

Committee: Strategic	Date: 8 th September 2016	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning
Case Officer: Gareth Gwynne	Ref No: PA/15/02959
	Ward: Whitechapel

1.0 APPLICATION DETAILS

Location: Site between Varden Street and Ashfield Street (Whitechapel Estate), London, E1

Existing Use: Contains residential accommodation (predominantly specialist), offices, temporary maintenance building, ICT training facility and vacant police interview suite

Proposal: Demolition of all existing buildings and redevelopment to provide 12 buildings ranging from ground plus 2 - 23 storeys (a maximum 94m AOD height), comprising 343 residential dwellings (class C3), 168 specialist accommodation units (Class C2), office floorspace (class B1), flexible office and non-residential institution floorspace (Class B1/D1), retail floorspace (class A1 - A3), car parking, cycle parking, hard and soft landscaping and other associated works.

Drawings & Documents: Refer to Appendix 2

Applicant: London Newcastle on Cross Property Investment SARL and Cross Property Investment West SARL Ltd

Ownership: Cross Property Investment East SARL, Cavell Properties Sarl, Barts Heath NHS Trust, Cross Property, London Power Network.

Historic Building: No listed buildings as such within red line application site although application site falls within curtilage of a series of Grade II listed terraced buildings at No 33-49 Walden Street (odd numbers only), Nos. 43-55 Philpot Street (odd numbers only). Application site also physically abuts No. 46 and No. 48 Ashfield Street (both Grade II listed) and within close proximity to a series of other statutory listed buildings and locally listed buildings.

Conservation Area: Site falls within London Hospital Conservation Area and Myrdle Street Conservation Area and physically abuts Ford Square & Sidney Square Conservation Area

2.0 EXECUTIVE SUMMARY

- 2.1 The proposed redevelopment of this site is for a residential-led mixed use development proposing the provision of 343 new residential units (C3 land use class) and the re-provision of 168 specialist accommodation residential units (C2 land use) connected with Barts Hospital Trust and Royal London Hospital.
- 2.3 The general principle of the redevelopment proposal in land use terms is consistent with relevant Local Plan and London Plan policies objectives for the site in the Whitechapel Vision Masterplan and the key objectives for the site in the GLA's City Fringe Opportunity Area Planning Framework.
- 2.4 The scheme would involve the net loss of 34 residential units from the site that were consented as specialist accommodation. The re-provision of 168 units to a more generous size and better quality of accommodation to that which it replaces would be considered acceptable subject to a legal agreement securing the rents at levels that enable the units to serve their intended purpose.
- 2.5 To date, no agreement has been reached regarding the precise terms for the market discounted rent for the specialist accommodation to serve Royal London Hospital, and in turn there is no basis to secure the rent levels and service charges through a section 106 legal agreement.
- 2.6 The scheme would deliver 21% affordable housing all at the Borough Framework rent levels for an E1 postcode. No intermediate housing would be provided. Taking into account the viability constraints of the site the development is considered to maximise the affordable housing potential of the scheme and with the provision of specialist housing would help mitigate the absence of intermediate housing in meeting the requirements of new development to provide for mixed and balanced communities.
- 2.8 The site is framed to the north, west and east by three conservation areas and is set in close proximity to many statutory and locally listed buildings. The designated heritage assets extend onto the application site and into the two urban blocks in which the development site sits.
- 2.9 The scheme involves the erection of 12 new buildings, ranging from 4 storeys to two tall buildings rising to 20 and 24 storeys respectively. The Whitechapel Vision Masterplan identifies there is opportunity for a high density residential scheme on the site and identifies a potential location for a single tall landmark building on the site. However the Whitechapel Vision provides no justification for two tall buildings within the development.
- 2.10 The overall scale of the proposed development would rise significantly above the prevailing storey height in respect to their local context, would represent overdevelopment of the site and result in significant harm to a series of designated and undesignated heritage assets.
- 2.12 The public benefits associated with the proposal include net additional housing on the site, delivery of affordable housing, re-provision of specialist accommodation, new office space, enhanced public realm landscaping. However these benefits do not overcome the identified harm to the local townscape and heritage assets.

- 2.13 The scale, massing, layout and design of the proposed buildings would result in significant number of adverse amenity issues to future residential occupants of the development and to neighbouring residential neighbours. The unacceptable amenity issues include an overbearing form of development, undue sense of enclosure, overshadowing of amenity space, significant number of sunlight and daylight failings, poor outlook and compromised privacy.
- 2.14 Weighing the public benefits of the scheme including provision of specialist accommodation and delivery of new housing, officers consider these amenity failings are not acceptable. In reaching this conclusion officers are also informed by the overdevelopment of the site in terms of harm to heritage and townscape. The use of planning conditions and obligations have been considered as potential means to mitigate the harm. In conclusion, the development would conflict with London Plan, Local Plan and the Whitechapel Vision and as such is recommended for refusal

3.0 RECOMMENDATION

- 3.1 That the Strategic Development Committee REFUSES planning permission, subject to any direction by the London Mayor, for the reasons set out below.

Reasons for refusal

- 3.3 The proposed development exhibits clear and demonstrable signs of overdevelopment relating to heritage, townscape and amenity. These unacceptable impacts would not be justified by the public benefits of the scheme. The symptoms of overdevelopment are:
- a) The scale, mass, siting and detailed design would impact adversely on the character and appearance of the site and surrounding area including resultant harm to the townscape, as well as harm to a number of designated and undesignated heritage assets, including (but not only) the London Hospital Conservation Area, Myrdle Street Conservation Area and Ford and Sidney Square Conservation Area and harm to the setting of Grade II listed buildings at 43-69 Philpot Street, 39-49 Walden Street, 46-48 Ashfield Street. The harm caused would not be outweighed by the public benefits of the proposal. The height and design of building I would fail to provide a lack of human scale at street level in relation to the provision of a tall building, causing further harm to local townscape and failing to adhere to principles of good design and place-making.
 - b) The scale, layout and massing of the proposed development would cause harm to the amenity of occupiers of neighbouring properties with undue sense of enclosure, unacceptable losses of daylight and sunlight.
 - c) The design of the development would result in poor residential amenity for future occupants of the development and a form of development that is not consistent with good place-making principles and sustainable development, by reason of poor daylight and sunlight, poor outlook, poor levels of privacy and unacceptable overshadowing of amenity spaces.
- 3.4 The scheme fails to comply with the National Planning Policy Framework (NPPF) objectives in particular paragraph 14, and section 12 of the NPPF, the London Plan, in particular policies 3.5, 3.6, 3.7, 7.3, 7.4, 7.5, 7.6, 7 and 7.8 of

the London Plan (2016), policies SP02, SP10 and SP12 of the Tower Hamlets' Core Strategy (2010) and policies, DM4, DM23, DM24, DM25, DM26, DM27 the Tower Hamlets' Managing Development Document and the objectives of the Whitechapel Vision SPD (2013) which seek to deliver place-making of the highest quality in accordance with the principle of sustainable development, including protecting or enhancing heritage assets

- 3.5 No agreed planning obligations in the form of policy compliant financial and non-financial contributions have been secured to mitigate the impacts of the development. As a result, the proposal fails to meet the requirements of policies SP02 and SP13 of the adopted Core Strategy (2010) Policies 8.2 of the London Plan, the Planning Obligations Supplementary Planning Document (2012) and the draft consultation version LBTH Planning Obligations SPD (April 2016) and which seek to agree planning obligations between the Local Planning Authority and developers to mitigate, compensate and prescribe matters relating to the development

4.0 PROPOSED DEVELOPMENT, SITE AND SURROUNDINGS

Proposal

- 4.1 The applicant is seeking planning permission to undertake wholesale redevelopment of the red line application site to provide a residential led mix use scheme, involving the demolition of 10 buildings.
- 4.2 The development comprises 55,062sq.m of gross internal floor area (that includes 4,769sq.m of basement car parking and storage area) and consists of
- 343 residential units (C3 Use Class)
 - 168 specialist accommodation units (C2 Use)
 - 3,475 sqm of office space (B1 Use Class)
 - 206sq.m of flexible use office/non-residential intuitional space (B1/D1 Use Classes)
 - 648sq.m flexible use retail use spaces

4.3 The above accommodation would be contained within 12 buildings as tabulated on Figure 1 below:

Block	Location (fronting)	Storeys	Height (AOD)	Land Use	Internal Area	Residential Units
A	Ashfield Street	4 storeys	27.2m	C2	1,261	34 C2 Units
B1	Turner Street	9	46.21m	C3, with A1-A3 at ground floor	2,956	25
B2	Turner Street	7	37m	C3	2,417	31
C	Varden Street	5 plus garden/ basement level	30.21m	C2/C3	4,278	74 - C2 9 - C3 (affordable)
D1	Philpot Street	10	46.49m	C3 with A1-A3 at ground floor	3,617	31
D2	Walden Street	3 plus garden/ basement	23.59m	C3	1,088	6
E	Philpot Street	20	81.39m	C3 with A1-A3	8,835	85
F	Varden Street	5	28.52m	C3 affordable)	1,814	17
G	Varden Street	9	41.68m	C3 (affordable)	3,280	33
Ha	Ashfield Street	4	25.27m	C3	1,368	12
Hb	Ashfield Street	6	38.47m	B1/D1	2,803	0
I	Ashfield Street	24	94m	C2/C3	15,141	112 - (C3) 60 - (C2)

Site and Surroundings

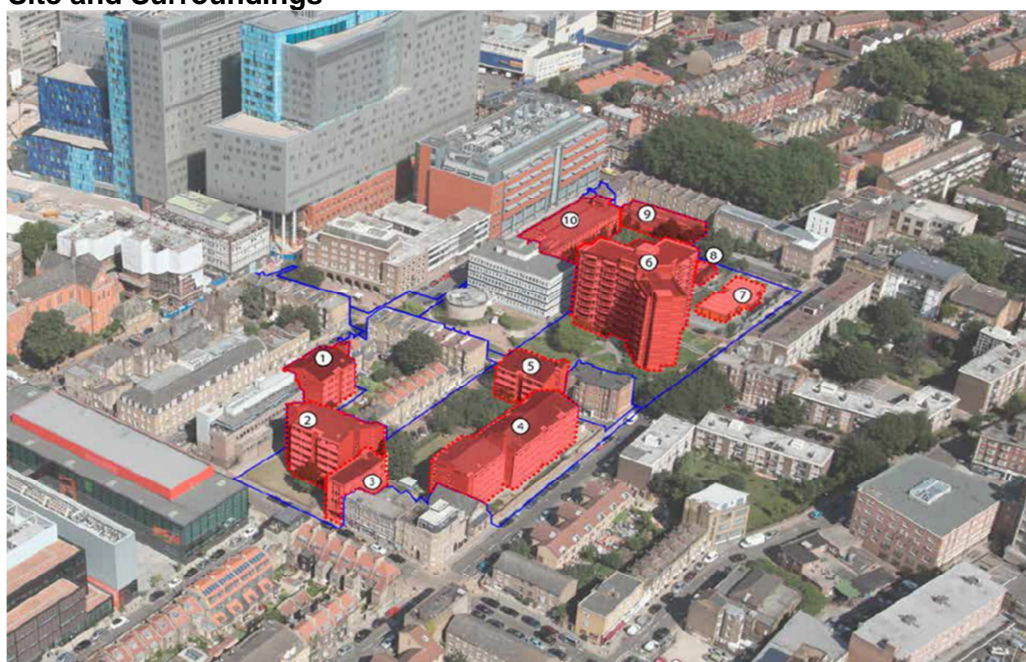


Figure 2: Aerial photograph of site

- 4.4 The application site occupying 1.27 hectare is located to the south of Whitechapel Road and to the south of Royal London Hospital and is set two street blocks to the north of Commercial Road.
- 4.5 The site forms the majority of the land, within the two urban blocks bound by Ashfield Street to the north, Varden Street to the south, Turner Street to the west and Cavell Street to the east. Philpot Street forms the central north/south axis of the site and effectively dissects the site into two halves, set respectively to the west and east of Philpot Street.
- 4.6 Between the intersection with Ashfield Street (to the north) and Varden Street (to the south) Philpot Street is no longer adopted highway, rather it serves as a generously spaced pedestrian route and set alongside the front curtilage of neighbouring buildings acts as a wide open space (that may be described as a 'green lung' existing at the centre of the application site).
- 4.7 Contained within the outer geographic edges of the red line site are a number of pockets of land excluded from the red line development site including:
- An area under the applicant's ownership that contains a Grade II listed terrace fronting the north side of Walden Street and the west side of Philpot Street;
 - Porchester House a residential block occupying the south west corner of Varden Street at it turns the corner into Philpot Street (under separate ownership), and;
 - The School of Nursing and Midwifery Building serving the Royal London Hospital (owned by Bart Trust) located on the north east corner of Philpot Street as it turns the corner with Ashfield Street.
- 4.8 The bulk of the buildings that are subject to redevelopment are used predominately for some form of office or residential purpose (with the latter primarily specialist C2 Use Class specialist accommodation) and were erected post-war and are associated with the health operations of the neighbouring Royal London Hospital.
- 4.9 The area and its immediate surroundings is in land use terms characterised by a mix of land uses but residential, health and life sciences associated uses predominate, most notably within the urban block bound by Ashfield Street, Varden Street, Cavell Street and Turner Street.
- 4.10 Beyond these two urban grid blocks to the immediate west, and more notably to the south and east of the application site, residential uses predominate in a mix of building typologies including Georgian and Victorian residential terraces. These cited terraces are typically of two and three storeys in height but also immediately to the south of the site, before Commercial Road, are larger in individual footprint purpose built flatted developments that are typically of three and four storeys heights, some post war others earlier.
- 4.11 To the north of the site lies Royal London Hospital. The largest Royal London Hospital building is located a full street block to the north of the application site, to the north of Newark Street and rises to a height of 97m (AOD).

- 4.12 To the west of the site on the western side of Turner Street (also bound by New Road, Newark Street to the north and Walden Street to the south) lie Queen Mary University life sciences buildings and the School of Medicine and Dentistry. All these buildings built in approximately the last 15 years are predominately three and four storeys in height.
- 4.13 The majority of the application site land is not located in any conservation areas (CA) however there are sections of the site that lie within the London Hospital CA, Myrdle Street CA and Ford Square & Sidney Square CA.
- 4.14 No 38 Turner Street (that would be demolished as part of the proposed scheme) is located in the Myrdle Street Conservation Area and No 80A Ashfield Street located in the London Hospital Conservation Area (a building set to the rear of Ashfield Street and Ford Square). Sections of the application site within Philpot Street and Walden Street do not contain any substantial built structures (serving as they do as carriageway, pavement/public realm spaces and individual front gardens) and are located in London Hospital Conservation Area.

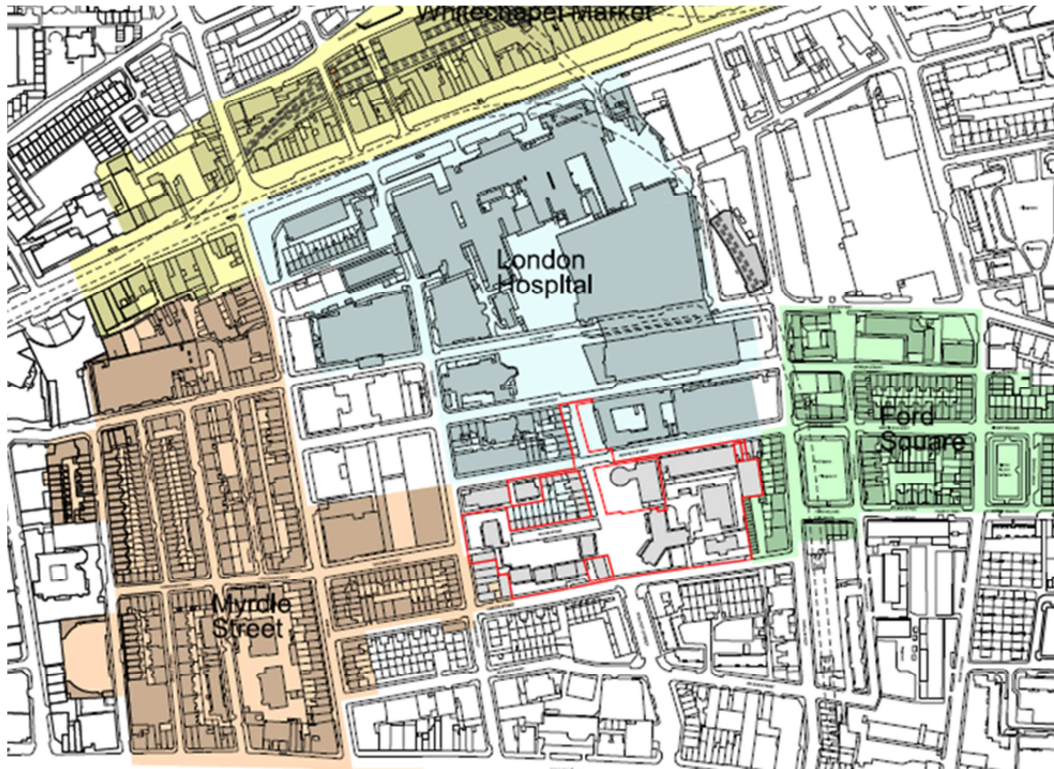


Figure 3: Conservation Areas

- 4.15 The London Hospital Conservation Area lies immediately to the north and east of the site, the Sidney Square & Ford Square Conservation also abuts a section the east of the application site the Myrdle Street Conservation Area lies immediately to the west. A terrace of locally listed buildings immediately abuts the site at No 67 to No 81 Cavell Street (odd numbers only), occupying the west side of Ford Square. No's 31 – 43 Ashfield Street opposite Horace Evans House (set for demolition within the scheme) are locally listed buildings.
- 4.16 The red line boundary abuts three listed terraces containing Grade II listed buildings at Nos. 33 - 49 Walden Street, Nos.43 - 55 Philpot Street and Nos. 43 – 69 Philpot Street (odd numbers only) plus adjoins two Grade II listed buildings at No 46 and No 48 Ashfield Street. In addition to the aforementioned listed buildings there are over fifty other statutory listed buildings located within 150m

of the site. The bulk of these listed buildings are residential built terrace dwellings but also include the more substantial and landmark Grade II* St Saviours Church on Newark Street and the original Grade II listed building of Royal London Hospital.



Figure 4: Neighbouring statutory listed buildings

- 4.17 The site does not lie in the designated Whitechapel District Town Centre. The site is located within the Borough's Whitechapel Vision Supplementary Planning Document Masterplan area and is located within the outer core commercial growth area of Mayor of London's City Fringe Opportunity Area Planning Framework.
- 4.18 The site is not in a designated Area of Archaeological Priority. The site does not fall within any of the London View Management Framework viewing corridors. The site lies in Environment Agency classified Flood Zone 1.
- 4.19 The site contains a number of trees with tree protection orders (TPO's) upon them.
- 4.20 The application site is located within 400m walking distance of Whitechapel Underground/forthcoming Crossrail Station and has a Public Transport Accessibility Level (PTAL) 6a (where 6 is an excellent rating and 1 is poor).

5.0 RELEVANT PLANNING HISTORY

On site

Horace Evans House, Ashfield Street

- 5.1 **PA/03/00055** - Planning permission granted 7th May 2005 for conversion and refurbishment of existing nurses' accommodation to provide overnight-stay accommodation rooms together with communal facilities for patient visitors involving the inclusion of an additional external stairs

Kent, Brieley and Ashton Houses, Varden Street

- 5.2 **PA/01/01421** - Refurbishment works consisting of internal and external alterations to create 99 one bedroom units and 18 two bedroom units plus 1 caretakers unit. The residential accommodation is restricted, by planning condition, for occupation only by students and nursing staff of London Hospital.

John Harrison House, Philpot Street

- 5.3 10 storey block erected in 1966 as (C2 Use) residential accommodation for Royal London Hospital originally containing 224 residential bedrooms.
- 5.4 **PA/04/0075** 23rd August 2004 temporary change of use of ground, 4th, 5th, 6th, 7th, 8th and 9th floors from residential (Class C2) to Business (Class B1). Consent granted to enable the redevelopment of the main hospital site.

71 Varden Street

- 5.5 **PA/99/00608** 31st August 1999 planning permission granted for erection of a 50 place nursery within portakabin for employees of Royal Hospitals NHS Trust
- 5.6 **PA/12/00668** Temporary (12 month) consent for the installation of 3 portacabin units to be used for additional ICT training classrooms on site

Former hospital tennis courts

- 5.7 **PA/04/00369** 16th June 2004 planning permission for temporary workshop granted.
- 5.8 **PA/10/02042** 10th December 2010 temporary consented extended for use as workshop (until 2nd December 2015), before revision back to recreational open space

80A Ashfield Street

- 5.9 **PA/09/02414** Proposed change of use of 796 square metres of Use Class B2 floor space (car repair workshop) to Use Class B1 floor space (13 office units).

Off Site

Royal London Hospital

- 5.10 **PA/04/00611/** 31st March 2005 planning permission granted for comprehensive redevelopment and refurbishment of the Royal London Hospital

Safestore Site (also now known as Whitechapel Central site) bounded by Raven Row, Stepney Way Sidney Street

- 5.11 **PA/15/01789** Planning application submitted 24th June 2015 for demolition of existing buildings and erection of three blocks ranging from 4 to

25 storeys (91.70m AOD) in height including the provision of 564 residential units, 3505sq.m of B1, D2 and A3 floorspace and 70 off-street car parking spaces. Not determined to date.

100-136 Cavell Street

- 5.12 **PA/16/00784** Application submitted 25th March 2016 for the demolition of existing building and erection of two buildings (rising to 95.20m and 42.80m AOD) to provide 6029sq.m of non-residential use and 113 residential units. Not determined to date

Whitechapel Sainsbury's - 1 Cambridge Heath Road

- 5.13 **PA/15/00837** Application submitted 27th March 2015 for a mixed scheme involving demolition of the existing store and decked car park to allow for a replacement Sainsbury's store, 559 residential units arranged in 8 blocks including a 28 storey tower (101.375m (AOD)) and also including D1 space, flexible retail/office/community floorspace (B1 and D1) and with 240 'retail' car parking space (at basement level). Not determined to date.

6.0 POLICY FRAMEWORK

- 6.1 The Council in determining this application has the following main statutory duties to perform:

- To determine the application in accordance with the development plan unless other material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004);
- To have regard to local finance considerations so far as material to the application, and to any other material considerations (Section 70 (2) Town & Country Planning Act 1990);
- In considering whether to grant planning permission for development which affects the setting of a listed building, to have special regard to the desirability of preserving the setting (Section 66 (1) Planning (Listed Building and Conservation Areas) Act 1990);
- Pay special attention to the desirability of preserving or enhancing the character or appearance of the London Hospital, Myrdle Street, Ford Square & Sidney Street and Whitechapel High Street Conservation Area (Section 72 (1) Planning (Listed Buildings and Conservation Areas) Act 1990).

- 6.2 For a complex application such as this one, the list below is not an exhaustive list of policies, it contains some of the most relevant policies to the application:

6.3 Core Strategy Development Plan Document (CS)

- Policies:
- SP01 Refocusing our town centres
 - SP02 Urban living for everyone
 - SP03 Creating healthy and liveable neighbourhoods
 - SP04 Creating a green and blue grid
 - SP05 Dealing with waste
 - SP06 Delivering successful employment hubs
 - SP07 Improving education and skills
 - SP08 Making connected places
 - SP09 Creating attractive and safe streets and spaces

- SP10 Creating distinct and durable places
- SP11 Working towards a zero-carbon borough
- SP12 Delivering Placemaking
- SP13 Planning Obligations

6.4 **Managing Development Document (MDD)**

- Policies:
- DM0 Delivering Sustainable Development
 - DM1 Development within the town centre hierarchy
 - DM2 Protection local shops
 - DM3 Delivering Homes
 - DM4 Housing Standards and amenity space
 - DM5 Specialist accommodation
 - DM8 Community Infrastructure
 - DM9 Improving Air Quality
 - DM10 Delivering Open space
 - DM11 Living Buildings and Biodiversity
 - DM12 Water spaces
 - DM13 Sustainable Drainage
 - DM14 Managing Waste
 - DM15 Local Job Creation and Investment
 - DM16 Office locations
 - DM20 Supporting a Sustainable Transport Network
 - DM21 Sustainable Transport of Freight
 - DM22 Parking
 - DM23 Streets and Public Realm
 - DM24 Place Sensitive Design
 - DM25 Amenity
 - DM26 Building Heights
 - DM27 Heritage and Historic Environment
 - DM28 World Heritage Sites
 - DM29 Zero-Carbon & Climate Change
 - DM30 Contaminated Land

6.5 **LBTH Supplementary Planning Guidance/Documents**

- Planning Obligations Supplementary Planning Document (2012)
- Revised draft Planning Obligations Supplementary Planning Document (Version for public consultation April 2016).
- Whitechapel Vision Masterplan Supplementary Planning Document (2013)

6.6 **The London Plan (with MALP amendments March 2016)**

Policies

- 1.1 Delivering Strategic vision and objectives London
- 2.1 London
- 2.5 Sub-regions
- 2.9 Inner London
- 2.13 Opportunity Areas and Intensification Areas
- 2.14 Areas for Regeneration
- 2.15 Town Centres
- 2.18 Green infrastructure
- 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 Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 3.14 Existing Housing
- 3.16 Protection and Enhancement of Social Infrastructure
- 3.17 Health and education facilities
- 4.1 Developing London's Economy
- 4.2 Offices
- 4.3 Mixed-use developments and offices
- 4.5 London's visitor infrastructure
- 4.7 Retail and town centre development
- 4.9 Small shops
- 4.10 New and emerging sectors
- 4.11 Encouraging a connected economy
- 4.12 Improving Opportunities for All
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.16 Waste Capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated Land
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.5 Funding Crossrail
- 6.9 Cycling
- 6.10 Walking
- 6.11 Congestion and traffic flow
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings
- 7.8 Heritage Assets and archaeology

- 7.9 Access to Nature and Biodiversity
- 7.11 London View Management Framework (LVMF)
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.18 Open space
- 7.19 Biodiversity and Access to Nature
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy

6.7 **London Plan Supplementary Planning Guidance/Documents**

- Housing Supplementary Planning Guidance March 2016
- Social Infrastructure (May 2015)
- All London Green Grid (March 2012);
- Shaping Neighbourhoods: Play and Informal Recreation SPG September 2012
- Sustainable Design & Construction SPG (April 2014)
- Accessible London: Achieving an Inclusive Environment SPG (October 2014)
- Control of Dust and Emissions During Construction and Demolition (2014) Best Practice Guide
- Shaping Neighbourhoods: Character and Context SPG (2014)
- Sustainable Design and Construction SPG (2014)
- City Fringe/Tech City Opportunity Area Planning Framework (adopted December 2015)
- London View Management Framework Supplementary Planning Guidance, GLA (2012)
- Mayor's Climate Change Adaptation Strategy
- Mayor's Climate Change Mitigation and Energy Strategy

6.8 **Government Planning Policy Guidance/Statements**

- The National Planning Policy Framework 2012 (NPPF)
- Technical Guide to NPPF
- The National Planning Policy Guide (NPPG)
- National Housing Standards (October 2015)

6.9 **Other relevant documents**

- Tower Hamlets Local Biodiversity Action Plan
- Managing Significance in Decision-Taking in the Historic Environment Historic England Good Practice Planning Advice Note 2 (2015)
- The Setting of Heritage Asset, Historic Environment Good Practice Advice in Planning Note 3 (2015)
- Guidance for Best Practice for Treatment of Human Remains Excavated From Christian Burial Grounds in England (English Heritage 2005)
- Ford Square & Sidney Square Conservation Area Character Appraisal and Management Guidelines
- London Hospital Conservation Area Character Appraisal and Management Guidelines,
- Myrdle Street Conservation Area Character Appraisal and Management Guidelines
- Whitechapel Market Conservation Area Character Appraisal and Management Guidelines, LBTH

- Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment, English Heritage (2008)
- Conservation Area Designation, Appraisal and Management – Historic England Advice Note 1 (2016)
- Tall Buildings – Historic England Advice Note 4 (2015)
- London Borough of Tower Hamlets Strategic Housing Market & Needs Assessment, DCA (2009)

7.0 CONSULTATION RESPONSES

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

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

Internal Consultees

Waste Management Team

7.3 No objections in respect of waste storage arrangements for Blocks A, B1, B2, D2, E, F, G. Block D1 has too many doors for a collection operative to have to pass through and equate to a distance of longer than 10 meters. For Block I, queried why are there two waste chutes as it will result heavy traffic of containers rotated in a day.

7.4 With regard to the presentation area / collection area there is adequate presentation space for one waste stream at a time. However, the separation distance is too for operatives to push bins out onto street, on occasion over 30m. The Waste Management Strategy should be amended to impose responsibility on the Management Company to push bins onto street where the distance exceed guidance distances.

Environmental Health (EH)

7.5 EH Contaminated Land Team:

No objection, subject to the imposition of a relevant planning condition should planning permission be granted to identify extent of potential contaminated land and agree a remediation strategy.

7.6 EH Noise and Vibration Team:

No objection, subject to further details:

- Of noise insulation – to meet BS8233:2014 guideline values for indoor ambient noise level
- Submission and approval of Demolition & Construction Plan that included details of vehicular activity
- Submission and approval of Construction Environmental Management Plan that includes a commitment to enter into a Section 61 agreement under the Control of Pollution Act (COPA) 1974 and includes a road traffic noise and vibration assessment
- Submission of detail and preparation of report post completion demonstrating that noise from plant, kitchen extract systems and other fixed noise sources do not exceed a level 10dB below the lowest recorded background noise levels (L90,1h) measured 1m from the nearest affected façade.

7.7 Air Quality Team:

Construction phase:

7.8 The submitted assessment concludes that the development is a high risk development for dust impacts. The mitigation measures set out in the ES need to be included in a Construction Environmental Management Plan with active dust monitoring.

7.9 Construction traffic would have a moderate adverse impact to 25 modelled receptors and substantial adverse impact due to 4 other receptors through increased NO₂ emissions. The impacts are temporary but are of significance due to the expected 6 year construction period. Mitigation measures are required. All Non Road Mobile Machinery (NRMM) must comply with the GLA's new NRMM emissions restrictions, and the plant used must be registered on the NRMM database.

Operational:

7.10 The assessment shows that the NO₂ annual objective will be exceeded at the site in the opening year resulting in new residential exposure being added to an area of unacceptable air quality. Exceedances are reported up to the 9th floor at all locations modelled. Paragraph 11.6.52 recommends mitigation in the form of mechanical ventilation with the air inlet at roof level to provide cleaner air for the residents. Mitigation must be provided at all facades which are predicted to exceed the NO₂ objective.

7.11 Details of the mitigation should be secured by planning condition this should the development be approved. Balconies should be avoided on the lower residential levels where the pollution levels are highest.

7.12 Of existing receptors modelled 8 were shown to have slight adverse impacts and 5 predicted to experience moderate adverse impacts due to the impacts of the energy centre and the traffic from the development. These impacts will need to be mitigated by planning condition, to not exceed the NO₂ annual objective of 40ugm for the assessment to be accepted.

7.13 The CHP and boilers will need to meet the GLA's NO_x emission limits for a Band B site.

Transportation & Highways Team

7.14 In summary the highways and transportation group have no objections subject to resolving outstanding matters with Street Parking Management Team over a potential loss of pay and display places and planning conditions/legal agreements to secure the following:

- Construction Management Plan to be approved prior to commencement of construction
- Scheme of highway works approved prior to construction secured by condition or legal agreement
- Highways works to be completed prior to operation of any element of the scheme
- Details of short stay cycle parking to be approved prior to occupation
- Residential Delivery and Service Plan to be approved prior to occupation
- Car Park Management plan to be approved prior to occupation
- Residential Travel Plan to be approved prior to occupation

- Securing all drainage to take place on site

Energy Officer

- 7.15 Whilst the deliverable energy strategy remains to be finalised (following updated analysis of connect to a district heating network) the proposals could be considered appropriate for the development and compliant with LBTH policy DM29 through the shortfall in CO2 emissions being met from a carbon offsetting contribution.
- 7.16 It is recommended that the proposals are secured through appropriate conditions to deliver:
- CO2 emission reductions in accordance with the approved energy strategy
 - Updated District heating feasibility strategy submitted to demonstrate ongoing consideration of connecting to Whitechapel Energy Masterplan Heating Network
 - Renewable energy technologies as identified in the energy strategy (1,135m² PV array). Detailed specification of the PV array to be submitted.
 - Carbon offsetting proposals (£223,600) secured through S106 contribution - £111,600 carbon offsetting payment prior to commencement to cover 50% of total contribution; and final payment (up to 50% - £111,600) prior to occupation of phase 1
 - Delivery of BREEAM Excellent Development.

Employment & Enterprise Team

- 7.17 The developer should exercise reasonable endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets and 20% of goods/services procured during the construction phase should be through businesses in Tower Hamlets. The developer should also make a Planning Obligation SPD compliant offer in respect of skills and training along with apprenticeship places in the scheme's construction phase and end user phase.

SuDs Officer

- 7.18 The FRA and surface water drainage strategy is accepted in principle. However further information is required
- i. On discharge rates and volumes.
 - ii. Of the management of increase in volume of water due to the increase in impermeable area and ensuring additional runoff volume is attenuated and discharged at Greenfield runoff rates
 - iii. Of submission of micro drainage results alongside a detailed drainage plan showing exceedance routes / flow paths, locations of the attenuation tanks and connection points to existing sewer including details of any sustainable SuDs.
 - iv. In respect of the implementation of SuDs techniques including adaption where infiltration is not possible to at least allow treatment.

- v. Location of rain water harvesting systems and Green roofs
- vi. Details of agreed adoption, monitoring and maintenance of the drainage and SuDs feature

External Consultee

7.19 **Historic England**

Significance:

7.20 *"Whitechapel is defined by its rich heritage. The urban form of the area began in earnest with the development of the Royal London Hospital in the mid-eighteenth century, after which terraces and squares grew up in the emerging network of streets. By the beginning of the twentieth century, Whitechapel had a distinctive character of brick terrace housing, classically proportioned, between two and three storeys in height, rising to four at Whitechapel Road. While variety is a feature of the architecture of the area, it was largely expressed within the confines of a dominant brick palette, domestic scale and tight urban grain.*

7.21 *Bomb damage in the Second World War and the rapid pace of change in post-war Whitechapel have seen some of this consistency eroded. In particular the application site is an example of the impact of poor quality design and planning in the post war period. The existing buildings relate poorly to their surroundings and erode the network of streets that once existed in this location. As such, we welcome the principle of redevelopment here.*

Impact:

7.22 *There are a range of impacts associated with this scheme. While we are pleased to see that there are opportunities to reinstate some of the missing street pattern in this area, we have also identified some harmful impacts. These principally relate to impact of two tall buildings on this site, and the bright appearance and curvilinear form of Block E. In both instances there will be an impact on the setting of the surrounding conservation areas and listed buildings.*

7.23 Policy Context:

In arriving at a decision regarding this application, we would remind your council of the obligations established by the National Planning Policy Framework 2012 (NPPF) to consider the irreplaceable nature of the historic environment, and to require clear and convincing justification for any harm caused to its significance (NPPF para 132). It is also important to consider the requirements for new development to respond to local character and history and to reflect the identity of local surroundings (para 58), to seek to promote or reinforce local distinctiveness (para 60), and to reveal or enhance the significance of designated heritage assets where development might affect their setting (137).

Historic England's Position:

7.24 *The setting of heritage assets is protected in both national legislation and policy, and the NPPF goes to considerable lengths to safeguard distinctive local identity and character in the built environment. As such we would advise your council to pay great weight to the impact of this development on the surrounding area, both in views and in the broader definition of setting as a whole.*

7.25 *According to the Whitechapel Vision Masterplan 2013 (WVM) there is the potential to consider a landmark structure within the application site. Where redevelopment can provide significant regeneration benefits for Whitechapel, a new landmark building may be expressed as a high quality taller building. Such*

landmarks should be of a high architectural quality, and should contribute to the new built form and character of Whitechapel. 'Any taller buildings should be sensitive to existing heritage assets, not just in terms of immediate or neighbouring visual impact, but also in a London wide impact... They should also be carefully considered in terms of their environmental impact on the amenity or residential areas and open spaces, particularly the ground floor plane to ensure successful integration with the existing built environment.'

- 7.26 *The WVM introduces the possibility of one possible landmark, but also provides certain criteria which such a building should meet. These include respect for the setting of heritage assets and the need to integrate the new building with the character of Whitechapel and the existing built environment.*
- 7.27 *Under the specific guidance relating to the transformation of this site we find (page 28) that one key intervention should be the protection and enhancement of existing heritage assets. And that (page 29), the project rationale should 'ensure that this area better integrates and contributes to Whitechapel's urban fabric'.*
- 7.28 *None of the above suggests to us that two 'landmarks' are justified in this location, or that any such landmark should set out to contrast with the established character of Whitechapel itself.*
- 7.29 *We are particularly concerned that unjustified harm will therefore occur as a result of the form and appearance of Block E. This tower contrasts strongly with the established character of the surrounding heritage assets as a result of its curvilinear form and bright appearance. This is a deliberate choice designed as a foil to the more contextual palette of Block I. The Townscape, Heritage & Visual Assessment demonstrates in views 3, 6, 7, 8, 9, 15, 16, and 22 that Block E is likely to have an overbearing and intrusive visual impact from a wide range of viewpoints.*
- 7.30 *View 9 illustrates this point well. The view incorporates part of the Myrdle Street conservation area where Turner Street crosses Varden Street. In the foreground is a brick building recently given a timber-clad extension painted in soft brown tones that merge with the colours of the streetscape. The proposed view introduces a number of new buildings which act in a similar fashion: continuing the use of brick or its colour. Block E, however, with its orbits of curving white bands appears incongruous. The stacking of these curvilinear forms is architecturally interesting, but out of place in Whitechapel's streetscape.*
- 7.31 *Should your council agree with this assessment, we would be keen to work with you to find a less harmful way forward. Such a scheme could perhaps be achievable by limiting the number of landmarks on this site to one. While the corner of Philpot Street and Varden Street is likely to be the most logical location for a taller building here, the scale, form and design should be designed to respond to Whitechapel's character rather than to contrast with it.*

Recommendation:

- 7.32 *We recommend your council seeks amendments to the proposed scheme to reduce the extent of its harmful impacts identified above. Should this not prove possible we recommend the application be refused on the grounds that it fails to meet the requirements of the National Planning Policy Framework and the presumption in favour of sustainable development."*

Greater London Archaeology Advisory Service (GLAAS)

- 7.33 *“The Philpot Street burial grounds have well preserved and largely complete below-ground archaeological deposits. Post-medieval burial grounds are not normally considered for scheduling and there is no compelling evidence that the Philpot Street burial grounds are demonstrably of national importance. Nevertheless, the burial grounds should be considered regionally significant undesignated heritage assets of archaeological interest. The current proposal would involve the total removal of the heritage asset, a significant harm which the planning authority will need to balance against any public benefits from the proposed development (NPPF paragraph 135). We note that no attempt appears to have been made to lessen or mitigate the physical impact of the proposed basements on the burial ground, for example by relocating them, as might be expected to comply with NPPF paragraph*
- 7.34 *We would therefore recommend that the applicant be asked to consider redesigning the development to substantially reduce, and ideally, avoid significant harm. A re-design process that enables the burial ground to remain undisturbed and in-situ is in line with the both NPPF paragraphs 129 and 135 and Tower Hamlets Local Plan Policy DM 27 which emphasizes the need that planning applications should not have an adverse impact on identified heritage assets.*
- 7.35 *If an acceptable redesign is not forthcoming then the planning authority will have to consider bearing in mind the harm whether on the overall planning balance the development should be permitted as submitted or not.*
- 7.36 *Should the planning authority be minded to grant consent for the application as submitted then to comply with NPPF paragraph 141 an archaeological condition be attached that requires the further documentary research. The full archaeological investigation of a large burial ground will be a significant logistical and financial commitment.*
- 7.37 *Consideration should also be given to consultation with interested faith groups.*
- 7.38 *A suitable memorial and the treatment of the remains after excavation and study.”*

Metropolitan Police Crime Prevention Design Officer

- 7.39 No objections to the development proceeding as agreed by incorporating measures to minimise the risk of crime and with any scheme completed to a manner that it can gain Secure by Design accreditation.

City Airport

- 7.40 The proposed development has been examined from an aerodrome safeguarding aspect and from the information given LCY has no safeguarding objection.

NATS

- 7.41 No objection

Natural England

- 7.42 No objection

- 7.43 **London Borough of Southwark**
No comments received.
- 7.44 **Royal Borough of Greenwich**
No comments received.
- 7.45 **London Borough of Hackney**
No objection.
- 7.46 **Corporation of London**
No comment to make upon application.
- 7.47 **Greenwich Maritime World Heritage Co-Ordinator**
No comments received.
- 7.48 **Historic Royal Palaces**
No objection.
- 7.49 **National Grid**
Due to the presence of National Grid apparatus in proximity to the specified area, the contractor should contact National Grid before any works are carried out to ensure our apparatus is not affected by any of the proposed works.
- 7.50 **London Fire and Emergency Planning Authority (LFEPA)**
Insufficient information has been provided on the water supplies of the proposed development.
- 7.51 **London Underground (Infrastructure)**
No objection.
- 7.52 **Thames Water (TW)**
No objection subject to planning conditions to ensure:
- No development shall commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker.
 - No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the drainage strategy have been completed
 - The installing of a non-return valve or other suitable device to avoid the risk of waste backflow
 - No piling shall take place until a piling method statement has been submitted and agreed upon in writing
- 7.53 **Environment Agency**
No objection. Seek an informative in regard to piling methods and to ensure they do not pose a pollution risk to controlled waters.
- 7.54 **Greater London Authority (including Transport for London observations):**
A number of strategic concerns remain and consequently the application does not accord with London Plan Policy.

Land Use

7.55 Principle of the housing led mixed use redevelopment of site is supported. The B1 space is supported but it is not evident that the proposed office space has been designed to accommodate life science uses such as bio-medical incubation space or be affordable for such specialist uses, which is a requirement of this scheme given the key objective of the City Fringe AOPF and Whitechapel Vision Masterplan

Specialist Housing:

7.56 The applicant should ensure there is no overall loss of specialist housing units and confirm the requirements of the life sciences institutions in Whitechapel for this accommodation. The applicant should demonstrate that this housing would be affordable for the intended occupants, in order to ensure compliance with London Plan Policy 3.14. The Applicant's comparison with other student housing is not strictly relevant in this case, as the accommodation is required to meet a specific healthcare need.

Affordable Housing

7.57 It is not possible at this stage to determine whether the proposal provides the maximum reasonable amount of affordable housing. Overall the lack of provision of intermediate units is acceptable as it is noted that this is a constrained scheme with a number of land use issues. It is noted the proposal contain no intermediate units.

Urban Design:

7.58 The Council should impose a planning condition to requiring a scheme to enhance the 80-82 Ashfield Street alleyway, to ensure compliance with London Plan Policies 3.5 and 7.3. The application is in broad compliance with London Plan Policy 7.1.

7.59 The scheme achieves the main design objectives of the Whitechapel Vision Masterplan, with the creation of the large north-south green spine linking Varden Street with the rest of the Med City campus to the north. The landscape design will ensure this spine is primarily green space, retaining a campus feel. The proposal's location retail units on either side, alongside residential core entrances, will ensure the space is well animated.

7.60 The scheme proposes a varied scale across the site responding to the mixed use and scale and character of the area. The scheme comprises a variety of architectural styles and treatments reflecting the mixed character of the area. The applicant has utilised two architectural practices to achieve a diverse approach to the design of the buildings, which is welcomed. The architectural approach is supported.

Historic environment

7.61 GLA officers consider the likely effects on the setting of identified heritage assets would not cause substantial harm and, in any cases, the settings would be enhanced by the high quality of architecture and sympathetic use of materials. With specific regard to the scale and massing of the scheme, owing to the existing and emerging built context, the proposal would be seen in relation to the existing main hospital building, as well as other large and tall buildings associated with the hospital and surrounding housing estates. As such the impact is not considered to cause substantial harm in this urban context, subject to ensuring a high quality finish for the proposed buildings.

- 7.62 In summary the harm to the heritage assets identified would be less than substantial and clearly outweighed by the public benefits of the scheme namely improved public realm, delivery of a appropriate mix of uses and the overall contribution towards the regeneration of the life sciences campus, which is a strategic policy.

Climate Change

- 7.63 The majority of energy matters have been overcome but a condition should be imposed requiring the development be capable of connection to a future wider district heating network and ensure carbon dioxide reduction is met through financial contribution.

Transport

- 7.64 Car parking provision should be limited to use by Blue Badge Bay Holders and for affordable housing tenants that are entitled to take advantage of the Council Permit Transfer scheme. The application is in broad compliance with London Plan Policy 7.2 and 3.8.

Council for British Archaeology

- 7.65 The Committee objected to this proposal due to lack of information.

8.0 LOCAL REPRESENTATION

- 8.1 1706 neighbouring properties were notified about the application and invited to comment. The application has also been publicised in East End Life and with a set of site notices in November/December 2015 and further process of public consultation March 2015 following amendments to the scheme.

- 8.2 Twenty eight written representations have been received on the application following the public consultation on the application. Twenty seven are letters of objection including from Barts Hospital Trust and Queen Mary University of London (QMUL) and one letter of support was received.

- 8.3 The one letter of support showed appreciation for the development and stated that “the developers have treated the buildings separately and with careful consideration of the surroundings” and that this is a “more interesting development in recent times”

The letters of objections from Barts Trust and QMUL are summarised below:

Queen Mary University of London

- Maintain an objection regarding concerns surrounding the Wingate Building. Whilst no objection to the principle of what is proposed, concerns remain given the life science related activities that take place in the Wingate Building.
- QMUL need assurance that the proposed adjoining residential can coexist with their operations and that those operations will not be placed at risk by proposed residential units set close to the Wingate clinical research facility. In this respect there are outstanding concerns relate to construction methodology, vibration impacts to the operation unit located within the Wingate Building and the impact of odours and noise from the QMUL to the proposed residential units .

- QMUL state temporary displacement would carry a potentially multi million financial burden and impact upon research and development.
- QMUL remove their previous objection raised in respect of the loss of specialist (C2) accommodation and the opportunity the scheme held to extend specialist accommodation to QMUL.
- QMUL remove their previous objection raised in respect of the form and massing of the proposal and in the associated potential impact on the Mayor of London's aspiration for delivering Med City at Whitechapel.
- QMUL remove their previous objection on the impact of the proposal on Floyer House and the latter's development potential.
- QMUL state they are comfortable that a scheme could be brought forward on Floyer House site for a comparable scheme, in terms of height to the applicant's scheme, should the northern building of the two taller buildings proposed in the scheme be allowed.

8.4 **Barts Health NHS Trust**

- Following revisions and clarifications Barts Trust are satisfied with the level of specialist accommodation proposed, subject to further discussion regarding rental levels and tenure as this has not been agreed.
- The Trust raised an initial objection over lack of provision on the scheme for specific office accommodation with the loss of offices in Ashfield Street and John Harrison House. The Trust received some subsequent reassurance from the developer that there is opportunity for the Trust to occupy the office accommodation proposed within the scheme. Barts Trust still requires further details and assurance regarding size, tenure and rent levels for the office accommodation.
- The Trust had an original concern over patient privacy and dignity arising from overlooking - at a minimum distance of 59m. The trust seek an assurance from the developer that the applicant would mitigate any privacy issue should they arise.
- The Trust have a concern that noise, ventilation and turbulence emanating from the hospital operations (including from servicing requirements, helicopter operations) would lead to complaints from future residential occupiers of the development and result in curbs upon the activities and operation of the hospital. The Trust removes this objection, subject to a clause being inserted into a legal agreement to the affect:-

“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 residence 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 and expectations of the local amenity should be interpreted accordingly”

- The Trust Retains concerns of daylight and sunlight impacts of scheme on Trust buildings.
- The Trust does not agree to the developer's landscaping proposals on its land.
- The Trust seek car parking to be limited to Blue Badge Holders and Council Permit Transfer Scheme holds and controlled by planning condition
- The Trust require a Construction Logistics Plan to be drawn up and the Trust involved in pre-construction discussions on construction vehicle routes, tall cranes (etc.) and provided notification of construction phasing.
- The Trust is concerned regarding the impact this and other developments adjacent to the hospital site will have on the health economy. It therefore requests a further discussion with the CIL Infrastructure Team to secure Community Infrastructure levy contributions towards primary health care to avoid a displacement burden on A&E.

8.5 The objections of owners/occupiers are summarised below:

- NHS staff accommodation - the site is convenient and affordable to NHS staff who also gets priority in terms of accommodation; new flats would be too expensive for NHS staff who would be priced out of the area. Therefore the proposal puts specialist and key workers accommodation at risk
- Proposal would lead to the destruction of a community
- Daylight and sunlight reductions to flats
- Building heights far too tall for the two towers and completely out of keeping with the local environment; same with the design of these towers
- Misleading information on submitted ES and Daylight/Sunlight report
- Different species of birds in gardens
- Ensure that the green spaces will remain open to the public as they are currently; these also form access to the hospital, the high street and the station
- Considerable impact on car parking and traffic in the area
- Concerns over anti-social night time activities in the public spaces, with people gathering.
- Capacity of present sewer system
- The difficulties of domestic waste and fly tipping are acute. It would be excellent if recycling was made obligatory/ written in to the contracts/ leases and not left to the good will of the owners/ tenants; should also apply to food waste.

- The percentage of affordable housing seems to be considerably below what is required.
- If there are air conditioning units/ cooling units, machine plant, it is vital that there should be provision for noise defences.
- There are various trees including the three trees on Turner Street to be planted to mitigate the effects of being overlooked by the big new buildings. These should be secured and delivered
- Strain on local infrastructure and road safety
- Safety and security around “green spine”
- Failure to evaluate cumulative impact of major new developments in the area on socio-economic factors including primary care health services and education
- Proposal offers no significant benefit to the local community and no attempt to integrate the local community
- On-going environmental effects of building works including routing of construction traffic and Council’s plans to close a section of Turner Street and other traffic calming measures
- The site appears to incorporate land that does not belong to the applicant and is part of Porchester House and if this is so, then the applicant has not served notice on their client.
- Application does not give a clear indication of the impact on Porchester House and the setting of the listed buildings. Little open space and outlook will remain to rear of Porchester House with resultant loss of daylight/sunlight
- Block D1 will dominate Porchester House: the new block will extend behind the rear elevation of Porchester House, creating a dominating townscape relationship, with outlook and amenity adverse impacts on the residents of the affected building

9.0 ASSESSMENT OF APPLICATION

9.1. The main planning issues raised by the application that the committee must consider are set out below

- Principle of Land Uses
- Design and Heritage including townscape views
- Density
- Housing including mix, quality, amenity
- Neighbours Amenity
- Highways & Transportation

Other Considerations including

- Environmental Impact Assessment
- Archaeology

- London View Management Framework
- Noise and Dust
- Contaminated Land and Hydrology
- Flood Risk & Water Resources
- Energy and Sustainability
- Trees, Ecology and Biodiversity
- Waste and Recycling
- Microclimate
- Planning Obligations
- Financial Considerations
- Human Rights
- Equalities

Land Use

General Principles

- 9.2 At a national level, the National Planning Policy Framework (NPPF 2012) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to maximise development potential, in particular for new housing. Local authorities are also expected to boost significantly the supply of housing and applications should be considered in the context of the presumption in favour of sustainable development.
- 9.3 The London Plan identifies Opportunity Areas within London which are capable of significant regeneration, accommodating new jobs and homes and recognises that the potential of these areas should be maximised. The site is located outside the designated Whitechapel district town centre. The site falls within the London Plan City Fringe (Tech City) Opportunity Area Planning Framework and its identified outer core commercial growth area. Core growth areas are intended to provide a continued supply of employment floorspace. The guidance seeks new development to bring forward a significant quantum of affordable workspace within schemes where there will be demolition of existing affordable workspace and developers are encouraged for this space to be flexible workspace and /or suitable for occupation by micro and small enterprises.
- 9.4 The City Fringe OAPF identifies there is a particularly strong opportunity in Whitechapel for businesses to capitalise on opportunities arising from university/health related research with the presence of Queen Mary University, Royal London Hospital and Blizzard Research Centre, and following the establishment of the Med-City Initiative by the Mayor of London. The OAPF has an aspiration that Whitechapel realises its full potential as an employment location borne of the tight cluster of health and life science institutions and with the geographic expansion of Tech City out from its Old Street origins.
- 9.5 The Whitechapel Estate site is identified as one of the key strategic sites (Whitechapel site 10) within the City Fringe OAPF. The OAPF identifies that developments centred around the green spine should provide uses that contribute towards the Mayor's 'Med City' vision. The linear park should provide a generous green open space, and development is expected to reflect its importance both in building height and ground floor uses. The previous Mayor

of London set up the Med City organisation to promote the Cambridge-London-Oxford triangle as the world's premier region for life-sciences

- 9.6 At Borough level the site falls within the boundaries of the Whitechapel Vision Masterplan SPD. The Masterplan's 'spatial concept' identifies an area bounded by Varden Street to south, New Road to west, Cavell Street to east and Whitechapel as delivering a Med City campus area.
- 9.7 The development site is identified as Site 15 within the Masterplan and as a place to accommodate family sized homes, including affordable housing and specialised housing, with offices and research space at lower levels to support Queen Mary University. The green spine is seen as a core component of the site with an opportunity for a landmark building.

Residential development (C3 Land Use)

- 9.8 The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that "... housing applications should be considered in the context of the presumption in favour of sustainable development" and "Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities."
- 9.9 London Plan Policies 3.3 (Increasing Housing Supply) and 3.4 (Optimising housing potential) states the Mayor is seeking the maximum provision of additional housing in London.
- 9.10 Tower Hamlets annual monitoring target as set out in the London Plan 2015 is 3,931 units whilst the housing targets identified in policy SP02 (1) of the Core Strategy indicate that Tower Hamlets is aiming to provide 43,275 new homes between 2010 to 2025.
- 9.11 Setting aside the specialist accommodation the proposed development would provide 343 (C3 Use Class) residential units as part of a mixed use scheme. The scheme would involve the demolition of 43 existing residential units. Some of those demolished were consented to serve as nurses accommodation but do not benefit from a planning condition restricting use by medical staff and appear immune from enforcement as now serving as C3 accommodation.
- 9.12 A residential led re-development of the site is considered broadly acceptable in principle, subject to the assessment of the relevant planning considerations discussed later in this report and subject to the development not compromising the Med City objectives for this identified area of Whitechapel.

Specialist residential accommodation (C2 Land Use)

- 9.13 Policy 3.14 of the London plan states that any loss of housing (which includes staff accommodation and shared accommodation) should be resisted unless the lost housing is replaced at existing or higher densities with at least equivalent floorspace and to an equivalent or better standard .
- 9.14 Specialist accommodation is the subject of Policy DM5 of the Borough's Managing Development Document and the policy states "*the redevelopment of any site which includes specialist housing should re-provide the existing specialist and supported housing as part of the redevelopment unless it can be*

demonstrated that there is no longer an identified need for its retention in the current format.”

- 9.15 The applicant has identified existing specialist accommodation in the three physically conjoined blocks known as Kent, Brierley and Ashton Houses (that were built as nurses accommodation) and also in John Harrison House and Horace Evans House.
- 9.16 In addition to this specialist accommodation there is Clare Alexander House and Dawson House that together contain 47 residential units. The planning history for these two latter blocks is incomplete. Clare Alexander House did previously provide residential accommodation for NHS staff and some NHS staff still reside there although this is understood to be now on an open market basis with no restrictions in place on occupancy by profession.
- 9.17 Kent, Brierley and Ashton Houses are located on Varden Street, and currently provide 118 units consisting of 99 self contained studio units, 18 self contained two bedroom units and one caretaker unit. This existing accommodation is restricted by a planning condition for use as residential accommodation for students and nursing staff of the London Hospital and people attending conferences outside term time. The units are on average 17sq.m.
- 9.18 John Harrison House on Philpot Street contains 64 non self-contained units (understood to be 1,853sq.m GIA) consented as “on call” accommodation with shared kitchen and living room spaces. Barts Trust state 15 of these units are currently used in an on-call capacity with the remainder used for staff accommodation on short term tenancies. Barts Trust seek replacement of all 64 units within the redevelopment scheme.
- 9.19 Horace Evans House contains 20 units (795sqm (GIA) 15 of these units are single bed, and 5 units as double bed, to provide overnight , accommodation for patients and their families. Barts Trust seek 12 replacement patient hostel units
- 9.20 Barts Trust manage the lettings directly to John Harrison House whilst the applicant (Greenoaks) manage the lettings to Kent, Brierley and Ashton Houses and Horace Evans House.
- 9.21 The existing floor area (GIA) C2 specialist accommodation within Kent, Brierley, Ashton, Horace Evans and John Harrison Blocks is 5,749sq.m.
- 9.22 In total there are 202 existing specialist accommodation units. The applicant states these occupy 5,749sq.m of (GIA) floor area. The scheme would deliver 168 specialist C2 Use Class accommodation units occupying 6625sq.m of (GIA) floor area. As such The scheme would involve loss of 34 specialist accommodation units but no loss of floor space to be used as specialist accommodation.
- 9.23 The local planning authority understand Barts Trust are seeking to move towards a strategy of providing staff accommodation on a shorter term accommodation basis (intended to assist with recruitment) with new lettings limited to a maximum length of stay of 6 months (e.g. to give new recruits an opportunity to ‘find their feet’ in the local area in housing terms) before clinical staff have to gain their own accommodation in the open private housing market.
- 9.24 In the absence of Barts Trust envisaging an identifiable need going forward for the 34 specialist units that would be lost with the future delivery of this scheme

and with Queen Mary University of London (the other key Med City stakeholder) stating they are not seeking this scheme to bring forward specialist accommodation for their Med City campus ambitions for Whitechapel it is considered the proposed quantum of specialist accommodation within the scheme is acceptable, subject to it being affordable for its particular purpose.

- 9.25 The applicant is willing to enter a Section 106 legal agreement to secure the rents on first occupation (post completion of the development) at £180 per week a rate and maintain them by legal agreement at no greater than 80% of comparable market rent for student accommodation. The £180 figure stated by the applicant is approximately 60% of market rent, when benchmarked against comparable student accommodation in the local area.
- 9.26 The rent within the existing health staff accommodation is within the range of £130-£160, including service charges. However the existing rental levels are not controlled by any legal agreement that secures a cap on the rent level.
- 9.27 The proposed re-provision of the specialist accommodation in land use would be consistent with Policy 3.14 of the London Plan and Policy DM5 of the Borough adopted Local Plan.

Office accommodation (B1 Use) and non-residential institutional accommodation (D1)

- 9.28 The City Fringe Opportunity Area Planning Framework and the Whitechapel Vision Masterplan both set out that the redevelopment of this site is expected to contribute towards helping to bringing forward a Med City campus for Whitechapel as well as delivering a new high density residential quarter to accommodate family sized homes, especially affordable housing and specialist housing. The Whitechapel Vision SPD expects the site to accommodate office and research space to support Queen Mary University of London (QMUL), other accredited education and research institutions and Royal London Hospital (Barts Trust) with complimentary land uses on ground floor to provide active frontages along the Green Spine including small scale retail (shops, cafes restaurants) and other community facilities as appropriate.
- 9.29 In addition to the above site specific planning objectives Local Plan Policy DM15 requires redevelopment schemes to replace any existing quantum of office accommodation on site.
- 9.30 The scheme proposes 3,269sq.m (GIA) of office accommodation (B1 Use) and an additional 206 sq.m of flexible space for either office or non-residential institutional accommodation (B1/D1 Use). The B1 floorspace is designed to provide a range of units under both the 250sqm and 100sqm policy thresholds with an ability to divide floorspace into different sized units for new business start-ups.
- 9.31 The site currently contains 7,588sq.m of B1 office occupied by Barts Trust, of which 4,595sq.m is deemed temporary office accommodation and as such would not be re-provided as part of this proposed redevelopment scheme. Excluding the identified existing temporary accommodation the scheme would bring forward a net additional 482 sq.m of dedicated additional office accommodation.
- 9.32 When this scheme was with the local planning authority at pre-application stage the office accommodation was targeted to fulfil a life sciences/biomedical research accommodation function, in line with the planning guidance set out in

Whitechapel Vision and the City Fringe OAPF. Since submission it has emerged that neither Bart's Hospital Trust or Queen Mary University of London seek the proposed accommodation for express research /life sciences purposes. This is disappointing in the context of the Med City campus ambitions but beyond the control of the applicant. Bart's Trust are seeking to utilise the scheme's proposed replacement office accommodation to meet administrative capacity needs for the Trust, rather than act in a research capacity function.

- 9.33 Notwithstanding the variation from Whitechapel Vision and City Fringe OAPF planning guidance objectives for the site, the existing quantum of permanent office accommodation is being replaced, indeed exceeded and as such relevant planning policy is being met as set out in Policy DM15 of Managing Development Document of the Local Plan.
- 9.34 The scheme proposes the provision of flexible B1/D1 floorspace (206m² GIA) within the basement of identified Block Hb. This floorspace has been designed with the potential to accommodate an auditorium for teaching purposes associated with the hospital or, in the event that the auditorium is not required, the floorspace could be switched to B1 office purposes. The principle of this flexible uses space raises no land use issues.

Retail Provision

- 9.35 Local Plan Policy DM2 identifies a shop serving local need as no more than 100sqm. The site is located outside the Whitechapel Town Centre. Notwithstanding the Whitechapel Vision Masterplan supporting retail provision along the green spine (to complement the other land use mixes and activate the ground space) it is important this is not achieved at the expense of undermining the town centre hierarchy or setting up future residential amenity issues.
- 9.36 The scheme proposes a net increase of 491sq.m of flexible used retail (A1-A3) across the site, in addition to the replacement of the existing 157sq.m. The retail would be contained within Blocks B1, D1 and E and located at ground and basement level. The largest flexible use retail unit would be within Block E and is designed with the purpose of serving as a café/restaurant facility of 301sq.m set at basement and ground floor. A retail space is proposed in Block D occupying 223sq.m and occupies the majority of the block's two main street frontages at ground plane level. The retail unit proposed in Block B1 is the smallest at approximately 124sq.m
- 9.37 Policies DM2 and DM25 of the Managing Development Document support new proposed retail development provided it does not undermine the town centre shopping hierarchy and does not risk creating unacceptable levels of noise to residential neighbours.
- 9.38 The proposed retail spaces are supported subject to planning conditions being imposed that require:
- (a) The flexible use retail space within Block D is occupied as two separate flexible use retail units, each of no greater than circa 115sq.m, to safeguard the town centre hierarchy;
 - (b) The flexible use retail unit proposed in Block E, if occupied as A3 use is restricted to A3 café/restaurant land use with no ancillary A4 space occupying more than 75sq.m, to safeguard residential amenity.

- 9.39 The retail unit proposed within Block B1 at 124sq.m is not significantly above the DM2 threshold of what defines a shop serving local need. As such this unit is considered acceptable subject to a condition controlling hours of operation given the residential use proposed above it. The applicant has objected to the imposition of planning conditions seeking to control the maximum size of the individual retail units.

Development on Open Space

- 9.40 Policy DM10 (1) states “*development will be required to provide or contribute to the delivery of an improved network of open spaces in accordance with the Council’s Green Grid Strategy and Open Space Strategy*”.
- 9.41 DM10 (2) states “*Development on areas of open space will only be allowed in exceptional circumstances where:*
- a. *it provides essential facilities to ensure the function, use and enjoyment of the open space; or*
 - b. *as part of a wider development proposal there is an increase of open space and a higher quality open space outcome is achieved.*
- 9.42 The scheme would involve no net loss of publically accessible open space. The planning statement states the scheme would deliver 2,802sq.m of publically accessible open space within the red line, representing an uplift of 836sq.m more publically accessible space.
- 9.43 The proposed publicly accessible space includes an area of existing un-adopted highway on Walden Street which currently lies behind wrought iron gates opening off Philpot Street. The existing space does not fall within the definition of existing publically accessible open space.
- 9.44 A large open space exists to the rear of John Harrison House and to the north of a temporary portacabin ICT training suite. This space is currently occupied by a temporary maintenance shed occupying approximately 500sq.m. The temporary consent lapsed in 2015 and it contains a condition to return land to recreational after the expiry of the consent. However as this open recreational space – for hospital’s former tennis courts – were for the benefit of hospital staff only it is not considered this private open space should be assessed against Policy DM10.
- 9.45 The applicant is committed through its landscaping proposals for the scheme to significantly improve the quality of planting, street furniture and hard landscaping treatment along the Green Spine which is within their control and this is consistent with Policy DM10 (1). Notwithstanding a lack of agreed details on the hours the public would have access to the proposed western quarter open space it is considered the scheme gives rise to no issues in respect of compliance with Policy DM10, provision of publically accessible open space.

Heritage, townscape and urban design

- 9.46 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”.

- 9.47 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".
- 9.48 The NPPF is the key policy document at national level relevant to the assessment of individual planning applications. Chapters relevant to heritage, design and appearance are Chapter 7 'Requiring good design' and Chapter 12 'Conserving and Enhancing the Historic Environment.' Chapter 7 explains that the Government attaches great importance to the design of the built environment. It advises that it is important to plan for high quality and inclusive design. Planning decisions should not seek to impose architectural styles, stifle innovation or originality, but it is proper to promote or reinforce local distinctiveness
- 9.49 As set out in Section 12 of the National Planning Policy Framework 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. Paragraph 132 emphasises that the weight given should be proportionate to the asset's significance, and that clear and convincing justification will be required for loss and harm to heritage assets.
- 9.50 Paragraphs 132-135 require local authorities when assessing the effects of development on a heritage asset, to give weight to an asset's conservation in proportion to its significance. Heritage assets include designated heritage assets such as listed buildings and conservation areas but also locally listed buildings.
- 9.51 Paragraphs 133 and 134 address the balancing of harm to designated heritage assets against public benefits. If a balancing exercise is necessary, considerable weight and importance should be applied to the statutory duty under sections 61 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) where it arises.
- 9.52 Proposals that would result in substantial harm or total loss of significance should be refused, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss (paragraph 133). Where less than substantial harm arises, this harm should be weighed against the public benefits of a proposal, including its retention in its optimum viable use (paragraph 134). The conclusion reached by a 2014 Court of Appeal case, Barnwell Manor, noted that 'considerable weight and importance' should be given to any harm to listed buildings and their settings, and correspondingly to any harm to the character and appearance of conservation areas through Sections 66(1) and 72(1) of the 1990 Act. Accordingly, careful consideration should first be given to assessing whether the proposal causes harm to the listed buildings and conservation areas and their settings and the desirability of avoiding that harm before undertaking the balancing exercise that is required by paragraph 132 to 135 of the NPPF. Considerable weight and importance should be given to the desirability of preserving (causing no harm to) the listed buildings and conservation areas and their settings when carrying out that balancing exercise.

- 9.53 London Plan policies 7.11 and 7.12, policy SP10 of the CS and policies DM26 and DM28 of the MDD seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- 9.54 The application is accompanied by an Environmental Statement with technical chapters dealing with heritage and archaeology a Townscape Visual Impact Assessment (TVIA) study containing verified views that assess the likely effects of the proposed development on the townscape, local heritage assets and upon specific local and strategic views.
- 9.55 The National Planning Practice Guidance (NPPG) sets out a list of criteria of “What a well design place is? The guidance states:-
- “Well designed places are successful and valued. They exhibit qualities that benefit users and the wider area. Well-designed new or changing places should:*
- *be functional;*
 - *support mixed uses and tenures;*
 - *include successful public spaces;*
 - *be adaptable and resilient;*
 - *have a distinctive character;*
 - *be attractive; and*
 - *encourage ease of movement”*
- 9.56 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimising the potential of the site. Policy 7.8 requires development affecting heritage assets and their settings to conserve their significance by being sympathetic to their form, scale, materials and architectural detail.
- 9.57 Core Strategy Policy SP10 and Policy DM23 and DM24 of the MDD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 9.58 Policy DM26 of the Borough’s Managing Development Document sets out that proposals for tall buildings should satisfy the following criteria:
- a. Be of a height and scale that is proportionate to its location within the town centre hierarchy and sensitive to the context of its surroundings;
 - b. Within the Tower Hamlets Activity Area, development will be required to demonstrate how it responds to the difference in scale of buildings between the CAZ/Canary Wharf Major Centre and the surrounding residential areas.
 - c. Achieve high architectural quality and innovation in the design of the building, including a demonstrated consideration of its scale, form, massing, footprint, proportion and silhouette, facing materials, relationship to other buildings and structures, the street network, public and private open spaces, watercourses and waterbodies, or other townscape elements;
 - d. Provide a positive contribution to the skyline, when perceived from all angles during both the day and night, assisting to consolidate clusters within the skyline;

- e. Not adversely impact on heritage assets or strategic and local views, including their settings and backdrops;
- f. Present a human scale of development at the street level;
- g. Where residential uses are proposed, include high quality and useable private and communal amenity space and ensure an innovative approach to the provision of open space.

Assessment of site's heritage context

- 9.59 The London Hospital Conservation Area lies directly to the north of the application site, and extends south into the two urban blocks in which the application site sits with this conservation area falling within the fringes of the red line application site itself. The section of the London Hospital Conservation Area that extends into the western urban block is almost completely populated by Grade II listed buildings. The urban block to the north of this is also predominantly formed of Grade II listed and locally listed buildings. No 80a Ashfield Street lies within the application site to the east and in turn abuts Ford Square Conservation Area. Further to the north of this on Newark Street lies the Grade II* listed Medical School Library. Other listed buildings in this conservation area also form part of the context of the application site.
- 9.60 The Ford Square and Sidney Square Conservation Area lie to the east of the application site and extends into the eastern urban block in which the application site sits. This part of the conservation area includes a terrace of locally listed buildings (67 to 81 Cavell Street), which form a part of the western edge to Ford Square itself. Various other listed and locally listed buildings in this conservation area also form part of the context of the application site.
- 9.61 The Myrdle Street Conservation Area lies to the west of the application site and extends into the western urban block in which the application site sits. This includes 38 Turner Street, which is within the application site. Whilst none of the buildings that are in this section of the conservation area that extends into the western urban block are listed, they nonetheless make a positive contribution to its character and appearance. The building at 38 Turner Street is of particular interest as it appears to have been designed with a north facing frontage onto what was once the eastern extent of Walden Street (now cut off from the western part), as well its frontage onto Turner Street itself. Also of note is the Zoar Chapel on Varden Street. Various listed and locally listed buildings in this conservation area also form part of the context of the application site.
- 9.62 The application site has an intimate and inextricable relationship with the surrounding heritage assets. The way that the adjacent heritage assets envelope the application site, extending into both the eastern and western urban blocks in which it sits, means that the site will almost always be experienced in conjunction with this historically sensitive area. This relationship requires the redevelopment of the application site to be handled with great sensitivity if the proposals are to satisfy relevant planning policy and guidance in relation to the protection and enhancement of the historic environment.

Med City Campus Key Place Transformation area

- 9.63 The application site is located within the area covered by the Whitechapel Vision Masterplan (2013). Specifically, it is in the Med City Campus Key Place Transformation area. The key urban design and planning principles identified for this area include a green spine running along Philpot Street, redevelopment of buildings within the application site to introduce new active frontages onto

Philpot Street, a new key route connecting Turner Street and Philpot Street (reinstating a lost section of Walden Street) and a proposed landmark to the west of Philpot Street.

- 9.64 The Whitechapel Vision proposes a single new landmark on the western side of the eastern urban block; this would be on Philpot Street between Ashfield Street and Varden Street. The Vision Townscape Strategy diagram indicates that, unlike some other proposed landmarks, this one would not be at the terminus of any significant view corridors. This suggests that it may not be seen as a destination in its own right but as a way marker along an important route, in this case the green spine connecting Commercial Road and the proposed Civic Hub. It need not necessarily be a tall building to achieve this. However, as well as being a way marker, a tall building in this location could also make a positive contribution to the Whitechapel townscape by intervening in views from the south of the new hospital building and helping to break up the perception of its mass.



Figure 5: Site layout with proposed 12 blocks (A-G)

Proposed Buildings E and I

- 9.65 Proposed Building E is described as a landmark building, reaching 20 storeys; it would be a tall building and would act as a marker to the Green Spine. The building would consist of two intersecting volumes. The curvilinear design contains pronounced balconies and would be finished in a white cast masonry façade treatment that combined with its glazing treatment would give it a distinct appearance. Block I is the proposed tallest (94m AOD) and largest building at 24 storeys, that has a rectilinear shoe box footprint that rise up the storeys. The Ashfield elevation is partially broken up with recessed floors, the east elevation by lift core. The applicant describes the building as a “contextual building” wrapped in tones of earthy brown cast concrete and brise soleil.
- 9.66 The Whitechapel Vision states that where development can provide significant regenerative benefits, a new landmark building may be expressed as a high quality taller building. It also states that to be acceptable, taller buildings should be sensitive to heritage assets and be carefully considered in terms of their

environmental impact on amenity, particularly at the ground floor plane to ensure successful integration with the existing built environment.

9.67 The application proposes a tall building (E), standing at 81.4 metres AOD and positioned at the junction of Philpot Street and Varden Street. Whilst this is not in the exact location indicated in the Whitechapel Vision Townscape Strategy diagram, it nonetheless is recognised by officers that it could be an appropriate location for the new landmark, being at a street junction and adjacent to the existing open space on Philpot Street. A further tall building (I), standing at 94 metres AOD would be positioned on Ashfield Street, to the north-west of E, but would stand in relatively close proximity to building E.

9.68 The spatial relationship between Buildings E and I means that in a series of medium and longer range views they tend to appear as very proximate or as visually coalesced. The buildings have been given contrasting appearances in an attempt to distinguish between them in these circumstances. However it is considered differing designs can only go so far to mitigate the impact of these two large buildings, and they would be seen to unacceptably overbear and dominate a number of views, such as Views 6, 7, 8 and 9 within the submitted Townscape Visual Impact Assessment (TVIA). For example, in views from the south, such as that illustrated by TVIA View 6 (taken from Commercial Road), where there is an opportunity for a new landmark to mitigate the visual impacts of the hospital building, the TVIA demonstrates that buildings E and I would overwhelm and dominate the view in their own right. The two buildings taken together, rather than help mediate the height and bulk of the hospital from View 6 they would actually both appear taller than the hospital - a function of their height and notable closer proximity to Commercial Road.



Figure 6: TVIA View 6: Building E and I from Commercial Road at junction with Philpot Street (Royal London Hospital set behind them)

9.69 Notwithstanding its scale and mass, the proposed form and appearance of Building E gives rise to a further serious issue. The way that it has been designed to contrast visually with Building I, with curved forms and a bright colour, has resulted in it standing in stark and somewhat alien contrast to the established character of the surrounding conservation areas.

- 9.70 Even where Building I is not seen alongside E, such as in TVIA Views, 1, 12, 13 and 18, its height and broad east and west facades cause it to dominate its surroundings unacceptably. In closer views, such as TVIA views 1 and 18, it can be seen how the building would present its full height as an almost sheer wall to Ashfield Street, resulting in a very overbearing form of development that would be detrimental to the character and quality of this street.
- 9.71 Both London Plan Policy 7.7 and Policy DM26 of the Council's Managing Development Document require proposals for tall buildings to demonstrate consideration for their successful relationship to surrounding public realm. To help achieve this, a tall building might reasonably be expected to have a certain degree of open space at its foot, or alternatively involve a podium arrangement to give the tall building space 'to breath' and to provide an opportunity for meaningful public realm interventions to give something back to the area and allow design interventions that offer a human scale and a desire/motivation for people to linger at the base of the building. As described above the manner in which Building I hits the ground on its public street frontage (i.e. on Ashfield Street) is at odds with Policy DM26 and London Plan Policy 7.7.
- 9.72 In contrast, notwithstanding the unresolved issues regarding the height and architectural treatment of the facades to Building E, it is acknowledged by officers (as was anticipated in the Whitechapel Vision Masterplan) that a potential tall building located on the edge of the Green Spine would benefit from the existing open space and thus help enable the building 'to breathe'. Furthermore Building E would contain a sizeable and visually permeable retail unit in its base that is anticipated would be occupied by a café or restaurant provider. This retail space would help activate the area, with activity 'spilling out' into the publically accessible landscaped area to help provide a human scale to the proposed tower at street level, thereby helping to mediate the change in scale/massing at ground plane and encourage people to linger; all positive urban design attributes.
- 9.73 To conclude officers consider the inclusion of the two proposed tall buildings severely compromises the ability of the scheme to show the necessary degree of sensitivity to the surrounding heritage or successfully integrate itself within the existing townscape.

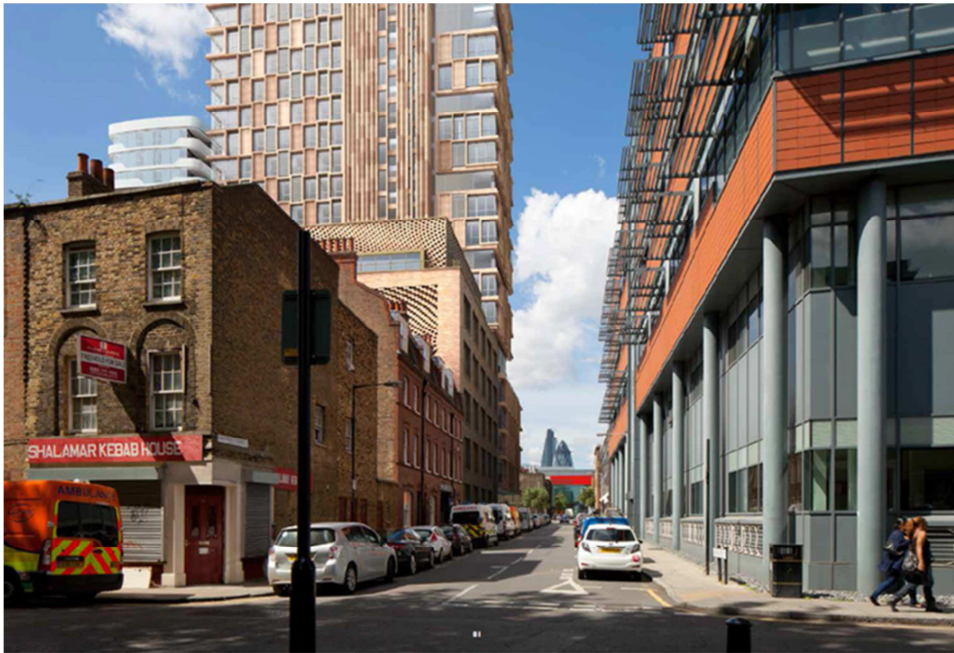


Figure 7: TVIA View of Block E on Ashfield Street from corner with Cavell Street (in Ford Square)

- 9.74 Amongst the set of demonstrable adverse and avoidable impacts upon townscape views and local heritage assets arising from the erection Buildings I and G are:
- (a) The visual coalescing of these two buildings in a series of townscape views;
 - (b) Building E's stark external finish that serves provides an unsympathetic appearance in relation to the established character of surrounding conservation areas an architectural finish that unnecessarily draws attention to itself and
 - (c) Building I creating an intimidating wall of high rise development upon Ashfield Street, a narrow street, with no meaningful opportunity to mediate this or allow the building to 'breathe' or provide an attractive and human scale of development at street level.

These failures would be evident in views from each of the three surrounding conservation areas, a number of which include listed buildings, resulting in harm to the setting of these heritage assets as well as harm to the townscape more generally contrary to relevant London Plan and Local Plan policies including DM26 of Borough Managing Development Document, Core Strategy SP12 and 7.7 of the London Plan.

Proposed Building D1

- 9.75 Building D1 would be a 10 storey building which would be positioned on the western side of Philpot Street, broadly opposite Building E. A proposed residential block with a retail unit located on a section of its ground floor standing at 46.5 metres (AOD), it would also be a tall and very substantial structure in the context of this section of the site, both to the listed terrace and the modest 4 storey residential Porchester House set immediately to the south. To its north would be terraces of Grade II Listed early C19th townhouses lining the western side of Philpot Street, and the listed terrace on northern side of Walden Street. All three listed terraces are in the London Hospital Conservation Area.



Figure 8: TVIA View 17 showing 10 storey Block D1 in left of image; Listed Buildings in foreground

- 9.76 The relationship between Building D1 and the listed buildings is such that the marked disparity in scales between the existing and proposed development would be readily apparent. Whilst some degree of height difference could be acceptable, the proposed building goes too far and would have an overbearing visual impact.
- 9.77 TVIA Views 17 and 21 demonstrate the harm Building D1 would cause to the setting of the listed buildings facing Philpot Street and the setting to the listed terrace facing Walden Street

Proposed Building D2

- 9.78 Building D2 is proposed as a terrace of four storey houses (including a lower ground floor) that would define the southern side of Walden Street. The proposed bespoke concrete panels are intended to introduce visual interests and respond to the range of brick colours and textures in the surrounding streets, as are brass windows frames and balustrades.



Figure 9: TVIA View 20: Looking east along Walden Street with 2 storey listed terrace (to left), Block D2 (to right in foreground), Block D1 (to right set behind) and Buildings I and E (in back of image to left and right)

9.79 At 23.6 metres AOD, the scale of this building would have a somewhat overbearing impact on the listed terrace opposite, as evidenced by TVIA views 20 and 21, and by section drawing J. This impact is significantly exacerbated by the design of the elevations. Of particular concern is the largely blind ground floor treatment, which features only narrow horizontal high level windows and deeply recessed doors, resulting in a blank and inactive frontage. At first floor level large projecting bay windows much bigger than any single element on the listed facades opposite, would be overly assertive and intrusive elements in the streetscene. This is well illustrated by TVIA view 20, where the scale and visual dominance of the bay windows, and the largely blank ground floor are shown to sit in contrast to the listed terrace and to compromise the quality of the streetscene more generally.

7.80 Taken together the cumulative visual impacts including sense of enclosure of Blocks D1 and D2 on the Whitechapel Hospital Conservation Area and listed terrace on Walden Street are unacceptable. These adverse impacts are accentuated by the cumulative effect on the setting of these heritage assets by the backdrop vistas - highlighting the height, scale and opposing design styles of the two tall buildings (Blocks I and E) within the eastern quarter of the scheme.

Proposed Buildings B1 and B2

9.76 Buildings B1 and B2 would be located on Turner Street and would stand at 46.2 metres and 39.7 metres AOD (9 and 7 storeys respectively). Both buildings would be residential in use with Building B1 also having a retail unit at ground floor.

- 9.77 Both buildings seek to contain a variety in the size of opening to seek to create a visual interest and to avoid repetition along with introduction of texture to the façade and solid elements projecting slightly forward of the main plane of the façade.



Figure 10: CGI Page 159 Design and Access Statement: Blocks B1 and B2 on Turner Street (9 and 7 storeys in height)

- 9.81 A new route between B1 and B2 would be created to reinstate that historic connection between the eastern part of Walden Street and Turner Street. This approach results in the loss of 38 Turner Street which makes a positive contribution to the conservation area. The reinstatement of Walden Street could be achieved without the loss of this building, and reactivating number 38's return frontage. The passageway is approximately 5m wide.
- 9.82 The TVIA lacks north and south views along Turner Street to illustrate the potential impact of B1 and B2 on the predominantly low-rise townscape which forms part of the Myrdle Street Conservation Area. However, the unwelcome disparity in scales between the proposed buildings and those that make up the conservation area is illustrated by the CGI on page 159 of the Design and Access Statement and section drawings 2 and 3. The height of Buildings B1 and B2 is in marked contrast to not only the surrounding historic buildings of the Myrdle Street Conservation Area but also the contemporary buildings of the School of Dentistry and Biomedical Innovation Centre that occupy the street block set between the west side of Turner Street and New Street, located to the north of Walden Street. TVIA View 21 illustrates the townscape impact of buildings B1 and B2 when viewed from the east along Walden Street.



Figure 11: TVIA View 21 Walden Street looking west from Philpot Street with proposed Blocks B1 and B2 (centre backdrop),

- 9.83 The TVIA Views illustrate how the two buildings would have an unacceptable and overbearing relationship with the Walden Street listed terrace located in the London Hospital London Hospital Conservation Area.

Proposed Building A

- 9.84 Building A would be located on the western part of Ashfield Street, enclosed by the London Hospital Conservation Area on three sides and immediately adjacent to the Grade II Listed properties at No. 46 and No. 48. The proposed building looks to reinstate the traditional street frontage by being positioned on the back of the pavement, in the same fashion as 46 and 48. However, it does not match the established parapet height of its listed neighbour and features a higher level set back 4th storey. The result is a jarring relationship between the building and its listed neighbour. The building is also proposing to use narrow profile bricks. These would not tie in with the brickwork on the adjacent listed buildings, exacerbating the jarring junction between the two buildings.



Figure 12: Block A on Ashfield Street with the listed buildings at Nos 46 & 48 (to left side of image)

- 9.85 The failure of proposed Building A to respect the established parapet line and the roof line to No 46 and No 48 results in a jarring relationship to the latter two buildings, accentuated by the proposed brick profile and is thereby detrimental to the setting of these two listed buildings and to the character and appearance of London Hospital Conservation Area..

Proposed Building C

- 9.86 Building C consists of 5 storeys plus a lower story that opens onto proposed sunken gardens. The scheme would provide residential health staff accommodation on the upper floors, and served by separate lobby. Eight three bedroom and one four bedroom units (for affordable rent) each with their own individual gardens are also proposed.

Proposed Buildings F and G

- 9.87 Buildings F and G are residential blocks, providing the majority of the affordable C3 housing accommodation for the scheme.
- 9.88 The blocks would form a single terrace like frontage on Varden Street, would rise to 4 storeys at the immediate back of pavement, with both blocks having a further recessed 5th story set above that. Block F would have the ground level raised 750mm above the street pavement to help provide some degree of privacy and modestly enhanced security for three proposed ground floor units that would face the street and their respective balconies. This ground floor is unsatisfactory most particularly for one bedroom, that is facing the street and is single aspect with a bedroom window set immediately at the back of the pavement with, no stand-off space set before it.



Figure 13: CGI of Block F and G

- 9.89 Block G would be built on a deeper footprint than F and rise to 9 storeys. Block G would have a stepped communal lobby opening onto the street. The main length of this street frontage would be inactive as it would provide the vehicular entrance to the basement residential car park that serves the whole of the development site, it would also house an electrical substation within the ground floor of the block.
- 9.90 The two buildings of Block G and Block F would be brick in external finish and have a much more conventional architectural arrangement to its street façade than the individually bespoke character/façade treatment proposed to the lower height buildings proposed within the western quarter. This is reflected in the arrangement of the windows and recessed balconies that would be all stacked in a regular manner on top of each other and through the plainer brick treatment.



Figure 14: Ground Floor Plan to Block F and G

Proposed Building H

- 9.91 Block H is a residential block of 4 storeys. The block would have no street frontage as such, as it would be lie at the back of the eastern private amenity space for the scheme. It would be approached by foot through an existing alley way on Ashfield Street. Three duplex family units would occupy the ground floor with private gardens. The upstairs units would lack any direct access to the eastern quarter courtyard space.

Summary of heritage assessment conclusions

- 9.92 Whilst it is recognised the scheme (and its two tallest buildings in particular) would by seen in some street views together with the hospital or some other relatively large massing, within viewpoints on many other occasions because the application is to the south of the hospital and bounded by low rise conservation areas with a series of streets set on an east west axis, there would be many pavement level street viewpoints of the application site where the bulk of the existing hospital building would not also be within the vista of the proposed new development. As such, the visual imposition of the development two tall towers would be considerable and when taken together, not sympathetic. This is evidenced in the previously referenced TVIA views.
- 9.93 Consistent with the comments received from Historic England on the scheme, officers consider that whilst there is an opportunity for a tall landmark building on the site, there is no townscape or heritage justification for two tall buildings. Taken together as sited and designed they would result in significant and demonstrable harm upon a large number of identified heritage assets.
- 9.94 This significant, but less than substantial harm, should be weighed against the public benefits of the proposal, in accordance with the National Planning Policy Framework (NPPF) and Paragraph 132 in particular which 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.”

- 9.95 The public benefits of the proposed development include bringing forward new housing including of which 21% is affordable housing. The scheme would also re-provide much of the existing specialist (C2) accommodation units (to an upgraded standard) and provide new office accommodation that will serve an administrative function for Barts Trust and flexible use retail that would that help activate this historic southern precinct to Royal London Hospital alongside an enhanced section of the Green Spine.
- 9.96 There is identified need within the development plan, at both Local Plan and Strategic level, for the specialist accommodation and for new residential development. However it is considered in this case, that these public benefits are not sufficient to outweigh the significant harm, that the NPPF requires ‘great weight’ is given to, upon heritage assets and indeed upon the more general adverse townscape implications of the scheme. In reaching this conclusion attention needs to be paid that the provision of the specialist accommodation is a minimum requirement for a policy compliant scheme for this site (which would have informed the benchmark land value for the site); it is also noted the affordable housing by quantum is very significantly below the 35-50% sought by adopted policy, albeit subject to viability.
- 9.97 Applying the policy test, as set out NPPF, the proposal would result in significant and demonstrable harm to heritage assets. The applicant has failed, as required by NPPF, to put forward a proposal which justifies that harm.
- 9.98 Officers consider that an unacceptable degree of harm would arise to heritage assets including a series of identified statutory and locally listing buildings, to the three neighbouring conservation areas, to the burial grounds on site and the surrounding townscape more generally.

Housing & Density

- 9.99 Increased housing supply is a fundamental policy objective at national, regional and local levels, including the provision of affordable housing.
- 9.100 NPPF Paragraph 7 advises that a dimension of achieving sustainable development is a “social role” supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations. Paragraph 9 advises that pursuing sustainable development includes widening the choice of high quality homes.
- 9.101 NPPF Section 6 advises local planning authorities on ‘*Delivering a wide choice of high quality homes.*’ Paragraph 47 requires local plans to meet the full objectively assessed need for market and affordable housing and to identify and update annually a supply of specific deliverable sites sufficient to provide five years housing supply with an additional buffer of 5%.
- 9.102 London Plan Policy 3.3 ‘*Increasing housing supply*’ refers to the pressing need for more homes in London and makes clear that boroughs should seek to achieve and exceed their relevant minimum targets. The London Plan annual housing monitoring target for Tower Hamlets is 3,931 new homes between years 2015 to 2025.
- 9.103 London Plan Policy 3.8 ‘*Housing choice*’ requires borough’s local plans to address the provision of affordable housing as a strategic priority. Policy 3.9

'Mixed and balanced communities' requires communities mixed and balanced by tenure and household income to be promoted including in larger scale developments.

- 9.104 London Plan Policy 3.11 *'Affordable housing targets'* requires boroughs to maximise affordable housing provision and to set an overall target for the amount of affordable housing needed in their areas. Matters to be taken into consideration include the priority for family accommodation, the need to promote mixed and balanced communities and the viability of future developments.
- 9.105 London Plan Policy 3.12 *'Negotiating affordable housing'* requires that the maximum reasonable amount of affordable housing be sought. This should have regard to affordable housing targets, the need to encourage rather than restrain residential development, the size and type of affordable units needed to meet local needs, and site specific circumstances including development viability, any public subsidy and phased development including provisions for re-appraising viability prior to implementation. Affordable housing should normally be provided on site.
- 9.106 Tower Hamlets Core Strategy Policy SP02 (1) supports the delivery of new homes in line with the Mayor's London Plan housing targets. Policy SP02 (3) sets an overall strategic target for affordable homes of 50% until 2025. This is to be achieved by requiring 35%-50% affordable homes on sites providing 10 new residential units or more (subject to viability). Paragraph 4.4 explains:
- 9.107 *Given the extent of housing need, Tower Hamlets has set an affordable housing target of up to 50%. This will be delivered through negotiations as a part of private residential schemes, as well as through a range of public initiatives and effective use of grant funding. In some instances exceptional circumstances may arise where the affordable housing requirements need to be varied. In these circumstances detailed and robust financial statements must be provided which demonstrate conclusively why planning policies cannot be met. Even then, there should be no presumption that such circumstances will be accepted, if other benefits do not outweigh the failure of a site to contribute towards affordable housing provision.*

Density

- 9.108 Policies 3.4 of the London Plan and SP02 of the Borough's Core Strategy seeks to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.
- 9.109 The proposed development would have a residential density of 1,086 habitable rooms per hectare (hr/ha), after taking into account the proportion of vertically mixed non-residential floorspace. The appropriate London Plan density range for the sites with a central setting and PTAL of 6a is 650 to 1,100 hr/ha. The proposed density is therefore consistent with the London Plan density matrix.
- 9.110 However density ranges should not be applied mechanistically and a density within the London Plan matrix may be unacceptable if the scale of development associated with the residential density exhibits symptoms of overdevelopment in terms of adverse impacts on the amenity of future residential occupiers, imposes adverse amenity impacts to neighbouring occupiers, gives rise to poor quality of urban design, fails to contribute positively to local character place-

making or results in adverse impacts upon the local townscape and heritage assets.

- 9.111 The site is not located within the Whitechapel Town Centre and has no immediate ground plane relationship to Whitechapel Road given the presence of the hospital to the north of the site. Officers conclude as set out in detail within the townscape and heritage section of this report that the proposed scale and massing designed to accommodate residential units within the scheme is not consistent with protecting heritage assets to the detriment of designated and undesignated heritage assets. As such the chosen massing arrangement and associated density of development is too great for the site.

Housing

- 9.112 The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that "*housing applications should be considered in the context of the presumption in favour of sustainable development*" and "*Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.*"
- 9.113 The application proposes 343 (C3) residential units as part of a mixed use scheme and as set out previously the principle of residential-led re-development on the site is accepted. The quantum of housing proposed will assist in increasing London's supply of housing and meeting the Council's housing target, as outlined in policy 3.3 of the London Plan and therefore make a positive contribution to meeting local, regional targets and national planning objectives.
- 9.114 The London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period which can be expressed in absolute terms or as a percentage.
- 9.115 London Plan Policy 3.12 is considered to be of particular relevance as it provides guidance on negotiating affordable housing provision on individual sites. The policy requires that the maximum reasonable amount should be secured on sites, having regards to:
- Current and future requirements for affordable housing at local and regional levels;
 - Affordable housing targets;
 - The need to encourage rather than restrain development;
 - The need to promote mixed and balanced communities;
 - The size and type of affordable housing needed in particular locations; and,
 - The specific circumstances of the site.
- 9.116 The supporting text to the policy encourages developers to engage with an affordable housing provider to progress a scheme. Boroughs should take a reasonable and flexible approach to affordable housing delivery as overall, residential development should be encouraged rather than restrained.

- 9.117 Core Strategy Policy SP02 (3) set an overall strategic target for affordable homes of 50% until 2025. This will be achieved by requiring 35%-50% affordable homes on sites providing 10 new residential units or more (subject to viability). The preamble in 4.4 states that *“given the extent of housing need, Tower Hamlets has set an affordable housing target of up to 50%. This will be delivered through negotiations as a part of private residential schemes, as well as through a range of public initiatives and effective use of grant funding. In some instances exceptional circumstances may arise where the affordable housing requirements need to be varied. In these circumstances detailed and robust financial statements must be provided which demonstrate conclusively why planning policies cannot be met. Even then, there should be no presumption that such circumstances will be accepted, if other benefits do not outweigh the failure of a site to contribute towards affordable housing provision”*.
- 9.118 Managing Development Document Policy DM3 (3) states development should maximise the delivery of affordable housing on-site.
- 9.119 This scheme makes an affordable housing offer of 21% by habitable room, through on-site provision. A viability appraisal has been submitted with the scheme and this has been independently reviewed by the Council’s financial viability consultants who have confirmed the maximum amount of affordable housing that the scheme can viably provide is circa 21%, comprising affordable rent tenure.
- 9.120 It is not possible to make an exact comparison with other schemes or the Local Plan policy target for affordable housing of between 35-50% affordable housing by habitable room given with this scheme there are many units oversized and most notably a significant number of open markets residential units that are very substantially oversized, assessed against the minimum space standards, which has the effect of skewing the proportion of habitable rooms within the affordable rented sector when compared with the total residential floor area.
- 9.121 This scheme would also deliver additional specialist accommodation. This specialist accommodation represents 12% of the proposed habitable rooms. Taken collectively 33% of the proposed habitable rooms in the scheme would be either C3 affordable housing or potentially discounted rented specialist accommodation. It should be noted to date the section 106 heads of terms in reference to the rent level and service charges to the market discount C2 accommodation has not been agreed with Officers although the applicant has expressed a willingness to engage in such discussions. In the absence of the scheme being supported by officers these have not progressed.
- 9.122 The affordable housing is being offered as affordable-rented units, with all the units set at Borough Framework rents for this postcode with no intermediate product social housing. The London Plan seeks a ratio of 60:40, whilst Local Plan policy seeks a 70:30 split to ensure housing contributes to the creation of socially balanced and inclusive communities.
- 9.123 The absence of intermediate housing is seen as a shortcoming in the proposal. However taken in isolation this matter is not considered sufficient to warrant a reason of refusal when consideration is given to the significant specialist accommodation that would be delivered on the site that should help rebalance the socio-economic demographic the scheme would deliver.
- 9.124 The affordable rented units are offered at the Borough framework rent levels for this E1 postcode, which would mean £278 per week for the 3 bedroom flats, inclusive of service charges. The Borough framework rents are greater than

social rented units although they do have the benefit of including all services charges.

Housing Mix

9.125 Pursuant to Policy 3.8 of the London Plan, new residential development should offer genuine housing choice, in particular a range of housing size and type. Policy SP02 of the Core Strategy also seeks to secure a mixture of small and large housing, requiring an overall target of 30% of all new housing to be of a size suitable for families (three-bed plus) including 45% of new affordable rented homes to be for families. Policy DM3 (part 7) of the MDD requires a balance of housing types including family homes. Specific guidance is provided on particular housing types and is based on the Councils most up to date Strategic Housing Market Assessment (2009).

9.126 The tables below compare the proposed housing mix against policy requirements:

Ownership	Type	Policy requirement (%)	Number Of units	Proposed mix (%)
Private	Studio	0	6	2
	1 bed	50	132	46
	2 bed	30	115	40
	3 bed	20	33	12
	4+ bed		0	0
Total			286	100%
Affordable Rented	1 bed	30	14	25
	2 bed	25	21	37
	3 bed	30	14	25
	4+ bed	15	8	14
Total			57	100%

9.127 The scheme would under provide in 1 bedroom markets units, overprovide in 2 bed units (by 25%) and would underprovide in larger family sized units. The under provision in larger family sized units is considered on balance acceptable informed by the advice within London Mayor's Housing SPG in respect of market housing which argues that it is inappropriate to be applied crudely "*housing mix requirements especially in relation to market housing, where, unlike for social housing and most intermediate provision, access to housing in terms of size of accommodation is in relation to ability to pay, rather than housing requirements*".

9.128 The tenure mix within the affordable rented units is 25% of one bed units against Borough policy target of 30%, 37% of two bed units against Borough policy target of 25%, 39% of the units would be three and four bed units, set against the policy target of 45%.

9.129 The Borough Affordable Housing Team consider this imbalance of one and two bed units should be subject to further review given the oversizing of residential C3 units within the scheme.

Housing quality and standards

- 9.130 London Plan Policy 3.5 '*Quality and design of housing developments*' requires new housing to be of the highest quality internally and externally. The Plan explains that the Mayor regards the relative size of all new homes in London to be a key element of this strategic issue. Local Plans are required to incorporate minimum spaces standards that generally conform to Table 3.3 – '*Minimum space standards for new development.*' Designs should provide adequately sized rooms and convenient and efficient room layouts. Guidance on these issues is provided by the Mayor's '*Housing*' SPG 2016.
- 9.131 MDD Policy DM4 '*Housing Standards and Amenity Space*' requires all new developments to meet the internal space standards set out in the Mayor's earlier 2012 SPG.
- 9.132 In March 2015, the Government published '*Technical housing standards – nationally described space standard.*' This deals with internal space within new dwellings across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Minor Alterations to the London Plan 2016 and the Mayor's '*Housing*' SPG 2016 reflect the national guidance.

C3 Residential accommodation

- 9.133 All of the proposed units exceed the National Housing Standards minimum space standards. Within the private tenure on average the 2 bedroom units would exceed the minimum standards by 20%, the 3 bedroom flats by 75% and the two storey maisonettes by 64% private units. The proposed generously sized units, compared against National Housing standards, are liable to distort the proportion of market housing vis-à-vis the proportion of C3 affordable housing and C2 specialist accommodation when benchmarked by total floor area by tenure as opposed to habitable rooms by tenure - although it should be emphasised the latter habitable room count by tenure is the adopted planning policy measure.
- 9.134 The residential floor plan layouts across the blocks are generally reasonably well designed including minimising the setting of bedrooms against main living room spaces across party walls thereby minimising the associate risk of noise disturbance to bedrooms. However there are number of unsatisfactory residential layouts and relationships between proposed blocks. These include lower ground/basement floor to proposed Block C containing 9 family sized (3 bedroom) affordable maisonettes and each of these units would have two habitable rooms lacking any outlook with only 1,7m wide lightwells and the rear habitable units at lower ground level also having compromised outlook facing a retaining wall at a distance of 5. Blocks F would have three ground floor units, including a single aspect one bedroom unit, facing directly onto the back of the adopted pavement with no defensible space to these units including a bedroom window within the single aspect unit.
- 9.135 The number of units per core is limited and consistent with Mayor of London's Housing SPG. All the proposed C3 blocks within the scheme would benefit from the avoidance of long internal corridors.
- 9.136 The opportunities to maximise dual aspect units within the internal layout of the blocks appears to be taken.

- 9.137 Taking the two largest blocks, Block I the single aspect units would be limited to one bedroom units and none of these units would be north facing. Block E would contain no single aspect flats. Blocks D contains 13 single aspect units with single north facing units limited to 3 studio flats. Block F and G and H would contain no single aspect north facing units and 8 of the 9 single aspect units would be one bedroom units. Block D1 are all dual aspect houses.
- 9.138 Block B1 and Block B2 would contain no single aspect units. However these two blocks would contain a number of unsatisfactory residential layouts as 16 of the 56 units would have habitable rooms that face other habitable rooms (between the two respective blocks (B1 & B2) on their respective Walden Street elevation) at a distance of less than 5.6m, set across a proposed newly alleyway (that would provide a controlled pedestrian route from Turner Street with Walden Street). The narrow width of the alleyway also raises prospective anti-social behaviour and crime prevention concerns to the detriment of future occupants residential amenity.

Inclusive design

- 9.139 London Plan Policy 3.8 '*Housing Choice*,' the Mayor's Accessible London SPG, and MDD Policy DM4 '*Housing standards and amenity space*' require 10% of new housing to be wheelchair accessible or easily adaptable for residents who are wheelchair users. London Plan Policy 3.8 '*Housing choice*' and Core Strategy Policy SP02 6 require all new housing to be built to Lifetime Home Standards.
- 9.140 On 14th March 2016, Minor Alterations to the London Plan (MALPS) were published to bring the London Plan in line with the Government's national housing.
- 9.141 Accordingly the requirement for all new dwellings to meet Lifetime Homes Standards and 10% to be wheelchair accessible or easily adaptable should now be interpreted as requiring 90% of new housing units to meet the Building Regulations optional requirement Part M4 (2) 'accessible and adaptable dwellings' and 10% of new housing within the market sales to meet the optional requirement M4(3)(2)(a) (adaptable) and 10% to meet the optional requirement M4(3)(2)(b) (accessible) within the rented affordable housing. The applicant states and the floor plans indicate that the development is capable of meeting the aforementioned new national accessibility standard including the Building Regulation optional required and adopted as policy requirements in MALP.
- 9.142 The minimum 10% wheelchair accessible units would be achieved throughout the development (including across tenures, unit sizes and within the C2 accommodation) including welcomed provision of larger family wheelchair units within Blocks G and F that provides the schemes main affordable housing provision. Were consent granted a minimum 10% of units being fully wheelchair accessible or readily adaptable across all tenures would be secured by planning condition.

Internal Daylight and Sunlight

- 9.143 DM25 of the MDD seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments.
- 9.144 The Building Research Establishment (BRE) Handbook 'Site Layout Planning for Daylight and Sunlight 2011: A Guide to Good Practice' (hereinafter called the 'BRE Handbook') provides guidance on the daylight and sunlight matters. It is

important to note, however, that this document is a guide whose stated aim “is to help rather than constrain the designer”. The document provides advice, but also clearly states that it “is not mandatory and this document should not be seen as an instrument of planning policy.”

- 9.145 The application is accompanied by a daylight and sunlight assessment report that tested the daylight and sunlight provision to the proposed new dwellings

Daylight

- 9.146 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

- 9.147 The submitted ES assessment tested all the habitable room windows at lower ground, ground, first and second floor (as there are the units most liable to be most affected by limited daylight /sunlight levels) and with sample testing undertaken of windows set above these lower floors for daylight. 343 rooms were tested including independent kitchens.

- 9.148 The Council’s daylight/sunlight consultants report state 41 of the rooms on the lower three floors would fail the BRE ADF minimum value if separate kitchens are excluded from the analysis). A further 5 rooms fail would fail BRE ADF minimum value on the sample windows tested above 2nd floor. It should be noted that within Block I, the daylight testing has been undertaken in the winter gardens (treating them as part of the habitable room) as opposed to testing the habitable rooms set behind the winter gardens separately. Such an approach the Council’s consultants report is contrary to BRE guidance. As such there is some inaccuracy in the figures reported in Block I where the majority of units above 2nd floor have winter gardens.

- 9.149 Within Block F one living room would receive no daylight at all and another living room receiving only an ADF of 0.22%. Within the proposed C3 affordable housing units within Block C that has bedrooms at basement level only 1 room fails to meet BRE daylight distribution guidance values. in Block G only 2 living rooms of the rooms tested rooms fail to meet BRE ADF minimum guidance

- 9.150 Taken overall the number of non-compliant rooms within the C3 residential accommodation rooms is relatively small percentage of the room tested. However as the council’s independent daylight consultants conclude these compliance figures to not help address the very poor daylight that would be received in some habitable room. The daylight failures also need to weighed with the other impacts and benefits. On balance officers considers these daylight failings are considered acceptable when consideration is given to the adverse heritage impacts, and the siting impacts of the scheme in terms of outlook to future occupants, sense of enclosure and undue overshadowing of the scheme main private communal amenity space and playspace.

Sunlight

- 9.151 In relation to sunlight, the annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each given window

which faces within 90° of due south. If the window reference point can receive more than one quarter (25%) of APSH, including at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should still receive good sunlight assessed against BRE guidance.

- 9.152 Of the 95 south facing windows tested on the proposed lower floors 66 residential windows fail the annual probable sunlight hours (APSH) test and 28 fail the winter test. With respect to sunlight BRE guidance seeks that these minimums are met in respect to the main living rooms of which 23% of the tested living rooms or single living/kitchen/dining spaces are below the BRE minimum and 9.4% fail BRE 5% winter test for APSH.
- 9.153 The high level of sunlight failings is in part a product of the new build scheme dropping into an existing tightly built urban street pattern. However it is also a result of the proposed siting and massing arrangement of the blocks, the height of some of these blocks and the close proximity between these proposed blocks. This is symptomatic of the overdevelopment of the site and the siting of the proposed blocks.

Amenity space

- 9.154 For all major developments, there are four forms of amenity space required: private amenity space, communal amenity space, child amenity space and public open space. The 'Children and Young People's Play and Information Recreation SPG (February 2012) provides guidance on acceptable levels, accessibility and quality of children's play space and advises that where appropriate child play space can have a dual purpose and serve as another form of amenity space. This is particularly apt for very young children's play space as it is unlikely that they would be unaccompanied. However policy is clear any dual purpose amenity space strategy must not be formulated to double count amenity space and thereby dilute the amenity space standards.

Private Amenity Space

- 9.155 Private amenity space requirements are set figures determined by the predicted number of occupants of a dwelling. Policy DM4 of the MDD sets out that a minimum of 5sq.m is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. If in the form of balconies they should have a minimum width of 1500mm.
- 9.156 The proposal provides private outdoor amenity space to all of the C3 residential units in the form of private balconies, individual gardens roof terraces and winter gardens in the case of Block I and Block H. The Mayor's 'Housing' 2016 SPG states "*In exceptional circumstances, where site constraints make it impossible to provide private open space for all dwellings, a proportion of dwellings may instead be provided with additional internal living space equivalent to the area of the private open space requirement.*" The SPG also states the winter gardens must be set outside the thermal envelope of the individual units and have floor drainage to serve as bona fide winter gardens.
- 9.157 The applicant was invited but has not provided justification in terms of site constraints for the adoption of winter gardens. The applicant has confirmed the winter gardens are contained within the thermal envelope of the individual residential units, lack floor drainage and have folding back glazed doors to the living spaces set behind them. These attributes mean the winter gardens would not operate as winter gardens serving in effect as additional internal habitable

room space, contrary to the intention of MDD Policy DM4 and London Plan and Mayor's Housing SPG.

- 9.158 A number of balconies would fall short of the minimum space for the number of bed spaces however they fall short by a small area margin typically deficit of 0.4-1.5sq.m. However these latter deficiencies are not considered to give a reason for refusal, especially when consideration is given to the relatively generous provision at grade level of communal /public amenity space within the scheme.

Communal Amenity Space and Public Open Space

- 9.159 Communal open space is calculated by the number of dwellings (C3 Use Class) within a proposed development. 50sqm is required for the first 10 units with an additional 1sqm required for each additional unit. Therefore, the required minimum amount of communal amenity space for the development would be 383sq.m. The scheme would provide 2,415sq.m.m of communal amenity space (excluding the space allocated for play space provision) and as such would meet the policy requirement.
- 9.160 The communal space would be situated either side of the Green Spine along Philpot Street in the western and eastern quarters of the scheme. The space to the east would be private communal amenity space and a space to the west on Walden Street would be publically accessible space, open by day to the public, secured closed by night.

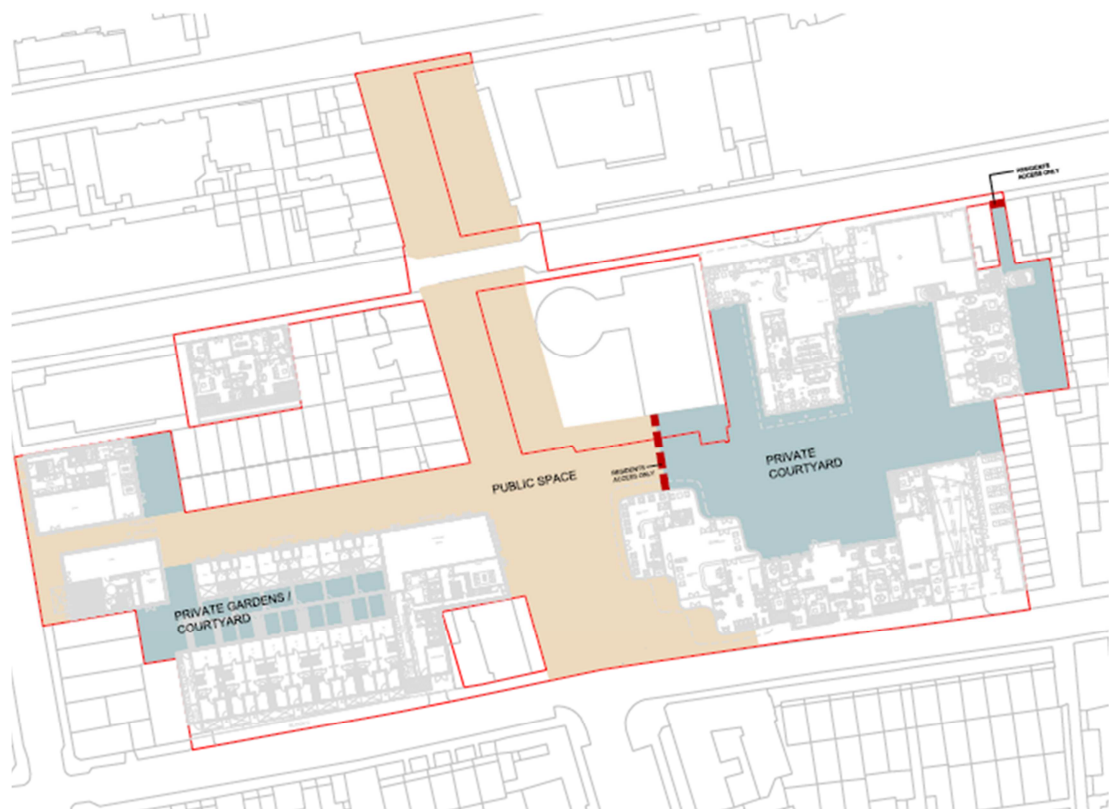


Figure 15: Public Space and private courtyards

- 9.161 Two private communal amenity spaces, accessed off Walden Street and set to the rear of Building B1 and Building B2 which would only serve residents of these Blocks respectively.

Overshadowing of amenity spaces

- 9.162 The ES includes an assessment of the impacts of the proposed development on the sunlight levels within existing and proposed public open space and communal amenity spaces in the development.
- 9.163 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.
- 9.164 The applicant identifies 5613sq.m of amenity space for the purpose of its overshadowing analysis, some of this space amounts to no more than pavement space. Less than 52% of the total identified total amenity space meets the BRE compliance two hour direct sunlight guidance on 21st March.
- 9.164 Within the proposed eastern courtyard that would serve as the main private communal amenity space to the residential development as a whole and would possess the sole playspace area for the scheme just under 50% of the area would achieve the BRE guidance.
- 9.165 Within the two private smaller private communal areas (serving Blocks B1 and B2) there would be a significant shortfall against the BRE minimum two hour compliance figure. The Green Chain running down the spine of the scheme in Philpot Street would receive a high level of direct winter sunlight on 21st March, in full compliance with BRE guidance.
- 9.166 Overall it is considered that the fully public accessible open amenity space would receive adequate sunlight however the individual private communal amenity spaces and private gardens would not benefit from adequate levels of sunlight throughout the year, as such are nor delivering high quality residential, which is a symptom of the scheme's overdevelopment of the site.

Child play space

- 9.167 The Mayor of London's 'Children and Young People's Play and Information Recreation SPG provides guidance on acceptable levels, accessibility and quality of children's play space and advises that where appropriate child play space can have a dual purpose and serve as another form of amenity space. This is particularly apt for very young children's play space as it is unlikely that they would be unaccompanied.
- 9.168 Play space for children is required for all major developments. The quantum of which is determined by the child yield of the development, with 10sqm of play space per child. The London Mayor's guidance on the subject requires, inter alia, that it will be provided across the development for the convenience of residents and for younger children in particular where there is natural surveillance for parents.
- 9.169 The scheme is predicted by the Borough child yield evidence base to yield approximately 84 children and to yield 102 children using the GLA evidence base. Whilst the GLA child yield estimate is based upon all London data it is considered the more reliable estimate figure given it is currently derived from a more recent data set than that used to produce the Borough based estimate. Accordingly the scheme is estimated to yield (Borough child yield prediction is provided in brackets):
- o 42 (39) children under age of 5,

- 35 (28) children between ages of 5-11 and
- 25 (15) children over the age of 12

9.170 This child yield equates to a requirement for 420sq.m of play space for children under age of 5, 350sq.m for ages 5-11 and 250sq.m for older children.

9.171 The scheme would provide 645sq.m of dedicated child play space in the eastern quarter that would be open to all residents of the scheme to use through a controlled access system. This space would adequately meet the minimum play space policy requirements for children under 5, and is capable of providing two thirds of the minimum quantum of play space required for children aged 5-12.

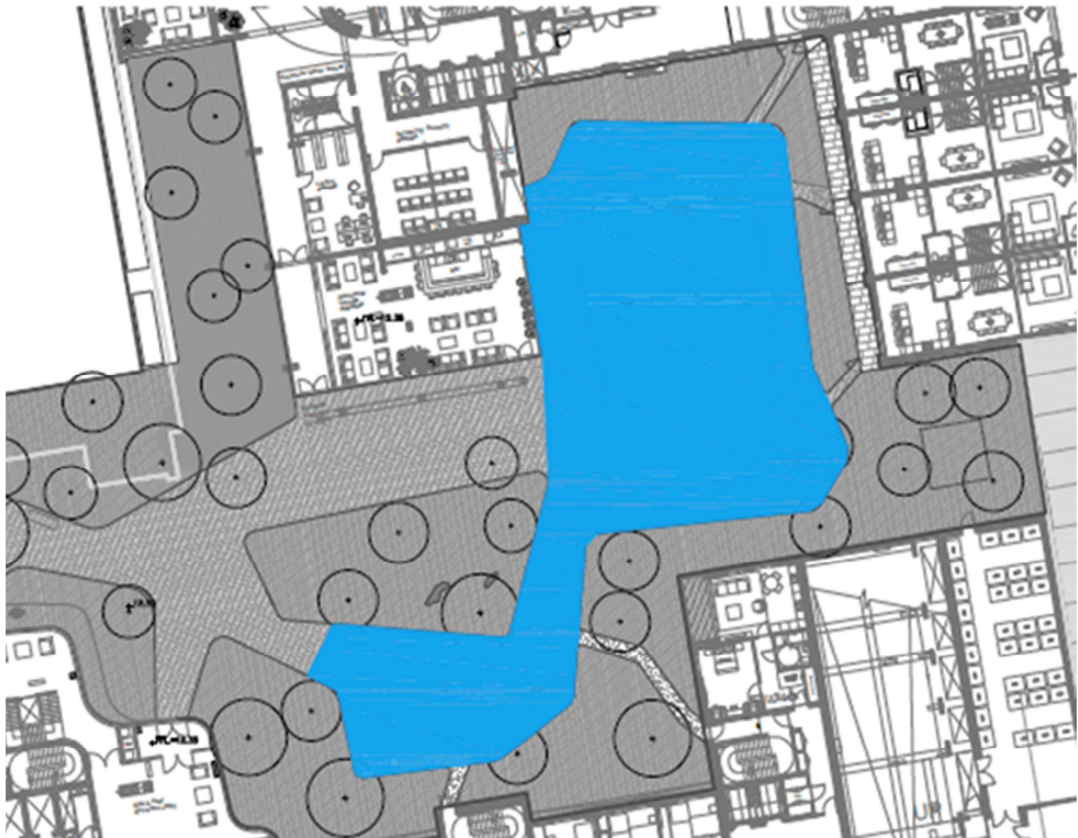


Figure 16: Identified child play space in the eastern courtyard

9.172 Whilst 'door step' play space provision is a necessary requirement for children space provision for under 5's the Local Plan and the Mayor of London's 'Children and Young People's Play and Information Recreation SPG recognises for older children recourse to existing off site play space within the surrounding area can legitimately help contribute towards meeting a new development's minimum child play space requirements. For children between ages 5 and 11 off site provision needs to be within 400m walking distance and 800 metre for children 11 and over with consideration given to whether the route to this off site play space is convenient and safe.

9.173 The applicant references a series of local play spaces set within 400m walking distance of the site. Amongst them is a play space structured for children between 5 and 11 of over 500sq.m at Ford Square a further 650sq.m play space located at Jubilee Gardens, the latter geared for a range of children's age groups between 0 and 11.

9.174 For children over 12 there are a series of parks, publically accessible open spaces and dedicated hard court surface spaces in the area including less than

800m walking distance Stepney Green Park (with 8000sq.m of play and dedicated sports area space including pitches and astroturf) and markedly closer to that a site in Romford Street (to the west of Turner Street) with a 195sq.m dedicated hard surface sports area. Ford Square also contains an open space suitable for play for older children. All the aforementioned off-site play spaces benefit from not requiring children to take a walking route from the development site to the open spaces that would involve the crossing of a major arterial road (i.e. Commercial Road or Whitechapel Road). Cavell Street Gardens and Ford Square also provide publically accessible open space within 200m walking distance of the site.

- 9.175 Whilst officers acknowledge consideration does need to be given to the existing pressure on play-space within Whitechapel area and the additional pressures placed on these identified play spaces arising from the cumulative impacts of projected growth, on balance the proposed child play space strategy would adequately meet the requirements of the child population generated by the scheme. This conclusion is reached with consideration given to the quantum of new play space proposed on site (all provided at grade), that is set within a wider proposed landscaped communal area (without recourse to double counting of assigned space) and given the relatively close proximity of a series of appropriately structured public open play spaces and dedicated hard court sports areas located in the area, notwithstanding the acknowledged pressures on these existing public play spaces.

Secure by Design

- 9.176 Policy 7.3 of the London Plan 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. Policy DM23(3) of the Council's adopted Managing Development Document requires development to improve safety and security without compromising good design and inclusive environments. Policy SP10 of the Borough's adopted Core Strategy require development to create distinct and durable places.
- 9.177 The scheme fails to provide defensible space to ground floor street facing residential units within Block F. The scheme also proposed a narrow alleyway, between Blocks B1 and B2 intended to serve as a new public route into Walden Street and to serve as the point of entrance to the two residential lobbies of Blocks B1 and B2. The width of the alleyway is not commensurate to the scale of the flanking proposed development nor to providing natural surveillance. Notwithstanding no objection being raised to the scheme by Metropolitan Police Designing Out Crime Officer the scheme is not considered to comply with Policy 7.3 of the London Plan and Policy DM23(3) and Policy SP10 of the adopted Borough Local Plan and is symptomatic of overdevelopment of the site .

Quality of Specialist Accommodation

- 9.178 In respect to specialist accommodation there are no specific planning policies in place in respect of ensuring the quality of this type of accommodations, in terms of minimum space standards. Similarly there is no policy requirement to provide private outdoor amenity space or external communal amenity space. However the Borough's Policy DM5 (for Specialist Accommodation) does set out that replacement specialist accommodations must be of at least an equal standard to the accommodation it replaces.

- 9.179 The scheme would provide specialist accommodation in three blocks identified as Blocks A, C and I.
- 9.180 Block C would provide 74 self contained units consisting of 73 studio flats and a single one bedroom units. The bulk of the units would be 28sq.m or 25sq.m. replacing existing units that average 17sq.m. 3 studio units would be 32sq,m and another 43sqm in area and these 4 units would be capable of being wheelchair accessible. Each new units would have its own small private balcony.
- 9.181 With respect to the replacement accommodation in Block I this would serve to replace existing accommodation in John Harrison House. The accommodation would be used for on call medical staff and short term accommodation for Bart Trust staff.
- 9.182 The existing 24 units average 11sq.m, with shared shower and toilet facilities. The replacement accommodation in Block I would consist of 60 studio units all with en suite bathroom's with a floor area of between 17sq.m and 30sq,m.
- 9.183 Block A will provide 34 specialist (C2 Use) units at lower ground, ground, 1st and 2nd floor. They would range in size from 13sq.m to 26sqm. All the units would have en-suite bathroom facilities but would share a kitchen/eating area. The accommodation would serve as overnight accommodation for patients traveling from afar and for a range of other short term accommodation for Bart Trust.
- 9.184 Within the specialist C2 housing accommodation within Block C, 14 of 18 studios on the first floor would fail to achieve the recommended minimum ADF for living rooms, with a further 9 studios of the 18 studios in the 2nd floor failing to achieve the recommended minimum ADF. Eight of these studios would receive particularly poorly daylight, with ADFs between 0.16% and 0.33% when the recommended minimum for a living room is 1.5%. These rooms would require electric lighting to be on all of the time.
- 9.185 Notwithstanding the daylight distribution failings the quality of the accommodation within the specialist accommodation units taken as a whole is considered superior in unit floor area size and internal layout than the specialist units that they would replace and as such it is considered they satisfy Policy DM5, in respect of matching the quality of the accommodation they replace.

Neighbours Amenity

- 9.186 Policy DM25 states safeguarding neighbours amenity should be by way of protecting privacy, avoiding an unacceptable increase in sense of enclosure, avoiding an unacceptable loss of outlook, not resulting in an unacceptable material deterioration of sunlighting and daylighting conditions or overshadowing to surrounding open space and not creating unacceptable levels of noise, vibration, light pollution or reductions in air quality during construction or operational phase of the development.
- 9.187 With regard an assessment of sense of enclosure or the impact upon outlook of a development this is not a readily definable measure and the impact is a matter of judgement. If there are significant failures in daylight and sunlight or infringements of privacy it can be an indicator that the proposal would also be overbearing and create an unacceptable sense of enclosure.

Block A

- 9.188 Block A is situated on Ashfield Street and is bound by two non-residential buildings and non-residential buildings also are located opposite on the north side of the street. As such there are no daylight/sunlight implications to residential properties from the development.

Blocks B1 and B2

- 9.189 Blocks B1 and B2 front onto Turner Street, with the listed residential terrace on the north side of Walden Street set to the east of Block A. Residential dwellings are situated on the opposite west side of Turner Street to the south of Warner Street and immediately to the south of proposed Block B2 at No 34 and No 36.
- 9.190 The Council's independent daylight/sunlight consultants consider the development as a whole has only minor adverse impacts upon residential dwellings on Turner Street, with all the windows bar one (a kitchen window at No 23) within BRE guidelines. VSC losses between 19 to 39 Turner Street with 41 to 45 Turner Street experiencing 7 of 18 windows losing between 21% and 29%. The daylight distribution within these effected properties is all within BRE guidelines.
- 9.191 Blocks B1 and B2 will be set no deeper into the plot than Clare Alexander House, that would be demolished to make way for these two Blocks, and as such it is not considered the blocks raise privacy issues to the residential terrace on north side of Walden Street.
- 9.192 Wingate House is situated immediately adjacent to proposed Block A on Ashfield Street on the corner with Turner Street and set to the rear of it is proposed Block B1 at a distance of 9m. Wingate House serves as a clinical trials and research centre for Queen Mary University. The university have raised an objection related to the impact of the proposed neighbouring development, arising at construction phase from potential noise and vibration, and at end phase from the impact on the on-going operation of the research centre; with concerns in respect to privacy to patients and compatibility of the research operation with noise generated from Wingate's electrical generators and odours/emissions from Wingate buildings extract ducts given the proximity of the proposed residential units within Block B1 that would be set 9m distance away from Wingate Building.
- 9.193 The Borough Noise Team are satisfied given the short duration of the emergency generators any noise nuisance would not likely result in enforcement action although would encourage the developer to engage with QMUL to secure an acoustic shield around the generator that would address the issue. The Environmental Health Team air quality officer is satisfied the odour and emission would result in undue amenity issues to neighbours.
- 9.194 The impacts of noise and vibration would be addressed by planning condition by means of Construction Environmental Management Plan. The construction works in proximity to Wingate Building would be limited to one phase of the six phase scheme works programme.
- 9.195 Privacy issues to patients could be addressed by use of drawing curtains or window blinds.

Blocks C, D1 and D2

- 9.196 These three conjoined buildings would form a tight block facing Walden Street, Philpot Street and Varden Street.
- 9.197 The amenity impacts of the development in terms of sense of enclosure and daylight/sunlight impacts are not insignificant. This results from (a) the absence of any existing building block on south side of Walden Street, (b) the height of Block D2 set higher than the listed terrace opposite, (c) proposed Block D2 sitting forward of the historic building line on the south side Walden Street (thus nearer to the terrace) (d) the height of Block D1 at 35m and presence of proposed Block B1 and B2 set to the west.
- 9.198 The scheme also results in amenity impacts to residents on the south side of Varden Street arising from the existing health staff accommodation of Ashton, Brierley and Kent Houses (to be demolished under the scheme) that are set respectively between 5m and 8m way off the back of the pavement (behind the historic building line) on and height of Block E set to the east.
- 9.199 The Council's independent review of the daylight/sunlight report concludes that for 33 to 49 Walden Street there would be moderate to major adverse impact with 35 losses outside the guidelines ranging between 22% and 566%. Changes in daylight distribution would also be substantial with 32 changes outside BRE guidelines ranging between 21% and 73%. Living rooms on the ground floor would have changes between 40% and 60%.
- 9.200 To Mellish House facing Block C on the south side of Varden Road the VSC losses are moderate to major adverse. However there are mitigating circumstances with overhangs set above the windows at ground and second floor. On first and third floor the impacts are limited to minor to moderate to 20 windows between 25% and 37%. Daylight distribution the impacts again on the two floors with overhangs and range between 21% and 53% losses on the floors where there are no overhangs.
- 9.201 Dickson House set on Philpot Street to south east of Mellish House the impacts would be negligible.
- 9.202 Porchester House located to east of Block C and south of Block D, the independent review concludes the impacts to daylight are considered minor to moderate adverse on the east elevation, effected by the tall Block E. The impacts are greater to windows facing west due to the proximity of proposed Block C with moderate to major adverse impacts. 14 of the 16 west facing windows tested would fall outside BRE VSC guidelines between 24% and 87%. Daylight distribution would also be similarly adversely impacted.
- 9.203 With regard to outlook and sense of enclosure of the proposed development in respect to Porchester House it is considered the principal impacts upon the eight double aspect units is in relation to the rear west elevation. The existing block, to be demolished to the west, has its east flank set a minimum 12m away from the rear of Porchester House. Block C would be set approximately (at minimum) 5m away from flank wall of Block C with additional sense of enclosure arising from Block D1 set to the north of Porchester House would adjoin a section of the north edge of Block C.
- 9.204 An assessment of sense of enclosure or the impact upon outlook of a development is not a readily definable measure and the impact is a matter of judgement. If there are significant failures in daylight and sunlight or

infringements of privacy it can be an indicator that the proposal would also be overbearing and create an unacceptable sense of enclosure. The daylight report prepared does record daylight failures arising from the proposed development and these within Porchester would be greatest in respect of the single aspect rooms and windows facing west. However given the flats in Porchester House are all dual aspect, with 4 of the 8 habitable room windows serving as kitchens and three of windows serving as facing west serving as kitchens and the other as bedrooms as opposed to the main living where maintaining outlook and daylight is more important and avoiding electrical lighting on balance this built relationship would be acceptable. There are no overlooking issues arising as there are no windows from either Block D1 and C1 facing Portchester House subject to there be no transparent glazing apertures in the fourth floor communal roof terrace to Block C, situated on the south east corner of Block C.

Proposed Eastern Quarter

Blocks E, F and G

- 9.205 These three buildings are set on Varden Street to east of Philpot Street. Immediately opposite the site facing the three proposed blocks on Varden Street are two large residential blocks Silvester House and Joscoyne House occupying the street corner with Philpot Street.
- 9.206 The impacts on the 20 windows of Joscoyne House facing the site, comprising 20 windows would experience losses of daylight between 31% to 40% and the council's independent consultants have concluded the impacts are moderate adverse. The adverse daylight distribution impacts to these rooms facing north would be all within BRE guidance except two with one only 1% outside BRE guidance at 21% and the other a 25% loss.
- 9.207 Silvester House is a 4 storey block where the windows on the ground and second floor have deep overhang and already experience low VSC. The scheme would reduce some of these windows to virtually negligible VSC. The windows on the 1st and 4th storey that do not have overhangs the VSC losses would be between 21% and 44% with 19 of 22 windows being outside BRE guidelines.
- 9.208 Daylight distribution would also be effected by the proposed development with the rooms with windows beneath overhangs experiencing the greatest changes. For the rooms without overhangs 11 out of 22 rooms would be outside the guideline with changes between 23% and 51%.
- 9.209 Wilton Court is a three storey residential building fronting Cavell Street set to the east of Block G.
- 9.210 The overall impacts to daylight to these properties are considered moderate to major adverse by the council's daylight/sunlight consultants. All the windows tested for VSC would experience large losses, except one on each floor, with loses ranging between 29% and 55%. Daylight distribution to these adversely affected rooms served by a single window would all experience changes of more than 30%.
- 9.211 Blocks E, F and G to the north do not front to the north residential development and tall building E is set separated by the generously spaced Philpot Street to the west from residential development and, as such, notwithstanding it is a tall

building, it is not considered to impact unduly on outlook, sense of enclosure or raise unacceptable privacy issues to residential neighbours.

- 9.212 This conclusion is also reached with respect of all three blocks to residential neighbour facing these proposed buildings to the south on Varden Street. A minimum separation distance of 11.5m with the linear south facing elevation to Block F and G achieve a minimum separation distance to habitable rooms of 14m, Block E a separation distance of 11.5m. These separation distances are considered acceptable in the context of an established street, where privacy is necessarily curtailed by the existing public aspect associated with habitable room windows set to street.
- 9.213 Block G is the nearest of three blocks to rear habitable room windows in a residential terrace on the west side of Cavell Street (Wilton Court). The minimum separation is 12m. No windows from Block G would face the rear of Wilton Court at a distance less than 20m. It is concluded there are no privacy or outlook issues or undue sense of enclosure issues.
- 9.214 The Council's consultants conclude the daylight impacts would be moderate to major adverse although the building's own design is a mitigating factor and many of the rooms most effected are understood to be used as kitchens rather than kitchen living/dining spaces that would also be a mitigation factor as artificial lit kitchen is less of a problem than a living room or bedroom.

Blocks Ha, Hb and I

- 9.215 These three buildings occupy the north east quadrant and accessed of Ashfield Street.
- 9.216 The north side of Ashfield Street lying opposite Block Hb is a hospital building and contain Royal London's Hospital's pathology and pharmacy departments as such the proposed development does not raise any residential daylight/sunlight issues. Bart Trust have commented extensively on the application but expressed no concerns in respect to daylight/sunlight or patient privacy issues to this building from the proposed development.
- 9.217 Adjacent and to the west of the pathology and pharmacy building on the north side of Ashfield Street is Floyer House a student accommodation building for Queen Mary University students of Barts and the London School of Medicine and Dentistry. All bar two of the windows facing onto Ashfield Street would be outside BRE guidance with majority of the 120 affected would fall outside BRE guidance for VSC losses between 21% and 35%. 20 of these windows would have more substantial losses of between 33 and 56% and 18 would be worse effected with losses between 51% and 68%.
- 9.218 Changes to daylight distribution to these rooms would be much less extensive than loss of VSC with only 10 rooms outside BRE guidelines albeit with moderate to major losses between 25% and 50%.
- 9.219 In respect of the residential terrace at No 57 to 69 Philpot Street, the independent review of the daylight report concludes the impact as classified as minor adverse with VSC losses outside guidelines ranging from 20.5% and 23%. Daylight distribution impacts for four rooms one each at Nos 59, 61, 63 and 65 would be outside guidelines with losses between 20% and 31%.

- 9.220 With respect to the residential terrace at No 43 to 55 Philpot Street the impacts are classified as minor to moderate adverse with the exception of No 43 which would experience a major impact. Changes to daylight distribution at No 45 to No 55 would be within BRE guidance.
- 9.221 The independent review of the daylight report concludes that in relation to Cavell Street the scheme would have moderate to major adverse impact to residential properties at No 56, No 59, and Nos 69 to 79, with VSC losses to windows outside BRE guidance between 21% and 55%. Changes to daylight distribution to rooms within the properties outside the guidelines in respect to in a range between 25% and 55%.
- 9.222 Block Ha is set to the rear of Nos 67 to 81 Cavell Street. The east facing habitable room windows would be set a minimum 18m distance from habitable rooms within the terrace and 17m from the protruding winter gardens in the proposed Block, as such it is considered the development raises no privacy or outlook issues. Block Hb has no windows in its flank elevation and the B1 use roof amenity terrace would be set over 25m away the rear elevation of Nos 77 to 81 Cavell Street.
- 9.223 North facing habitable room windows in Block I would be set a minimum 12m distance from student accommodation room in Floyer House on the opposite side of Ashfield Street. The separation distance would be a negligible distance less than the existing retained office windows facing north directly on the south elevation house within the School of Midwifery Building that is located next to proposed Block I. As such it is not considered the scheme introduces additional adverse privacy issues.

Highways and Transportation

- 9.224 The NPPF and Chapter 6 of the London Plan seeks to promote sustainable modes of transport and accessibility and reduce the need to travel by car. With transport demand generated by new development to be within the relative capacity of the existing highway network.
- 9.225 Policy SP08 and SP09 and Policy DM20 of the adopted Local Plan 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. 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'.
- 9.226 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.

Trip generation

- 9.227 The application is accompanied by a transport assessment. The assessment predicts the development would result in 26 goods vehicle generation trips predicted per day. The trip generation assessment predicts no net increase in car trips generated from the site during the am and pm peak hours, when taken together, following occupation of the development

Car Parking Provision

- 9.228 The proposed development includes 38 residential parking spaces at basement level, of which 33 spaces would be provided as Blue Badge accessible parking bays. Residents of the development would not be permitted to apply for residents car parking (except those entitled under the permit transfer scheme), as such they would not lead to new demand for on-street residential car parking generated by the scheme,
- 9.229 Were consent granted a planning condition or legal agreement would be secured to prevent the permit transfer spaces transferring over to general residential car parking should they prove surplus to requirements.

On Street Parking

- 9.230 A combination of resident only, pay & display and permit holder spaces currently exist on Ashfield Street to the north, Cavell Street to the east, Varden Street to the south and Turner Street to the west. 74 of these bays are resident permit holders only, 16 are residential permit & pay at machine, 51 are pay at machine only, 3 are Blue Badge only,
- 9.231 The scheme would involve the net loss of six on-street pay and display parking spaces to facilitate the access to the basement and two inset loading bays on Ashfield Street and Varden Street. LBTH Car Parking Services have objected to the loss of these six bays. In discussion with Borough Highways Team Car Parking Services consider this concern can be addressed with creation of 11m length Goods Loading Bay on Ashfield Street and providing dual restrictions to the loading inset proposed in Turner Street. These changes to the public highway would need to be secured by legal agreement.

Cycling Parking Provision

- 9.232 The cycle parking provision would be in accordance with London Plan cycle standards with 748 cycle stands provided, 708 for residents with 662 of these long stay bays within the basement. Cycle stand provision also provided for the office, and retail use.
- 9.233 The resident cycle spaces located within the basement will be accessed from Varden Street via the car park access ramp. Access to the visitor cycle parking will be provided via the pedestrian access points from Varden Street, Ashfield Street and Turner Street.

Servicing

- 9.234 Service and refuse collection for the scheme will be from two drop off/parking located on Varden Street at the junction of Philpot Street and Ashfield Street at foot of Building I.

Concluding remarks

- 9.235 The Borough Development Management Highways & Transportation Team have reviewed the amended application and TS and conclude the TS methodology is undertaken on a sound basis and have no objection to the car parking and cycle provision or the impact of the scheme on road network subject to appropriate planning conditions including Construction Management Plan, Car Park.

OTHER CONSIDERATIONS

Environmental Impact Assessment (EIA)

- 9.236 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) (hereafter referred to as 'the EIA Regulations') require that for certain planning applications, an Environmental Impact Assessment (EIA) is undertaken. EIA is a procedure which serves to provide information about the likely effects of proposed projects on the environment, so as to inform the process of decision making as to whether the development should be allowed to proceed, and if so on what terms.
- 9.237 The Proposed Development is considered an 'EIA development' as it falls within the description and thresholds in Schedule 2 10(b) of the EIA Regulations as an 'urban development project' and is likely to have significant effects on the environment.
- 9.238 The planning application was subject to an EIA, and an ES has been submitted with the planning application. The application has been advertised as an EIA application.
- 9.239 This ES comprises three volumes incorporating Volume 1: Text and Figures, Volume 2: Townscape, Heritage and Visual Impact Assessment (THVIA), and Volume 3: Technical Appendices. The Non-Technical Summary (NTS), which provides a summary of the Proposed Development and the findings of the ES in non-technical language, is presented as a separate document.

The ES contains the following technical chapters:

- socio-economics;
 - Wind;
 - Daylight, sunlight, overshadowing;
 - Telecommunications;
 - Transport and access;
 - and vibration;
 - Air quality;
 - Ecology water resources flood risk;
 - Ground conditions, hydrology and land contamination;
 - Archaeology; and
 - Townscape, heritage & visual impact assessment.
- 9.240 LBTH's EIA consultants were commissioned to undertake an independent review of the ES, to confirm whether it satisfied the requirements of the EIA Regulations. The ES has also been reviewed by the Council's EIA Officer. An Interim Review Report (IRR) was prepared and issued to the Applicants
- 9.241 Since the submission of the application, a number of other documents have been submitted including an ES Addendum, THVIA Addendum, wind mitigation testing and response to the IRR. This was considered to be 'further information' under Regulation 22 of the EIA regulations, and was processed as required by the EIA Regulations
- 9.242 LBTH's EIA consultants reviewed these submissions, and a Final Review Report (FRR) was produced. This confirmed that, in their professional opinion, the ES is compliant with the requirements of the EIA Regulations.

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

London View Management Framework (LVMF)

- 9.244 The application is accompanied by a Townscape, Heritage and Visual Impact Assessment TVIA. The TVIA demonstrates the scheme would not be visible from LVMF View 25A.1 from The Queen's Walk to the Tower of London, as the proposed development would be entirely obscured by existing buildings and would thus have no impact. In relation to LVMF 5A.2 Green Park the impact would be very minor with the development appearing at such a distance, at the same height on the horizon as the Hospital. The development would not be visible from Parliament Hill LVMF View 2A1.1. In summary the scheme raises no concerns in respect of London View Management Framework

Archaeology (Burial grounds)

- 9.245 Policy SP10(2) of the Council's Core Strategy and Policy DM27 of the Council's adopted Managing Development Document seek to protect and enhance archaeological remains.
- 9.246 The application is accompanied by an submitted an archaeological assessment contained in the Environmental Statement. The field evaluation report identifies the presence of 19th burial grounds associated with the 1822 St Andrew's Scot's Church (Church of Scotland) and the 1831 Congregationalist Wycliffe Chapel. Both burial grounds were closed c. 1854. The church buildings were demolished due to WW2 bomb damage and the site redeveloped after the war. The post war development largely respected the site of the old burial ground and formed the site of the hospital tennis courts. The submitted report has not established the likely number of burials on site.
- 9.247 Greater London Archaeology Advisory Service(GLASS) have commented upon the scheme and note there is a diminishing number of non-conformist burial grounds remaining intact and in-situ within the Borough. Whilst these burial grounds are well preserved and largely complete below-ground GLAAS conclude there is no compelling evidence that these burial grounds are demonstrably of national importance, although they should be considered regionally significant undesignated heritage assets of archaeological interest.
- 9.248 The site of the burial grounds coincides with the site of the scheme's underground car park basement car as such the proposal would involve the total removal of the heritage asset. GLAAS note that no attempt appears to have been made to lessen or mitigate the physical impact of the proposed basements on the burial ground, for example by relocating them as might be expected to comply with NPPF.
- 9.249 In the absence of an opportunity to redesign the development to limit or avoid the loss of the burial grounds, GLAAS recommend secured by planning conditions: (a) an archaeological condition to undertake further documentary research to define an investigation strategy; (b) an extensive archaeological excavation of the burial grounds and (c) a memorial erected of the burial grounds (in consultation with the relevant faith groups). Were planning permission granted the above would be secured by planning condition.
- 9.250 The local planning authority have consulted the relevant faith groups of the application and no resultant objection to the scheme has been lodged. The loss of the burial grounds is does cause harm to a heritage asset and as such it will

need to form part of the public benefit test required in respect of the schemes harm to heritage assets in line with the NPPF.

- 9.251 The applicant has not demonstrated the site of the proposed basement car park is the only possible location for such a facility within the scheme and therefore the loss of the burial grounds, an undesignated heritage asset, is necessarily unavoidable.

Noise and Vibration

- 9.252 The ES includes a noise and vibration assessment, and which provides the results of background noise and vibration monitoring that was carried out at various locations within the application site and surrounding it. 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.
- 9.253 Barts Hospital Trust (London Hospital) raised an initial objection to the scheme in respect to noise, ventilation and turbulence emanating from the hospital servicing requirements, from the air ambulance helicopter movements, and prospective complaints from new residents of the development to these disturbances upon the operation of the hospital.
- 9.254 The applicant has agreed for such a clause to be included within any S106 agreement for the scheme drafted to the effect that *“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 in 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.”*
- 9.255 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.
- 9.256 During demolition and construction phase the predictions of traffic noise impacts in respect of Philpot Street and Varden Street are considered significant with the number of vehicle movements and given these streets are relatively lightly trafficked at the current time and the absence of opportunities to route works traffic to/from along the main road. The Council’s Noise Team have reviewed the ES and are satisfied with the methodologies adopted within the noise and vibration studies and the Council’s independent consultants have had regard to worst case scenarios and cumulative impacts.
- 9.257 A Construction and Environmental Management Plan would be secured to mitigate impacts and to control and manage demolition construction vehicle movement and the noise levels from construction and demolition plant. A road traffic, noise and vibration assessment would be required to monitor noise.
- 9.258 Subject to application of appropriate planning 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).

Air Quality

- 9.259 Policy SP03 of the Core Strategy 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.
- 9.260 The ES accompanying the planning application includes an air quality assessment that reviews the scheme's air quality implications at end phase operational stage and during the construction and demolition stage. The assessment the development would be air neutral in respect of building and transport emission. This conclusion and the methodologies deployed in the air quality assessment are accepted by the Council's ES consultants and the Borough's own air quality officer.
- 9.261 The submitted assessment concludes that there is high risk of dust impact during construction phase and mitigation measures will need to put in place to curb these potential impacts.
- 9.262 In respect of new residential units the assessment shows that proposed receptors would exceed NO₂ annual objective up to 9th floor and therefore require mechanical ventilation from the roof. The applicant has agreed to this secured by planning condition. The Borough Air Quality officer seeks balconies to be avoided on the lower residential floors. On balance Officers consider it is better to maintain balconies, given their amenity value, rather than remove them due to the NO₂ exceedances.
- 9.263 With the securing by planning condition of ventilation system for the residential units shown to exceed the annual NO₂ objective from the roofs (including with mechanical ventilation system to include NO_x filtration on lower roofs where appropriate) with a CEMP to address air quality emissions from construction works and plant, the combined heat and power and boilers meting No_x emissions. In summary it is considered that the proposed development is acceptable in air quality terms, in accordance with Policy DM9 of the Local Plan.

Contaminated Land and Hydrology

- 9.264 In accordance with the requirements of the NPPF and policy DM30 of the MDD, the application has been accompanied by a land contamination assessment within the Environmental Statement which assesses the likely contamination of the site as well as approaches to piling.
- 9.265 The Council's Environmental Health Officer has reviewed the submitted assessment, and advises that subject to conditions to ensure that further site based assessments and appropriate mitigation measures are taken should contamination be found are there are no objections to the scheme on grounds

of contaminated land issues, subject to the appliance of an appropriately worded planning conditions.

Flood Risk & Water Resources

- 9.266 The NPPF, policy 5.12 of the London Plan, and policy DM13 of the MDD and SP04 of CS relate to the need to consider flood risk at all stages in the planning process. Policy 5.13 of the London Plan seeks the appropriate mitigation of surface water run-off.
- 9.267 The application site is located in Flood Zone 1 and therefore the main risk is from surface water run-off from the development. The ES accompanying the application contains a flood risk assessment and surface water drainage strategy. The Environment Agency have no objection to the application and Council's SuDs officer accepts the surface water drainage strategy, subject to further conditions including
- Detailed drainage plans to accompany further details of SuDs;
 - Details of surface water discharge rates and volumes with greenfield run off rates targeted/achieved, unless the applicant can fully evidence why this is not achievable;
 - details provided of local infrastructure water supply capacity;
 - evidence of adequate local capacity to ensure the additional foul water resultant from the scheme would not risk sewer flooding.
- 9.268 Overall, with the application of the appropriate planning conditions, the proposal would be acceptable with regard to flood risk, sustainable drainage, sewerage and water supply and as such accord with relevant policy and guidance as set out in NPPF, Policies 5.12, 5.13 of the London Plan, Policies SP04 and DM13 of the Borough adopted Local Plan.

Energy and Sustainability

- 9.269 The NPPF sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change.
- 9.270 The climate change policies as set out in Chapter 5 of the London Plan 2015 and the Borough's Core Strategy (Policies SO24 and SP11) and MDD (Policy DM29) collectively require new development to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 9.271 From April 2014 the London Borough of Tower Hamlets have applied a 45% carbon reduction target beyond Part L 2013 of the Building Regulations as this is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations. The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.
- 9.272 The submitted Energy Strategy follows the principles of the Mayor's energy hierarchy and seeks to focus on using less energy and supplying the energy as efficiently (CHP) as possible and integrating renewable energy technologies (65kWp PV array). The current proposals would incorporate measures to reduce CO2 emissions by 30.7% against a Building Regulations 2013 baseline.

The scheme is currently significantly below adopted policy DM29 requirements for a 45% reduction in CO2 emissions.

- 9.273 It is acknowledged that not all developments can meet DM29 policy requirements and therefore a mechanism for any shortfall to be met through a carbon offsetting contribution would be appropriate. This would allow the scheme to be supported in the absence of the CO2 emission reduction not being delivered on site. Based on the current energy strategy a carbon offsetting contribution of £223,200 would be appropriate for carbon offset projects.
- 9.274 The submitted Energy Strategy has explored connecting to a district heating system. The applicant has identified that there are no existing heat networks to connect. Council is currently producing an Energy Masterplan for the Whitechapel area to deliver a district heating system. Should the scheme be permitted, a condition relating to opportunities to district energy strategy should be submitted, to ensure compliance with London Plan Policy 5.6.
- 9.275 The non-residential component of the scheme is designed to achieve a BREEAM Excellent rating, which is supported in policy term.
- 9.276 To conclude the scheme complies with Chapter 5 of the London Plan and Policy DM29 of the MDD subject to the imposition of appropriate planning conditions/planning obligations.

Trees, Ecology and Biodiversity

- 9.277 The majority of the trees on the site would be lost including a series of TPO trees with replacement planting taking their place.
- 9.278 The Tree Officer has reviewed the scheme and considers the loss of the TPO trees to be acceptable. This conclusion is reached with consideration given to their health. The most prominent TPO trees on site are T8, G9 and T10 but these trees are either diseased, have basal decay or have been subject to poor and inappropriate pruning in the past, as such the proposed replacement planting can mitigate their loss. Identified tree T13 an *Alianthus altissima* was originally proposed to be lost but the applicant has agreed to maintain it given the Tree Officer has identified it on site as of high amenity and landscape value.
- 9.279 The Borough's Biodiversity Action Plan (2009), Policy 7.19 of the London Plan, Policy SP04 of the Borough's CS and Policy DM11 of the MDD seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity.
- 9.280 The ES includes an ecology report. The Borough's Biodiversity Officer is of the view the application site is of negligible existing of biodiversity value and there will therefore be no significant adverse biodiversity impacts.
- 9.281 The Council's Biodiversity Officer is satisfied subject to the application of an appropriate biodiversity condition the completion of the proposed development would result in a net gain in biodiversity including provision for nesting boxes/spaces for swift, generous degree of soft landscaping that will provide opportunities for nectar rich planting. Living roofs are also proposed. Taken overall the proposal will serve to improve the ecology and biodiversity value as sought by the relevant London and Local Plan policies.

Waste

- 9.282 Commercial waste would be collected on a daily basis through a single private contractor. The Borough's Waste Management Team reviewed the draft Waste Strategy and was satisfied with the proposed arrangement for the majority of the blocks. Objection was raised in respect to Block C, seeking the storage to be reconfigured if possible, noting that Block D1 has many doors within the waste storage area and raising concern regarding distances for operatives to Block D1.
- 9.283 The applicant has responded and the previous concerns raised by the Waste Office are largely addressed, although the scheme would benefit from a redesign of the waste storage and collection areas for Blocks C, D1 and D2.

Microclimate

- 9.284 Tall buildings can have an impact upon the microclimate, particularly in relation to wind. Where strong winds occur as a result of a tall building it can have detrimental impacts upon the comfort and safety of pedestrians and cyclists. It can also render landscaped areas unsuitable for their intended purpose.
- 9.285 As part of the ES prepared for the application wind assessment study was submitted for the application with wind tunnel testing undertaken with neighbouring consented schemes to model microclimate wind impacts. The widely accepted Lawson Comfort Criteria was used to assess the impacts. Existing conditions are calm.
- 9.286 During construction phase the impacts are considered acceptable. For this analysis the scheme will not result in any areas on the site or in neighbouring locations being unsafe for people.
- 9.287 The localised wind impacts have been assessed for end phase against the Lawson Comfort Criteria for long periods of siting, short periods of standing/sitting pedestrian transit and so forth in the worst month and summer months. The analysis shows balconies on Block E with mitigation will experience acceptable conditions for their intended purpose. In respect to balconies on Block I in the summer season without mitigation strong (Beaufort Force 7) winds would be experienced. With mitigation measures in places it is assessed a minor negative effect would still be experienced, but with balconies useable during fair weather. Terrace receptors on Block F are also one wind category windier than desired and mitigations measures will be required to address these impacts.

Planning obligations, socio economic effects and impact upon local infrastructure / facilities

- 9.288 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's Draft 'Planning Obligations' SPD (2015) sets out in more detail how these impacts can be assessed and appropriate mitigation.
- 9.289 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.

9.290 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.

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

9.292 The Council's Draft Supplementary Planning Document on Planning Obligations carries weight in the assessment of planning applications. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:

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

The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

9.293 In the absence of securing terms for an acceptable S106 agreement, it is recommended that the application is refused on the basis that the development fails to mitigate its impacts as well as securing training, employment opportunities, affordable rented accommodation for residents of the Borough of Tower Hamlets and affordable specialist residential accommodation for health staff and patients of Royal London Hospital.

9.294 The financial contributions that have failed to be secured include £223,600 towards carbon offsetting, £220,200 skills and training for local residents of Tower London during construction phase and £108,953.58 for end phase. The non-financial contributions identified include thirty apprenticeships during construction phase and one at end phase for 1st three years after occupation of the development

9.295 The proposal would also be liable to pay the LBTH Community Infrastructure Levy. This is dealt with in the following section on financial considerations.

FINANCIAL CONSIDERATIONS

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

9.296 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.
- 9.297 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.
- 9.298 In this context “grants” might include New Homes Bonus.
- 9.299 These are material planning considerations when determining planning applications or planning appeals.
- 9.290 As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and would be payable on this scheme if it were approved. The approximate CIL contribution is estimated to be approx. £7,783,543 .
- 9.291 The New Homes Bonus 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.
- 9.292 Using the DCLG’s New Homes Bonus Calculator, this development, if approved, would generate in the region of £510,036 in the first year and a total payment of £3,060,218 over 6 years.

HUMAN RIGHTS CONSIDERATIONS

- 9.293 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:-
- 9.294 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".
- 9.295 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.
- 9.296 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.
- 9.297 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.
- 9.298 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.299 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.
- 9.230 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

EQUALITIES ACT CONSIDERATIONS

- 9.301 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.
- 9.302 the submitted Environmental Statement sets out how the proposed development would comply with the equality Act 2010.
- 9.303 The residential units and commercial floor space, within the development meets the standards set in the relevant regulations on accessibility. Of the residential

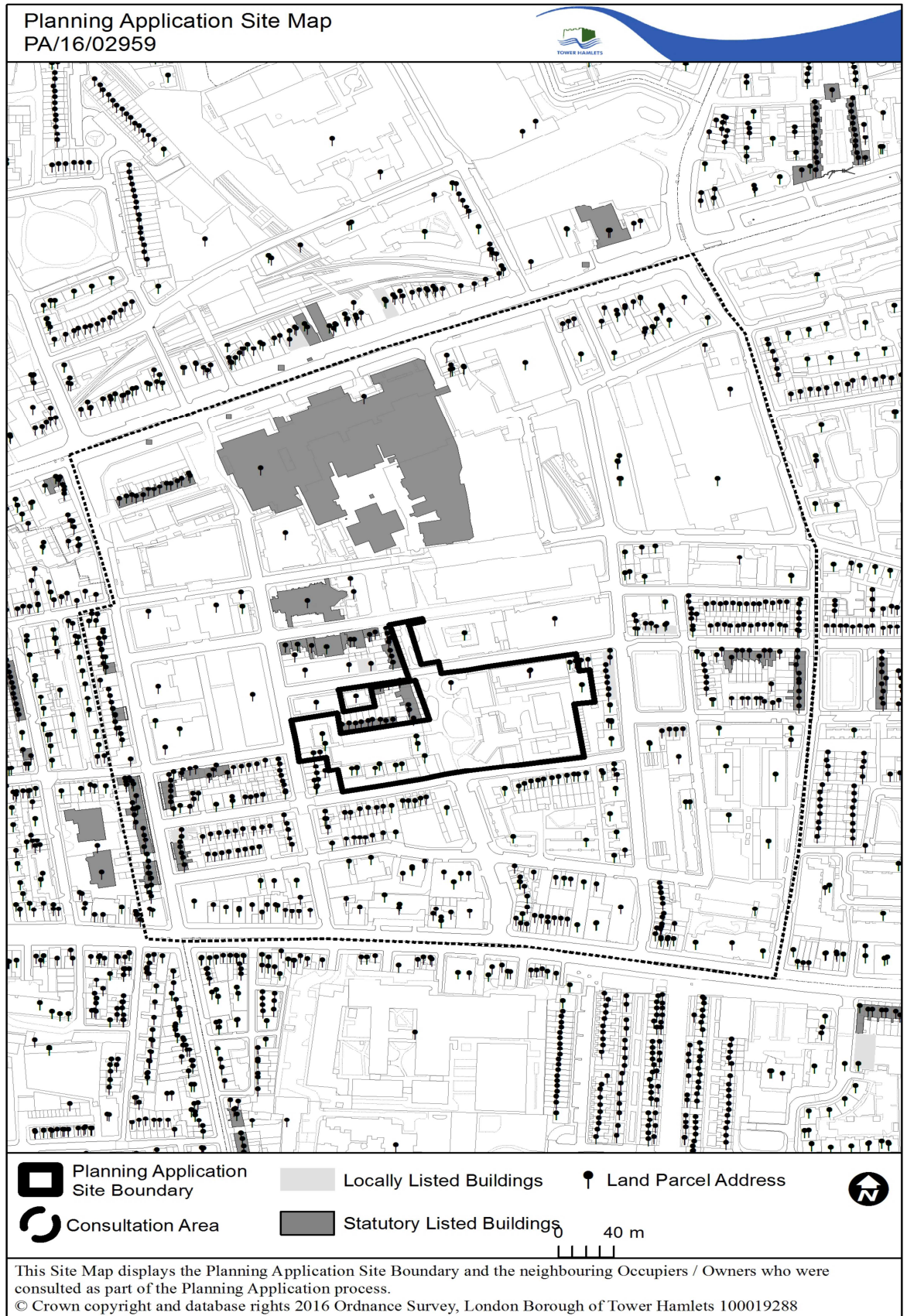
units proposed within the development, 10% would be wheelchair accessible. These design standards offer significant improvements in accessibility and would benefit future residents or visitors with disabilities or mobility difficulties, and other groups such as parents with children.

9.304 The proposed development and uses as a consequence is considered to have no adverse impacts upon equality and social cohesion

10.0 **CONCLUSION**

10.1 All other relevant policies and considerations have been taken into account. Planning permission should be refused for the reasons set out in the recommendation at the beginning of this report

Appendix 1



Appendix 2:

Drawings

1264-A-M-001	11 - 112	1264-A-BFG-108 A
1264-A-M-002	11 – 201 B	1264-A-BFG-109
1264-A-M-003	11 – 202 A	1264-A-BFG-200 A
1264-A-M-004	11 – 203 B	1264-A-BFG-250
1264-A-M-005	11 – 204 B	1264-A-BFG-300
1264-A-M-006	11 – 205 B	1264-A-BFG-301
1264-A-EX-100	11 – 206 A	1264-A-BHa-100 A
1264-A-EX-101	11 – 207 A	1264-A-BHa-101 A
1264-A-EX-102	11 – 208 A	1264-A-BHa-102 A
1264-A-EX-103	11 – 209 A	1264-A-BHa-104
1264-A-EX-104	11 – 210 A	1264-A-BHa-110
1264-A-EX-105	11 – 211 A	1264-A-BHa-111
1264-A-EX-106	11 - 212	1264-A-BHa-112
1264-A-EX-107	11 - 213	1264-A-BHa-200
1264-A-EX-108	12 - 101	1264-A-BHa-250
1264-A-EX-109	12 - 102	1264-A-BHa-300
1264-A-EX-110	12 - 103	1264-A-BHb-100
1264-A-EX-120 A	12 - 104	1264-A-BHb-101
1264-A-EX-200	12 - 105	1264-A-BHb-105
1264-A-EX-201	12 - 106	1264-A-BHb-106
1264-A-EX-202	12 - 107	1264-A-BHb-200
1264-A-EX-203	12 - 108	1264-A-BHb-250
1264-A-M-099	12 - 109	1264-A-BHb-300
1264-A-M-100		1264-A-BI-100 A
1264-A-M-102-TYP	13- 101 B	1264-A-BI-101
1264-A-M-116-TYP	13- 102	1264-A-BI-101 A
1264-A-M-124	13- 103	1264-A-BI-105 A
1264-L-M-100	13- 104	1264-A-BI-106 A
1264-A-M-200	13- 105 B	1264-A-BI-107 A
1264-A-M-201	13- 106 B	1264-A-BI-109 A
1264-A-M-202	13- 107	1264-A-BI-118 A
1264-A-M-203	13- 108	1264-A-BI-119 A
1264-A-M-204	13- 109	1264-A-BI-120 A
1264-A-M-205	13- 110	1264-A-BI-122 A
1264-A-M-206	13- 111	1264-A-BI-123 A
1264-A-M-250	13- 112	1264-A-BI-124
1264-A-M-251	13- 201	1264-A-BI-200 A
1264-A-M-252	13- 202	1264-A-BI-201
1264-A-M-253	1264-A-BE-100 A	1264-A-BI-300
1264-A-M-260	1264-A-BE-101 B	1264-A-BI-301
1264-A-M-261	1264-A-BE-102	1264-A-BI-302
1264-A-M-263	1264-A-BE-103	11 – 110 A
1264-A-M-264	1264-A-BE-104 A	11 – 111
1264-A-M-266	1264-A-BE-105 A	1264-A-BFG-106 B
1264-A-M-268	1264-A-BE-108	1264-A-BFG-107 B
1264-A-BA-099 A	1264-A-BE-113 A	
1264-A-BA-100 B	1264-A-BE-114 A	
1264-A-BA-101 A	1264-A-BE-115 A	
1264-A-BA-103 A	1264-A-BE-116 A	
1264-A-BA-104	1264-A-BE-118 A	
1264-A-BA-200 A	1264-A-BE-120	
1264-A-BA-250	1264-A-BE-200	
1264-A-BA-300	1264-A-BE-201	
11 – 101 A	1264-A-BE-250	
11 – 102 A	1264-A-BE-300	
11 – 103 B	1264-A-BE-301	
11 – 104 A	1264-A-BFG-100 B	
11 – 105 A	1264-A-BFG-101 B	
11 – 106 A	1264-A-BFG-102 B	
11 – 107 A	1264-A-BFG-103 B	
11 – 108 A	1264-A-BFG-104 B	

- **Documentation:**

- Design and Access Statement, dated October 2015
- Design and Access Statement Addendum dated October 2015
- Planning Statement, dated October 2015
- Sustainability Statement, dated October 2015
- Energy Statement, dated October 2015
- Energy Statement Addendum, dated February 2016
- Statement of Community Involvement, dated October 2015
- Transport Assessment, dated 13th October 2015
- Car Parking Management Plan Addendum, dated February 2016
- Waste Management Strategy, dated October 2015
- Sustainability Statement,
- Framework Construction Logistics Plan, dated October 2015
- Construction Environmental Management Plan, dated October 2015
- Environmental Statement, dated October 2015 including Volumes 1, 2 and 3 and Non-Technical Summary
- Addendum to Townscape Heritage Visual Impact Assessment (THVIA), dated November 2015
- THVIA Addendum, dated February 2016
- Environmental Statement Addendum, dated May 2016
- Financial Viability Assessment , dated October 2015
- Financial Viability Assessment , Addendum Report, dated February 2016
- Revised CIL Forms, dated February 2016
- Letter from DP9 to LBTH, dated 19th February 2016
- Letter from DP9 to LBTH, dated 22nd March 2016
- Letter from WSP Parsons Brinckerhoff, dated 1st July
- Pedestrian Level Wind Microclimate Assessment, Final Results, dated 1st June 2016
- Undated Residential Accommodation Area (18 pages)
- Delva Patman Redler letter to LBTH dated 4th March 2016
- Memo from WSP Parsons Brinckerhoff, dated 2nd August 2016