7 of the London Plan (2016) and Policy DM26 of the Council's adopted Managing Development Document (2013).

Public Open Space

8.148. At present none of the land within the site is publically accessible. The proposed development would provide a significant amount of new public open space within the site, totaling 3,738sqm, which equates to 27% of the application site by area. The public open space within the site comprises two main character areas, namely Whitechapel Central Square and Whitechapel Green.

8.149. Whitechapel Central Square is broadly linear in plan form and runs southwards from Raven Row at the north-west corner of the site, along the western boundary of the site to a central square, which provides the immediate setting for the two towers (Blocks A2 and C1) and is bounded by the adjoining site at 100-136 Cavell Street to the west (see below).

Whitechapel Central Square:



- 8.150. Whitechapel Central Square comprises hard and soft landscaping, including a water fountain, trees, plants and shrubs. The scheme would deliver A3 restaurant, B1 office and D2 gym uses which include active frontages that face onto the square, which will help to animate the space and provide activity throughout the day.
- 8.151. During the course of the application the separation distance between the two tower blocks (Blocks A2 and C1) was increased from 17.0 metres to 19.5 metres. Whilst this provides benefits in terms of how these towers appear in local views, this increased separation distance also gives the central piazza / square a greater sense of scale and openness, which is supported.
- 8.152. Whitechapel Green is broadly 'L' shaped in plan form and provides access between Blocks A, B and C from Sidney Street to the east and Stepney Way to the south. This space comprises hard and soft landscaping, including buffer planting for the residential units with ground floor entrances, shrub and herbaceous planting, a water fountain, outdoor seating and visitor cycle parking (see below). This is predominantly a 'softer' landscaped area with a more residential feel than the Central Square section.

Whitechapel Green:



- 8.153. The S106 agreement would include an obligation to secure 24 hour public access through the site. Final details of the hard and soft landscaping features would be secured by condition.
- 8.154. Subject to condition, it is considered that the proposed development would result in the delivery of high-quality, attractive and usable public open spaces that will not only be of benefit to those that live, work and visit the development, but also benefit the wider community within Whitechapel.

Impact on London View Management Framework (LVMF) Views, Townscape and Heritage Assets

- 8.155. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires decision makers determining planning applications that would affect a listed building or its setting to “have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”.
- 8.156. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers determining planning applications that would affect buildings or

other land in a conservation area to pay "special attention [...] to the desirability of preserving or enhancing the character or appearance of that area".

- 8.157. Considerable importance and weight should be given to the desirability of preserving a listed building and/or its setting, and to the desirability of preserving or enhancing the character or appearance of a conservation area, when carrying out any balancing exercise in which harm to the significance of listed buildings or conservation areas is to be weighed against public benefits. A finding that harm would be caused to a listed building or its setting or to a conservation area gives rise to a strong presumption against planning permission or listed building consent being granted.
- 8.158. Paragraph 132 of the NPPF (2012) states 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. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.
- 8.159. Paragraph 134 of the NPPF (2012) states where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 8.160. Policy 7.8 of the London Plan (2016) states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. Policy 7.9 of the London Plan (2016) states that the significance of heritage assets should be assessed when development is proposed and schemes designed so that the heritage significance is recognised both in their own right and as catalysts for regeneration.
- 8.161. Policies 7.11 and 7.12 of the London Plan (2016) define a number of strategically important views within London and require development to not harm, and where possible make a positive contribution to, the characteristics and composition of strategic views and their landmark elements. Policy 7.12 provides detailed guidance for development located within the foreground, middle ground or background of these strategic views.
- 8.162. Policy SP10(2) of the Council's adopted Core Strategy (2010) seeks to protect and enhance the Borough's Conservation Areas and Listed Buildings and their settings and encourages and supports development that preserves and enhances the heritage value of the immediate and surrounding environment and wider setting.
- 8.163. Policy DM27(1) of the Council's adopted Managing Development Document (2013) requires development 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'.
- 8.164. The application is accompanied by a Townscape, Heritage and Visual Impact Assessment (TVIA), prepared by AVR, which forms Volume 3 of the submitted Environmental Statement. The submitted TVIA identifies the LVMF views, Listed Buildings and Conservation Areas that could be affected by the proposed development and provides a number of accurate visual representations of both LVMF and local views.
- 8.165. These accurate visual representations comprise photographs into which the proposed development has been superimposed, to scale, with the development either shown in wire line for the long range views, or shown fully rendered in key local views. Wire lines

of consented developments are also included to provide a cumulative assessment. The TVIA also includes a written assessment of the impact of the proposed development on local townscape, heritage assets and LVMF views.

- 8.166. The TVIA tests five LVMF views and in two of these views, namely LVMF View 2A.1 from Parliament Hill to St Paul's Cathedral and LVMF View 25A.1 from The Queen's Walk to the Tower of London, the proposed development would be entirely obscured by existing buildings and would thus have no impact.
- 8.167. In LVMF View 4A.1 from Primrose Hill to St Paul's Cathedral the proposed development would be located away from (to the left) St Paul's Cathedral, which is the focal point of the view, with majority of the development being obscured by existing buildings. Whilst the top of the tallest building (Block C1) would be just visible in the skyline, it would sit below the height of nearby tall buildings, including the Royal London Hospital, and it is considered that the impact on this strategic view would be negligible.
- 8.168. In LVMF View 5A.2 from Greenwich Park to St Paul's Cathedral the proposed development would be located away from (to the right) of St Paul's Cathedral. Whilst the development would be visible to the right of the Royal London Hospital, the proposed buildings would sit below the horizon and would thus not break into the skyline. It is considered that the impact on this strategic view would be negligible.
- 8.169. In LVMF View 6A.1 from Blackheath Point to St Paul's Cathedral the proposed development would again be located away from (to the right) of St Paul's Cathedral. In this view the top of Block C1 would be just visible in the skyline, located in the background of a group of large residential blocks and situated immediately to the right of the Royal London Hospital, which rises to a comparable height into the skyline. Given the location of the proposed development in this view, together with the scale and form of the townscape in front of the development within the middle ground of this view, it is considered that the impact on this final strategic view would be negligible.
- 8.170. With regard to the key local views, View 9 in the TVIA shows the proposed development in wire line in a northwards view along Cavell Street, with the viewpoint located at the southern end of the street, close to the junction with Commercial Road. In this view Block C1 would be clearly visible in the skyline above the two storey parade of shops at Nos.2-20 Cavell Street, which bound the eastern side of the street. The tall building would not appear unduly obtrusive in this view and would aid local wayfinding by acting as a marker for Key Place Transformation 5 (KPT5) in the Whitechapel Vision Masterplan SPD, including the proposed new public square on the site of the Whitechapel Mission.
- 8.171. View 10 shows the proposed development in wire line in a southwards view along Brady Street, with the viewpoint located adjacent to the junction with Merceron Street. In this view the tall buildings (Block A2 and C1) would effectively terminate the view down Brady Street. The tall buildings would appear immediately to the left of the Swanlea School building, with its distinctive curved roof, and would sit below the roofline of the school building. The cumulative assessment shows that the height of buildings along eastern (left) side of the street would increase if the proposed Sainsbury's development (reference PA/15/00837) was completed, with the proposed tall buildings effectively continuing the roofscape of the Sainsburys scheme along the eastern side of the street. The tall buildings would also be effective in serving as a marker for KPT5 in this view.
- 8.172. Views 12, 13, 14 and 15 show the proposed development in views along Whitechapel Road. In View 12 the upper floors of Building A2 would be visible beyond the roofline of the eastern wing of the Grade II listed former Royal London Hospital building. It is

considered that the impact on the setting would be limited in this view as the building would only rise above the roofline to a limited extent and would sit below the central pediment of the listed building. With regard to Paragraph 134 of the NPPF, It is considered that the harm that would be caused to the setting of the listed building would be minor and 'less than substantial' in nature and that this harm would be outweighed by the public benefits that would be brought by the scheme.

- 8.173. View 13 (see below) shows the proposed development sitting in the immediate backdrop of the Whitechapel Mission. In this view, the two tall buildings (Building A2 and C1) are clearly visible behind the Mission building. The foreground in this view is dominated by the Royal Mail Centre building, which presents tall, wide frontage directly onto Whitechapel Road. Buildings A2 and C1 would sit markedly below the roof level of the Royal Mail building, providing a step in the skyline between the 2-3 storey buildings on Whitechapel Road to the east and the Royal Mail building to the west. A key objective of KPT5 in the Whitechapel Vision Masterplan SPG is the delivery of a new public square on the site of the Whitechapel Mission. If this square is delivered the proposed development will help to mark this key new piece of public open space in views from Whitechapel Road, aiding local wayfinding and legibility.

View 13 – Whitechapel Road, Junction with Brady Street



- 8.174. View 15 shows the proposed development from the north-east corner of the junction of Whitechapel Road and Cambridge Heath Road. In this view Buildings A2 and C1 are clearly visible above the roofline of the three storey building at 240 Whitechapel Road and to the left of the new Royal London Hospital building. The foreground in this view is dominated by the footway and carriageway on Whitechapel Road and Cambridge Heath road, which are heavily trafficked. The middle-ground in this view is formed of a 6 storey former social housing block and a 3 storey commercial building, with the new Royal London Hospital building rising above the roofline in the background at the right hand side. A key objective of KPT5 in the Whitechapel Vision Masterplan SPD is for the

delivery of buildings of high-quality, iconic architecture that will be visible in a number of long views, including from Cambridge Heath Road. It is considered that the proposals meet this objective.

- 8.175. View 16 is a northwards view from the eastern side of Ford Square, which is a protected London Square and lies within the Ford Square Sidney Square Conservation Area. There are no listed buildings in this view. The proposed 6 storey south (Stepney Way) elevation of Block C terminates the view at the end of the street, with Building C1 rising above its roofline. The south elevation of Block C would sit below both the roofline of the 3 storey building at 30-32 Ford Square, and below the gable (south) wall of the 4 storey end of terrace property at 89 Ashfield Street. This element of the scheme therefore sits comfortably within the context of the surrounding built form in the background of this view.
- 8.176. It is noted that the skyline in this view, as with a number of local views, is dominated by the new Royal London Hospital building, which itself sits behind the visually prominent contemporary 6 storey Barts Health NHS Trust Pathology & Pharmacy building at 80 Newark Street. In this view Building C1 would appear prominently in the skyline, although it is considered that its visual impact on the setting of the square and Conservation Area would be lessened by the hospital buildings, and by the tree canopy, which partly obscures the building. With regard to Paragraph 134 of the NPPF, it is considered that the harm that Building C1 would cause to the setting of the Ford Square Sidney Square Conservation Area would be 'less than substantial' and that this harm would be outweighed by the public benefits of the scheme.
- 8.177. View 17 (see below) is a north-westwards view from the green at the centre of Sidney Square. In this view both Building C1, and to a lesser extent Building A2, would be visible above the roofline of the four storey redbrick terrace at 65-75 Sidney Street (odd). The new Royal London Hospital building would also be visible about the roofline of the Grade II listed Georgian terrace at 1-9 Sidney Square (odd). The appearance of the buildings above the roofline is somewhat softened by the tree canopy within the square, which partly obscures the buildings.

View 17 – Sidney Square



- 8.178. Given that the proposed tall buildings would be located approximately 250m beyond the square, and the proposed material palette is lighter in appearance than the terraced houses fronting the square, the proposed tall buildings would not appear unduly overbearing or prominent in this view. With regard to Paragraph 134 of the NPPF, it is considered that the harm that Buildings A2 and C1 would cause to the setting of the Grade II listed terrace and the Ford Square Sidney Square Conservation Area would be 'less than substantial' and that this harm would be outweighed by the public benefits of the scheme.
- 8.179. View 21 is a westwards view from Stepney Way, at the junction with Jubilee Street. There are no heritage assets in this view, which is predominantly characterized by post-war former social housing blocks. The south-east corner of Block B terminates the view at the end of the street, with the block appearing to match the roof height of the former social housing block in the middle ground. Building C1 would appear prominently above the roofline of Block B, with the two distinct vertical elements of the tower being clearly discernable. Building A2 would extend into the skyline to a lesser extent and would appear visually recessive within the background of the view. The new Royal London Hospital building would be visible in the skyline to the left of the application site, being partly obscured by foliage. It is considered that the proposed tall buildings would have a beneficial effect in this view.
- 8.180. Overall, it is considered that the proposed TVIA demonstrates that the proposed development positively responds to the surrounding townscape in terms of its form, scale, height, layout, detailed design and finished appearance. Whilst the proposed tall buildings would result in a degree of harm to the setting of the Ford Square and Sidney Square Conservation Area and listed terraces therein, this harm would be less than substantial in nature, and it is considered that the harm would be outweighed by the public benefits brought by the scheme, which are as follows:

- Delivery of a significant number of new homes, including affordable housing
- Creation of employment opportunities (including local employment) during the construction and end-users phases
- Contribution towards local economy through uplift in residential and commercial occupiers within the development
- Delivery of new public open space within the site and improved pedestrian permeability
- Provision of biodiversity enhancements resulting in a net uplift in biodiversity value at the site
- Potential preservation in-situ of archaeological remains at the site
- Financial contributions towards the Mayoral and LBTH CIL
- Financial contributions towards local employment training initiatives

8.181. Having given special regard to preserving heritage assets the development is considered acceptable and accords with the objectives of Policy SP10 of the Council's adopted Core Strategy (2010), Policy DM27 of the Managing Development Document (2013), Policy 7.8 of the London Plan (2016) and government guidance set out in Section 12 of the National Planning Policy Framework (2012). These policies and government guidance seek to ensure that development proposals are designed to the highest quality standards, incorporating principles of good design, whilst being sympathetic to their historic surroundings and preserving and enhancing the character and appearance of the Borough's Conservation Areas and protecting the special historic and architectural interest of listed buildings.

Secure by Design

8.182. Policy 7.3 of the London Plan (2016) seeks to ensure that developments are designed so as to reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating.

8.183. Policy DM23(3) of the Council's adopted Managing Development Document (2013) requires development to improve safety and security without compromising good design and inclusive environments by locating entrances in visible, safe and accessible locations, by creating opportunities for natural surveillance, by avoiding the creation of concealment points, by making clear distinctions between public, semi-public and private spaces and by creating clear sightlines and improving legibility.

8.184. The design of the development includes residential units with ground floor entrances with defensible spaces that front onto the streets and public open spaces, whilst the upper floors include windows and balconies that overlook these spaces. This design approach is supported as it will result in enhanced natural and passive surveillance, which in turn will discourage anti-social behaviour and make these streets and spaces, including child play spaces, feel safer.

8.185. The proposals have been assessed by the Metropolitan Police Designing Out Crime Officer (DOCO), who has provided detailed guidance on design modifications that are required in order to ensure that the development is able to attain Secure by Design accreditation. Details of the DOCO's comments and the applicant's responses are provided at Appendix 5.0 of the submitted Design and Access Addendum, dated December 2015.

8.186. The DOCO has requested that a condition be included to require the development to achieve Secured by Design accreditation to Level 2 (part) so as to ensure that a safe,

secure and sustainable development is provided for those that will live, work and visit there.

- 8.187. Subject to condition, it is considered that the proposals would reduce the opportunities for criminal and anti-social behaviour and improve safety and security within and around the site without compromising good design. The proposals therefore accord with Policy 7.3 of the London Plan (2016) and Policy DM23(3) of the Council's adopted Managing Development Document (2013).

Archaeological Impacts

- 8.188. Policy SP10(2) of the Council's adopted Core Strategy (2010) seeks to protect and enhance archaeological remains. Policy DM27(4) of the Council's adopted Managing Development Document (2013) requires any nationally important archaeological remains to be preserved permanently in site, subject to consultation with English Heritage (now renamed Historic England).
- 8.189. The submitted ES includes a desk based archaeological assessment, which states that the site has the potential to contain buried heritage (archaeological) assets of high evidential value. Most notably, the assessment indicates that the site may include buried remains of the Red Lion Playhouse, which was built in 1567 by John Brayne and is widely supposed to be the first Elizabethan theatre in Britain.
- 8.190. During the course of the application the applicant's archaeological consultant has undertaken archaeological field evaluation at the site. The desk based archaeological assessment and the results of the archaeological field evaluation carried out at the site have been reviewed by Historic England Greater London Archaeological Advisory Service (GLAAS).
- 8.191. Historic England GLAAS had previously objected to the application on the grounds that the results of early field evaluation works revealed remnants of 16th and 17th century post holes which could have been associated the Red Lion Playhouse as they date from around the same period. If buried remains of the playhouse exist at the site, such remains would be of national importance and potentially worthy of scheduling as an Ancient Monument. Such remains would also be required to be preserved in-situ at the site. Historic England GLAAS had specifically objected on grounds of insufficient archaeological information and requested that further field evaluation be carried out to determine whether the post holes formed part of the playhouse.
- 8.192. Further field evaluation was subsequently carried out in July 2016, the results of which have been reviewed by Historic England GLAAS, who confirm that they withdraw their earlier objection as the results of the further field evaluation show that there is no evidence that the line of 16th and 17th century post holes encountered in the first stage of field evaluation in 2015, extend to form the Red Lion Playhouse and are in fact part of an early post-medieval boundary.
- 8.193. Historic England GLAAS advise that there remains the likelihood that other post-medieval archaeological remains may survive across the site, although these remains are not considered to be of national significance and can be dealt with through an archaeological planning condition to secure a Written Scheme of Investigation (WSI). The WSI must include the statement of significant and research objectives, together with programme and methodology of site investigation and recording, and the programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. It is recommended that this condition be included.

8.194. Subject to condition, it is considered that the proposed development would adequately protect any archaeological remains at the site, in accordance with Policy SP10(2) of the Council's adopted Core Strategy (2010) and Policy DM27(4) of the Council's adopted Managing Development Document (2013).

AMENITY

Policy Context

8.195. Policy SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013) require development to protect, and where possible improve, the amenity of existing and future residents and buildings occupants, together with the amenity of the surrounding public realm.

Daylight and Sunlight – Impacts on Neighbouring Properties

8.196. The daylighting conditions at neighbouring properties are normally calculated by two main methods, namely the Vertical Sky Component (VSC) and No Sky Line (NSL). Building Research Establishment (BRE) guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should be reduced to no less than 0.8 times their former value, in order to ensure that sufficient light is still reaching windows.

8.197. These figures should be read in conjunction with other factors, including the Average Daylight Factor (ADF), which is a measure of the amount of daylight in an interior. ADF is dependent on the room and window dimensions, the reflectances of interior surfaces and the type of glass, together with the obstructions outside. British Standard 8206 recommends the following minimum ADF values for residential dwellings:

- >2% for kitchens;
- >1.5% for living rooms; and
- >1% for bedrooms.

8.198. Sunlight is assessed through the calculation known as the Annual Probable Sunlight Hours (APSH), which considers the amount of sunlight available during the summer and winter for each window facing within 90 degrees of due south (i.e. windows that receive direct sunlight). The amount of sunlight that a window receives should not be less than 5% of the APSH during the winter months of 21 September to 21 March, so as to ensure that such windows are reasonably sunlit. In addition, any reduction in APSH beyond 20% of its former value would be noticeable to occupants and would constitute a material reduction in sunlight.

8.199. The submitted Environmental Statement and associated Addendums include a Daylight, Sunlight, Overshadowing and Solar Glare assessment, prepared by Waterman Energy, Environmental & Design Limited. The assessment has been prepared for the scheme both on a stand-alone basis, and on a cumulative impact basis, whereby other live planning application proposals have been included in the model.

8.200. The submitted assessment has been independently reviewed by the Council's appointed consultant, BRE, who note that the assessment methodology accords with established guidance as set out in the BRE publication entitled 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (2011), referred to hereafter as the BRE Guidelines. The daylighting and sunlighting impacts of the scheme on a stand-alone are discussed below.

8.201. The assessment shows that the impact of the development on the daylighting and sunlighting conditions of the following buildings would be within BRE guideline levels (i.e. reductions of less than 20%) and are therefore considered to be negligible:

- 98 Newark Street
- 106-108 Newark Street
- Wolsey Street (the former Artichoke Public House)
- 101-123 Churchill Place
- 114 Blenheim Place
- 234 Whitechapel Road
- 151 Sidney Street
- 57-59 Raven Row

90 Stepney Way:

8.202. The building at 90 Stepney Way is the John Smith Sure Start Children's Centre, which is one storey in height and includes raised clerestories at roof level. The building is located immediately to the south of the application site.

8.203. In terms of VSC, of the 21 affected windows, 3 windows would remain BRE compliant, 3 windows would see minor reductions of between 20-29.9%, 12 windows would see major reductions of between 40-79.9% and 2 windows would see their VSC reduced to zero. It is noted that the two worst affected windows are small windows that are set behind a deep canopy, which significantly restricts the amount of light they can receive. As such, their existing VSC levels are already close to zero.

8.204. In terms of sunlighting impacts, the 2 affected windows which face within 90 degrees of due south would remain BRE compliant.

8.205. The Council's appointed daylight and sunlight consultant, BRE, notes that the affected windows facing Stepney Way have heavily tinted glazing and appear to light ancillary spaces. On this basis, and having regard to the results of the assessment, it is considered that the daylighting impacts on 90 Stepney Way are acceptable on balance.

1-16 Sandhurst House:

8.206. Sandhurst House is a four storey block of flats that is located on the opposite (east) side of Sidney Street from the application site, facing the south-east corner of the site.

8.207. In terms of VSC, of the 20 affected windows, 3 windows would see minor reductions of between 20-29.9%, 9 windows would see moderate reductions of between 30-39.9% and 8 windows would see major reductions of between 40-49.9%. Whilst some of these VSC reductions proportionately large, the assessment shows that the residual VSC levels would range between the mid-teens to mid-twenties. Such levels are not considered to be unacceptable for sites located in inner-urban areas.

8.208. With regard to sunlight, the Council's appointed consultant, BRE, advises that APSH reductions would be within BRE guideline levels for all windows.

1-36 Wexford House:

- 8.209. Wexford House is a six storey block of flats with deck access to the flats provided on the front (west) elevation. The building is located on the opposite (east) side of Sidney Street from the application site and is located immediately to the north of Sandhurst House.
- 8.210. In terms of VSC, the assessment shows that all but one of the 130 of the affected windows would be subject to major reductions (i.e. >40%). Specifically, 6 windows would see VSC reductions of 40-49.9%, 10 windows would see reductions of 50-59.9%, 9 windows would see reductions of 60-69.9%, 16 windows would see reductions of 70-79.9%, 21 windows would see reductions of 80-89.9% and 67 windows would see reductions of 90-100%.
- 8.211. The sunlighting impacts are of a similar order. In terms of annual APSH, the windows at ground and first floor level currently receive very little sunlight and this would be reduced to zero. Whilst the sunlighting impacts become less the higher up the building you go, there are still a large number of windows that would see major reductions in both annual and winter sunlight levels.
- 8.212. The Council's appointed daylight and sunlight consultant, BRE, notes that the affected windows on the front elevation of Wexford House largely serve bathrooms and kitchens. There are no minimum daylight or sunlight requirements for bathrooms as they are not classified as 'habitable rooms', whilst large kitchens that have a floor area of 13sqm or more are treated as habitable rooms for the purposes of daylight and sunlight assessments. However, kitchens within post-war former social housing blocks are usually below 13sqm. BRE also note that the affected windows are all obstructed by wide access decks and as a result these windows currently receive little light.

Wexford House (Eastwards View from Sidney Street)



- 8.213. In such circumstances, the BRE guidance suggests that an alternative assessment should be carried out with the access decks/overhangs removed. This is done in order to determine the extent to which the design of the building, in and of itself (through the inclusion of access decks, balconies, canopies or overhangs) limits the amount of light received at the windows.
- 8.214. The applicant has prepared an alternative daylight and sunlight assessment for Wexford House with the access decks/overhangs removed. In terms of VSC, the alternative assessment shows that the impacts on the windows at ground floor level would still be significant, ranging from 71% to 100%. However, at first floor level and above the alternative assessment shows that the VSC reductions would be markedly less severe if the access decks were removed, with the VSC reductions to most windows being below 30%. The sunlighting impacts would also be subject to improvements of a similar order.
- 8.215. BRE consider the overall impacts on Wexford House to be moderate adverse. Whilst the relative loss of daylight and sunlight would be large, BRE advise that the presence of access decks is a major factor which results in most of these rooms being effectively non-daylit, even without the proposed development. It is also noted that the primary living accommodation (living rooms) are located at the rear of the building and would not be affected and that a large proportion of the affected windows serve bathrooms, which have no minimum daylight and sunlight requirements.
- 8.216. Taking into account the above, it is considered that the impacts of the proposed development on the daylighting and sunlighting conditions of properties within Wexford House are not so severe as to warrant the refusal of planning permission.

1-8 Mayo House:

- 8.217. The building at 1-8 Mayo House is a four storey block of flats that adjoins the northern side of Wexford House. The building is located adjacent to the junction of Lindley Street and Sidney Street and lies immediately to the east of the application site.
- 8.218. In terms of VSC, of the 5 affected windows, 4 windows would see minor reductions of between 20-29.9% and 1 window would see a moderate reduction of 37%.
- 8.219. In terms of annual APSH it can be seen that the 5 affected windows would see minor to moderate reductions of between 26% and 37%. These windows currently receive very little winter sun and as a result of the development the winter APSH of 3 of these windows would be reduced to zero.
- 8.220. It is noted that the affected windows are located adjacent to, and set back from, the flank elevation of Wexford House and that the position of this adjoining building in relation to these windows invariably limits the amount of day/sunlight that they would receive. With that being said, the residual VSC levels would generally remain in the mid-to-high teens, which are not considered to be unacceptable levels for sites in inner-urban areas.
- 8.221. The Council's appointed consultant, BRE, also notes that the affected windows are all located on the side elevation of the building and that it is unlikely that these windows would serve main living rooms. BRE advise that the impacts on this building could be categorised as minor adverse and overall it is considered that these impacts are generally acceptable in this instance.

1 Lindley Street:

- 8.222. The building at 1 Lindley Street is a two storey end-of-terrace house that is located at the junction of Lindley Street and Sidney Street, situated immediately to the east of the application site.
- 8.223. The development would affect one secondary window on the side elevation of the building, which would be subject to a minor VSC reduction of 29% and moderate annual APSH and winter APSH reductions of 34% and 31% respectively. As the residual daylighting and sunlighting levels would remain quite high it is considered that these impacts are acceptable.

1-6 Erlich Cottages:

- 8.224. The buildings at 1-6 Erlich Cottages comprise two storey terraced houses that are located on the opposite (east) side of Sidney Street to the application site.
- 8.225. In terms of VSC, of the 32 affected windows, 8 windows would remain BRE compliant, 11 windows would see minor reductions of between 20-29.9%, 10 windows would see moderate reductions of between 30-39.9% and 2 windows would see major reductions of 44% and 54% respectively.
- 8.226. In terms of annual APSH, of the 30 affected windows facing within 90 degrees of due south, 3 windows would see negligible reductions of less than 20%, 7 windows would see minor reductions of between 20-29.9%, 7 windows would see moderate reductions of 30-39.9% and 13 windows would see major reductions of between 40-53%. As one would expect, the winter sunlight levels would be reduced by a greater extent. Such losses are often unavoidable in inner urban areas as the sun sits much lower in the sky during the winter months and as such even a limited increase in building height can result in a long shadow being cast.
- 8.227. Whilst the properties at 1-6 Erlich Cottages would see some some major (>40%) reductions in their daylighting and sunlighting conditions, it can be seen that the worst affected windows are those on the sides of the bay windows at ground floor level and the windows/glazing in the front doors of the houses. The bay windows would therefore also be served by the main central windows and the glazing in the front doors would serve the hallways, which are not classified as habitable rooms and have no minimum lighting requirements.
- 8.228. Taking into account the above and given that the assessment shows that the residual daylight and sunlight levels to the main windows to these properties would remain reasonably high, with residual VSC levels typically ranging between the mid-teens and mid-twenties, it is considered that these impacts are generally acceptable.

5 Maples Place:

- 8.229. The building at 5 Maples Place is a four storey block of flats that forms part of the same block as 37-41 Raven Row (see below). The building lies to the north of the site, adjacent to the junction of Maples Place and Raven Row.
- 8.230. In terms of VSC, of the 13 affected windows, 4 windows would remain BRE complaint and 9 windows would see minor reductions of between 20-29.9%. Given the minor nature of the reductions, together with the residual VSC levels, which would remain reasonably high, it is considered that the daylighting impacts on this building would be acceptable.

- 8.231. In terms of annual APSH, 5 windows would see negligible reductions of under 20%, 7 windows would see minor reductions of 20-29.9% and 1 window would see a major reduction of 66%. In terms of winter APSH, 3 windows would see negligible reductions of under 20% and the remainder would see minor to major reductions of between 20-47%. However, it is noted that all windows would still retain a reasonable degree of winter sun.
- 8.232. Overall, the Council's appointed consultant, BRE, advises that the impacts on this block would be minor adverse in nature and it is considered that these impacts are on balance acceptable.

37-41 Raven Row:

- 8.233. The building at 37-41 Raven Row is a four storey block of flats that forms part of the same block as 5 Maples Place. The building lies immediately to the north of the application site.
- 8.234. In terms of VSC, of the 23 affected windows, 16 windows would see minor reductions of between 20-29.9% and 7 windows would see moderate reductions of between 30-39.9%. However, the assessment shows that the residual VSC levels would range from the mid-teens to mid-twenties, which are not considered to be unacceptable for sites in inner-urban locations.
- 8.235. In terms of annual APSH, of the 23 affected windows, 9 windows would see negligible reductions of less than 20% and 13 windows would see minor reductions of 20-29.9%. Whilst the assessment shows that the annual APSH for 1 window would be reduced to zero, as this window serves a hallway it will not have a material impact on residential amenity. Overall, the sunlighting impacts on this block are minor in nature and are considered to be acceptable on balance.

38 Raven Row:

- 8.236. The building at 38 Raven Row is a two storey Victorian house that adjoins the northern boundary of the application site, being located at the north-east corner of the host urban block. The house fronts onto Raven Row and lies close to the junction with Sidney Street.
- 8.237. In terms of VSC, of the 6 affected windows, 1 window would remain BRE compliant, 3 windows would see minor reductions of between 20-29.9% and 2 windows would see moderate reductions of between 30-39.9%.
- 8.238. In terms of annual APSH, of the 5 affected windows that face within 90 degrees of due south, 2 windows would see minor to moderate reductions of 27% and 34%, whilst 3 windows would see major reductions of 43%, 44% and 62%. As is commonplace in such circumstances, losses of winter sunlight are more pronounced, with winter APSH levels being reduced by between 57-73% for the 5 affected windows.
- 8.239. The Council's appointed consultant, BRE, advises that the daylighting impacts could be categorised as minor adverse, whilst the sunlighting impacts could be categorised as major adverse if the affected windows served a living room. However, BRE advise that the sunlight levels would not be an issue if the windows served bedrooms. Given that all the affected windows are located at first floor level at the rear and side of a two storey house, it is highly unlikely that they would serve the main living space in the house.

8.240. Overall, it is considered that the daylighting and sunlighting impacts on 38 Raven Row are not so significant so as to warrant the refusal of planning permission on residential amenity grounds.

43-47 Raven Row:

8.241. The building at 43-47 Raven Row is four storeys in height plus a mansard and includes commercial units at ground floor level and residential units on the upper floors. The building is located immediately to the north of the application site.

8.242. In terms of VSC, of the 39 affected windows, 14 windows at third floor level and above would remain BRE compliant and 25 windows would see minor reductions of 20-30%. It can be seen that the residual VSC levels would range between the high-teens and low-thirties and on this basis it is considered that these properties would still receive adequate levels of daylight.

8.243. In terms of annual APSH, 31 windows would see negligible reductions of less than 20% and 8 windows would see minor reductions of 20-29.9%. Whilst the reductions to winter sunlight would be greater, overall it is considered that these properties would still receive adequate levels of sunlight throughout the year.

49 -51 Raven Row:

8.244. The building at 49-51 Raven Row is a contemporary six storey building that includes commercial units at ground floor level, offices at first floor level and residential units on the upper floors. The building adjoins the eastern side of 43-47 Raven Row and lies immediately to the north of the application site.

8.245. In terms of VSC, of the 19 affected windows, 3 windows would remain BRE compliant, 9 windows would see minor reductions of 20-29.9%, 4 windows would see moderate reductions of 30-39.9% and 3 windows would see major reductions of 40-49.9%.

8.246. In terms of annual APSH, of the 19 affected windows, 3 windows would see negligible reductions of less than 20%, 8 windows would see minor reductions of between 20-29.9%, 7 windows would see moderate reductions of between 30-39.9% and 1 window would see a major reduction of 43%. As is common, the winter sunlight levels would be reduced by a greater extent, which for the residential units ranges between a reduction of 67% at second floor level to a reduction of only 5% at sixth floor level.

8.247. The Council's appointed consultant, BRE, notes that the windows facing Raven Row have large balconies or overhangs located above them, which would reduce the amount of light received at these windows. As stated above, in such circumstances, the BRE guidance suggests carrying out an alternative assessment with the balconies removed.

8.248. Whilst an alternative assessment without the balconies has not been provided for 49-51 Raven Row, having regard to the resultant daylighting/sunlighting conditions at the neighbouring building at 43-47 Raven Row, BRE have advised the Council that such an assessment would likely show that the lighting levels without the balconies would be within BRE guidelines, or only just outside them. On this basis, BRE conclude that the lighting impacts on 49-51 Raven Row could be categorised as minor adverse and it is considered that these impacts are not so severe as to warrant refusal of planning permission.

Whitechapel Mission:

- 8.249. The Whitechapel Mission is four storey building that includes a day centre and residential / sheltered accommodation for the homeless. The building is bounded by Cavell Street to the west, Raven Row to the south and Maples Place to the east and lies immediately to the north-west of the application site.
- 8.250. In terms of VSC, of the 15 affected windows, 8 windows would remain BRE complaint, 3 windows would see minor reductions of 20-29.9% and 4 windows would see major reductions of 46%.
- 8.251. In terms of annual APSH, of the 10 affected windows facing within 90 degrees of due south, 3 windows would see no reduction, 3 windows would see minor reductions of between 20-29.9% and 4 windows would see major reductions of 61%. The windows at ground floor level currently receive very little winter sun and this would be reduced to zero for 4 windows.
- 8.252. It is noted that the worst affected windows are located at ground floor level and that these windows do not serve the residential / sheltered accommodation within the building, which is located on the upper floors. Given that the residual daylight and sunlight levels for the windows on the upper floors would remain reasonably high, it is considered that the impacts on this building are generally acceptable.

100-136 Cavell Street:

- 8.253. The building at 100-136 Cavell Street is a commercial building that is two storeys in height and bounds the entire western boundary of the application site. The building is home to a mix of uses, including offices, a primary school and a college. It should be noted that neither the primary school, nor the college, benefit from planning permission and these uses are therefore unlawful.
- 8.254. In terms of VSC, all 50 of the affected windows would see major reductions in daylight levels, with 1 window seeing a reduction of 49%, 12 windows seeing reductions between 50-59.9%, 20 windows seeing reductions between 60-69.9%, 14 windows seeing reductions between 70-79.9% and 3 windows seeing reductions between 80-89.9%.
- 8.255. As none of the affected windows face within 90 degrees of due south, the proposals would not affect sunlight levels to this building.
- 8.256. A large proportion of the windows within this building serve commercial premises / offices and the Council's appointed consultant, BRE, notes that such uses typically have a lesser need for daylight. BRE further note that there are also schools operating within the building and that the BRE guidance advises that there is usually a reasonable expectation of daylight for such uses, particularly in teaching rooms.
- 8.257. As set out above, the educational facilities that are operating within the building are doing so without the benefit of planning permission and these uses are therefore unlawful. Consideration has also been had as to the likelihood of planning permission being granted for a change of use from B1 office/light industrial use to D1 educational use at 100-136 Cavell Street, in order to regularise these school uses. However, the building at 100-136 Cavell Street lies within a designated Local Office Location (LOL) and adopted policy seeks to resist the loss of B1 use in such locations. It is therefore possible that such an application for change of use would not be supported on the grounds of loss of employment floorspace in a LOL. On basis of the above, it is

considered that less weight should be given to the impact of the proposals on the lighting conditions of these unlawful educational facilities.

- 8.258. It is also important to note that the owner of the site at 100-136 Cavell Street has recently submitted an application for planning permission for the redevelopment of the site, which proposes the demolition of the existing building and erection of two new buildings of 8 and 24 storeys to provide 113 residential units, flexible retail/office/community floorspace at ground floor level with office floorspace above (reference PA/16/00784).
- 8.259. The applicant subsequently submitted Addendum No.2 to the Environmental Statement which includes an assessment of the current proposals (the Whitechapel Central scheme) on the daylighting and sunlighting conditions of the proposed scheme at 100-136 Cavell Street. This information has been reviewed by BRE, who note that the proposed development at 100-136 Cavell Street has been designed with the main windows generally facing west across Cavell Street, away from the Whitechapel Central site. BRE note that whilst 4 bedrooms and 9 living rooms would not meet the recommended ADF levels, as the main windows to these living rooms face away from the Whitechapel Central site the light levels therein would be relatively unaffected by the proposals.
- 8.260. Taking into account the above, it is considered that the proposed development would not result in any significant adverse impacts on the daylighting and sunlighting conditions within the proposed development at 100-136 Cavell Street.

54-62 Stepney Way:

- 8.261. The building at 54-62 Stepney Way is a three storey block of flats, located at the junction of Stepney Way and Cavell Street, situated immediately to the south-west of the application site.
- 8.262. In terms of VSC, of the 51 affected windows, 30 windows would remain BRE compliant, 4 windows would see minor reductions of between 20-29.9%, 5 windows would see moderate reductions of between 30-39.9%, 9 windows would see major reductions of 40-59.9% and 3 windows would see almost total losses of between 94-97%. It is however noted that the 3 windows that would see the greatest VSC losses are glazed panels in the entrance doors to the residential lobby, with the doors themselves being set behind a canopy. These windows therefore do not serve any habitable accommodation and therefore would not materially affect residential amenity.
- 8.263. With regard to the overall daylighting impacts on the building, given that the residual VSC levels would generally range between the mid-teens and high-twenties, it is considered that the daylighting impacts on this building are generally acceptable.
- 8.264. As none of the affected windows face within 90 degrees of due south, there would be no sunlighting impacts on this building.

Daylight and Sunlight within the Development

- 8.265. The daylighting conditions within new homes are normally assessed in terms of the Average Daylight Factor (ADF). The BRE guidelines and British Standard 8206 recommend the following minimum ADF values for new residential dwellings:
- >2% for kitchens;
 - >1.5% for living rooms; and

- >1% for bedrooms.

8.266. The submitted ES Addendum 2 assesses the internal daylighting conditions within the proposed development based on two different scenarios. The first is an assessment against the existing (baseline) surrounding conditions. The second is a cumulative assessment, which includes the proposed development at 100-136 Cavell Street (reference PA/16/00784) within the model.

8.267. The headline figures for the daylight assessment against the existing surrounding conditions are as follows:

ADF Pass Rate: Existing Surrounding Conditions

Block	No. Hab Rooms Pass ADF Test	No. Hab Rooms Fail ADF Test	Total Hab Rooms	ADF Pass Rate (%)
Block A	389	93	482	81%
Block B	458	107	565	81%
Block C	388	112	500	78%
Total	1,235	312	1,547	80%

8.268. The headline figures for the cumulative daylight assessment, including the proposed development at 100-136 Cavell Street, are as follows:

ADF Pass Rate: Cumulative Assessment

Block	No. Hab Rooms Pass ADF Test	No. Hab Rooms Fail ADF Test	Total Hab Rooms	ADF Pass Rate (%)
Block A	385	97	482	80%
Block B	456	109	565	81%
Block C	375	125	500	75%
Total	1,216	331	1,547	79%

8.269. During the course of the application the scheme was amended, including a reduction in height of Building B4, located at the south-west corner of Block B, from 12 storeys to 8 storeys. In addition, the southern end of the courtyard to Block B was widened and the height of the building at the southern end of the courtyard was reduced to a single storey. These amendments have resulted in a marked improvement to the daylighting conditions within Block B, and to the level of sunlight entering the courtyard itself.

8.270. The assessments show that there would not be a significant deterioration in the daylighting conditions within the development if the proposed development at 100-136 Cavell Street was to come forward. Specifically, out of the 1,547 habitable rooms within the proposed development, the daylighting conditions of 19 previously ADF compliant rooms would fall below target ADF values as a result of the development on 100-136 Cavell Street.

8.271. The overall proportion of habitable rooms that achieve target ADF values in both assessments is around 80%, which as an overall proportion is comparable to some other high-density schemes that have been permitted in the borough. Such schemes include Goodmans Fields and 2 Millharbour, as has been noted by the applicant's daylight and sunlight consultant.

8.272. Whilst this is a useful indicator of the general daylighting conditions within the development as a whole, it is important to explore the detailed results where habitable

rooms are failing to achieve target ADF values. As one would expect, the worst affected rooms are those on the lower floors of each block.

- 8.273. In Block A the lowest daylight levels are found in ten south-facing bedrooms at first floor level within Building A3, which have ADF values ranging between 0.13% and 0.26% against a target of 1.0% (in the assessment against existing conditions). However, bedrooms have a lesser requirement for natural light than principal living spaces (such as living/kitchen/dining rooms) and given that the other habitable rooms within these units would receive reasonable levels of daylight, and that these units benefit from south-facing gardens, overall it is considered that the units would provide an adequate level of amenity for future occupiers.
- 8.274. As discussed above, the daylighting conditions within Block B have markedly improved following the design revisions to the scheme. However, there are still some rooms that would receive very low levels of daylight within this block. The rooms with the lowest daylight levels are located on the west elevation of Building B5, the windows of which are set behind recessed balconies. These rooms including bedrooms and living rooms and at ground to third floor levels have ADF values ranging from 0.03% to 0.15%.
- 8.275. The rooms with the lowest daylight levels within the scheme are located within Block C, at the south-west corner of the site. Specifically, there is an east facing 2 bed unit at second floor level within Building C1 where the windows are all set behind a deep recess and the ADF values for all rooms in this unit range between 0.01% and 0.02%. As such, electric lighting would need to be used at all times of the day within this unit. At third to fifth floor levels there are east facing living/kitchen/dining rooms with windows set behind deep recessed balconies that also have very low ADF values, although the bedrooms for these units receive reasonable levels of light.
- 8.276. In their review of the Daylight and Sunlight Assessment BRE advise that sunlight provision would also be below standard for a number of rooms, particularly on the lower floors of the building.
- 8.277. Overall, the assessment shows that there will be a number of habitable rooms that receive very low levels of daylight and sunlight, which would result in a poor level of amenity for the future residential occupants within those units. As such, Members would need to be satisfied that the overall quality and regenerative benefits of the scheme outweigh the amenity shortcomings of a number of units on the lower floors in terms of daylight and sunlight.

Sunlight in Open Spaces

- 8.278. The ES includes an assessment of the impacts of the proposed development on the sunlight levels within existing surrounding gardens and within the proposed public open space and communal amenity spaces in the development.
- 8.279. The BRE guidance states that gardens or amenity areas will appear adequately sunlit throughout the year provided at least half of a garden or amenity area receives at least two hours of sunlight on 21st March. However, if as a result of development the above criterion is not met and area of garden which can receive two hours of sunlight on 21st March would be reduced by more than 20%, then this loss of sunlight would be noticeable.
- 8.280. The assessment analyses the loss of sunlight to existing open spaces at Wexford House, Mayo House, the rear garden of 1 Lindley Street and the area in front of 37-41

Raven Row, and shows that the impacts would be within BRE guideline levels. As such, it is considered that these impacts would be negligible.

- 8.281. In terms of the sunlight levels to the open spaces within the proposed development, the assessment shows that the courtyard to Block A would receive no sun on March 21 and BRE advise that this space would therefore be perceived as insufficiently sunlit. However, it is noted that Block A includes two high-level terraces which provide both alternative communal amenity space and child play space and both of these terraces would benefit from good levels of sunlight during winter months. Taking into account the provision of high-level communal terraces, overall it is considered that the future residents within Block A would have adequate access to communal amenity space and child play space that benefits from adequate levels of sunlight throughout the year.
- 8.282. During the course of the application the scheme was amended, which included a reduction in height of the building at the south-western corner of Block B, from 12 to 8 storeys in height. The footprint of Block B was also altered to increase the width of the central courtyard and the building at the southern end of the courtyard was omitted. The sunlighting conditions within the central courtyard have markedly increased as a result of these amendments, with 45% of the courtyard to Block B now receiving at least 2 hours of sunlight on 21st March, which is only just below BRE guideline levels.
- 8.283. The assessment also shows that the 51% of the courtyard located between Block C and the adjoining site at 100-136 Cavell Street would receive at least 2 hours of sunlight on 21st March and is therefore BRE complaint. In addition, 89% of the high-level terrace (communal amenity space) on Block C would receive at least 2 hours of sunlight on 21st March and this space would therefore receive good levels on sunlight throughout the year.
- 8.284. With regard to the public open space within the development, the assessment shows that the majority of the north-western section of public open space, known as Whitechapel Central Square, would receive good levels on sunlight throughout the year, as would the southern section of the Whitechapel Green space, which is accessed from Stepney Way. However, the central and eastern sections of public open space within the site would largely receive less than 2 hours of sunlight on 21st March as a result of overshadowing from the buildings within the development.
- 8.285. Taking into account the above, overall, it is considered that the proposed development would not result in unacceptable adverse impacts on the sunlight levels within nearby gardens. In addition, overall it is considered that the public open space within the development, including communal amenity spaces and child play space, would benefit from adequate levels of sunlight throughout the year.

Overlooking, Outlook and Sense of Enclosure

- 8.286. The supporting text to Policy DM25 at paragraph 25.3 of the Managing Development Document (2013) advises that a separation distance of approximately 18 metres between facing habitable room windows is sufficient to reduce inter-visibility to a level that is acceptable to most people.
- 8.287. In terms of the relationship between the proposed development and surrounding residential properties and any associated impacts in terms of inter-visibility, overlooking or enclosure, it is noted that the application site comprises the majority of an urban block. With the exception of the house at 38 Raven Row, which is located at the north-east corner of the host urban block, the proposed development would be situated across the street from neighbouring residential properties. The separation distance between the

proposed buildings and facing residential properties on the opposite side of Raven Row, Sidney Street and Stepney Way typically ranges between 13-18 metres, and generally averages 15 metres.

- 8.288. Whilst this separation distance falls below 18 metres in places, this degree of separation between buildings located on opposite sides of a street is not uncommon in this part of the borough, which includes areas with a relatively fine urban grain and narrower streets. As such, it is considered that the proposed development would not result in an unacceptable degree of inter-visibility or overlooking to neighbouring residential properties on the opposite side of the street.
- 8.289. As discussed above, the north-east corner of the urban block includes a two storey Victorian house at 38 Raven Row which has rear windows that face towards the application site. These rear windows are located 25 metres from the north elevation of Building A4, which does not include any north facing windows, and over 30 metres from the north elevation of Building A1. As such, the proposals would not result in any significant loss of privacy through overlooking to this neighbouring property.
- 8.290. It can be seen that the east (side) elevation of Building A3, which rises to 5 storeys in height, would extend beyond the rear elevation of 38 Raven Row. However, given that the neighbouring house would enjoy a relatively open aspect to the south, with the windows on the upper floor looking out over the proposed single storey bike store, it is considered that the proposals would not result in an unacceptable degree of enclosure or loss of outlook to this neighbouring residential property.
- 8.291. It is noted that letters of objection have been received from commercial occupiers within the adjacent two storey building at 100-136 Cavell Street, which bounds the western side of the application site, on the grounds that the close location of the residential block and the privacy needs of the residents would inhibit the reasonable use of the neighbouring commercial premises.
- 8.292. Block A would be set back from 100-136 Cavell Street by between 19-21 metres and therefore raises no privacy concerns. Block C is located closer to this neighbouring building and includes west facing windows located 13-18 metres from the building. Whilst the separation distance falls below the recommended 18 metres along part of the facade of Block C, this degree of separation is comparable to that between the street frontages of the Blocks and the buildings located on the opposite side of the street, notably those on Raven Row and Stepney Way. As discussed above, given the local urban context of the site, it is considered that such separation distances would not result in an unacceptable degree of inter-visibility or overlooking.
- 8.293. With regard to the levels of privacy and outlook that would be afforded to residents within the development, it can be seen that the separation distance between the proposed buildings, including the courtyards, generally ranges between 18-25 metres. This drops to 15 metres between Buildings B4 and C2, although this would still afford residents with an acceptable level of privacy. It is also considered that the design and layout of the block would ensure that all habitable room windows would be afforded adequate levels of outlook.
- 8.294. Taking into account the above, it is considered that the proposed development would afford existing and future residents, both within and around the site, with acceptable levels of privacy and outlook, in accordance with the objectives of Policy SP10(4) of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013).

Noise & Vibration

- 8.295. The ES includes a Noise and Vibration Assessment, prepared by Waterman, which provides the results of background noise and vibration monitoring that was carried out at several locations within and around the application site. The assessment also includes the predicted worst-case facade noise level and details the level of attenuation that will be required in order to ensure that the residential standard of British Standard BS8233:2014 is met.
- 8.296. It is noted that the Barts Health NHS Trust have raised concerns that the proximity of the development to the Royal London Hospital could result in noise complaints from new residents, which it turns out could impact on the operation of hospital and the London Air Ambulance, which utilises the helipad on the roof of the hospital. In order to address this issue, Barts Health NHS Trust have requested that a clause be included in the S106 similar to the one below, to require future occupiers to be made aware of the potential for noise disturbance. The NHS advice has been used in other developments adjacent to Trust premises:
- 8.297. *“The developer will secure that any lease granted in respect of any residential unit in the development contains an acknowledgement by the lessee of the residential unit that the resident is located in a mixed use area containing a number of historic uses operating outside normal business hours with noise generating uses and as such, the definition of “quiet enjoyment” within the lease and the occupiers expectation of the local amenity should be interpreted accordingly.”*
- 8.298. The applicant has agreed for such a clause to be included within the S106 agreement.
- 8.299. Separate to private noise complaints is the matter of ‘statutory nuisance’. Part 3, Section 79 of the Environmental Protection Act 1990 defines a statutory nuisance caused by noise to be *‘noise emitted from premises so as to be prejudicial to health or a nuisance’*. However, it should be noted that subsection 6 states this *‘does not apply to noise caused by aircraft other than model aircraft’*. Therefore, aircraft, including the London Air Ambulance helicopters, are specifically excluded from having action taken against their operators in respect of statutory noise nuisance.
- 8.300. The Council’s appointed Environmental Consultants, LUC, have reviewed the Noise and Vibration Assessment and confirm that the methodology is acceptable.
- 8.301. It is recommended that conditions be included to set internal noise limits for the habitable rooms and require post completion noise testing to demonstrate compliance, and to require the use of adequate sound insulation for residential units that adjoin commercial premises, together with post completion noise testing.
- 8.302. LUC recommend that a condition be included to require all residential units to be mechanically ventilated to negate the need for windows to be opened. A further condition should be included to require noise generated from any plant within the development to be attenuated to at least 10dB below the lowest background noise level (LA90) when measured at a distance of 1 metre from the nearest sensitive facade. This will ensure that the plant within the development will not be audible to residents or building occupants both within the development and within the surrounding area.
- 8.303. Subject to the above conditions, it is considered that the proposed development would adequately protect neighbouring residents and building occupants and future residents within the development from undue noise and vibration disturbance, in accordance with

Policy SP10(4) of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013).

TRANSPORTATION & HIGHWAYS

- 8.304. The NPPF (2012) and Policy 6.1 of the London Plan (2016) seek to promote sustainable modes of transport and accessibility and reduce the need to travel by car. Policy 6.3 of the London Plan also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 8.305. Policy SP08 and SP09 of the Council's adopted Core Strategy (2010) and Policy DM20 of the adopted Managing Development Document (2013) together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development does not have an adverse impact on safety and road network capacity, requiring the assessment of traffic generation impacts and also seeking to prioritise and encourage improvements to the pedestrian environment.

Trip Generation

- 8.306. The application is accompanied by a Transport Assessment (TA), prepared by MLM Consulting Engineers, which includes the modelled trip generation of the existing B8 storage use and the proposed residential-led mixed use development. This assessment was based on the original scheme, which was for a total of 609 residential units, although this was subsequently reduced to 564 residential units during the course of the application. The trip generation for the revised scheme would therefore be lower than is shown in the TA.
- 8.307. The TA states that the existing B8 storage use would generate 55 (two-way) trips during the AM peak hour and 60 trips during the PM peak hour, across various modes of transport (vehicle, cycling or walking). It can be seen that the vast majority of these trips (approximately 90%) would be made by vehicle.
- 8.308. By its very nature a B8 storage facility is a use that generates a limited number of trips, and those seeking to deposit or retrieve items to/from storage would be most likely to come by vehicle. Any proposals for a high-density residential-led scheme, as is sought in the Whitechapel Vision Masterplan SPD, would therefore invariably result in a significant uplift in trips to and from the site.
- 8.309. The TA shows that the original scheme (for 609 residential units) would generate 497 trips during the AM peak hour and 401 trips during the PM peak hour, across all modes of transport (including car passengers and public transport). The majority of these trips would be made by Underground and walking, and the development would in fact result in a net decrease in the number of vehicle trips to and from the site. The TA has been reviewed by TfL, who raise no objections on trip generation grounds.
- 8.310. Taking into account the above, it is considered that the proposed development would not result in any significant adverse impacts on the capacity of the road network, including the Transport for London Road Network (TLRN), in accordance with Policy 6.3 of the London Plan (2016), Policy SP09(3) of the Core Strategy (2010) and Policy DM20(2) of the Managing Development Document (2013).

Car Parking

- 8.311. Policy DM22(1) of the Council's Managing Development Document (2013) requires developments to accord with the Council's adopted parking standards. Policy SP09(4) of

the Core Strategy (2010) and Policy DM22(2) of the Managing Development Document (2013) seek to ensure that developments located in areas of good public transport accessibility are secured as 'permit free'.

- 8.312. Policy 6.13 of the London Plan (2016) also promotes 'car free' development in areas with good access to public transport, whilst still providing for disabled people. This policy also seeks to ensure that 20% of parking spaces (both active and passive) provide an electrical charging point to encourage the uptake of electric vehicles.
- 8.313. The Council's Parking Standards are set out in Appendix 2(1) of the Managing Development Document (2013), which for sites with a PTAL of 5-6 set a maximum parking provision of up to 0.1 parking spaces for 1 and 2 bed units and up to 0.2 parking spaces per unit for 3+ bed units. The proposed development would provide 478 x 1 & 2 bed units and 86 x 3+ bed units, for which the Council's parking standards specify a maximum of 65 car parking spaces, with a minimum of 10% of spaces to be provided as accessible parking.
- 8.314. It is noted that the London Plan (2016) parking standards allow for up to 1 space per unit, whilst stating that developments with good access to public transport should aim for significantly less than 1 space per unit.
- 8.315. The proposed development includes residential 70 car parking spaces at basement level, of which 7 spaces (10%) would be provided as accessible parking. The proposed car parking levels therefore exceed the Council's maximum parking standards by 5 spaces. The applicant has confirmed that 20% of parking spaces (both active and passive) would provide electric vehicle charging, which accords with Policy 6.13 of the London Plan (2016). The commercial element of the development would be car-free.
- 8.316. As the site benefits from excellent access to public transport, with a PTAL of 6a, the associated S106 agreement would include a clause to secure the residential units as 'permit free'. This clause would prevent future residential occupants within the development from obtaining on-street residential parking permits, with the exception of residents registered for disabled parking and residents eligible for on-street parking using the Council's Permit Transfer Scheme.
- 8.317. LBTH Transportation & Highways object to the proposed level of on-site car parking, stating that the residential car parking on this site should be nominal, save for accessible parking, given the excellent level of public transport accessibility. LBTH Transportation & Highways consider that the on-site residential parking should be limited to the number of spaces needed to absorb demand from the Council's Permit Transfer Scheme.
- 8.318. TfL have also raised concerns in relation to on-site car parking and have requested that more accessible parking spaces be provided as the Mayor of London's Housing SPG (2016), which seeks to ensure that each wheelchair accessible home has access to an accessible parking space. On this basis, 56 accessible parking spaces would need to be provided, which is significantly above the 7 spaces that is proposed. As set out below, the car parking spaces add to the value of a development and to include 56 of the 70 spaces as accessible spaces would reduce the viability of the scheme. It should be noted that the proposed disabled parking provision meets the Council's parking standards (at 10% of total parking) as such is considered that a lack of disabled parking could not reasonably constitute a reason for refusal in this instance.
- 8.319. It is noted that the proposals include an over-provision of residential parking by 5 spaces against the Council's parking standards, and that LBTH Transportation & Highways would seek for on-site parking to be significantly reduced. However, residential car

parking spaces add to value to a development and the proposed provision of 70 spaces therefore has an affect the financial viability of the scheme, and thus the delivery of affordable housing. This is a matter that must be considered within the overall planning balance when considering the acceptability of the scheme in the round.

- 8.320. In accordance with the request from the GLA, it is recommended that a condition be included to secure a Car Parking Management Plan, which will detail how the parking spaces will be allocated, including disabled spaces, and identify the location of electric vehicle charging points.
- 8.321. Taking into account the above, on balance, it is considered that the proposed over-provision of residential car parking spaces is not so significant so as to constitute a reason for refusal in this instance.

Cycle Parking

- 8.322. Policy DM22(4) of the Managing Development Document (2013) and Policy 6.9 of the London Plan (2016) require developments to include adequate provision of safe, secure and accessible cycle parking facilities. The cycle parking standards set out at Table 6.3 of the London Plan (2016) require the following minimum provision of cycle parking by land use:

Land Use	Long-stay Cycle Parking	Short-stay Cycle Parking
A3 Restaurant	From a threshold of 100 sqm: 1 space per 175 sqm	From a threshold of 100 sqm: 1 space per 40 sqm
B1 Office	1 space per 90sqm	first 5,000 sqm: 1 space per 500sqm; thereafter: 1 space per 5,000sqm
D2 Gym	1 space per 8 staff	1 space per 100 sqm
C3 Residential	1 space per studio / 1 bed unit; 2 spaces per all other dwellings	1 space per 40 units

- 8.323. In accordance with the above standards, the required minimum cycle parking provision for the proposed development by land use is as follows:

- A3 restaurant – 1 long stay and 5 short stay spaces
- B1 office – 31 long stay and 5 short stay spaces
- D2 gym – 1 long stay and 4 short stay space
- C3 residential – 906 long stay and 14 short stay spaces
- **Total – 939 long stay and 28 short stay spaces**

- 8.324. A total of 996 cycle parking space would be provided within the development, which exceeds the minimum cycle parking requirements for the development as a whole.

- 8.325. A long-stay commercial cycle store would be provided at ground level within Block A, whilst short-stay commercial cycle parking would be provided via cycle stands located within the north-western area open space within the site.

- 8.326. Residential cycle stores would be provided within each of the blocks, which are located at ground floor level in Block A and at both basement and ground floor level in Blocks B and C. Short-term cycle parking for both the commercial and residential would be provided via cycle stands located throughout the public open space within the site, with a

total of 14 stands to be provided, which will be able to accommodate 28 bicycles, in accordance with the above policy requirements.

- 8.327. The proposals cycle parking arrangements have been assessed by LBTH Transportation & Highways and TfL, who raise no objections to the quantum and location or cycle parking within the scheme. It is recommended that a condition be included to secure detailed plans and sections of the cycle stores (at 1:20) together with the technical specifications of the cycle stands and details of access arrangements. A further condition should be included to secure full details of all surface level short stay cycle parking stands, which will be required to be retained and maintained for the life of the development.
- 8.328. TfL have also advised that the closest cycle hire docking station to the site is within the top 5% of docking stations in London in terms of the number of hires and docks. TfL expect that the proposed development will stress the cycle hire network operationally through increased demand and have requested that the applicant safeguard an area of land within the site to accommodate a 32 point cycle hire docking station.
- 8.329. The applicant has agreed in principle to provide an area of land for a docking station, and has proposed an area that is 27 metres long and 4 metres wide, covering 166sqm, located at the north-west corner of the site, adjacent to the public highway on Raven Row. TfL have subsequently confirmed that the proposed area of land is suitable for safeguarding for a docking station and this will be secured through the S106 agreement.
- 8.330. Subject to condition, it is considered that the proposals include adequate provision of safe, secure and usable cycle parking facilities, in accordance with Policy DM22(4) of the Council's adopted Managing Development Document (2013) and Policy 6.9 of the London Plan (2016).

Waste & Recyclables Storage

- 8.331. Policy SP05 of the Council's adopted Core Strategy (2010) and Policy DM14 of the Managing Development Document (2013) require planning applications to be considered in light of the adequacy and ease of access to the development for waste collection and the adequacy of storage space for waste given the frequency of waste collections.
- 8.332. The proposals include the provision of designated refuse stores for the residential component of the development, which are located at ground floor level for Block A, at basement level for Block B and at both ground floor and basement level for Block C. The Council's residential Waste Capacity Guidelines are provided at Appendix 2(3) of the Managing Development Document (2013). These guidelines set out the minimum requirements for the storage of refuse, recyclables and compostable waste (in litres) for residential dwellings based on unit size (1, 2, 3 and 4 bed).
- 8.333. Designated refuse stores would also be provided for the commercial uses within the development. Specifically, a refuse store to accommodate 2 x 1,100 litre bins would be provided at ground floor level within Building A3 for the restaurant use; a refuse store to accommodate 10 x 1,100 litre bins would be provided at ground floor level within Building A2 for the office use within that block, and; a refuse store to accommodate 5 x 1,100 litre bins would be provided at ground floor level within Building C1 for the gym and office uses within that block.
- 8.334. The LBTH Waste Policy & Development Team provided comments on the scheme as originally submitted. In those comments they raised concerns that some of the refuse stores did not appear to include enough bins to meet guideline minimum capacity

requirements, and objected to the location of the bin stores for Buildings A3 and A4 as they were over 10 metres away from the collection point.

- 8.335. The scheme was subsequently revised, including revisions to the waste storage strategy. The submitted Refuse Strategy Plans show that the bins stores for each of the buildings would include enough bins to meet the Council's waste minimum capacity guidelines for refuse, recyclables and compostable waste. In addition, a single bin store is now provided for Buildings A1, A3 and A4, which is located at the northern end of the eastern boundary of the site, fronting directly onto the public highway on Sidney Street. As a result, all of the residential bin stores and bin holding areas would be located within 10 metres of the collection points, which is supported.
- 8.336. For Block A, the bins would be collected from two points on the public highway, located on Raven Row and Sidney Street respectively. All other bin collections would take place within the site. For Block B, on collection days the bins would be brought up from basement level to a collection point located between Buildings B4 and C2. For Block C, the bins would be brought up from basement level to a collection point located within the courtyard of Block C.
- 8.337. LBTH Transportation & Highways object to the proposed bin collection point between Buildings B4 and C2, which is located adjacent to the main vehicular entrance into the site. Objection is specifically raised on the grounds that this would result in refuse vehicles stopping at this collection point for extended periods, which could block vehicles attempting to enter the site from Stepney Way.
- 8.338. It is recommended that a Refuse Management Plan be secured by condition, to ensure that the waste capacity of the scheme is maintained in perpetuity, and to ensure that an appropriate alternative strategy is secured for the movement of bins from basement level to suitable collection points at ground level. It is considered that this condition would satisfactorily address the concerns raised by LBTH Transportation & Highways.
- 8.339. Subject to condition, it is considered that the proposed development includes adequate facilities for the storage and collection of refuse, recyclables and compostable waste, in accordance with Policy SP05 of the Core Strategy (2010) and Policy DM14 of the Managing Development Document (2013).

Servicing

- 8.340. It is proposed to service the restaurant and office uses within Block A from an on-street loading bay on Raven Row, located adjacent to the north-west corner of Block A. The office and gym uses within Block C would be serviced on-site via a loading space situated between Buildings C1 and C2. The submitted Transport Assessment shows that the proposed mix of commercial uses would result in a net reduction in servicing vehicle movements when compared to the existing Use Class B8 storage and distribution use. Specifically, the proposed development would require 2 less servicing vehicle movements during AM and PM peak hours per day.
- 8.341. LBTH Transportation & Highways have raised concerns over the proposed on-street servicing from Raven Row, noting that the Council's Whitechapel Vision Masterplan SPD seeks to ensure that the network of streets around Raven Row are highly permeable around the hospital and through connections to adjacent sites. To this end, LBTH Transportation & Highways would expect traffic, servicing and vehicle activity on Raven Row to be reduced as part of the redevelopment proposals, particularly in terms of on-street goods vehicle movements.

- 8.342. LBTH Transportation & Highways further expect use of the on-site loading bay to be maximised, with a system put in place to enable goods to be distributed from this point throughout the site. TfL have also recommended that all servicing be carried out from on-site loading bays. Both LBTH Transportation & Highways and TfL have requested that a condition be included to secure a Delivery and Service Management Plan, to confirm how this will be achieved.
- 8.343. Subject to condition, it is considered that the proposed servicing arrangements would not result in any significant adverse impacts on the safety or capacity of the road network. The proposals therefore accord with Policy SP09(3) of the Core Strategy (2010) and Policy DM20(2) of the Managing Development Document (2013).

Construction Traffic

- 8.344. In order to ensure that construction traffic for both the demolition and construction phases of the development do not adversely impact on the safety or capacity of the road network, and in accordance with the advice of Transport for London, it is recommended that a condition be included to secure a Construction Logistics Plan (CLP).
- 8.345. The CLP will be required to be approved prior to the commencement of development (including works of demolition) and will provide full details of the number, frequency, timings, vehicle sizes, traffic routes and stopping locations for all construction vehicles accessing the site. Given the proximity of the site to Whitechapel Road, which forms part of the Transport for London Road Network (TLRN), the CLP would be assessed by officers in consultation with TfL.
- 8.346. It is also noted that Barts Health NHS Trust have raised concerns over the potential for construction traffic, particularly heavy goods vehicles (HGVs), to hinder emergency vehicle access to the Royal London Hospital. The surrounding streets form part of the 'Blue Light Route' for emergency vehicle access to and from the hospital. In order to ensure that construction traffic will not unduly hinder emergency vehicle access to the hospital, the Barts Health NHS Trust have requested that a condition be included to secure a detailed phasing plan and programme of works, to be discharged prior to the commencement of development in consultation with Barts Health NHS Trust. This would provide the Trust with advance notice of periods of heavy construction traffic, during which emergency vehicle access routes could be diverted.
- 8.347. Subject to the above conditions, it is considered that the demolition and construction works associated with the development would not have any significant adverse impacts on the safety or capacity of the road network, in accordance with Policy SP09(3) of the Council's adopted Core Strategy (2010) and Policy DM20(2) of the Council's adopted Managing Development Document (2013).

ENERGY & SUSTAINABILITY

- 8.348. At a national level, the National Planning Policy Framework (2012) sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan (2016), Policies SO24 and SP11 of the Core Strategy (2010) and Policy DM29 of the Managing Development Document (2013) collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.

- 8.349. The London Plan sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green).
- 8.350. Policy 5.6 of the London Plan (2016) states that major development proposals should select energy systems in accordance with the following hierarchy:
1. Connection to existing heating or cooling networks;
 2. Site wide CHP network;
 3. Communal heating and cooling.
- 8.351. Policy DM29 of the Managing Development Document (2013) 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% 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.
- 8.352. The application is accompanied by an Outline Energy Statement, prepared by MLM Consulting Engineers, which has been reviewed by the LBTH Sustainable Development Team. The Outline Energy Statement shows that the proposed development follows the principles of the Mayor's energy hierarchy through the implementation of energy efficiency measures, including the use of high thermal performance materials, a site-wide Combined Heat and Power (CHP) system for heating and hot water supply, and a photovoltaic (PV) system. The cumulative CO2 savings from these measures exceed the requirements of Policy DM29(1), achieving a 56.34% improvement in CO2 emissions over Building Regulations 2013 minimum requirements.
- 8.353. It is noted that the Outline Energy Statement explores options for connecting to a district heating system using the London Heat Map, although concludes that there are no existing heat networks to connect with. It is acknowledged that this is presently the case. The proposed use of a site-wide CHP system has therefore been shown to accord hierarchy in Policy 5.6 of the London Plan (2016).
- 8.354. In relation to environmental sustainability, the submitted proposals include Sustainability Statement which details how the non-residential element of the scheme has been designed to meet BREEAM 'Excellent' rating. This is supported by the Sustainable Development Team and accords with Policy DM29(4) of the Managing Development Document (2013).
- 8.355. Having regard to the above, it is recommended that conditions be included to secure the following:
- CO2 emission reductions in accordance with the Outline Energy Statement;
 - Detailed specification of the renewable energy technologies (PV array), and;
 - BREEAM 'Excellent' rating for non-residential element of the development.
- 8.356. Subject to these conditions, it is considered that the proposed development would follow the Mayor's energy hierarchy and would achieve a policy compliant level of CO2 emission reductions. The scheme would also attain the highest standards of sustainable design and construction. The proposals therefore accord with Policies 5.2, 5.3, 5.6 and

5.7 of the London Plan (2016), Policy SP11 of the Core Strategy (2010) and Policy DM29 of the Managing Development Document (2013).

BIODIVERSITY

- 8.357. Policy 7.19 of the London Plan (2016), Policy SP04 of the Core Strategy (2010) and Policy DM11 of the Managing Development Document (2013) seek wherever possible to ensure that development makes a positive contribution to the protection, enhancement, creation and management of biodiversity. Where sites have biodiversity value, this should be protected and development which would cause damage to a Site of Importance to Nature Conservation (SINC) or harm to protected species will not be supported unless the social or economic benefits of the development clearly outweigh the loss of biodiversity.
- 8.358. The application site is not located within a SINC. The LBTH Biodiversity Officer notes that the site, in its existing condition, largely consists of buildings and hard standing with a few trees on the boundary and that the buildings are not suitable for roosting bats. As such, the LBTH Biodiversity Officer advises that the proposed demolition of the existing buildings and clearing of the site will not result in any significant adverse impacts on biodiversity, although the loss of the existing boundary trees would be a minor adverse impact.
- 8.359. With regard to the proposed redevelopment of the site, the scheme includes significant areas of soft landscaping at ground level and the provision of biodiverse 'brown roofs' at roof level. The LBTH Biodiversity Officer advises that the proposed planting should maximise the use of native species of trees and nectar rich planting. Additional habitat should also be provided in the form of stone and log piles, together with bird boxes.
- 8.360. In order to ensure that biodiversity value is maximised within the development, it is recommended that a condition be included to secure full details of all biodiversity enhancements, including 'brown roofs' and additional habitats, landscaping and planning, and bird nest boxes.
- 8.361. Subject to condition, it is considered that the proposed development will make a positive condition to the protection, enhancement, creation and management of biodiversity, in accordance with Policy 7.19 of the London Plan (2016), Policy SP04 of the Core Strategy (2010) and Policy DM11 of the Managing Development Document (2013).

ENVIRONMENTAL CONSIDERATIONS

Environmental Impact Assessment

- 8.362. The proposed development falls within the category of developments specified at Section 10(b), Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- 8.363. As the proposed development is likely to have significant effects on the environment, it is required to be subject to an Environmental Impact Assessment (EIA) before planning permission is granted. Regulation 3 of the EIA Regulations 2011 prohibits the grant of planning permission unless prior to doing so, the Council has taken the 'environmental information' into account. The environmental information comprises the applicant's original Environmental Statement (ES), ES Addendum (submitted in December 2015), ES Addendum 2 (submitted in May 2016), further information submitted following request under Regulation 22 of the EIA Regulations 2011, any other substantive information relating to the ES provided by the applicant and any representations

received from consultation bodies or duly made by any person about the environmental effects of the development.

- 8.364. The Council has appointed independent consultants Land Use Consultants (LUC) to review the content, methodology, and quality of the applicant's ES and to confirm whether it satisfies the requirements of the EIA Regulations 2011. As part of that exercise, the consultants identified that further information (under Regulation 22) and points of clarification were required.
- 8.365. The applicant subsequently provided further documentation, including revisions and addendums to the ES, in order to address these points. This additional environmental information, submitted under Regulation 22, was subject to 21 day public consultation period, which was advertised by way of a press advertisement published in the local press, letters sent to neighbouring residents and site notices displayed in the vicinity of the site. All statutory consultees were also formally consulted and were allowed 21 days to provide comments.
- 8.366. The ES, ES Addendum and further information address the likely significant effects of the development, the nature and form of the impacts and the proposed mitigation measures. The ES has been formally reviewed by officers and the various environmental impacts are dealt with in the relevant sections of this report with conclusions being provided, together with proposals for mitigation of impacts by way of conditions and/or planning obligations as appropriate.
- 8.367. Having regard to the ES and other environmental information in relation to the development, officers are satisfied that the environmental effects are acceptable in the context of the overall scheme, subject to appropriate mitigation measures being secured by conditions/obligations.

Air Quality

- 8.368. Policy SP03 of the Core Strategy (2010) suggests air quality improvements will be addressed by continuing to promote the use of public transport and reduce reliance on private motor vehicles and introducing a 'clear zone' in the borough. Policy DM9 of the Managing Development Document (2013) also seeks to improve air quality within the Borough, and outlines that a number of measures would contribute to this, such as reducing vehicles traffic levels, controlling how construction is carried out, reducing carbon emissions and greening the public realm. The application site, as with the entire borough, lies within an Air Quality Management Area.
- 8.369. The submitted Environmental Statement includes an Air Quality Assessment (AQA), which has been assessed by the LBTH Air Quality Officer. The AQA includes an Air Quality Neutral Assessment for the operational phase of the development, which shows that the development would not be Air Quality Neutral with regard to the building emissions, which are over twice as high as the benchmarked emissions. This is specifically due to the high level of emissions from the proposed heating plant (CHP system). The LBTH Air Quality Officer advises that this is not acceptable.
- 8.370. In order to mitigate these impacts the LBTH Air Quality Officer has requested that a condition be included to require the submission and approval of a revised Air Quality Neutral Assessment to model the emissions from an alternative CHP system. The revised assessment must demonstrate that the new CHP system meets the air quality neutral benchmarks and the GLA's emission standards.

- 8.371. The AQA (at Appendix 9.2 of the ES) includes an NO₂ Sensitivity Test, which is based on the presumption that there would be no decrease in emissions from the baseline to the opening year. The LBTH Air Quality Officer notes that the results show that in the opening year the NO₂ annual objective would be exceeded at two receptors at ground floor level at Blocks A and B.
- 8.372. In order to ensure that future residents within the development are not exposed to unacceptably poor air quality within their homes, it is recommended that a condition be included to secure details of a mechanical ventilation system for the residential units shown to exceed the annual NO₂ objective in the NO₂ Sensitivity Test. The mechanical ventilation system must either include NO_x filtration or have air inlets located at high (roof) level where the air will be cleaner.
- 8.373. Subject to the above conditions, it is considered that the proposed development is acceptable in air quality terms, in accordance with Policy DM9 of the Council's adopted Managing Development Document (2013).

Demolition and Construction Noise, Vibration and Dust

- 8.374. The demolition and construction works associated with the proposed development have the potential to cause noise and vibration disturbance to nearby residents and building occupants. In order to suitably and proportionately mitigate these impacts, and in accordance with the advice of the LBTH Air Quality Officer, it is recommended that a condition be included to secure a Construction Environmental Management Plan (CEMP).
- 8.375. The CEMP will be required to include details of the measures to be put in place to minimise, mitigate and monitor the noise, vibration and dust impacts arising from the demolition works. Such measures include siting stationary noise sources away from noise sensitive locations, fitting equipment with silencers, mufflers and acoustic covers, using appropriate piling methods and damping down and covering spoil piles. Dust monitoring and mitigation measures will also be required.
- 8.376. The Council's Environmental Consultant, LUC, notes that the projected noise impacts on the school at 100-136 Cavell Street during the construction works would be significant, reaching 104dB even with the mitigation currently proposed. Whilst the specific construction activities that would cause these noise impacts would only occur for a relatively short period of time, the noise levels within any classrooms during these periods would be unacceptable. As such, and in accordance with the recommendations of LUC, the CEMP will be required to include details of additional noise mitigation measures in order to lessen the noise impacts on the educational uses within 100-136 Cavell Street to acceptable levels. It is noted that the Council's Code of Construction Practice (CoCP) recommends that a noise level of 75dB should not be exceeded.
- 8.377. Subject to condition, it is considered that the demolition and construction works would not result in unacceptable adverse noise, vibration or dust impacts and would protect neighbouring residential amenity, in accordance with Policy SP10(4) of the Core Strategy (2010) and Policies DM9 and DM25 of the Managing Development Document (2013). These policies require development to protect, and where possible improve, the amenity of existing and future residents and building occupants, together with the amenity of the surrounding public realm, and improve air quality in the borough.

Contaminated Land

- 8.378. The policy context is set by the National Planning Policy Framework (2012) and Policy DM30 of the Managing Development Document (2013). Specifically, Policy DM30 requires suitable site investigation and remediation schemes to be to secured and agreed for development proposals on contaminated land or potentially contaminated land.
- 8.379. The submitted ES includes an assessment of the Ground Conditions and Contamination. The assessment has been reviewed by the LBTH Environmental Health (Contaminated Land) Officer, who raises no objections subject to the inclusion of a condition to secure a scheme to identify the extent of the contamination at the site and detail the measures to be taken to avoid risk to the public, buildings and environment when the site is developed.
- 8.380. Subject to condition, it is considered that the proposed development would not pose any unacceptable risks to public safety from contaminated land, in accordance with Policy DM30 of the Managing Development Document (2013).

Flood Risk

- 8.381. The National Planning Policy Framework (2012), Policy 5.12 of the London Plan (2016) and Policy SP04 of the Council's adopted Core Strategy (2010) make clear that there is a need to consider flood risk at all stages in the planning process. Policy 5.13 of the London Plan (2016) states that development should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for not doing so.
- 8.382. The submitted ES includes a Flood Risk Assessment (FRA), in which it is noted that the application site lies within Flood Zone 1. The site is therefore classified as being at a low probability of tidal flooding (i.e. less than 1 in 1,000 annual probability).
- 8.383. With regard to surface water flood risk, the FRA states that the Environment Agency 'Flood Maps for Surface Water' and 'Areas Susceptible to Surface Water Flooding' maps show that the majority of the site is at a very low risk of surface water flooding. There is a low to medium risk of surface water flooding to the west of the site, as this area represents a low spot in the local topography. The FRA further states that Thames Water have confirmed that they hold no records of sewer flooding at the site or in its vicinity.
- 8.384. With regard to groundwater flood risk, the FRA states the correspondence with the Environment Agency indicates that the true groundwater level in this area is likely to be 40 metres below ground level, above which sits a strata of London Clay, which would likely act as an aquiclude (a confining layer) that would prevent the true groundwater from rising to the surface. The FRA concludes that the risk of groundwater flooding is low.
- 8.385. As set out above, there is a low to medium risk of surface water flooding on the western side of the site. The proposed development includes flood mitigation measures, details of which are set out in the Surface Water Drainage Strategy for the scheme. This strategy has been designed to ensure that the development does not increase surface water flood risk by increasing the rate of on-site surface water runoff. The proposed mitigation measures include the use of four attenuation tanks within the site, which would reduce the total discharge from the site from 118 litres per second to 10 litres per second.

- 8.386. The Council's Sustainable Drainage Systems (SUDS) Team have reviewed the proposals and advise that the feasibility of alternative SUDS should be explored, with attenuation tanks only being used as a last resort. The SUDS Team have also requested details of how the system will be maintained in perpetuity and have requested that a condition be included to secure a strategy which demonstrates how any SuDS and/or attenuation features will be suitably maintained for the lifetime of the development. It is recommended that this condition be included.
- 8.387. The Environment Agency were consulted on the proposals and advise that they have no comments as they consider the proposals to be low risk in terms of the environmental constraints that fall under their remit, which include flood risk. The GLA have reviewed the proposals and consider that the surface water drainage strategy accords with Policy 5.13 of the London Plan (2016).
- 8.388. Thames Water were also consulted on the proposals and have advised that the developer would need to obtain prior approval from Thames Water Developer Services in order to connect to a public sewer. It is recommended that the applicant be notified of this advice by way of an informative on the decision.
- 8.389. Taking into account the above, subject to condition, it is considered that the proposal is acceptable in flood risk terms, in accordance with the National Planning Policy Framework (2012), Policies 5.12 and 5.13 of the London Plan (2016) and Policy SP04 of the Council's adopted Core Strategy (2010)

Wind Microclimate

- 8.390. Policy DM23 of the Council's Managing Development Document (2013) seeks to ensure that development is well connected with the surrounding area and should be easily accessible for all people by ensuring that development and the public realm are comfortable and usable. Policy DM24 requires development to be designed to the highest possible standard, taking into account impacts on microclimate. Policy DM26 requires proposals for tall buildings not to adversely impact on the microclimate of the surrounding area, including the proposals site and public spaces.
- 8.391. The submitted ES includes a Wind Assessment, which has been prepared by RWDI. The wind environment around a development is defined as being suitable for different types of activity using the Lawson Comfort Criteria, details of which are set out below:

Lawson Comfort Criteria

Comfort Category	Threshold Wind Speed and Frequency of Occurrence	Description
Sitting	1% > B3	Light breezes desired for outdoor restaurants and seating areas where one can read a paper or comfortably sit for long periods
Standing/Entrance	6% > B3	Gentle breezes suitable for main building entrances, pick-up/drop-off points and bus stops
Leisure Walking	4% > B4	Moderate breezes that would be appropriate for window shopping and strolling along a city/town centre street, plaza or park
Business Walking	2% > B5	Relatively high speeds that can be tolerated if one's objective is to walk, run or cycle without lingering
Roadway/Car-park	6% > B5	Winds of this magnitude are considered a nuisance for most activities, and wind mitigation is typically recommended

- 8.392. The Wind Assessment details the projected wind conditions within and around the site, for both the existing site (baseline assessment) and the proposed development, which have been modelled for the windiest season and the summer season using wind tunnel testing.
- 8.393. The baseline assessment for the windiest season shows that the wind conditions at the vast majority of locations would be suitable for 'sitting'. A small number of locations within the existing car park at the site and around the site on Sidney Street, Stepney Way and Cavell Street would have wind conditions suitable for 'standing/entrance'. The strongest wind conditions would be seen at the junction of Stepney Way and Cavell Street, to the south-west of the site, where two locations would be suitable for 'leisure walking'. As such, the baseline assessment shows that the site and surrounding area presently experience relatively calm wind conditions.
- 8.394. The results for the proposed development during the windiest season show that the wind conditions on the surrounding streets would remain relatively calm, mostly ranging between 'sitting' and 'standing/entrance'. The wind conditions at the junction of Stepney Way and Cavell Street would become slightly stronger, with the number of locations at this junction experiencing 'leisure walking' wind conditions increasing from two to four.
- 8.395. Within the development site the wind conditions would be slightly stronger, with locations within the main areas of public open space generally ranging between 'standing/entrance' and 'leisure walking', although a number of locations within the public open space would be suitable for 'sitting'. The central courtyards within the three blocks would be suitable for 'sitting' and 'standing/entrance', as would all but one of the balconies/terraces on the upper floors of the buildings.
- 8.396. Overall, the assessment shows that three building entrance receptors would have conditions that were one category windier than desired for an entrance and one balcony on the upper floors of Building C1 would have conditions one category windier than desired for summer. Given the location of the building entrances, the applicant's Environmental Consultant advises that it would not be possible to provide mitigation measures at these locations. However, in order to mitigate the wind impacts on the high level terraces, it is proposed to install 2 metre tall glass balustrades around the terraces and it is recommended that this be secured by condition.
- 8.397. Taking into account the above and subject to condition, it is considered that the proposed development would not adversely impact on the microclimate of the area, including the application site and its surroundings. The proposals therefore accord with Policies DM23, DM24 and DM26 of the Council's adopted Managing Development Document (2013).

IMPACT UPON LOCAL INFRASTRUCTURE / FACILITIES

- 8.398. Policy SP13 of the Core Strategy (2010) 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.
- 8.399. The NPPF requires that planning obligations must be:
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and,
 - (c) Are fairly and reasonably related in scale and kind to the development.

- 8.400. 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.
- 8.401. Securing appropriate planning contributions is further supported Policy SP13, which seeks to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 8.402. 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, which was issued for public consultation in April 2016.
- 8.403. The boroughs four main priorities remain:
- Affordable Housing
 - Employment, Skills, Training and Enterprise
 - Community Facilities
 - Education
- 8.404. The Borough's other priorities include:
- Public Realm
 - Health
 - Sustainable Transport
 - Environmental Sustainability
- 8.405. The applicant has agreed to the full financial contributions as set out in the Planning Obligations SPD in relation to:
- Enterprise and Employment Skills and Training, and;
 - a monitoring contribution of £500 per obligation.
- 8.406. The applicant has also offered 30.7% affordable housing by habitable room with a tenure split of 69/31 between social rented and intermediate tenure housing. This offer has been independently viability tested and is considered to maximise affordable housing levels in accordance with relevant adopted policy.

Financial contributions:

- a) A contribution of £211,104 towards construction phase employment, skills, training and enterprise.
- b) A contribution of £86,715 towards end user phase employment, skills and training.
- c) A contribution of £88,195 towards Crossrail (to be offset against the Mayoral CIL contribution)
- d) A contribution of £40,000 towards the local bus network (TfL clause)
- e) A contribution of £500 per obligation towards monitoring

Non-financial contributions:

- a) Delivery of 30.7% Affordable Housing comprising of 51 affordable rented units, 43 social rented units and 55 intermediate units.
- b) 20% local employment during the construction and operational phases.
- c) 20% of procurement from local business during the construction phase
- d) Apprenticeships during construction (28) & end user (1) phases

- e) Advertise vacancies through skillsmatch
- f) Car Permit Free
- g) Safeguarding of Land for TfL Cycle Hire Docking Station
- h) Residential and Commercial Travel Plans
- i) Scheme of Highway Improvement Works
- j) Public access to open spaces (Whitechapel Central Square and Whitechapel Green)
- k) Requirement to include advice to future leaseholders regarding the potential local noisy environment
- l) TV reception surveys and mitigation
- m) Compliance with LBTH Code of Construction Practice

8.407. These obligations are considered to meet the tests set out in the NPPF and the CIL Regulations.

FINANCIAL CONSIDERATIONS

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

8.408. 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.

8.409. 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.

8.410. In this context “grants” might include New Homes Bonus.

8.411. These are material planning considerations when determining planning applications or planning appeals the extent that the use of it is relevant to planning.

8.412. As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1st April 2012 and would be payable on this scheme. The approximate Mayoral CIL contribution is estimated to be around £1,008,315.

8.413. 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). The site is within the ‘Rest of London’ Crossrail charging area.

8.414. In this case, the proposed development would result in a 2,845sqm uplift in B1 office floorspace at the site, which requires a £88,195 financial contribution towards Crossrail,

to be secured through the S106 agreement. However, Mayoral CIL contributions are offset against the Crossrail S106 contributions. In this instance, as the Mayoral CIL contribution is higher than the Crossrail S106 contribution, the latter would not be payable.

- 8.415. The New Homes Bonus (NHB) was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period. For the first year the NHB is expected to be in the region of £836,739 and over the six year period around £5,020,435.
- 8.416. 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. The estimated Borough CIL contribution for this development is approximately £1,748,016.

HUMAN RIGHTS CONSIDERATIONS

- 8.417. 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:-
- 8.418. 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".
- 8.419. 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.

- 8.420. 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.
- 8.421. 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.
- 8.422. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.423. 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.
- 8.424. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

EQUALITIES ACT CONSIDERATIONS








- 8.425. 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.
- 8.426. The requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 8.427. The affordable housing supports community wellbeing and social cohesion.
- 8.428. The proposed development allows for an inclusive and accessible development for less-able and able residents, employees, visitors and workers. Conditions secure, inter alia, lifetime homes standards for all units, disabled parking and wheelchair adaptable/accessible homes.

9. Conclusion

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

Planning Application Site Map PA/15/01789



 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.