

Committee: Strategic	Date: 21 st December 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/15/00837
	Ward/s: Spitalfield and Banglatown Ward and St Peter's Ward

1.0 APPLICATION DETAILS

Location: Sainsbury Foodstore, 1 Cambridge Heath Road, London, E1 5SD

Existing Use: Supermarket, supermarket car park, Crossrail works site

Proposal: Demolition of the existing store and decked car park to allow for a replacement Sainsbury's store (Use Class A1) of 5,766 sqm (net sales area), (11,208 sqm GIA to include a Use Class D1 'explore learning ' facility (118 sqm GIA), 871 sqm (GIA) of flexible retail/office/community floorspace (Use Class A1, A2, A3, B1 and D1) and 559 residential units (Use Class C3) arranged in 8 buildings, including a 28 storey tower (101.375m (AOD)), an energy centre and plant (2,509 sqm (GIA)) is proposed at basement level with 240 'retail' car parking spaces and 40 disabled car parking spaces for use by the proposed residential units. 2 additional disabled parking bays are proposed at ground floor level at Merceron Street. The creation of an east-west public realm route from Cambridge Heath Road to Brady Street, including further public realm provision and associated highway works to Brady Street, Merceron Street, Darling Row, Collingwood Street and Cambridge Heath Road.

Drawings & Documents: See Appendix 2

Applicant: Sainsburys Supermarkets Ltd

Ownership: Sainsburys Supermarkets, Transport for London, London Borough of Tower Hamlets, Bloomfield Ltd, London Underground Ltd, London Power Network PLC

Conservation Area: A small section of land on the southern edge of the site falls within the Whitechapel Market Conservation Area

Historic Building: None on site

2.0 EXECUTIVE SUMMARY

2.1 In land use terms the principle of the development is supported and consistent with relevant development plan policies and the latter objectives of the Borough's

Whitechapel Vision Masterplan SPD for delivery of a larger supermarket site, to meet additional demand for convenience retail provision in Whitechapel, with provision of high density housing above, a new pedestrian route through to Cambridge Heath Road from Brady Street and creation of a new public space where Durward Street meets Brady Street.

- 2.2 In retail terms, the scheme is considered consistent with the NPPF and development plan policies through concentrating retail floorspace in an identified town centre, subject to securing a planning obligation to mitigate potential trade diversion in respect of comparison goods from street market stalls to the supermarket, to ensure the retail proposal complements and enhances the street market with its role in adding retail variety, promoting local enterprise, and local character to accord with Policy SPO1(4.c) of the Core Strategy and Policy 4.8(e) of the London Plan
- 2.3 The scheme would provide 559 new homes that on balance accord with London Plan and Local Plan policy objectives for delivering new housing of a good residential standard; notwithstanding some significant deficiencies in daylight/sunlight to rooms in some of the proposed flats and shortcomings in the site layout in respect of providing adequate and equitable distribution of communal amenity space and child play space for affordable tenure homes.
- 2.4 The NPPF emphasises the greater the significance of heritage assets, the greater the weight should be given to protecting such assets. The Grade I Trinity Green Almshouses built in 1695, lie approximately 90m to the east of the site. The NPPF emphasises heritage significance derives not only from a heritage asset's physical presence but also from its setting. The scheme would cause substantial harm to the significance of the Almshouses. The setting of the Almshouses forms an integral part of their overall significance. The proposed tower would introduce a tall building that would interrupt the roof line of the western range of the Trinity Green Almshouses, introducing an alien building form upon a historic, low scale courtyard which would also dilute the visual dominance of the chapel to the Almshouses. The proposed tower would be harmful to the Almshouses sense of place.
- 2.5 The identified public benefits of the scheme include a strategic quantum of additional housing on the site, the delivery of affordable housing, improved public realm and the creation of new public open spaces and better pedestrian connectivity to the Whitechapel Town Centre. However the scale of these public benefits do not overcome the identified substantial harm to the Almshouses that, as Grade I listed, are thus bestowed with the highest heritage significance.
- 2.6 The scheme would cause harm, albeit less than substantial harm, to the character and appearance of Stepney Green Conservation Area, and to Whitechapel Market Conservation Area including the Grade II Albion Yard Building. The public benefits of the scheme do not outweigh the cumulative harm of the scheme upon identified local designated heritage assets.
- 2.7 The development would result in reductions to daylight and sunlight levels to neighbouring residential properties. Taken overall these impacts are considered moderate adverse, although there are a number of reductions with daylight reductions in excess of 40%. The level of impacts are not out of line with what one might expect for a site located within an inner London urban context involving the demolition of an existing low rise building with development of greater scale and height. On balance officers consider given the town centre regeneration benefits scheme would deliver, the adverse daylight/sunlight impacts are on balance considered acceptable. In reaching this conclusion weight has been given to other

neighbour amenity impacts in terms of potential loss of privacy, outlook, sense of enclosure and overshadowing to adjoining outdoor amenity spaces to which the scheme has no undue adverse impacts.

- 2.8 The scheme would deliver 25% affordable housing by habitable room (122 units) on a 75:25 split between rented and intermediate housing. The rented tenure would be provided on a 49:51 (aggregated across all bed sizes) by Borough Framework rent levels (for an E1 postcode) and Social Rent units. Taking into account the ability to viably deliver the scheme, the development is considered to maximise the affordable housing potential of the scheme. The relative overprovision of rented units over intermediate units is considered acceptable in this instance given the scheme delivers below the 35%-50% affordable housing targeted by the development plan.
- 2.9 In highway, servicing and transportation terms the scheme is considered acceptable and would not prejudice the future redevelopment of the Crossrail 2nd entrance and associated ticket hall, or result in an unacceptable impact on congestion or traffic flows to surroundings roads, subject to securing a planning obligation to provide traffic calming measured on surrounding roads, including an option to introduce one way on southern section of Collingwood Street.
- 2.10 The loss of the existing trees, including high amenity value streets trees is accepted with an agreed programme to replant street trees, plant additional trees off-site (to help mitigate losses) and through the provision of a comprehensive landscaping scheme for the development as a whole. No protected trees are proposed to be removed.

3.0 RECOMMENDATION

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

- 1) The proposed development would cause substantial harm to the significance of the Grade I Listed Trinity Green Almshouses, by reason of the introduction of Building 1 which impacts adversely upon the setting of this historic, low scale courtyard arranged set of buildings.

As such, the proposal fails to provide a sustainable form of development in accordance with paragraphs 17, 56 and 61 of the NPPF and fail to be consistent with the guidance set out in Chapter 12 of the NPPF in respect to conservation and enhancement of the historic environment. The proposal is also contrary to policies 7.4, 7.5, 7.6 and 7.7 and 7.8 of the London Plan (2016), SP10 and SP12 of the Tower Hamlets Core Strategy (2010) and policies, DM24, DM26 and DM27 of the Tower Hamlets Managing Development Document (2013).

- 2) The proposed development would cause significant, albeit less than substantial, harm to the character and appearance of the Stepney Green Conservation Area, by reason of the height, scale and mass of the proposed development and its impact upon local townscape views from Mile End Road.

As such, the proposal fails to provide a sustainable form of development in accordance with paragraphs 17, 56 and 61 of the NPPF and fail to be consistent with the guidance set out in Chapter 12 of the NPPF in respect to conservation and enhancement of the historic environment. The proposal is also contrary to policies 7.4, 7.5, 7.6 and 7.7 and 7.8 of the London Plan

(2016), SP10 and SP12 of the Tower Hamlets Core Strategy (2010) and policies, DM24, DM26 and DM27 of the Tower Hamlets Managing Development Document (2013).

- 3) The proposed development would cause significant, albeit less than substantial, harm to the setting and appearance of the Grade II listed Albion Brewery Entrance Building, together with the Whitechapel Market Conservation Area, by reason of the adverse and visually overbearing imposition of the development upon townscape views of Albion Yard Brewery from Whitechapel Road.

As such, the proposal fails to provide a sustainable form of development in accordance with paragraphs 17, 56 and 61 of the NPPF and fail to be consistent with the guidance set out in Chapter 12 of the NPPF in respect to conservation and enhancement of the historic environment. The proposal is also contrary to policies 7.4, 7.5, 7.6 and 7.7 and 7.8 of the London Plan (2016), SP10 and SP12 of the Tower Hamlets Core Strategy (2010) and policies, DM24, DM26 and DM27 of the Tower Hamlets Managing Development Document (2013).

- 4) In the absence of a legal agreement to secure financial and non-financial contributions including affordable housing, street market enhancements, highway works, land allocated for Transport for London bike station, employment, skills, training and enterprise, and energy, the development fails to maximise the delivery of affordable housing and fails to mitigate its impact on highways, local retail sector, local services, amenities and infrastructure. This would be contrary to the requirements of Policies SP01, SP02, SP09, SP12, and SP13 of the LBTH Core Strategy, Policy DM1, DM3, DM20, DM21 of the LBTH Managing Development Document and Policies 2.15, 3.11, 3.12, 4.7, 6.3 and 8.2 of the London Plan and the LBTH Planning Obligations SPD 2016.

4 PROPOSAL SITE AND SURROUNDINGS

Proposal

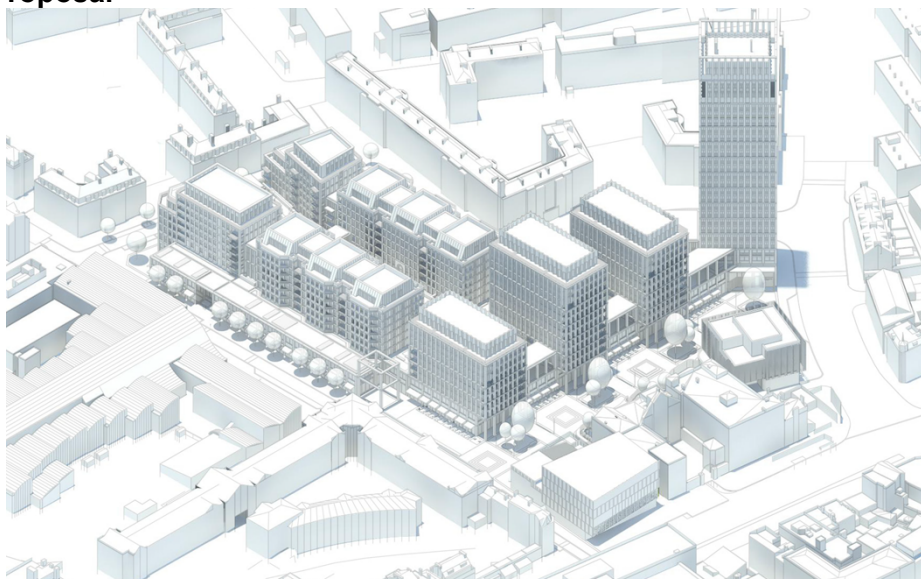


Figure 1: Massing Overview

- 4.1 The proposed scheme includes the:

- Demolition of the existing retail store (7,949sq.m GIA) and temporary car park with the erection of a new supermarket (11,208 sq.m GIA with 5,574sq.m net sales area) and construction of 559 residential units contained within 7 podium based buildings set above the supermarket and a 28 storey tower abutting the podium.
- Erection of 7 townhouses built at street level fronting onto Collingwood Street.
- Construction of 4 flexible use retail type spaces (A1/A2/A3/A3/B1/D1 Use Classes) opening onto a new east-west public pedestrian route; this new route is known as Albion Walk in the application documentation and would create a link from the southern end of Brady Street with Cambridge Heath Road. Albion Walk would also serve as a potential future public entrance to the safeguarded second entrance to Whitechapel Crossrail Station.
- Construction of a D1 Use space designed as an 'explore learning' facility (of 118sq.m GIA) on the corner of Merceron Street and Brady Street, set adjacent to a 5th smaller flexible use retail type unit.

4.2 The supermarket entrance for shoppers would be from Brady Street with the customer car park located at basement level with vehicular access from Darling Row onto Cambridge Heath Road. The scheme would provide 240 retail car parking spaces and 42 residential car parking spaces, the latter for use by Blue Badge Holders. The customer car park would be linked to the supermarket via travelators, lifts and stairs.

4.3 Building 1 would be located towards Cambridge Heath Road and is the tallest proposed building, rising to 28 storeys (101.375m (AOD)). Buildings 2, 3 and 4 would run along the southern edge of the proposed podium on the north side of Albion Walk. Building 3 the middle of these three blocks would rise podium level plus 11 storeys (58.9m AOD), Building 2 set immediately to the west of Building 3 would rise to podium level plus 9 storeys (52.9m AOD) and Building 4 located on the corner of Brady Street and Albion Walk would rise to podium level plus 7 storeys (46.9m AOD).



Figure 2: Proposed layout at podium level

- 4.4 Buildings 5, 6, 7 and 8 would rise to podium level plus 7 storeys (40.40m maximum AOD) and would be set on a north-south axis. The podium would provide the main external amenity space to the scheme broken into spine running between Buildings 5 and 6 (facing Brady Street) and Building 7 and 8.
- 4.5 The podium level would provide the main external amenity space for residents. The long north-south axis podium level external space would be divided into two separate spaces through the inclusion of a two storey residential block built east-west across the width of the podium. To the north of the two storey block the podium space would provide the main communal amenity and playspace for the rented tenure affordable homes and to the south of this building the podium level external space would provide the main communal amenity and playspace for the market and intermediate homes.
- 4.6 The proposed residential mix by unit size is summarised in Table 1 below. By habitable room the scheme would provide 25% of the housing as affordable housing

Unit Size	Tenure				Total
	Market	Social Rent	Borough Framework Rent (E1 postcode)	Intermediate	
Studio	48	0	0	0	48
1 bed	122	14	14	23	173
2 bed	235	11	12	12	270
3 bed	27	19	19	3	68
Total	432	44	45	38	559

Table 1: Summary of housing units by unit bed spaces by residential tenures

- 4.7 The application was originally submitted in March 2015 with a proposal for 608 units and with Building 1 rising to 33 storeys. The application was subsequently amended in November 2015 with the proposed tower reduced to 28 storeys set alongside a reduction in the tower's width and the introduction of three additional town houses and an amended affordable housing offer. The applicants final affordable housing offer was revised again in October 2016 in line with Table 1.

Site and Surroundings



Figure 3: Aerial photograph of site

- 4.8 The application site occupies approximately 3.1 hectares of land.
- 4.9 The site is bound by Merceron Street, Collingwood Street and Darling Row to the north and north-east, by Cambridge Heath Road to the east and Brady Street to the west. The site is bound to the south by a mix of uses including the Crossrail temporary construction site and a permanent Crossrail ventilation shaft, and a set of significant buildings including the Whitechapel Idea Store, the Grade II listed Albion Yard Brewery buildings, and Blind Beggar Public House. All the above buildings to the south of the site (that front onto Whitechapel Road) lie within the Whitechapel Market Conservation Area.
- 4.10 Swanlea Secondary School lies immediately to the west of the site. Brady Street Jewish Cemetery to the north west, the Collingwood Estate (a local authority housing estate) lies to the north and east of the site with Harvey House and Blackwood House immediately to the north of the site and set to the east of the site Grindall House and Collingwood House.
- 4.11 The site contains the Sainsbury's supermarket, and a temporary decked car park containing 258 car parking spaces built to replace the original Sainsbury's car park site that is occupied by temporary development in connection with the construction of Crossrail.
- 4.12 The site is located within the defined boundary of Whitechapel District Shopping Centre. Whitechapel falls within the City Fringe/Tech City Opportunity Area (OAPF)

which is identified as an area with potential to become a business hub of major international significance.

- 4.13 Within the London Plan and the Local Plan Whitechapel district centre is identified as a centre likely to experience strategically significant levels of growth with strong demand and/or large scale retail, leisure or office development in the pipeline. This is reinforced within the Whitechapel Vision Masterplan Supplementary Planning Document (SPD) (2013) which supports the intensification and rejuvenation of the centre with new town centre uses, public spaces and activity stretching across both sides of Whitechapel Road and beyond.
- 4.14 A very small southern section of the site lies within the Whitechapel Market Conservation Area. The Stepney Green Conservation Area is set to the east of the site edging the east side of Cambridge Heath Road, London Hospital Conservation area lies approximately 95m to the south west and beyond that to the south west Myrdle Street Conservation Area, Ford & Sidney Square Conservation area approximately 280m south of the site, and to north west St Peter's Conservation Area at approximately 390m and Bethnal Green at approximately 410m.
- 4.15 The Grade I Listed Trinity Green Almshouses are located approximately 94 metres to the east of the site to the east of Cambridge Heath Road, accessed from Mile End Road.

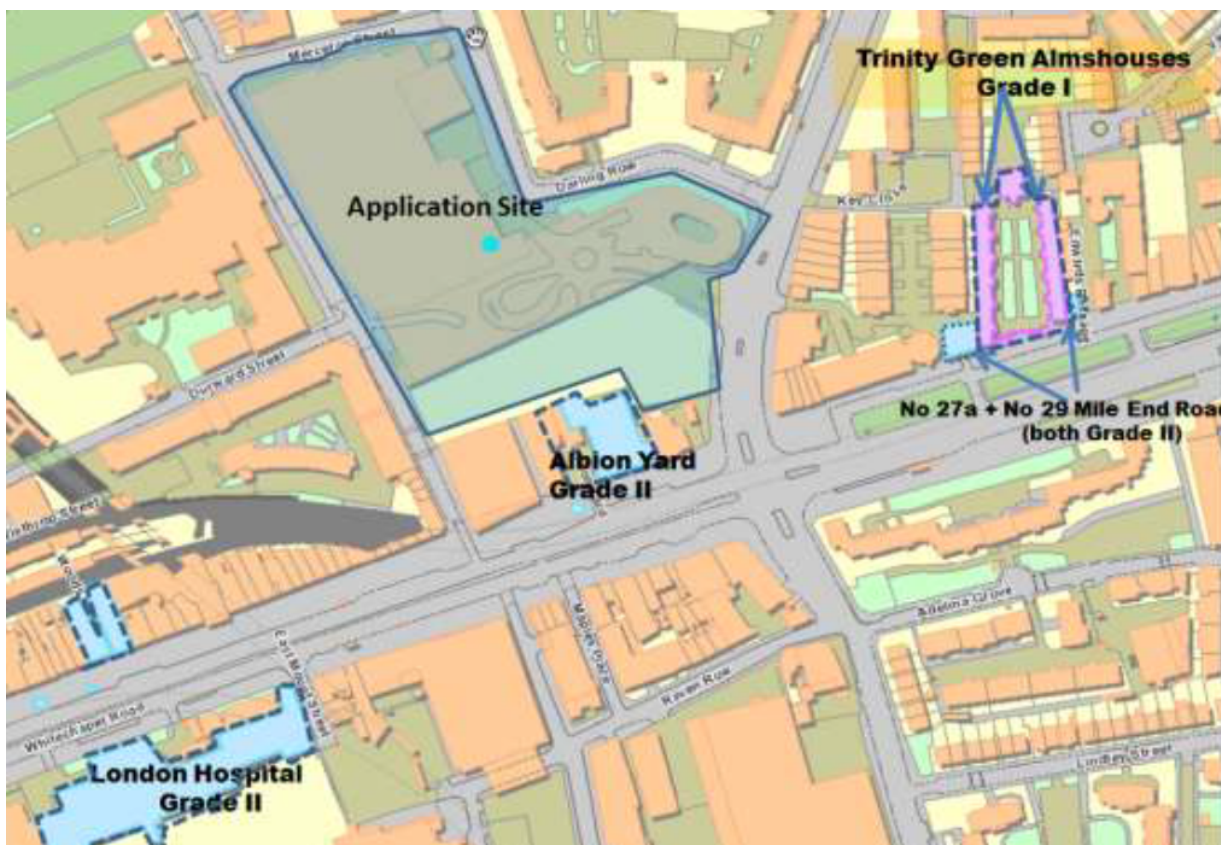


Figure 4: Neighbouring Statutory Listed Buildings

- 4.16 The majority of the site is located in and Archaeological Priority Area. The site is in Flood Zone 1 and has a Public Transport Accessibility Level of 6.

5.0 RELEVANT PLANNING HISTORY

On Site

- 5.1 **TH215/BG/93/81** 15th October 1996 planning permission granted for the redevelopment of the land to rear of Nos 319-337 Whitechapel Road to provide a retail superstore, petrol filling station, access servicing and a customer car park.
- 5.2 **PA/03/00563** 28th October 2003 planning permission granted “for erection of single storey front and side extensions to enable the enlargement of the existing store (by an additional 1,593sqm), together with associated works including the repositioning of the existing pedestrian entrances (from Brady Street and Darling Row), and the reconfiguration of customer car park layout and service yard area.
- 5.3 **PA/06/2010** 8th January 2008 an amendment granted to planning permission (Ref: PA/03/00563) including revised front elevation, site entrance and revised car park entry configuration.
- 5.4 **PA/09/02421** 10th February 2010 planning permission granted for installation of temporary car park to maintain existing customer car parking levels (258) during Crossrail works on adjacent site.
- 5.5 **PA/14/01736** 24th September 2014 planning consent granted to vary condition No 1 of planning permission Ref PA/10/00670, to extend the timescale for the removal of the temporary multi-storey car park to 10th October 2019.

Off Site

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

- 5.6 **PA/15/01789** Demolition of existing buildings and erection of three buildings 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. Approved at Strategic Development Committee on 8th August 2016 subject to completion of Section 106.

100-136 Cavell Street

- 5.7 **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 Estate - Site between Varden Street and Ashfield Street

- 5.8 **PA/15/02959** 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. Refused 17th October 2016.

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 of Listed Buildings (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 surrounding conservation areas (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
 - 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
 - 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 (September, 2016)
- Whitechapel Vision Masterplan Supplementary Planning Document (2013)
- Community Infrastructure Levy (CIL) Regulation 123 List September 2016
- Whitechapel Market Conservation Area Character Appraisal and Management Guidelines (2009)
- London Hospital Conservation Area Character Appraisal and Management Guidelines (2007),
- Stepney Green Conservation Area Character Appraisal and Management Guidelines 2009)
- St Peter's Conservation Area Character Appraisal and Management Guidelines (2008)
- Ford Square & Sidney Street Conservation Area Character Appraisal and Management Guidelines (2007)
- Mydle Street Conservation Area Character Appraisal and Management Guidelines (2007)
- Bethnal Green Conservation Area Character Appraisal and Management Guidelines (2009)
- LBTH Retail and Leisure Capacity Study (January 2009)
- LBTH Street Markets Strategy (August 2009)
- LBTH Town Centre Spatial Strategy 2009-2025 (July 2009)

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

- 1.1 Delivering Strategic vision and objectives
- 2.1 London Global European and UK Context
- 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
- 4.7 Retail and town centre development
- 4.8 Supporting a successful and diverse retail sector
- 4.9 Small shops
- 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
- 7.10 Worlds Heritage Site
- 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

6.8 **Government Planning Policy Guidance/Statements**

- The National Planning Policy Framework 2012 (NPPF)
- National Planning Practice Guidance
- 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)
- 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)
- Building Research Establishment (BRE) "Site layout planning for daylight and sunlight: a guide to good practice" (2011)
- The Town and Country Planning (Environmental Impact Assessment (Amendment) (England) Regulations 2011 SI 2011 No. 1824
- London Development Agency London's Retail Street Markets (June 2010)

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:

External

Historic England (HE)

Summary of Historic England's concluding remarks

- 7.3 Historic England are supportive, in principle, of the mixed-used redevelopment of the site. Historic England are keen to [re]emphasise the *"Whitechapel Vision itself does not require any proposed landmark buildings to be tall building, rather that they are of demonstrable quality"*.
- 7.4 *"That this scheme causes harm to the significance of the grade I listed Trinity Green Almshouses through development within its setting is unarguable. The Historic England position is that this harm is substantial. If there is an alternative means of delivering the scheme's other benefits, then the NPPF obliges that alternative be pursued."*
- 7.5 From the information Historic England have available, *"it seems to us that it may be perfectly possible to redesign the scheme to achieve all of its potential public benefits that gives rise to no conflict with the NPPF objective of heritage conservation. That would therefore be truly sustainable development and a solution that the NPPF obliges decision-makers to pursue."*
- 7.6 *"If the application is pursued it remains our view that this scheme is not sustainable development and that it should accordingly be refused." Were the scheme approved "the severity of the impact on the very high significance of the almshouses results in a departure from the principle and policies of the NPPF as to justify a request to the Secretary of State to call the matter in for his or her own determination."*

Significance of the Almshouses and their setting

- 7.7 *"The Trinity Green Almshouses were built in 1695 to serve 28 'decayed masters and commanders of ships or the widows of such'." The almshouses are the oldest remaining almshouses in central London. They represent an important maritime inheritance to Stepney and to the history of the area that capitalised on links to the river and to the sea which are barely legible in the area today."*
- 7.8 *"The buildings of the almshouse complex comprise an original courtyard, although a further secondary court originally to its north has now gone. The courtyard provided what in modern terms is called "amenity space" for the occupants; its enclosed and protected character adding to their quality of life."*
- 7.9 *"The materials and detailing of the buildings are crucial to the site's aesthetic value."*
- 7.10 *"Despite the proximity of the Mile End Road and the [Gouldman House] residential block to the north, the setting of the almshouses is enclosed by the building themselves with clear sky above. This has dual affect. First it emphasises the outline, symmetry and the scale of the almshouses and so their legibility and the dignity of the architecture is revealed in this way. Second the ability to intellectually recreate a 17th century environment is enhanced."*

- 7.11 *“The Almshouse low height and modest scale is indicative of their institutional typology, and of the level of development occurring in Whitechapel during the late 17th century. The aesthetic appeal of the buildings is drawn from their communal domestic character, touches of baroque and nautical detailing, and the polite symmetry of their planning. The overriding impression is one of balance and consistency. This modest scale and appearance is particularly vulnerable to harm arising from development of greater height and visual prominence within its setting.”*
- 7.12 *“The setting of the building, currently almost entirely free from the visual imposition of modern buildings beyond, enhances the appreciation of the site’s collegiate, enclosed, domestic and small-scale character. At present it is possible to stand within the almshouse courtyard and be surrounded almost entirely by small scale 17th century architecture.”*

Summary of HE assessment of proposal

- 7.13 *“The setting of the almshouses at present contributes to a key aspect of their significance.”*
- 7.14 The proposal to build a 28-storey tower *“will result in a very visible tall building appearing against the currently uninterrupted roof line of the western range of the grade I listed almshouses, introducing a new and alien building form upon an historic, low scale courtyard that has changed remarkably little in over 300 years. The new development will radically change the visual relationship of the almshouses to the city beyond, and have a significant impact on their historic sense of domestic enclosure.”*
- 7.15 *“Whilst we accept that the setting of the almshouses has been altered since 1900 (most noticeably the post-war reconstruction beyond the chapel), the visible buildings are low and horizontal in character and do not break the roofline of the chapel. The scale and dominant form of a tower, such as the one proposed, represents a new kind of development affecting the site’s setting, and one which we believe seriously harms the significance of the grade I listed Trinity Almshouses.”*
- 7.16 From any other viewing position within the courtyard the proposed tower will have a serious impact on the intimate sense of place by looming above the ridge line of the west accommodation range. From provided TVMF View 23 the impact of the tower on this important axis crossing is exacerbated with the formality and geometry of this architectural feature disfigured by the overbearing presence of the tower and its disordered relationship to the cross axis.
- 7.17 Viewing Location 23 *“is at the heart of the axial planning of the site”,* marking the intersection of the primary north south axis of the site (along the line of the chapel) with an east-west axis running through the two pedimented residential buildings facing each other across the courtyard. The pediments once had greater emphasis through presence of fine carved detailing. The east-west axis more generally previously had greater emphasis with paving stones and the presence of a statue (of an early benefactor to the alms-houses).
- 7.18 *“Historic England have consistently advised caution (including at pre-application stage to this scheme and in respect of observation in respect of Whitechapel Vision Masterplan SPD) to the imposition of tall buildings on the highly significant historic environment of the Whitechapel area.*

7.19 *“We do not accept that the pursuit of good design justified harm to the significance of a distinctive and highly valued grade 1 listed building. We are also not convinced that such harm is necessary to regenerate the site successfully and bring about wider public benefits.”*

7.20 In addition to concluding substantial harm to the significance of the Grade I listed Trinity Green Almshouses, Historic England identify significant harm the Grade II Albion Brewery. Historic England describe the architectural value of the listed brewery buildings is greatly heightened by the setback fermenting house and the elaborate circa 1900 baroque improvements which includes a high stone pediment with a large clock face, scrolling consoles and a relief sculpture of St George, the brewery’s mascot. The proposed palazzo-type residential block set directly behind the pediment of the fermenting house, inspired by the architecture of the brewery, would loom over the brewery, appearing around the entire outline of the pediment where at present no such overcrowding exists.

Greater London Authority including Transport for London

Principle of Land Use

7.21 The principle to include high density residential as part of a scheme providing a larger supermarket is supported, in line with the city Fringe OAPF and the Whitechapel Vision SPD.

Retail

7.22 The Whitechapel Vision identifies the redevelopment of the Sainbury’s site with a new larger store as being a key place of transformation necessary for Whitechapel. Whitechapel is identified in the London Plan as a District Town Centre in need of regeneration. The store would remain one that is predominately used for sale of convenience goods notwithstanding increase in comparison goods. The level of increased retail floorspace does not raise any strategic issues and has significant potential to contribute towards the on-going regeneration of Whitechapel and benefit of the wider areas.

7.23 The additional retail units are supported helping to activate the new public realm to the south of the supermarket as well as strengthen and promote the retail offer and competitiveness of the town centre. The Mayor would welcome the consideration of providing some of these units as affordable shop units.

Housing

7.24 The scheme would contribute towards meeting London’s housing need. The housing density is considered appropriate for the site. The level of communal amenity space and on site playspace provided in such a central location is generous and strongly supported.

Urban Design

7.25 Albion Way is well proportioned and activated through day and night that is strongly supported. The introduction of townhouses is also welcomed from streetscene and activity perspective. The height and massing does not raise a strategic concern. The residential quality is considered high.

Heritage

7.26 The scheme will have an impact on Trinity Green Almshouses and Albion Yard and potentially impact upon Whitechapel Market and Stepney Green Conservation Areas. Yet in both instances this is not considered to be substantially harmful because of the slender form of the tallest building and the general high quality of the

architecture. There are substantial public benefits including improvements to the District Centre, maximising the benefit to London of Crossrail and the delivery of affordable housing that considerably outweigh the slight harm caused.

7.27 Transportation

The vehicular access to the site via a signalised junction from Cambridge Heath Road is acceptable in principle. A car parking accumulation survey has been undertaken which indicated the shopper car park can meet demand except for 3 hours on a Saturday when it would be overcapacity. Layout of the site should include sufficient circulation space for vehicles to prevent queuing on Cambridge Heath Road and this should be demonstrated in the Transport Assessment. The applicants traffic calming measures for Brady Street, Merceron Street and Collingwood Street are welcomed. The scheme does not jeopardise the Crossrail Second Entrance.

Conclusion

7.28 The proposals impact designated heritage assets, however the slight harm caused is outweighed by the public benefits provided by the scheme.

7.29 The scheme does not fully comply with the London Plan in relation to level of affordable housing. The applicant should give further consideration to the delivery of more larger units within the housing mix, particularly within the affordable rented offer.

Air Ambulance Service

7.30 No objection. Suitable temporary safety measures and aviation notifications will need to be ensured for cranes etc that extend above this height during the construction phase.

Collingwood Estate Tenants and Residents Association

7.31 Significant increase in housing will be deleterious to the quality of life of existing residents. The cumulative impacts of new development in Whitechapel will result in an unacceptable population density with social pressure on local schools and GP practices. Increase of population liable to lead to increased anti-social behaviour.

7.32 The tallest building will blight the immediate area. Earlier experiments have shown high-rise housing to be unsuccessful and alienating.

7.33 Insufficient affordable housing is proposed within scheme.

7.34 The increase in store sales floor space is disproportionate for the area. There is no requirement for a megastore in the area.

Corporation of London

7.35 No objection to the principle of development. Seek a wireline assessment provided of London View Management Framework View 15.B1 and 15.B.2 to establish whether the proposal would be visible or have harmful impact on the backdrop to the aforementioned LVMF view of St Paul's Cathedral from Waterloo Bridge.

Crossrail

7.36 The implications of the Crossrail proposals for the application have been considered. No objection subject to planning conditions to secure:-

- Foundation design, noise, vibration and settlement
- Method Statement to address any concurrent working to avoid either impeding construction and operation of Crossrail

East End Preservation Society

- 7.37 Despite Whitechapel Masterplan's indication that the development site is appropriate for a 'landmark building' it does not necessarily mean a tall building and certainly does not sanction development that causes harm to heritage assets around the site which the current proposals will certainly cause.
- 7.38 The Trinity Almshouses are the most highly graded and therefore significant heritage asset that will be affected by the proposals. Their symmetrical simplicity in layout and design, diminutive scale and refined detail make them particularly sensitive to over-scaled development nearby. The proposed 28-storey tower will unavoidably intrude on the views from Trinity Green. Both its scale and design will be a jarring contrast with the historic buildings and will set a dangerous precedent in allowing substantial harm to the setting of such an important heritage assets.
- 7.39 Paragraph 132 of NNPF states that great weight should be given to the impact of a proposed development on the significance of a heritage asset, and that the greater the asset's significance, the greater the weight should be. In the instance of the Trinity Almshouses this adds considerable weight to the argument against permitting this development.
- 7.40 The immediate setting of Whitechapel Market Conservation Area, its numerous listed buildings and the surviving brewery buildings will also be harmed by the disproportionate and inappropriate scale of the proposed development, particularly the 28-storey tower, as will the Stepney Green Conservation Area.
- 7.41 There are number of errors on applicants submission including
- Wrongly identifying Trinity Green as a privately-owned open space where it is in fact a public space, thus attributing it less value to townscape views than it should
 - Understating the significance of the Almshouses and other heritage assets and the resultants impacts of the development. These failings include concluding the effect of the change on the Whitechapel Conservation Area and Ford Square Conservation Areas would be positive rather than clearly causing further discord within this increasingly fragile townscape.
- 7.42 The design fails to achieve a sensitive knitting together of disparate areas of townscape that is so needed here. It occupies a potentially key position between the twentieth-century housing estate to the north, the Conservation Area and main road to the south and creating east-west routes around the new Crossrail station. The proposals are composed of large buildings that do not relate to the fine urban grain to the south. Large boulevards of hard landscaping are proposed that provide the permeability required but are unattractive, corporate-style public spaces that have nothing to do with Whitechapel or Stepney.
- 7.43 The architectural design is bland and self-referencing, representing the worst of modern could-be-anywhere development.

Environment Agency

- 7.44 Have no comments to make on the application.

Georgian Society

- 7.45 The scheme causes harm to the significance of the Almshouses and would be detrimental to the character of the Stepney Green Conservation Area of which they form a part.

7.46 Although the Almshouses themselves were constructed in 1695, five years before the Group's statutory remit of 1700-1840, they are flanked by Park House, built in 1820 and listed at Grade II, and they form an important part of the context for the later development of the area in the eighteenth and early nineteenth-century. The proposals would also harm the setting of the Grade II listed Albion Brewery, which incorporates the early nineteenth-century entrance building.

7.47 The Group has seen the detailed letter of advice sent to your Authority by Historic England and we fully endorse all of the advice given in that letter.

Greater London Archaeology Advisory Service

7.48 No objection subject to a pre-commencement condition to undertake a two stage process of archaeological investigation.

Greenwich World Heritage Society

7.49 No objection as Visual Impact Study shows no impact upon LVMF Views of World Heritage Site. However we would encourage to carefully consider the impact of tall building development proposals in this area on London's skyline and to ensure that the visual integrity of the panorama is maintained and to take account of the potential impact on the low rise heritage assets in the immediate vicinity.

Historic Royal Palaces

7.50 No objection.

London City Airport

7.51 No objection.

London Borough of Hackney

7.52 No comments received.

London Borough of Southwark

7.53 No objection.

Royal Borough of Greenwich

7.54 No comments received.

London Underground Infrastructure

7.55 No objection subject to any consent being conditioned to provide design and method statements for all below ground works including piling.

London Fire and Emergency Planning Authority

7.56 Require more information for purposes of compliance with Building Regulations with regard access to water supplies for fire services.

Metropolitan Police Crime Prevention Design Advisor

7.57 The colonnades/columns in Albion Walk offer scope for groups of youths to congregate and cause anti-social behaviour. For enhanced security monitored CCTV with the potential for active response is sought that is superior to recorded CCTV.

7.58 Opening up the alleyway running past the Idea Store is acceptable, subject to it being gated shut after dusk.

7.59 Separate access/egress to the podium for affordable and private tenure housing to reduce potential for crime.

NATS

7.60 No objection.

National Grid

7.61 No Objection.

Skyline Campaign

7.62 Object to the development which would permanently cause great harm to an adjoining unique Grade 1 listed houses and greatly harm the surrounding area with its excessive height and unsympathetic architecture. Development is not providing the necessary affordable housing it will only attract wealthy residents, not house local people.

Society Protection of Ancient Buildings

7.63 Having reviewed the amended application, we are writing to urge that great consideration is given to the effect of a building of the proposed height and appearance on this 17th century architectural set piece which, given its grade I listing, is of exceptional national importance. It is clear that the human scale of this group of buildings, coupled with their long, uninterrupted rooflines and the unbroken sky above contributes markedly to their significance. Any proposal which would impact upon their setting and unity as an architectural set piece is likely to be highly detrimental to their significance.

7.64 It is considered that the proposals, by virtue of their height, mass, scale and appearance would lead to substantial harm to this grade I listed heritage asset.

7.65 We have correspondence in our archive which shows that our organisation has been campaigning for the care and maintenance of Trinity Almshouses since 1879. As such we would deeply regret any decision which would lead to the substantial harm to the significance of a group of buildings whose special architectural and historic interest render them entirely unique.

7.66 Whilst the issue of setting is beyond our remit as a National Amenity Society, we support wholeheartedly the position of Historic England with regard to these proposals.

Spitalfields Trust

7.67 Object to the above application. We support the views of other heritage groups in objecting to the construction of a so called landmark building. This is not the place to start high rise development and if approved, would set a dangerous precedent.

Temple Trust

7.68 *"We believe that Tower Hamlets Council is not in a position to make a decision on the planning application as the developers have not adequately addressed the issues arising under EIA Regulations with developer not considering alternative positions of the tower or designs of the scheme that would avoid or reduce harm to designated heritage.*

7.69 *The proposals as they stand will result in harmful impacts to the significance of both the Grade II listed Albion Brewery and the Grade I listed Trinity Green Almshouses.*

- 7.70 *Section 66 of the Listed Buildings Act 1990 in effect requires the Council to show special regard to the desirability of preserving the setting of the listed buildings affected by the proposed development. The designation for the Almshouses at Trinity Green is the highest. The importance of the preservation and enhancement of Trinity Green has been properly recognized by the LPA when considering applications for neighbouring development since 1990. In particular, the development of the Chronos Building was not permitted to extend above the roofline of Trinity Green as viewed from the east side.*
- 7.71 *The developers have incorrectly identified Trinity Green as a private space. The almshouse courtyard green is described as a "shared private amenity space for the use of the residents only." The courtyard is open to the public during the day to enjoy and with the street frontage of the green are owned by the Council and maintained at public expense. The green is open to the public to enjoy and is accessible to the public during the day. The visual assessment states that "Public views are generally attributed greater value than views from private property because they are experienced by a greater number of people and can be more accurately assessed through the use of surveyed viewing points." As the viewpoints within the courtyard are public and not private views the factual premise on which the judgments have been made within the visual assessment is flawed.*
- 7.72 *In our opinion the reduction of the "landmark tower" by five stories does not lessen the substantial adverse impact of the proposal on the significance of heritage assets. There is no evidence that an alternative position for the "landmark tower" has been considered. An alternative position of the "landmark tower" to the west of the current proposed position would clearly have less impact on the setting of the Grade II listed Albion Brewery and Grade I listed buildings at Trinity Green.*
- 7.73 *The developers have not considered alternative positions of the tower that would avoid or reduce harm to designated heritage assets or, in effect, any alternative designs that show how environmental considerations have influenced the design so as to lessen the impact on heritage. Unless the above is properly addressed it will be impossible for the LPA to lawfully approve the application. When viewed in proper context this is not sustainable development within the NPPF and should be refused."*
- Thames Water**
- 7.74 No objection subject to planning conditions to provide:-
- Submission of a detailed drainage strategy given existing waste water infrastructure lacks spare capacity for the development.
 - Installation of non-return valve or other suitable device to avoid the risk of waste backflow.
- Twentieth Century Society**
- 7.75 No comments received
- Victorian Society**
- 7.76 *"We strongly object to the application which would cause would substantial harm to the Albion Brewery, the former Engineer's Residence to the Albion Brewery, the Blind Beggar Pub and the Stepney Green Conservation Area. We recommend that the application is refused. The character and scale of the listed buildings and the Stepney Green Conservation Area should be taken as the basis for this development.*
- 7.77 *During the eighteenth and nineteenth centuries, several large breweries were established in Whitechapel, the Albion Brewery being one such site. Although a*

large part of the Albion Brewery works was cleared in 1993-4, the Albion Brewery, the former Engineer's Residence to the Albion Brewery and the Blind Beggar Pub still exist. Together, they demonstrate the development of the history and character of the Whitechapel Road during the nineteenth century and chart the evolution of a Victorian brewery. Individually, each building makes a significant contribution in its own right and to its setting. Each of the buildings has architectural and historical merit both individually and as part of a larger group.

- 7.78 *We are concerned as to the scale and massing of all of the proposed buildings and particularly the 33 storey tower. Such tower would have a major impact on the immediate heritage assets touching the site. The size of the proposed buildings would dominate the comparatively delicate brick buildings with their fine detailing.*
- 7.79 *The views of Albion Brewery and the Blind Beggar Pub would be overpowered by the scale of the tower and blocks immediately behind. The Albion Brewery would be overshadowed by the proposed blocks and its landmark status eclipsed by that tallest tower.*
- 7.80 *All of the existing buildings in the area are currently low rise. The office block of the Albion Brewery is four storeys high. Rather than forming a harmonious group, the new buildings would detract from the significance of the historic buildings and the modestly scaled urban landscape.*
- 7.81 *The proposed development is completely out of scale with the Whitechapel area. The overall scale of the buildings is not commensurate with other buildings in the area. In particular, a tower of up to 33 storeys would have a major impact on the skyline of the Whitechapel area. The area itself is modestly scaled and any proposed development should seek to preserve such scale."*

Whitechapel Design Review Panel (seen at pre-application stage)

- 7.82 Evolution of public realm proposals particularly in respect of Albion Walk welcomed. Success of the public realm will be reliant on appropriate management arrangements. Scheme would benefit from a site wide tree strategy
- 7.83 Concern was raised about the meanness and uniformity of the proposed podium amenity space. It was noted that the space would be somewhat cramped, and that the privacy buffers for ground floor units would eat into the communal space
- 7.83 Queried child play space arrangements and noted that separate spaces were proposed for the market and affordable housing units foregoing the positive opportunity to integrate the play space between tenures.
- 7.84 The greenery and landscaping on the podium should be made visible from the public realm.
- 7.85 Concern was raised about the amount, and use, of brickwork and suggested may be increasing the perceived scale and mass of the buildings. Concerned could feel very oppressive in the podium spaces. The scheme's referencing of Georgian architecture is strained given is of a very different scale to the proposal
- 7.86 Much of the variety in the scheme would be achieved through subtle changes in detailing, hence need to not dilute design quality during construction process.

- 7.87 The tower element of the scheme would be the tallest building in Whitechapel. Although it would be a landmark, it should not be central focus of the area. Need to understand the proposed heights in the wider context of emerging proposals.

Internal Consultees

Biodiversity Officer

- 7.88 The application site consists almost entirely of buildings and hard surfaces, with just a few fairly small trees. The buildings have no potential for bat roosts. The scheme will have no significant adverse impacts on biodiversity. The landscaping strategy lacks detail.
- 7.89 Proposed biodiverse mitigation measures include formation of new meadow areas and nest boxes for birds including for swifts, black redstarts, house martins, house sparrows and peregrines. Green roofs are proposed. The proposed sedum roofs are not acceptable as they are of very limited biodiversity value.
- 7.90 To conclude there are ample opportunities to improve biodiversity against existing baseline. No objection, subject to biodiversity enhancements secured by condition including species rich bio-diverse non-amenity roofs, a nectar rich landscaping plan and inclusion of nesting boxes.

Environmental Health (EH)

EH Contaminated Land Team:

- 7.91 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.

EH Noise and Vibration Team:

- 7.92 No objection, subject to further details by planning condition:
- Noise from construction and operational plant
 - Noise insulation – to meet BS guideline values for indoor ambient noise level
 - Imposition of compliance condition in respect to vibration
 - Details of sound from commercial to residential premises
 - Details of ambient sound mitigation measures to external amenity spaces

Air Quality Team:

Construction phase:

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

Operational:

- Mitigation measures to address air quality to lower storey residential floors avoided on the lower residential levels where the pollution levels are high and are close to exceed statutory set limits.

Energy Officer

- 7.94 The proposals are anticipated to deliver a 34% reduction in CO2 emissions which is significantly below the policy requirement of 45%, as such a carbon offsetting contribution will be required to address the shortfall and ensure compliance with Policy DM29 of the Local Plan.

For the proposed scheme it is recommended that a figure of £212,580 is sought for carbon offset projects. The calculation for this figure is as follows: Building Regulation 2013

- Baseline is 1,127 tonnes/CO₂;
- Proposed development is at 738 tonnes/CO₂
- 45% DM29 reduction would therefore be 619.6 tonnes/CO₂.

To meet DM29 requirements = 118.1 tonnes/CO₂ x £1,800 = £212,580 offset payment to meet current policy requirements.

7.95 It is recommended that the proposals are secured through appropriate conditions to deliver:

- Updated District heating feasibility strategy submitted to demonstrate on-going consideration and capability of connecting to Whitechapel Energy Masterplan Heating Network
- Residential units completed in compliance with submitted Sustainably Statement
- Preparation of an updated energy strategy to demonstrate scheme is striving to achieve BREEAM Excellent Rating for non-residential components of the scheme.

Employment & Enterprise Team

7.96 The developer should exercise reasonable endeavours to ensure that 20% of the construction and end 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. Subject to further clarification on the apportionment of the total GIA by proposed land use, and in line with the Planning Obligation SPD compliant, in respect of skills and training and apprenticeship places the following contributions are sought in the scheme's construction phase and end user phase.

- Construction phase training contribution: £231,632.00
- End-user phase training contribution: £326,640.60
- Construction phase apprenticeships: 37
- End-user phase apprenticeships: 3

Transportation & Highways Team

7.97 Following extensive dialogue with the applicants consultants and receipt of revised plans including traffic calming measures on Collingwood Street, Mercer Street and a future option for one way traffic on the southern end of Collingwood Street if the local highway authority deem it required, no objection is raised to the scheme.

7.98 A S106 financial obligation would be required for on-going future maintenance to Darling Way to mitigate the increased load of traffic upon this street and s106 commitment from the developer to fund the one way option, should the local highway authority deem it necessary following the opening of the new supermarket or nearer to completion of the scheme.

7.99 Parking Services

Object as the scheme proposes the net loss of 10 on-street residential car parking bays. The loss of these bays is objected to, as would accentuate stress upon on-street parking within the area.

Flood and Drainage Officer

7.100 No objection subject to surface water drainage informed by an assessment of the hydrological and hydro geological context of the development. The drainage

strategy shall also include (but not limited to) peak discharge rates and associated control measures for all storm events and details of agreed adoption, monitoring and maintenance of the drainage and suds features.

Tree Officer

- 7.101 The applicant has provided details of a planting plan for replacement of existing street with replacement street trees that are semi-mature and large enough to create immediate visual impact (planted to an agreed minimum stem size). Applicant has agreed replacement street trees would be supplied and planted by the developer at their own costs - using their own contractors and for the developer to manage and cover costs in full for any relocation/diversion of services required by utility companies in connection of the tree planting operation. Applicant has also agreed to plant additional street trees off-site (circa 15-20 trees) to mitigate the loss of the existing mature trees on-site of high amenity value.
- 7.102 Subject to the above tree planting being secured by planning condition there is no objection loss of the existing trees.

Waste Management Team

- 7.103 Detailed plan required for when and how commercial waste will be managed (times, capacities, frequencies) to ensure there is no cross contamination or use of designated storage.
- 7.104 A concern in respect of the proposed north loading bay as it is not intended solely for use for waste collection and this risks leading to service failure, if the loading bay is occupied. LBTH collection crew estimated to take between 30 and 45 minutes to collect residential waste (around 20 seconds a bin) based on a once weekly collection. To reduce this collection time waste strategy needs to agree to at least twice residential waste collection.
- 7.105 The waste management plan needs to be detailed and executed effectively to ensure the timely rotation of bins at time of collection to avoid delay. Waste Team seek details of street cleansing for the proposed new pedestrianized areas not on adopted highways.

8.0 LOCAL REPRESENTATION

- 8.1 1377 neighbouring properties were notified about the application and invited to comment. The application has also been publicised in the local press and with a set of site notices and a further process of public consultation was undertaken following amendments to the scheme involving reduction in height of the tallest proposed building from 33 to 28 storeys.
- 8.2 250 written public representations received of which 6 written in favour and 244 against.
- 8.3 The six representations in favour consider:-
- 1) Scheme relates well to other development in the area.
 - 2) Welcome quality of the finish and materials of the scheme.
 - 3) State developer should have considered more height and massing given presence of Crossrail Station.
 - 4) Although the bulk of the structure overshadows a number of significant buildings, the social need for extra housing in London over-rides this. The fabric of the historic structures will not be materially affected. Whitechapel needs more developments of this nature, as does London as a whole.

8.4 The representations against the scheme raise concerns that can be summarised as follows:

- 1) The landmark tower would have severely detrimental impact upon setting of Trinity Green Almshouses. Views out from the Green over the historic roofs and chimneys of the almshouses would be completely spoiled by the proposed tower building. The history and heritage of Trinity Green deserves special consideration.
- 2) There is no justification for a tall building of this height, a lower building could still serve as a landmark building. The tower will figuratively and literally overshadow the area affecting homes, schools, gardens and playgrounds.
- 3) The scheme will overwhelm Whitechapel. Will cause irretrievable damage to listed buildings and is radically out of scale with the prevailing low rise development in the area.
- 4) Adverse noise, light pollution and security impacts upon Albion Yard.
- 5) Compromise privacy to Albion Yard and its roof terrace.
- 6) Concerned about operational impacts of tall tower on air ambulance.
- 7) There is adequate supermarket provision in the area. The retail proposal would undermine the individuality of existing retail offer in Whitechapel.
- 8) Environmental Statement does not consider the cumulative effects of new developments in Whitechapel.
- 9) Applicants public consultation exercise was unsatisfactory and failed to highlight the scale of the development.
- 10) Object to the impact of the tall tower on Collingwood Estate and detrimental impacts of increased traffic and footfall in the surrounding streets.
- 11) Low and midrise development is better suited to the area and could achieve similar housing capacity.
- 12) Scheme with its out of proportion landmark tower will dominate the neighbourhood and impinge detrimentally upon character of Stepney Green Conservation Area.
- 13) Scheme would cause traffic congestion, noise and dust disturbance during construction and risk subsidence to local buildings.
- 14) Scheme would impact adversely on listed buildings including Albion Yard.
- 15) Trinity Green inaccurately identified as a private amenity space, as opposed to one Council owned and open to the public.
- 16) Applicant has not considered alternative positions for the proposed tower that would avoid or reduce harm to heritage assets or provision of housing in a lower rise form of development. An alternative position of the landmark tower to the west on the site would have less impact on Albion Yard and Trinity Green. The Borough should use its powers under the EIA regulations to require the developer to properly address this matter.
- 17) Tower causes unacceptable wind conditions along Darling Road.
- 18) A tall building in this location would be against Local Plan policy for tall buildings. The north side of Whitechapel Road is characterised by low rise development.
- 19) A concern majority of homes will be sold off plan to individuals overseas leaving flats empty and fuelling the housing crisis.
- 20) Density of development is too great for the area.
- 21) A landmark building is not a planning requirement for this site. Applicant not demonstrated why a landmark building need be a tall building. The Chronos development (at Nos. 9-25 Mile End Road) was built to a height that it avoided dominating the setting of the Almshouses.
- 22) The scheme should be meeting a requirement for open space in an area which is identified as deficient of public open space.

- 23) Concerned about impacts upon parking arrangements for small local traders.
- 24) Inadequate residential car parking proposed.
- 25) An oversized scheme that would blight the area, which offers little to the local community.
- 26) Would cause daylight/sunlight issues and associated greater heating cost impacts to neighbouring properties.
- 27) Severely affect local residents' outlook from their homes.
- 28) Provides inadequate amount of family housing and affordable housing.
- 29) The scheme and neighbouring new development cumulatively impose strain on local infrastructure including GP services, schools and utilities.
- 30) Scheme will destroy the livelihood of the working communities in parts of Whitechapel, especially the local market.
- 31) Design has no aesthetic merit and would not complement the existing and historical architecture of the area.
- 32) Higher proportion of family housing needed in the scheme.
- 33) Not enough outdoor space provided for the housing, so people would hang around on the street.
- 34) Concern over adequacy of refuse collection.
- 35) Concern over environmental credentials of scheme: offset tree planting should be required to mitigate impacts.
- 36) Concerns power plant would cause noise and vibration.
- 37) Query the applicant's Road Safety Audit (RSA) independence and object to the outdated guidance referenced in the RSA.
- 38) Applicant's consultation process did not clearly demonstrate the scale of the development.
- 39) Loss of privacy, daylight, and outlook to residents of Collingwood Estate.
- 40) Scheme take away the social character of the area and impact adversely upon social cohesion.
- 41) Installation of new traffic lights would affect adversely shop trade to businesses located on Cambridge Heath Road.
- 42) Applicants public consultation exercise was unsatisfactory and failed to highlight the height and scale of the development.

9.0 ASSESSMENT OF APPLICATION

9.1. The main planning issues raised by the application that the committee must consider are set out below (with in brackets the chapter number of this report that deals with the consideration)

- Principle of Land Uses (10)
- Urban Design (11)
- Heritage (12)
- Housing including density (13)
- Neighbours Amenity (14)
- Highways & Transportation (15)

Other Considerations including

- Environmental Impact Assessment (16)
- London View Management Framework (17)
- Archaeology (18)
- Noise and Vibration (19)
- Air Quality (20)
- Land Contamination (21)
- Flood Risk & Water Resources (22)
- Energy and Sustainability (23)

- Ecology, Biodiversity and Trees (24)
- Waste and Recycling (25)
- Wind (26)
- Planning Obligations, Socio Economic effects and impact upon local infrastructure/facilities (27)
- Other Local Financial Considerations (28)
- Human Rights (29)
- Equalities (30)

10.0 Principle of Development

Proposed Mix of Uses

- 10.1 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.
- 10.2 The London Plan shares the objectives of the NPPF for delivering sustainable development and supporting mixed use schemes with commercial/retail uses at ground floor level and residential above in sites of this type located in a districted shopping centre, with a high public transport accessibility area.
- 10.3 Policy 1.1 of the London Plan states *“the development of East London will be a particular priority to address existing need for development, regeneration and promotion of social and economic convergence with other parts of London and as the location of the largest opportunities for new homes and jobs”*. The London Plan identifies Opportunity Areas within London which are capable of significant regeneration. Whitechapel falls within the City Fringe Opportunity Area and is identified as holding significant development capacity.
- 10.4 At the local level, the Borough Core Strategy set out a “vision” for Whitechapel as: *“a thriving regional hub, set along the historic and vibrant Whitechapel Road. It will be home to a bustling, diverse economy offering a variety of job opportunities for local people, and capitalising on the benefits brought about by the 2012 Olympic Games, the Royal London Hospital expansion, Crossrail and the London Overground. Whitechapel Road will maintain its important local function, providing services to the community through the offer of the market, shops, restaurants, café and the Idea Store”*.
- 10.5 Relevant to this application the Core Strategy provides the following priorities for Whitechapel for new development:
- To reinforce its regional role by providing more housing, and redeveloping identified areas
 - To deliver improvements to the market to better serve local communities
 - To improve the streetscape of Whitechapel Road and wider area

- To improve the accessibility, crossings and streetscape quality of Cambridge Heath Road.

10.6 The Core Strategy also sets out for Whitechapel four urban design principles:-

1. *“Large development sites should provide improved connections.*
2. *Medium-rise development will be focused in and around the Whitechapel transport interchange.*
3. *The scale and design of buildings should frame and provide active frontages onto Whitechapel Road.*
4. *Derelict buildings should be bought back into use and optimised by the use of all floors, particularly the upper-floors”.*

10.7 The Borough’s Whitechapel Vision Masterplan provides further supplementary planning guidance on realising the vision, priorities and design principles set out Local Plan of providing a regional hub.

10.8 The Whitechapel Vision Masterplan identifies the Sainsbury’s site as a *“Key Place Transformation’ centred around a future secondary entrance to the Crossrail station*

- *Potential to redevelop the existing Sainsbury’s site with a new larger store and a high density residential development above providing new homes especially affordable and family homes*
- *Opportunities to provide new leisure facilities, education, skills and training space to benefit local residents and businesses on the site*
- *Redevelopment of Sainsbury’s site should provide a new public space where Durward Street meets the site with a direct connection through to the new station and Cambridge Heath Road*
- *Active frontages should be provided along these spaces and to Cambridge Heath Road street frontage creating animated streets.”*

10.9 The proposed scheme in main land use terms consists of 55,263sq.m (GIA) of identified residential and 21,432sq.m of non-residential floor area. The gross internal floor area of the supermarket itself would be 11,208sq.m with five individual flexible use retail type spaces occupying collectively 871sq.m (GIA).

10.10 Based upon relevant planning policy considerations the scheme is considered in broad principles of land use policy to be in accordance with the London Plan, the Borough Local Plan and associated planning guidance set out in the Whitechapel Vision Masterplan and City Fringe Opportunity Area Planning Framework SPD.

Retail Provision

10.11 The NPPF requires planning policies to promote competitive town centre environments with NPPF stating Local Plan policies should recognise town centres as the heart of their communities and pursue policies, support their viability and vitality, promote competitive town centres that provide customer choice, a diverse retail offer and which reflect the individuality of town centres.

- 10.12 London Plan Policy 4.7 (B) sets out that retail development should be focused [where available] on sites within town centres and the scale of retail development should be related to the size, role and function of a town centre and its catchment.
- 10.13 Policy 4.8 (a) sets out that planning decisions should bring forward capacity for additional comparison goods retailing particularly in International, Metropolitan and Major Centres,
- 10.14 Policy 4.8B (b) sets out support for convenience retail development particularly in District, Neighbourhood and more local centre, to secure a sustainable pattern of provision and strong lifetime neighbourhoods.
- 10.15 Policy 4.8B (e) seeks planning decisions that support the objective of supporting London markets including street markets, complementing other measures to improve their management and enhance their offer and help markets contribute to the vitality of town centre.
- 10.16 Annex 2 to the London Plan (2016) identified Whitechapel District Centre as suitable/requiring retail regeneration.
- 10.17 Policy SP01 of the Core Strategy sets out the Borough's policies to deliver a refocus on our town centres. Relevant to this scheme:-
- 10.18 Policy SP01 (1.d) supports the enhancement of existing district centres to meet the need of local communities.
- 10.19 SP01 (2) seeks to ensure that the scale and type of uses within town centres are consistent with the hierarchy, scale and role of each town centre. SP01 (2.d) promotes mixed use and multipurpose town centres with a mix of unit sizes and types to assist in creation of vibrant centres that offer a diversity of choice, and meet the needs of communities.
- 10.20 SP01 (3) promotes the good design of town centres, ensuring an appropriate and well integrated spatial layout which connects to surrounding areas.
- 10.21 SP01 (4) seeks to maintain, focus and increase town centre activity and retail floorspace in existing centres. Whitechapel is identified, amongst other town centres in the borough, as a priority for additional convenience retail floorspace.
- 10.22 Policy DM1 (2) states anchor uses, such as supermarkets will only be allowed within town centre boundaries. It also states development proposals should be mixed use schemes with active use at ground floor level with residential or office above.
- 10.23 Policy DM1 (7) of the MDD states "*development within a town centre where it does not have an adverse impact upon the function of a town centre use. In addition, town centre development will need to demonstrate that:*
- (a) *Adequate width and depth of floorspace has been provided for the town centre uses;*
 - (b) *A shop front has been implemented in the first phase of development; and*
 - (c) *Appropriate servicing arrangements have been provided.*
- 10.24 The proposed development would result in 5,766 sqm of supermarket trading retail floor space. This figure would represent a net 44% (1,771sq.m) increase in trading retail floorspace over the existing Sainsbury's supermarket. In addition the scheme

would provide an additional 871sq.m (GIA) of trading retail floorspace in the shape of five flexible use retail spaces. The scheme would provide within the new supermarket a 99% increase in comparison good trading retail floorspace (2,008sq.m in the new store against 1,022sq.m of comparison goods floorspace in the existing store).

- 10.25 Whitechapel is a designated district shopping centre in the Local Plan. The site is located within the designated town centre and therefore in broad land use policy terms is a preferable location for a major retail use and as such there is no reason to oppose the retail provision per se. However planning policy consideration needs to be given to the scale of the development; any potential displacement effect the retail proposal may have upon other retail providers in Whitechapel centre and the store's wider catchment area; and to assess the impact upon Whitechapel Market with specific regard to comparison good retail sector (as opposed to convenience goods sector).
- 10.26 In light of the above considerations Council appointed an independent consultant, Peter Brett Associates (PBA), to review the submitted retail assessment report. PBA assessed the retail impacts of the scheme in the context of relevant retail and town centre policy as set out at national (NPPF), strategic (London Plan), and Local Plan level.
- 10.27 The existing Sainsbury's supermarket serves as an anchor store for Whitechapel and is the only sizable supermarket in the town centre. Retail analysis records that the comparison goods retail offer within Whitechapel town centre is limited, although PBA estimate it makes up the bulk (80%) of the trade of street. The town centre has a very low retail unit vacancy rate with the few empty premises considered more a product of standard churn/turnover of units rather than an issue of longer term unit vacancies.
- 10.28 The PBA review can be usefully summarised as having a particular focus upon the following potential impacts:
- A. Upon Whitechapel district shopping centre as a whole;
 - B. Upon other designated shopping centres in the Borough within the catchment area of the existing supermarket;
 - C. Upon the local comparison goods and convenience goods sectors in Whitechapel, with particular for the vitality and viability of street market traders at Whitechapel.
- 10.29 With regard to identified Impact A, the principle of a retail supermarket on the site the scheme as set out above is fully consistent with national and indeed London strategic and Local Plan retail policies, as is expansion of retail floor given the site is located within the designated Whitechapel district town centre.
- 10.30 Officers agree with the conclusions reached by the Borough's independent retail assessment consultants that the proposed development would result in a modest uplift in the aggregate turnover of the Whitechapel town centre. A net uplift is to be expected given the existing store accounts for the majority of the turnover associated with this district centre.
- 10.31 The Whitechapel town centre would receive a significant wider public benefit arising from the scheme's improvements to the public realm and enhanced pedestrian

connectivity, specifically those related to the formation of Albion Walk and the proposed pocket pedestrian square in Brady Street as it meets Albion Walk.

- 10.32 With regard to Impact B, the submitted retail assessment concludes the redeveloped site would continue to draw trade broadly from the same catchment area as the existing Sainsbury's supermarket. The impact on other town centres in the Borough would be expected to be limited, with only marginal trade diversion between shopping centres. This conclusion is shared by officers and the Council's retail consultants review of the retail impacts of the scheme.
- 10.33 With regard to Impact C both the London Plan and Local Plan policy supports the expansion of convenience store trading in Whitechapel and as such the expansion of convenience floor space is consistent with policy. The submitted retail assessment lacks a quantitative assessment of comparison goods retail impacts of the scheme. Nevertheless there is a reasonable expectation there would be some degree of overlap between the expanded comparison trading within the new supermarket and comparison goods sold on the market stalls and therefore some comparison good trade diversion from the market stalls to the new supermarket: although readily quantifying that trade diversion based on the information provided (in the submitted retail assessment) with any great degree of accuracy is not possible.
- 10.34 A retail sector overlap between street markets and supermarkets is identified in the London's Retail Street Markets report which makes explicit reference to the *'the decline in traditional street markets in part reflects wider retailing trends, an increasing competition from supermarkets and discount stores.'*
- 10.35 The Council's retail consultants state there will be an *"inevitable divert"* of some spending from the street market (across the convenience and comparison offer, taken as a whole) to the supermarket. However it is recognised the existing local retail offer within the stalls and shops is to a marked degree different in kind to that provided by the existing and indeed proposed supermarket as such PBA state *"this will serve to limit the extent of direct impact on the market"*.
- 10.36 Officers share the conclusion reached by PBA's that despite a lack of prepared detailed comparison goods assessment the scheme is unlikely to show significant harm in quantitative terms to the comparison sector in the town centre as a whole given the overall forecast of comparison growth in the area. However very local retail diversion impacts to the supermarket for comparison goods from the market is a concern and does need mitigation to make the scheme acceptable in retail policy terms.
- 10.37 The applicant has agreed to a set of planning obligations in respect of enhancements to the street market to help mitigate adverse trading impacts the development may have on the street market and to help secure the future vitality of the street market as a source of local enterprises.

Concluding remarks on retail land use

- 10.38 The scheme proposes significant additional retail provision within a designated town centre. As such it complies with the NPPF retail sequential test criteria and related London Plan and Local Plan policy objectives. The submitted retail assessment has been reviewed and subject to securing the full package of identified retail mitigation measures for the street market, through s106 agreement, the scheme would not have an adverse impact on Whitechapel town centre including the street market, nor impact adversely upon neighbouring Borough shopping centres.

11.0 Urban Design

Policy Context for Urban Design

NPPF

- 11.01 The NPPF is the key policy document at national level relevant to the assessment of individual planning applications. The parts relevant to design / appearance and heritage are Chapter 7 'Requiring good design' and Chapter 12 'Conserving and Enhancing the Historic Environment.' The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites whilst responding to local character. Matters of overall scale, massing, height and materials are legitimate concerns for local planning authorities (NPPF - paragraph 59).
- 11.03 Chapter 7 of the NPPF 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.
- 11.04 The National Planning Practice Guidance (NPPG) supplements the NPPF and 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"*

The London Plan

- 11.05 The London Plan addresses the principles of good design and preserving or enhancing heritage assets. Policy 7.4 'Local Character' requires development to have regard to the pattern and grain of existing streets and spaces, make a positive contribution to the character of a place and be informed by the surrounding historic environment. Policy 7.5 'Public realm' emphasise the provision of high quality public realm. Policy 7.6 'Architecture' seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and for development to optimise the potential of the site. Policy 7.7 'Tall and large scale buildings' provides criteria for assessing such buildings. Policy 7.8 requires new development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail.

Local Plan

- 11.06 The Borough 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.

Tall Buildings

11.07 Specific guidance is given in the London Plan and in the Borough's own Managing Development Document in relation to tall buildings. The criteria set out by both documents can be summarised as follows:

- Be limited to areas in the CAZ, opportunity areas, intensification areas and within access to good public transport;
- Relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including waterspaces) and improve the legibility of the areas;
- Should incorporate the highest standards of design and architectural quality, making a positive contribution to the skyline when perceived from all angles during both the day and night. Developments should also assist in consolidating existing clusters;
- Should not adversely impact upon heritage assets or strategic and local views;
- Present a human scale at street level and enhance permeability of the site where possible;
- Provide high quality private and communal amenity spaces for residents;
- Provide public access to the upper floors where possible; and
- Not adversely affect biodiversity or microclimates

Whitechapel Vision Masterplan

11.08 The site is located within the 'Cambridge Heath Gateway' Key Place Transformation Area as identified by the Whitechapel Vision Masterplan Supplementary Planning Document (December 2013) which includes an indicative layout for the redeveloped supermarket store with high density additional housing above.

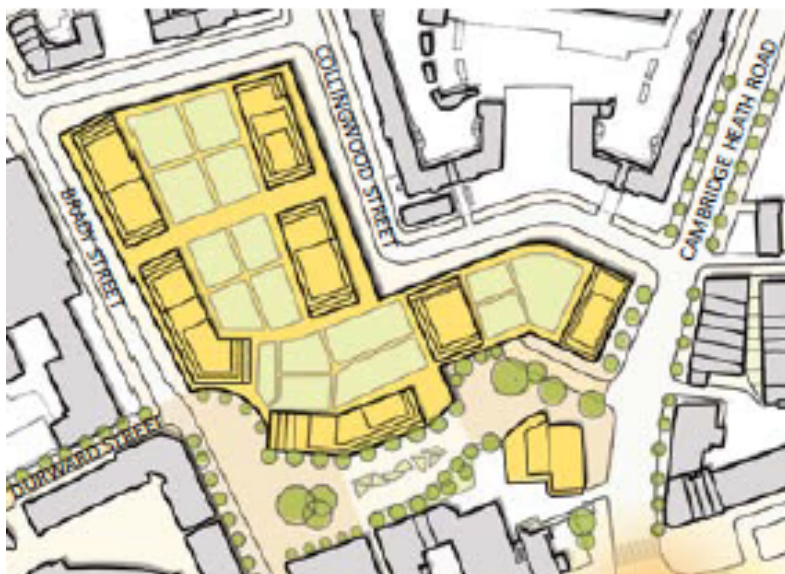


Figure 5: Illustrative layout plan from LBTH Whitechapel Vision Masterplan for identified *Cambridge Heath Gate - Key Place Transformation*

- 11.09 The Masterplan sets out that Whitechapel could be an appropriate location for tall buildings, where they act as landmarks and provide significant regeneration benefits for Whitechapel. However, the Vision stresses that, in this context, to be acceptable, tall buildings will need to be of a high quality and be sensitive to heritage assets.

Overview of scheme's proposed design

Site Layout

- 11.10 The scheme involves a site layout which is broadly similar to the illustrative building block plan set out in the Whitechapel Vision Masterplan for the site, in that it responds to the aspiration to create a valuable new traffic free pedestrian east-west link Cambridge Heath Road and Brady Street which in turn provides a more convenient access to Durward Street where an entrance to the forthcoming Crossrail Station will be located.
- 11.11 The proposed layout also shares the ambition of the Whitechapel Vision Masterplan to provide active animated street frontages along Brady Street, along the proposed east-west link on the southern edge of the site and to Cambridge Heath Road.
- 11.12 The proposed development features a 28 storey tower rising 89m from grade level to rooftop (101.377m AOD) positioned towards the eastern end of the site. The Whitechapel Vision identifies this location as appropriate for a landmark building to mark the eastern gateway to Whitechapel. In purely urban design terms, setting aside heritage considerations, there may be some positive justification in locating a taller building toward this edge of the site.
- 11.13 The applicant identifies the position of the landmark building as functioning as a marker at a major arterial axis signalling the entrance into and out of Whitechapel and helping to mediate between the expansive width of Cambridge Heath Road and the spacious area of newly formed public open space directly to the south of the building. During pre-application discussions the applicant explored the option of relocating the building to the north of the site but drew the conclusion this would not be appropriate as there is insufficient space around the base of the building to allow it to comfortably sit within the surroundings. The applicant also explored an option to reduce the height of building 1 to 23 storeys, but did not take this forward, as Historic England indicated that a building of that scale would still cause substantial harm to the almshouses. Relocating a tall landmark building further to the west on the site is understood to likely lead to major adverse daylight impacts to neighbouring properties.
- 11.14 The overall layout of the scheme is based around a new supermarket built at grade level set beneath a large podium that would form the base for seven residential blocks rising above the podium. The single podium would sit adjacent and link to the proposed 28 storey tower that would rise directly up from street level towards the Cambridge Heath Road edge of the site.

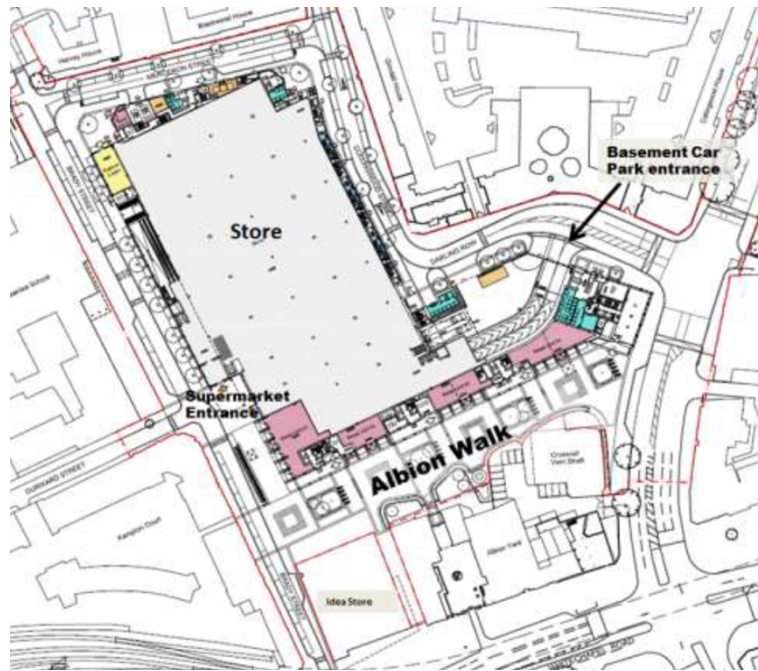


Figure 6: Annotated proposed ground floor layout plan

- 11.15 The supermarket shop frontage would be on Brady Street with the customer entrance opposite the corner of Brady Street with Durward Street. The corner of Brady Street as it turns the corner Albion Walk would be generous in width and serve as a pedestrian plaza that is identified in the application documentation as “Albion Square” finished with granite setts. This new public realm space would be pedestrianized and contain public seating areas and ground based fountains.



Figure 7: CGI image of store entrance and “Brady Square” on corner with Albion Walk (to right)

- 11.16 The northern side of Albion Walk (at ground level) would be flanked by four retail units that would be set behind double height colonnades. These retail unit frontages would be interspersed by three residential lobby entrances (with cores rising directly into Buildings 2, 3, and 4). Set above the retail colonnades would be three double storey open pavilions that would mark the southern edge of three podium garden spaces. The southern edge of Albion Walk would be bounded by the rear of Albion Yard and the rear of the Whitechapel Idea Store. The proposed landscaping

arrangements indicate how a suitable buffer could be formed between the new public space and the rear of Albion Yard. Albion Walk would display a generosity of street width that helps resolve the contrast in building scale and heights between the south side with the strong degree of enclosure provided by Buildings 2, 3 and 4 on the north side.



Figure 8: Image of Albion Walk (looking east with Building 1 at back of image and Building 4 in foreground)

- 11.17 In appearance the individual residential buildings share some common architectural characteristics principally a predominance of brick finish which is durable and would weather well, whilst different design elements and façade treatments, to different buildings, would simultaneously provide a greater degree of variety and visual interest.
- 11.18 The facades to Building 1, the 20 storey tower are ordered around a simple lattice frame architectural language involving expressed horizontal banding on every other storey of the middle storeys of the tower. This horizontal banding design feature is also adopted on Buildings 2, 3 and 4 with the purpose of helping to visually bind these buildings together in terms of being of the same architectural family, notwithstanding an intended variation in choice of facing materials between these blocks. The top three storeys of the proposed tower are distinguished from the storeys below by a setback to the main façade to help define a crown that appears lighter in weight and character than the building massing set below it.



Figure 9: South facing elevation of scheme (Albion Walk)

- 11.19 The southern edge of the proposed Albion Walk serves as the rear of Idea Store and the Albion Yard development as well as the site of the built out Crossrail vent shaft and the site of the safeguarded Crossrail second entrance to Whitechapel Station.
- 11.20 Within the site's red line the applicant has proposed a new small enclosed garden and pedestrian entrance to serve the back of Albion Yard and a raised planted bed feature to the edge to the Crossrail ventilation shaft.
- 11.21 Proposed Buildings 5, 6, 7 and 8 that run north/south and flanking the north south long axis of the podium are all designed to share a common linear form and maximum building height. Buildings 6 and 7 that mark the northern end of the scheme would step down in height at their northern edge to help mediate the change in height of development within the scheme in respect to the heights of the Collingwood Estate residential blocks to the north of the site.

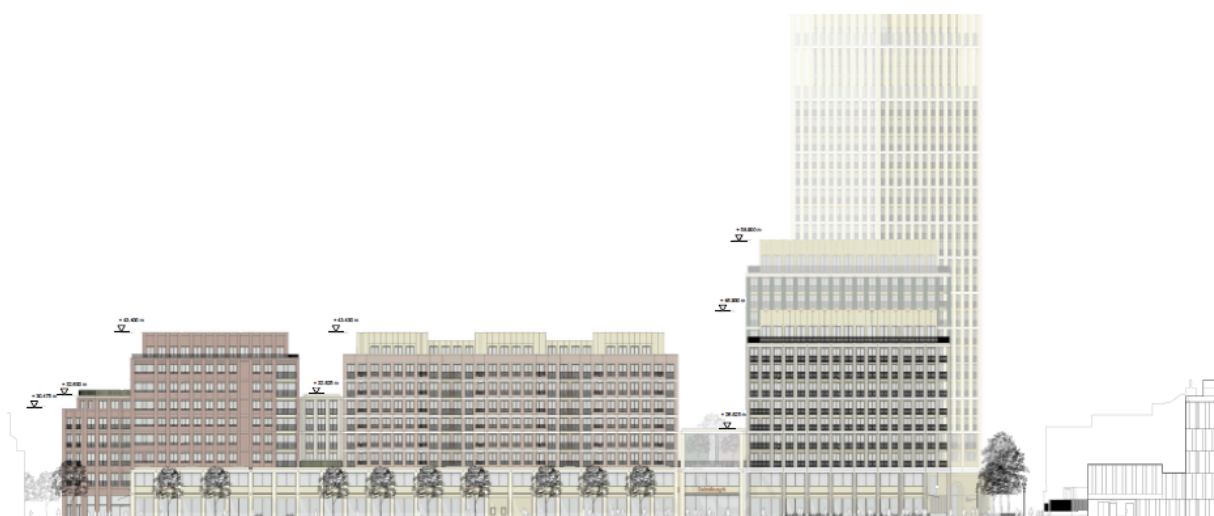


Figure 10: West facing elevation of scheme (Brady Street)

- 11.22 Buildings 5 and 8 would be brick finished and have pronounced outward facing chamfered edged protruding balconies that the Design and Access Statement describe as *mansion blocks*. The Design and Access Statement describe the north end Buildings 6 and 7 as of a *'warehouse typology'*. The building envelope to these two end blocks would have a more pared-down visual quality, of sold brick punctured by the windows and recessed balconies.
- 11.23 A notable feature of Buildings 4, 5, 6 and 7, is they all would be built well back from western and eastern edges of the podium helping to avoid the scheme appearing unduly imposing and overbearing at pavement upon Brady Street and Collingwood Street. To these three street frontages at ground level the development seeks to provide activity and a smaller more human scale of development through the inclusion:
- Of back of the pavement three storey townhouses to Collingwood Street in a terrace type form;
 - On corner of Merceron Street and Collingwood Street an expanded pavement area set before the entrance lobby/building core to Building 7;
 - Of a double height arched entrance door and shopfront style lobby window to the lifts and stairs serving access the podium garden space serving Buildings 5 and 7;

- On the corner of Brady Street and Collingwood Street a pocket public space flanked by a small retail unit and the entrance to a D1 space (the applicant is intending this D1 space is occupied by a children's tuition centre).



Figure 11: CGI of entrance to Building 7 and Merceron Street (right edge of image) and Collingwood Street (left edge of image)

11.24 The proposed terrace of townhouses on Collingwood Street would help to establish lower rise street scale, more typical of that found elsewhere in Whitechapel. Whilst the taller and bulkier buildings on top of the store podium would still be clearly visible, the intervening lower rise structures reduce their overall impact by helping them to be read as elements of the background, rather than more dominant foreground features. Similarly, the store frontage along western side of the proposed development provides a lower scale foreground element that helps to define the degree of enclosure of Brady Street and to some degree mitigates the impact of the larger building elements above.



Figure 12: Image of Collingwood Street looking south towards Darling Way

- 11.25 The 28 storey tower would be finished in a yellow terracotta tile, Building 2 in a soot washed brick, Building 3 in a green glazed brick, Building 4 in a London Stock brick. Buildings 6 and 7 and Buildings 5 and 8 would be in two respective shades of red brick. The Design and Access Statement states the palette of materials chosen for each set of buildings responds to local building precedents.
- 11.26 The north, east and western edges of the site are bounded by streets that, all currently suffer from a lack of active frontages. The scheme introduces active frontages, to varying degree, along all these street edges and as such the scheme is considered to integrate at street level better to the surroundings residential development than the existing supermarket. The Collingwood Street frontage is considered by the Borough Urban Designer the most successful frontage with the series of townhouses that would feature regular openings onto the street that would create a sense of rhythm to street. The least successful street edge would be Merceron Street, compromised by entrances to plant area, doors serving two parking spaces, and a refuse store. Similarly a section of Darling Way would also suffer with the entrance to the supermarket service yard, to a lorry loading bay and the access/egress to the scheme's basement car park.
- 11.27 The landmark tower (Building 1) would express its full height (rather than being seen above a podium or behind lower scale buildings) in views along Cambridge Heath Road and Darling Row, and in glimpsed views from Whitechapel Road. The relatively spacious setting around the building base helps to mitigate the impact of this sizable building on Cambridge Heath Road. However, it would result in a tall shear façade, which would somewhat overbear the narrower Darling Row.
- 11.28 Taken overall in broad urban design the architectural approach of the scheme in terms of both how the proposed individual buildings relate to each other and would function together is, with a few exceptions, generally supported as is the strong degree to which the scheme responds positively to its immediate neighbours in terms of better activating existing street frontages and providing a generously spaced, well-proportioned and valuable new pedestrian route in the centre, valuable to communities to the north and east of Cambridge Heath Road. Nevertheless it

remains particularly disappointing to note that the rented affordable housing accommodation is located in a more marginal and less attractive part of the scheme.

- 11.29 Similarly it is considered a design flaw to insert a two storey block on the podium to separate Buildings 6 and 7 (that would contain the rented affordable housing) from the remaining residential blocks to the south (that would contain intermediate and market tenure homes, as set out in detail in section 13 of this report. This 2 storey block creates uncomfortable relationships between units including daylight /sunlight failures to habitable rooms that are set at 90 degrees to the low storey block. The 2 storey block excludes ready sharing of external amenity playspace and communal amenity space between all tenures.

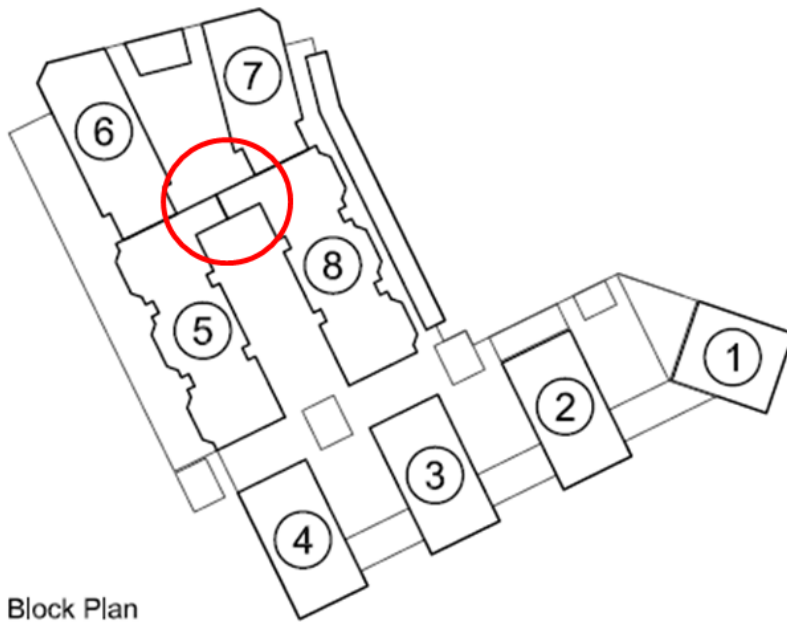


Figure 13: Awkward layout between Blocks 6 and 7 and blocks to south

- 11.30 The success of positive features of the scheme’s design would be dictated by their detailed design and on-going management arrangements. As with the approach to elevational treatment and materials; it is important that the scheme is delivered to a very high standard in order for the scheme to be successful. This would require very close attention to detail including the choice of materials, to landscaping and the 3D modelling of the small detailing of proposed facades, all of which could be managed via condition.

12.0 Heritage

- 12.1 The Council’s statutory duty to consider a proposal’s impact to listed buildings and conservation areas and their setting is contained in Sections 66(1) and 72(1) (respectively) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), which is reflected in central, regional and local policy and guidance. The Court of Appeal’s decision in *Barnwell Manor Energy Limited v East Northamptonshire District Council* [2014] is of relevance to the application of this statutory duty. This provides that where a decision maker finds that a proposed development would harm listed buildings or their setting and/or harm the character or appearance of a conservation area, it must give the desirability of avoiding that harm considerable importance and weight and it is not enough to ask whether the benefits of a development outweigh the harm. Very special public benefits should be required to outweigh such harm. Only in truly exceptional circumstances should

harm be accepted where the heritage impacts are assessed as substantial and the heritage asset is of highest order, as is the case with a Grade I.

- 12.2 The special attention to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas also applies to development adjoining a conservation area, which is applicable here.
- 12.3 Chapter 12 of the NPPF relates to the implications of development for the historic environment and provides assessment principles. It also identifies the way in which any impacts should be considered, and how they should be balanced with the public benefits of a scheme.
- 12.4 Paragraph 131 of the NPPF states that in determining planning applications local planning authorities need to take into account:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of the heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 12.5 Paragraphs 132-135 of the NPPF 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, but are not limited to, designated heritage assets such as listed buildings, World Heritage Sites, Scheduled Monuments and conservation areas.
- 12.6 Paragraph 132 states *“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance including grade I and II* listed buildings should be wholly exceptional”*.
- 12.7 Paragraph 133 states *“where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss”*.
- 12.8 Paragraph 134 states *“where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”*. If a balancing exercise is necessary, considerable weight and importance should be applied to the statutory duty under sections 61 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) where it arises.

- 12.9 Policies 7.3, 7.4, 7.8 and 7.9 of the London Plan and policies SP10 and SP12 of the Core Strategy and policies DM24, DM26 and DM27 of the Borough's Managing Development Document seek to protect the character, appearance and setting of heritage assets.
- 12.10 London Plan policies 7.11 and 7.12 and policies SP10 and DM26 of the Borough Local Plan seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- 12.11 The application is accompanied by Environmental Statement with technical chapters dealing with heritage including a visual impact study containing verified views that assess the likely effects of the proposed development on the townscape, local heritage assets as well as strategic London View Management Views.

Impact on statutory listed buildings

- 12.12 A number of statutory listed buildings are located in the vicinity of the application site. The closest is the Grade II listed Albion Brewery Entrance Building and Fermenting building, otherwise known as Albion Yard with its brewery courtyard. The most significant heritage asset is the Grade I listed Trinity Green Almshouses. Set alongside and flanking the entrance to the Almshouses is the Grade II listed Brewery Engineers House at No 27a Mile End Road and immediately to the east of the Almshouses the Grade II listed Park House at 29 Mile End Road. To the west of the site there are a number of listed buildings fronting Whitechapel Road, the largest being former building of London Hospital.

Impact of proposed development on the Trinity House Almshouses

- 12.13 The Almshouses and Chapel were originally listed in 1950. The Introduction of Pevsner's East London includes *'Among the survivals from [suburban growth C17-C18] are the Trinity House Almshouses off Mile End Road, laid out, as was so often the practice with almshouses, on the edge of the built-up area. They date from 1695 and are a delightful example of the domestic classical style of the time of Wren, with the chapel formerly placed at the end of two rows of cottages.'* On page 465 it states that *'Of the clutch of almshouses which were established along the road from the late C17, the only survivors are the charming group at Trinity Green founded under the will of Captain Henry Mudd of Ratcliffe (died 1692) and erected in 1695 for the Corporation of Trinity House by William Ogbourne, master carpenter. Designed for '28 decayed masters and commanders of ships or the widows of such'.* The buildings have long been a much loved part of the heritage of the East End, valued for their architectural importance (with much debate over the authorship of the buildings) as well as for their importance as a link to the seafaring traditions of the area. Pevsner notes that C.R.Ashbee *'led a preservation campaign in 1895, and made the almshouses the subject of the first volume of the Survey of London.'* The volume contains much invaluable historical information on the building. Following substantial damage in WWII the exterior of the almshouses were skilfully restored by the London County Council in 1956-62.
- 12.14 The Character Appraisal and Management Guidelines for the Stepney Green Conservation Area highlight the importance of the Almshouses noting that *'At the western edge of the Conservation Area, the high architectural quality and detail of the Trinity Green Almshouses add to the character of the street. It is a small garden with two facing rows of brick cottages. From the street, the view is terminated by a small chapel. On Mile End Road itself, the two rows of brick cottages finish with two-*

storey stone-dressed gable ends. These are decorated with fibreglass ships (the original marble models are now in the Museum of London) which are significant as a reminder of the Almshouse's foundation and Stepney's ancient connection with the river and the sea.'

- 12.15 It is still possible within the courtyard (when facing towards the chapel) to experience a scene which, in appearance, has changed little since the late seventeenth century. It is a harmonious composition of brick and tile – a very refined, scholarly architecture composed of rustic materials. It is a precious, rare survival. The original setting, as experienced from the courtyard is not unaltered; (i) the Edwardian blank brick end elevation of the (Grade II listed) former Engineer's Residence to Albion Brewery (27a Mile End Road) rises above the southern end of the western row of almshouses and (ii) post-war flats are visible beyond, but not rising higher than the chapel in views to the north.
- 12.16 These existing visual intrusions do not however lessen the duty on the Council to consider the current application in light of all relevant planning policy including Section 66 (1) and Section 72 (1) Planning (Listed Building and Conservation Areas) Act 1990).
- 12.17 In many views along the central axis, the two ranges of almshouses appear broadly symmetrical (in reality the range to the west is longer than that the east), the red brick walls of the almshouses are topped by very attractive plain tiled roofs of relatively steep pitch. Substantial square brick chimney stacks rise at regular intervals from the ridge of the roof. The chimney stacks (one stack shared between adjoining houses) are particularly important in establishing the architectural rhythm of the almshouses. In the submission Townscape, Heritage and Visual Impact Assessment (THVIA) View 17 - Trinity Green Courtyard - the imposition of the proposed tower rising between and above two of the chimney stacks would substantially interfere with the overall visual rhythm of the chimney stacks. The chimney stacks would lose much of their visual impact and architectural significance would be harmed.



Figure 14: THVIA CGI View 17: of Almshouses with Proposed Building 1

- 12.18 The former chapel was designed to be the natural visual focus of the elongated green. The main façade of the chapel, facing the green, is given architectural emphasis by its larger scale, distinctive form and rich architectural decoration. The roof ridges of the visually subservient almshouses are lower than the eaves level of the chapel, thus emphasising the prominence of the chapel. Any proposal which, in any way dilutes the natural visual dominance of the chapel by introducing a visually competing element is harmful. The proposed tower, rising above the almshouse roofs is thus harmful to the architectural significance of the historic complex.
- 12.19 Historic England have highlighted the significance of the cross-axis running east-west across the main north south axis which runs from the road to the chapel. This cross-axis is marked by pediments over two houses (nos. 7 and 8) on the eastern range and the opposing two houses (nos. 24 and 25) on the western range; the houses project slightly in plan. In THVIA View 23 the proposed tower rises above and to the right of the decorative ball finial marking the apex of the pediment of nos. 7 and 8. The pediment is a substantial architectural element, appearing to rise higher than the ridge of the adjacent roofs on either side (in reality the roof behind the pediment does not rise higher than the main roof) but its intended visual supremacy is destroyed by the intrusion of the proposed tower. The important element of symmetry - a symmetrical pair of houses with a balanced pediment over them is destroyed by the impact of the proposed tower which thus causes serious harm to the architectural significance of the almshouses.
- 12.20 To reiterate paragraph 132 of National Planning Policy Framework (NPPF) states that “When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. 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. Substantial harm to or loss of a grade II listed building, part or garden should be exceptional. Substantial harm to grade I and II* listed buildings, should be wholly exceptional.”
- 12.21 The NPPF defines significance as ‘*The value of heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.*’
- 12.22 In the view of the Borough Conservation Officer the proposed tower forming part of the Whitechapel Sainsbury’s development would cause substantial harm to the significance of the Grade I listed Trinity Green Almshouses.
- 12.23 To conclude, both Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Chapter 12 of the NPPF require local planning authorities when considering whether to grant planning permission for development which harms a listed building or its setting to pay special regard to the desirability of avoiding that harm. The NPPF underlines the greater the heritage significance of the heritage asset affected by a proposed development the greater the weight the local planning authority should place on the asset’s conservation.
- 12.24 Set within this legislative and policy context and with the Almshouses being a Grade I listed building and thus identified as a heritage asset of the highest significance and with the harm identified as being substantial there should necessarily be an overwhelming presumption consent will not be supported, as it does not comply with policy objectives for sustainable development. Alternative options (over and above

those set out in section 11.13 of this report) should therefore be explored that avoid the harm proposed in this instance.

- 12.25 The scheme offers public benefits including the delivery of a strategic quantum of housing (25% of which would be affordable) as well as important wider town centre regeneration benefits that arise from an enhanced convenience retail offer for Whitechapel, plus important public realm/pedestrian connectivity benefits to the town centre. Whilst it is necessary to acknowledge tangible and important public benefits that do accompany this scheme on a Borough identified strategic development site the scale of public benefits are not considered to outweigh the substantial harm that would be incurred to a Grade I listed heritage asset. The pressing need for housing in London and the Borough is recognised but this benefit does not outweigh the permanent harm that would arise from the development.
- 12.26 It has not been demonstrated that the harm identified could not be avoided, nor indeed that the public benefits of a mixed use residential/retail led redevelopment seeking to achieve the objectives of the Whitechapel Vision Masterplan of the site could not be achieved, albeit with a lower quantum of housing than currently proposed, through alternative design options for the site.

Albion Yard Brewery



Figure 14: CGI of Albion Yard with Buildings 1 and 4 rising to rear

- 12.27 The scheme is also considered detrimental impact upon the appearance and setting of the listed Albion Yard Brewery buildings set to the south of the site in relation to townscape view on Whitechapel Road. However these latter harmful impacts taken in isolation are not considered sufficient to warrant a reason of refusal, when consideration is given to the identified public benefits of the scheme. However they are considered to warrant refusal when the identified harm to local designated heritage assets is assessed cumulatively, including those adverse impacts upon the appearance of Whitechapel Market Conservation Area.

Impact on Conservation Areas

- 12.28 With regard to the impacts on other views contained within the submitted ES Volume II: Townscape, Heritage and Visual Impact Assessment, the Borough Conservation Officer is particularly concerned by the detrimental impact of the proposed tower on views along Mile End Road (as shown in View 15 – Mile End Road, at Junction with Assembly Passage). The Stepney Green Conservation Area Character Appraisal and Management Guidelines notes with regard to Mile End Road that *‘Although it was originally a road through the countryside, subsequent developments along this road have created a grand corridor. The scale and character of the buildings and trees along this route give it the quality of a significant urban boulevard. The main defining characteristic of the road is its large scale width, ranging from over 20 metres at Stepney Green station, to 50 metres to the west. The building lines to the north and south define the continuous corridor of the road and give it its urban quality.’* (NB Tower Hamlets Mission to 59 Mile End Road are not included within the Conservation Area but are in scale with buildings which are included in the CA). The importance of Mile End Waste (included within an area referred to as ‘Mile End Gardens’) is reflected by its inclusion within the list of spaces covered by the London Squares Preservation Act, 1931.
- 12.29 Whilst the ‘cornice line’ of development along the northern side of the Mile End Road is not wholly consistent, there is a generally harmonious scale to development which is viewed through and between the impressive, mature plane trees of the waste. The proposed tower as shown in outline in THVIA View 15 appears significantly out of scale and over-dominant in relation to the surrounding development. It introduces a dominant alien vertical element in a street scene that is characterised by receding horizontals. These described impacts the Borough Conservation officer concludes have a serious and significant, although less than substantial, impact upon the character appearance of the Stepney Green Conservation Area.
- 12.30 The Borough Conservation Officer identifies less harmful impacts with regard to THVIA View 20 and View 21 taken from within Whitechapel Market Conservation Area and from London Hospital Conservation Area (respectively) in respect to views, the character and appearance of the Whitechapel Market CA and to the listed Albion Brewery building in particular.
- 12.31 Taking the public benefits of the scheme into account, these adverse impacts to these identified heritage assets in the Conservation Area are not considered sufficient to warrant reason of refusal when taken in isolation. However the harm identified does contribute and cumulatively accentuate the unacceptable degree of harm the scheme imposes on local heritage assets, including those to the Whitechapel Market Conservation area and when taking these cumulative impacts together the public benefits of the scheme are not considered to outweigh and justify the harm.

13.0 Housing & Density

- 13.1 Increased housing supply is a fundamental policy objective at national, regional and local levels, including the provision of affordable housing.
- 13.2 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.

- 13.3 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%.
- 13.4 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.
- 13.6 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.
- 13.7 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.
- 13.8 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.
- 13.9 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:
- “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”.*
- 13.10 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”.

- 13.11 Managing Development Document Policy DM3 (3) states development should maximise the delivery of affordable housing on-site.
- 13.12 The London Plan seeks a ratio of 60:40 rented to intermediate tenures within a affordable housing offer whilst the Borough’s Local Plan policies seeks a 70:30 split to ensure housing contributes to the creation of socially balanced and inclusive communities.

Affordable Housing

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

Table 2: Affordable Housing – Market housing split

	Number of units	% of Units	% of habitable rooms
Market	432	77.3	75%
Affordable	127	22.7	25%
TOTAL	559	100%	100%

- 13.14 This scheme makes a revised on site affordable housing offer of 25% by habitable room. The affordable housing provision is split 75:25 in favour of rented housing measured by habitable rooms. The affordable rented accommodation would be contained in Buildings 5 and 7 and within five of the seven proposed town houses, the intermediate units would be intermixed with market sale housing in Building 8.
- 13.15 The affordable rented housing accommodation would be provided on a 51:49 split between Borough Framework rents (E1 postcode) and Social Rents across all the rented 1, 2 and 3 bedroom units.
- 13.16 The affordable housing split is slightly out of sync with the Council’s 70:30 target (rented:intermediate). However the proposed split favours rented units over intermediate units, which is considered acceptable.
- 13.17 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 25% delivered as set out in Table 2 above. The revised offer was originally made with the three bedroom family sized rented units, all provided at social rent and all the smaller sized one and two bedroom units provided at E1 Borough Framework Rents. The sensitivity testing undertaken demonstrated a 49:51 mix between social rent and Borough Framework Rents could be provided, followings discussions with the Borough Affordable Housing Team.

Housing Mix

- 13.18 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).

Table 3: Bedroom Mix by Tenure

Tenure	Type	Number of Units	Policy Requirement (%)	Proposed mix (%)
Private	Studio	49	0%	11%
	1 bed	121	50%	31%
	2 bed	235	30%	54.4%
	3 bed	27	20%	6.25%
	4+ bed	0		0
			432	100%
Affordable Rented	1 bed	0	30%	31%0
	2 bed	28	25%	26%0
	3 bed	23	30%	43%
	4+ bed	38	15%	0%
			89	100%
Intermediate	Studio	0	0%	0
	1 bed	23	2%5	60.50%
	2 bed	12	50%	31.7%
	3 bed	3	25%	7.8%
	4+ bed	0		0
			38	100%

- 13.19 The Local Plan does not target provision of studio units in any tenure. The scheme significantly under provides in 1 bedroom market units against the Borough target. However if studio units are factored in, the 39% mix against 50% mix targeted is less stark. The scheme markedly overprovides in 2 bed market units (54% against 30% target) and conversely significantly underprovides in larger family sized (3 and 4 bedroom) markets units, consisting of 6% of the total markets as opposed to the 25% target. 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*".
- 13.20 The tenure mix within the affordable rented units is 31% of one bed units against Borough policy target of 30%, 26% of two bed units against Borough policy target of

25%, 43% of the units would be three bedroom against the 30% target and zero 4 bedroom units against a 15% target. The overall level of rented family sized units (3 and 4 beds) at 43% falls below the Council's requirement of 45%.

- 13.21 The Borough Affordable Housing Team care concerned with overprovision in one bedroom rented units leads to an under provision of rented family units. The scheme makes provision of 43% family sized affordable rented units against the 455 target. Furthermore the scheme lacks 4 bedroom units, which is disappointing within major residential schemes, and is not in line with Policy DM3 (7) of Managing Development Document that seeks 15% 4 bedroom plus residential units within the affordable housing tenure.

Housing quality and standards

- 13.22 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.
- 13.23 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.
- 13.24 In March 2015, the Government published '*Technical housing standards – nationally described space standard.*' This document 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.
- 13.25 All of the proposed units exceed the National Housing Standards minimum internal space standards. The scheme provides residential floor plans that are broadly consistent with Mayor of London's Housing SPG baseline standards. Buildings 7 and 8 would contain more than 8 units served per core, per floor contrary to a Mayor's Housing SPG design standard. However were consented granted for the scheme, this design shortcoming could be readily overcome through controlled fob access to the two halves of the internal corridor set either side of the centrally located two lifts and secured by planning condition.
- 13.26 Amended plans have been received that mean 64% of the three bedroom affordable family sized affordable would have a separate kitchen (and benefiting from an external window) which is welcomed as it better meets end occupants general preferences within the Borough.
- 13.26 Over 50% of units would be dual aspect and there would be no single aspect north facing units which is welcomed.

Privacy/Overlooking

- 13.27 Between the proposed residential units, and to existing neighbouring properties, issues of overlooking are generally avoided with the siting of the residential buildings either achieving 18m minimum guidance separation distance between directly facing habitable rooms, as set out in DM25 of the Borough Local Plan. The exception to this is a set of habitable windows serving flank end homes that would face each other between Buildings 4 and 5 and Building 3 and 8 respectively. In total 44 units within these four buildings would experience a separation distance between habitable room windows of no greater than 12m. Whilst this separation is far from ideal, the arrangement would still deliver an acceptable level of privacy, given all the affected units would be dual aspect, with 20 of the affected rooms themselves being dual aspect, thus giving the opportunity for residents to obscure overlooking whilst maintaining outlook and daylight from another window to the room. All the single aspect rooms affected by these comprised separation distances are limited to bedrooms (24 in number). It is noted with the exception of two intermediate units all the affected rooms would be limited to private sale units thus there is market choice for any prospective occupant who has particular issue with such a privacy issue to elect not to purchase an affected unit in this location.

Inclusive design

- 13.28 From street level there will step free access to the podium spaces and direct to the building cores of Buildings 1-4. Buildings 5, 6, 7 and 8 will be accessed from the podium level. Building 6 and 7 will have their own lobby spaces accessed off Merceron Street. All the residential building cores would benefit from two lifts (including one that is specified for wheelchair accessible) and all residents would benefit from at least two lifts from street level to the external podium space.
- 13.29 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.
- 13.30 On 14th March 2016, Minor Alterations to the London Plan (MALP) were published to bring the London Plan in line with the Government's national housing.
- 13.31 Accordingly the requirement for all new dwellings to meet Lifetime Homes Standards and 10% to be wheelchair accessible or easily adaptable is now be interpreted as requiring 90% of new housing units to meet the Building Regulations optional requirement Part M4 (2) 'accessible and adaptable dwellings'; 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.
- 13.32 Were consent granted a minimum 10% of units would be fully wheelchair accessible or readily adaptable across all tenures in line with the aforementioned Building Regulation option requirements.

Internal Daylight and Sunlight

- 13.33 DM25 of the MDD seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments. 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."
- 13.34 The application is accompanied by a daylight and sunlight assessment report that tested the daylight and sunlight provision to the proposed new dwellings.

Daylight

- 13.35 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

The submitted ES assessment tested all the habitable room windows on the bottom six storeys of each building within the proposed development. Within Buildings 1, 2, 3 and 4 the prepared ADF figures need to be treated with some of caution as the ADF testing has included the winter gardens and adjacent room as a single space which favourable impacts the assessment results.

- 13.36 90% of the habitable rooms would meet BRE ADF criteria, namely 1338 rooms of 1489 rooms.
- 13.37 In Building 1 the ADF levels would be generally acceptable with only 2 rooms failing BRE guidance. In Building 2 there are 14 rooms that would fail to meet BRE guidance – these are units with very deep individual unit floor plans that would receive relatively low levels of ADF.
- 13.38 In Building 3, 95% of the rooms would achieve BRE ADF guidance, with 11 rooms failing. There is a living /kitchen/dining room on 2nd floor that would experience poor daylight with an ADF of 0.72%. On the third floor, there are two bedrooms set back behind balconies that would have very low levels of ADF with 0.07% and 0.16% respectively. In Building 4, there is a bedroom on the third floor, facing east, that would have an ADF of 0.08%. Elsewhere in this building, there are living rooms with below the recommended level of ADF but these rooms are likely to have reasonably good levels of daylight to the areas adjacent to the window.
- 13.39 In Buildings 5 and 6, there are 54 rooms that would fail to meet BRE ADF criteria (representing 16% of the habitable rooms within the two buildings). In Buildings 5 and 6 there are 9 living/kitchen dining rooms achieving less than 1% ADF including three achieving only 0.05%, 0.14%, 0.25% and 0.36%. There are four bedrooms in these two buildings achieving only 0.07%, 0.20% and 0.26% ADF.

- 13.40 The lowest level of compliance would be within with Buildings 7 and 8 with 58 rooms failing the BRE guidance, this figure represents 20% of the habitable rooms in the two buildings. There are 8 living/kitchen/dining rooms in these two buildings that fail to achieve 1% ADF including one of these rooms achieving only 0.05% another 0.32%. Within buildings 7 and 8 there are individual bedrooms achieving only 0.09%. 0.11%, 0.20%, 0.22%, 0.28% and 0.33% ADF respectively.
- 13.41 Amongst the proposed townhouses only 1 habitable room would fail to achieve BRE ADF guidance.
- 13.42 The Council appointed a daylight/sunlight consultant to independently review the submitted assessment. In summary the Council's consultants recognised relatively high levels of compliance with ADF criteria, albeit not full compliance.
- 13.43 91% of habitable rooms meet BRE No Sky Line guidance with compliance ranging from 83% (Buildings 7 and 8) to 99% (in Building1). On balance officers consider the daylight failings are not sufficient to warrant an additional reason of refusal to the scheme. Notwithstanding this on balance conclusion, officers consider the daylight failings should not be ignored and were an amended scheme brought forward for the site the Borough would press for layouts that avoid these issues that are in part a product of deep footprints to residential units and the insertion of a low rise building set across the podium space at 90 degrees to main axis of Buildings 5, 6, 7 and 8.

Sunlight

- 13.44 In relation to sunlight, the annual probable sunlight hours test (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.
- 13.45 In total some 52% of the relevant habitable room rooms would enjoy at least 25% APSH, and 63% of these rooms would enjoy at least 5% in winter months. Considering 7 of the 8 residential buildings orientate broadly on a north south axis and the proposed buildings are set parallel to each other, this result is considered reasonable.

Overshadowing of amenity spaces

- 13.46 The prepared Environment Statement 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. 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.
- 13.47 The overshadowing analysis shows the largest podium space serving the market and intermediate units would achieve the BRE guidance for 46% of the identified area. 50% of the area would meet the BRE guidance for the podium space serving the affordable rented units and likewise 50% for the podium space set between Building 1 and Building 2.

- 13.48 In regard to the pedestrian public amenity space created within Brady Street and Albion Walk, 82.5% of the space meet the BRE compliance of two hour direct sunlight guidance on 21st March.
- 13.49 In conclusion the level of direct sunlight received by the communal amenity spaces and the new public realm spaces is considered acceptable.

Amenity space

- 13.50 For all major developments, there are four forms of amenity space required: private amenity space, communal amenity space, child play 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

- 13.51 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 depth of 1500mm.
- 13.52 The proposal provides private outdoor amenity space to all of the units in the form of private balconies, individual gardens, roof terraces and winter gardens. 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.
- 13.53 Over 38% of the units are provided with winter gardens as opposed to external open space and without a robust justification (in terms of site context circumstances) to justify such preponderance of winter gardens. The applicant has agreed, were consent granted, that the winter gardens would be set outside the thermal envelope of the units to better accord with the Mayor's Housing design guidance. On balance the preponderance of winter gardens in the scheme is not considered to warrant a separate reason for refusal, however it is a feature that the Borough would look to be redesigned in any amended scheme to achieve a better more policy compliant housing design quality for the site.

Communal Amenity Space

- 13.54 Communal amenity space is calculated by the number of homes within a proposed development. 50sq.m 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 599sq.m.

13.55 The communal amenity space would be provided primarily at podium level. One podium level space set between Buildings 6 and 7 would serve the affordable rented buildings with the addition of two small roof top amenity spaces also designed to serve the rented units. A separate larger podium level space set between Buildings 2, 3, 4, 5 and 8 would serve the residents of the market and intermediate tenure homes, alongside a separate podium space set between Buildings 1 and 2. The market tenure homes would also have access to two internal amenity spaces located beneath the podium level that would have windows facing onto Albion Walk.

13.56 The external podium level space would exceed the communal amenity space minimum requirements for the market and intermediate units and also meet the requisite minimum play space provision for these two tenure types, without recourse to any double counting of communal amenity space and child play space.

Child play space

13.57 The Mayor of London's 'Children and Young People's Play and Informal 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.

13.58 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.

13.59 The scheme is predicted to yield approximately 142 children using the GLA evidence base. This yield by age group is estimated as follows:

- 67 children under age of 5,
- 46 children between ages of 5-11 and
- 29 children over the age of 12

13.60 This child yield equates to a requirement for 670sq.m of play space for children under age of 5, 460sq.m for ages 5-11 and 290sq.m for older children.

13.61 The proposed layout plans indicate the scheme could provide the required quantum of child play space for children within all the identified age groups (0-15) for those residents living in the market and intermediate housing within the external podium spaces set to serve these age groups.

13.62 The application documentation acknowledges given the high density nature of the development and the relatively tight physical relationship between the proposed buildings. The podium space does not lend itself for provision of play spaces designed for structured sports spaces, such as a MUGA. As such the scheme would need to rely in practical terms upon local structured public open area sports spaces to supplement the play space provision proposed on site. Weavers Fields and Bethnal Green Gardens are both within 600m walking distance routes. The walking route from the site to Weavers Fields does not necessitate children cross a primary classified road.

13.63 The affordable rented units flats are estimated to yield 97 children aged 0-15, using the GLA child yield evidence base (41 children aged under 5, 34 aged 5-11 and 22

aged 11 -15) with further communal child space provision also required for the five town houses under this tenure (that are estimated to yield an additional 8 children).

- 13.64 The total useable external space on the podium space serving Buildings 6 and 7 and the two smaller associated roof top communal terraces (on Buildings 6 and 7) measure approximately 790sq.m. These three external spaces are also required to provide 124sq.m of communal amenity space to the rented units. In total 1210sq.m of useable outdoor space is required to meet the aggregate child minimum playspace and communal area for the rented flat, as such there is an aggregate shortfall in excess of 35% for the affordable tenure units. In contrast over 2,900sq.m of podium level external space is available to meet communal amenity and play space provision for residents of the market and intermediate housing. Residents of the rented units would not have access to the market intermediate/ podium external space.
- 13.65 Across all tenures the play space proposals suffer from a lack of physically separated under 5's play space and adequate detail of suitable play equipment such as swings and slides. If planning permission was granted, further detailed layouts would be required of the play spaces and of the fitted play equipment.
- 13.66 The two aforementioned roof top spaces (upon Building 6 & 7) are each small in area and necessarily confined spaces that do not readily lend themselves to high quality play space. The roof top amenity space on Building 7, assigned for communal amenity space, suffers from an unacceptable degree of overshadowing, failing to achieve BRE guidance of 2 hours of direct sunlight on 21st March.
- 13.67 On balance the shortfall in quantum and quality of play space and communal amenity space provision to the rented accommodation is not considered to warrant a reason of refusal, given the distance to Weavers Fields, which is capable of meeting play space provision for older children of this scheme. However the marked disparity in provision of shared play space and communal amenity space for those in the affordable rented tenure compared to the relative quantum of provision for the market and intermediate tenure is of concern. The identified disparity is not consistent with ensuring equal life chances for all (Policy 3.1 of London Plan) and fostering a housing design that helps forge a more socially inclusive London (a requisite of London Plan Policy 3.5. (Quality and Design of Housing Development) that is also a Local Plan policy objective, as set out in Core Strategy Policy SP02 (Urban Living for Everyone). It is trusted in any subsequent residential scheme for this site this equalities and social cohesion deficiency of the scheme will be addressed through a more equitable distribution of play and communal space across all tenure groups.

Secure by Design

- 13.68 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.
- 13.69 The Designing out Crime Officer has reviewed the original submission documentation. The applicant has responded agreeing to introduce security gates to control out of hours access to the supermarket basement car park and also gates to the residential car park and to the alleyway off Albion Walk after dusk. Access to the podium space would be controlled by key fob based on block.

- 13.70 The proposed colonnades on Albion Walk are considered an integral and attractive feature of the design of the scheme that add to the scheme's positive place-making attributes and therefore should be retained within the design without the need for gates. High pedestrian footfall along Albion Walk should also deter any anti-social behaviour as would extensive CCTV provision.
- 13.71 To conclude, the scheme is considered to comply with Policy 7.3 of the London Plan and Policies DM23(3) and SP10 of the adopted Borough Local Plan and in respect of contributing to a sense of security and making a safe place, subject to a planning condition being imposed on any approval to ensure Secure by Design accreditation is achieved for the scheme.

Housing Density

- 13.72 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.
- 13.73 The proposed development would have a residential density of 1053 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 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. 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.

It is with respect to safeguarding heritage assets that the site layout of the scheme is failing to deliver sustainable development. However it is worth noting the scheme would incur significant adverse daylight /sunlight impacts to neighbouring properties and these identified impacts arise not solely from the height and location of Building 1. As such it is reasonable to conclude with any potential fresh mixed use residential scheme for this there would be very limited, if any opportunity to redistribute the applicant's sought quantum of residential floorspace sought elsewhere on the site, to reduce harm to heritage assets, without triggering unacceptable amenity impacts to neighbours. As such it is concluded that both the chosen massing arrangement and the overall residential density is too great for the capacity of the site.

14.0 Neighbours Amenity

- 14.1 Policy DM25 states safeguarding neighbours amenity should be by way of protecting privacy, avoiding an unduly detrimental increase in sense of enclosure, loss of outlook, deterioration of sunlighting and daylighting conditions or overshadowing to surrounding open space. DM25 sets out as guidance that an 18m separation distance between directly facing habitable rooms will avoid unacceptable inter-visibility between homes.

- 14.2 Policy DM25 also requires new development to not create unacceptable levels of noise, vibration, light pollution or reductions in air quality during construction or operational phase of the development.
- 14.3 With regard to 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.

Daylight/sunlight assessment criteria

- 14.5 DM25 and SP10 of the Local Plan seek to ensure that existing and potential neighbouring dwellings are safeguarded from an unacceptable material deterioration of sunlight and daylight conditions.
- 14.6 For calculating daylight to neighbouring properties, affected by a proposed development, the primary assessment is the vertical sky component (VSC) together with daylight distribution assessment (No Sky Line/Contour) where internal room layouts are known or can reasonably be assumed. The 2011 BRE guide emphasises the VSC assessment as the primary method of assessment.
- 14.7 The VSC is a quantified measurement of the amount of skylight falling on a vertical wall or window. The BRE handbook suggests a window should retain 27% VSC or at least 80% of the pre-development VSC value. The significance of loss of daylight can be summarised as follows:
- 0-20% reduction – Negligible
 - 21-30% reduction – Minor significance
 - 31-40% reduction – Moderate significance
 - Above 40% reduction – Substantial significance
- 14.8 A second daylight measurement is the proportion of the room which receives direct sky light through the window i.e. it measures daylight distribution within a room. The BRE Handbook states that if an area of a room that receives direct daylight) is reduced to less than 0.8 times its former no sky limit (NSL) value the effects will be noticeable to its occupants.
- 14.9 For sunlight, applicants should calculate the annual probable sunlight hours (APSH) to windows of main habitable rooms of neighbouring properties that face within 90° of due south and are likely to have their sunlight reduced by the development massing.
- 14.10 For shadow assessment, the requirement is that a garden or amenity area with a requirement for sunlight should have at least 50% of its area receiving 2 hours of sunlight on 21st March.
- 14.11 The applicant has submitted a daylight/sunlight/overshadowing report. The Council appointed a consultant to independently interpret the results and they agree with the submitted reports significance criteria used for the various assessments.

Daylight Analysis

14.12 The Council's consultant shares the conclusions of the submitted report in that the scheme would impose negligible daylight impacts upon the following neighbouring properties: Moccatta House, Redmill House, White Hart Public House, Blind Beggar Public House, 317 Whitechapel Road, Nos. 1, 3 and 5 Brady Street. The consultants also concur that the impacts to Harvey House, Berry House, 23 Mile End Road and 18-28 Cambridge Heath Road may be classified as minor adverse.

14.13 The scheme's more significant adverse results in respect of VSC and NSL would be to the following properties:-

Albion Yard

14.14 49 of the 114 windows tested would experience a reduction in VSC of more than 30%, of which 41 would experience a loss of more than 40% from existing, but only 3 of the 82 rooms tested would fail the NSL standard meaning that the sky visibility as perceived from within the rooms would generally not appear to be adversely affected. Overall the Council's consultants consider the impact to this building is minor to moderate adverse with generally acceptable levels of retained daylight.

Blackwood House

14.15 52 of the 111 windows tested in Blackwood House would experience a reduction in VSC of more than 30% from existing indicative of a moderate adverse impact of which 5 would be major adverse. 9 out of 73 rooms would experience a reduction in NSL of more than 30% from existing. ADF results are not the primary tool to assess daylight impacts to existing buildings however it is worth noting only one living room would suffer an ADF less than 1.5% as a result of the development. The Council's consultants conclude the daylight impacts would be moderate adverse.

Collingwood House

14.16 At Collingwood House 48 of the 103 tested windows would experience a reduction in VSC of more than 30% from existing and 24 of these would experience a reduction of more than 40%. The impact on VSC therefore is moderate to major impact. The NSL results are better, however, only 2 rooms would experience a NSL reduction of more than 30% from existing and 5 rooms experience a reduction of 20%-30%. The rooms with the greatest impact have light restricted by balconies overhead and this is a material consideration particularly as the balconies cause a disproportionate loss of VSC. ADF values are generally adequate except to the bedrooms that have the balconies where the ADF levels would be around half of the recommended 1% standard. The Council's consultants conclude on balance, the scheme would cause a moderate adverse impact but retained NSL and ADF levels are adequate for a dense urban location.

Grindall House

14.17 161 of the 326 rooms would experience a reduction in VSC of more than 30% from existing. 113 of these would experience a reduction of more than 40%, therefore there would be a major adverse impact on VSC. In addition 40 of the 239 rooms will experience a reduction of NSC of more than 30% from existing. A number of bedrooms and living rooms will experience ADF levels below the minimum recommended including individual bedrooms receiving ADF level of only 0.12%, 0.4, 0.44% respectively and one living room receiving only 0.89%. The daylight to these

rooms are generally restricted by them being located below balconies. Taken into account this building features the Council's consultant's conclude on balance, the overall impact on Grindall House is moderate adverse.

1-6 Key Close

- 14.18 6 windows out of the 39 tested that experience a reduction in VSC of between 30%-40% and 12 windows would experience a VSC reduction of more than 40%. Of those 5 windows 12 would experience reductions of more than 70% from existing. The impacts to those particular rooms would be major adverse. However, the NSL results are fully compliant to the building and as such the Council's consultants conclude the impact to these properties to be moderate adverse.

Kempton Court

- 14.19 39 of the 103 windows tested would experience a reduction in VSC of more than 30% from existing and 21 of these windows would experience a reduction of more than 40%. For NSL 15 of the 82 rooms tested would experience a reduction of more than 40% from existing. The impact would be most noticeable to the ground floor flats which would experience large reductions in VSC and would be left with poor levels of ADF. Several rooms experiencing below 0.5% ADF with one living /kitchen/dining room being left with ADF of 0.3% which is a very poor level of light for that type of room.

Swanlea Secondary School

- 14.20 71 of the 77 windows tested would experience a reduction of VSC of more than 30% from existing and 28 of these windows would experience a reduction of more than 40%. Retained VSC levels would remain generally good for an urban location such as this. 8 of the 17 classrooms tested would not meet the NSL standard and 6 of these would experience a reduction of more than 40% from existing. The Council's consultants conclude the overall to impact would be moderate adverse.
- 14.21 ADF levels to many of the rooms will be very poor. However more than half the 17 tested rooms already achieve an ADF below 2% and therefore are liable to rely on electric lighting. A minimum ADF of 5% is required to achieve a predominately day lit appearance to classrooms. Of the 17 classrooms tested 8 currently achieve an ADF above 2%, the others are already liable to rely on electric lighting. 6 of these 8 classrooms would continue to receive an ADF above 2%. Based on only small additional requirement for classrooms rely upon electric lighting the result of the proposed development are on balance considered acceptable, especially when consideration is given to the low storey height of the existing supermarket and any significant redevelopment of the site is liable to impact upon daylight and in particular VSC results to windows in the school.

Sunlight Analysis

- 14.22 In terms of sunlight the scheme would have negligible impact upon the following properties:- Redmill House, 18-28 Cambridge Heath Road, White Hart and Blind Beggar Public Houses, 317 Whitechapel Road, Albion Yard, Kempton Court and Swanlea School.

Blackwood and Berry Houses

- 14.23 The Council's consultants conclude the impacts to both these buildings would be minor adverse.

Collingwood House

- 14.24 10 of the 44 rooms assessed would experience reductions in annual and winter sunlight of more than 40% from existing. These rooms are located beneath balconies and face directly towards the tallest tower on the development which is located to the south of the block. These worst affected rooms appear to be bedrooms, however the living rooms in the same apartments would have good levels of sunlight. Therefore, on balance, whilst there are major impacts to those 10 rooms the Council's consultants conclude the overall impact on these properties could be considered to be minor to moderate adverse.

Grindall House

- 14.25 The impact on daylight to Grindall House would be significant. 66 rooms would experience a reduction in APSH of more than 40% from existing and 104 of the 213 rooms tested would experience a reduction in winter sunlight of more than 40% from existing. This is primarily because the windows have very good levels of sunlight at present and the new development would involve constructing tall towers to the south of them. Therefore, any development on the plot of land to the south of Grindall House would have a disproportionately significant impact on sunlight to Grindall House. There would be rooms left with no annual sunlight or with very low levels although it should be noted all the rooms that would experience the poorest levels of sunlight are bedrooms.
- 14.26 The Council's consultants state the worst affected living rooms would generally have acceptable levels of annual sunlight for an urban location although all of those will have less than 5% winter sunlight hours. The building will have generally good annual sunlight for an urban location but a significant part of the building will appear poorly sunlit during the winter months.

1-6 Key Close

- 14.27 14 of the 21 rooms tested would experience a reduction in both their annual and winter sunlight of more than 40% from existing, and as such would be noticeable and an inevitable consequence of the overall proposal massing

Overshadowing Analysis

- 14.28 The prepared Environmental Statement identifies nine gardens and amenity areas around the site that needed to be assessed for overshadowing impact. All of those nine spaces would continue to receive the same level of direct sunlight on 21st March, with eight of the nine spaces receiving (as existing) over 2 hours.

Concluding remarks on daylight/sunlight

- 14.29 In reaching conclusions in relation to daylight and sunlight impacts, it is inevitable that in an urbanised borough such as Tower Hamlets and with such pressure being placed to optimise the potential of development sites, daylight and sunlight infringements generally below the BRE Guidelines is a regular occurrence and therefore it is fair and appropriate for the Council to apply a certain amount of

flexibility when applying the recommendations, as set out in the BRE Guidance itself. This degree of flexibility is utilised on a regular basis.

- 14.26 However, as Members will be aware, one needs to make judgements as to the acceptability of daylight and sunlight infringements on a case by case basis, when balanced against other material planning considerations including the overall public benefits of the scheme.
- 14.27 The submitted Environmental Statement assets the daylight impacts to neighbouring buildings is overall minor adverse. The Council's daylight consultants take issue with that conclusion and consider the impacts taken overall are moderate adverse, notwithstanding there are a number of reductions in daylight in excess of 40% that would represent a serious loss of daylight and corresponding amenity.
- 14.28 The resultant adverse daylight impacts by no means stem solely from the height and siting of Building 1 (the scheme's tower). Overall, as would be expected when having regard to the dense nature of the proposed development, compared to the existing low level buildings occupying the site, significant adverse impacts are unavoidable – as with any prospective major residential development scheme for this site and as such are not considered sufficient such as to warrant a reason of refusal to the scheme.

Privacy, outlook and enclosure

- 14.29 As stated earlier in this report the scheme would not give rise to privacy issues to surrounding properties. To the south a minimum separation distance of over 28m would be provided to Albion Yard, to the west to homes in Kempton Court a minimum separation distance of 24m would be provided. Swanlea School is set over 20m away from west facing residential windows in the scheme and 18 from the proposed supermarket and D1 space on corner of Merceron Street. To the north the scheme would provide a minimum 18m distance to habitable room windows in Blackwood House and in excess of 18m to Harvey House.
- 14.30 On Collingwood Street to the east separation distances between habitable room windows in the proposed townhouse to this residential block would exceed 18m and to the west facing windows in Buildings 7 and 8 in a range of distances from 28m to more typically in excess of 32m. On Darling Row separation distances between both Building 1 (the landmark tower) and Building 2 to Collingwood House and Grindall House would all be in excess of 30m. To flats situated above the commercial premises at No 18 – 28 (even only) Cambridge Heath Road a separation distance in excess of 25m would be provided.
- 14.31 In respect of a sense of enclosure and the development being overbearing to residential neighbours as set out in the urban design section of the report the site layout of the seven residential buildings rising from the podium is such that they are either set back from the edge (or reduced in height towards their north street facing edge in the case of Buildings 6 and 7) to reduce overbearing impacts and the height of the development kept low (approximately 3 residential storeys) on its Brady Street and Collingwood Street western and eastern edges. The scale of the proposed development to existing homes facing the site upon Darling Row and Cambridge Heath Road would be significantly greater, given the location of Building 1, however on balance, taken overall the scheme is not considered unduly overbearing in residential amenity terms to neighbouring residential or indeed school buildings.

Noise, vibration and air quality

- 14.32 The effects on the noise, vibration and air quality during the construction and operational phases of the development are assessed elsewhere in this report. However, in summary, they are considered acceptable subject, where applicable, to conditions.

Conclusion

- 14.33 The proposal has been developed so it adequately takes account of neighbouring properties' amenity and accords with the aforementioned policy.

15.0 Highways and Transportation

- 15.1 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.
- 15.2 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) and Policy SP09 of the Core Strategy seek to ensure that developments located in areas of good public transport accessibility are secured as 'permit free' and have no on-site car parking
- 15.3 London Plan (2016) also promotes 'car free' development in areas with good access to public transport, whilst still providing for disabled people.

Vehicular Access to Site

- 15.4 The site's vehicular access and car park is currently direct off Cambridge Heath Road on a signalised junction. To accommodate the proposed Albion Walk pedestrian route (as envisaged in the Whitechapel Masterplan) the existing vehicular access would be closed off. Vehicular access/egress to and from the proposed basement car park and to the store service yard would be relocated 50m further north via Darling Row, with Darling Row having a signalised junction with Cambridge Heath Road.

Car Parking Provision and Scheme

- 15.5 240 basement level car parking bays would be provided for the supermarket, a reduction of 18 spaces over the existing Sainsbury's store car park.
- 15.6 The residential component of the scheme would be a car free development aside from the 42 residential parking bays allocated for Blue Badge Holders. 40 of the 42 proposed residential car parking bays would be located in a resident's only use basement area available for Blue Badge Bay holders from residents from all tenures. Given the generous proposed provision of Blue Badge Bays the bays could also meet any potential demand from future residents of the scheme entitled to take advantage of the Council Car Parking Permit Transfer Scheme (PTS). The use of these residential bays between Blue Badge Holders and PTS would be managed by a Car Parking Management Plan. Were consent granted for the scheme, for the life

of the development, no other residents would be allowed to use the residential bays and this would be secured by condition.

Trip Generation

- 15.7 18% of weekday customer trips to the supermarket are currently by car, rising to 25% on Friday and Saturdays. This share of car vehicle trips is forecast to continue with the proposed development. Taking the development as a whole including the residential, the development is estimated to give rise to 934 net additional vehicle trips in a 24 hour period of which 33 of these being heavy duty vehicles (HDVs) with a net additional trip generation of 81 vehicles (including 4 HDVs) in afternoon week day peak and 90 additional vehicles at Saturday peak hour.
- 15.8 The shopper car park would be managed on the same conditions of use as the existing car park as a short stay car park to ensure it could meet demand and to avoid queuing cars backing up along Darling Way onto the junction of Cambridge Heath Road.
- 15.9 The Borough Highway Authority and Transport for London have both reviewed the application and the submitted Transport Assessment including the proposed junction signal arrangements and both conclude the scheme would not encourage excessive retail car trip generation nor impact unduly upon the flow of traffic on the surrounding road network and road junctions, subject to appropriate traffic calming measures including raised tables at the junction of Merceron Street/Collingwood Street and on the apex of bend on Collingwood Street and inclusion of a zebra crossing on Brady Street outside Swanlea School.
- 15.10 The Borough Highway Team would support future moves to remove two way traffic from Collingwood Road, were significant rat running along this street to/from the store car park to arise

Servicing

- 15.11 The supermarket refuse collection and servicing would be undertaken within a dedicated service yard with drive through access/egress provided from Darling Row with an estimated forty vehicle movements a day; 16 by 16.5m articulated lorries, the remainder by smaller vehicles including 4 movements stemming from daily refuse/recycling collection. Deliveries would be scheduled in advance through a booking system to avoid vehicles waiting on the street.
- 15.12 Servicing for the residential component of the scheme would be for Building 1 from a new loading bay on the west side of Cambridge Heath Road, for buildings 2-5 and 8 it will be from a dedicated loading facility on site, for building 6 and 7 it would be from a new loading bay on the south side of Merceron Street and for the townhouses it would be from the carriageway of Collingwood Street. The Borough Highway Authority have reviewed these arrangements and lodge no formal objection.

On Street Parking

- 15.13 The scheme would involve the relocation of a number of on-street parking bays and the net loss of 10 resident permit holder parking bays (although their removal would require public consultation under separate legislation to be assured). However the scheme would involve no change in the net number of business permit holder bays, disabled bays, school bus or doctor bays.

- 15.14 Notwithstanding the Borough Parking Services Team objecting to the loss of the 10 residential parking bays it is not considered this objection can warrant stifling this major redevelopment scheme that would provide 559 new homes as well as important public realm improvements and wider town centre regeneration benefits.
- 15.15 The Borough Highways Team accept the analysis and conclusions set out in the applicant's Transport Assessment that the net loss of parking spaces could still accommodate demand during and outside of controlled hours. The Whitechapel Masterplan envisages a new east west pedestrian connection through the site and this welcome public realm addition necessitates inevitable alterations to the highway on both Cambridge Heath Road and Darling Row and a consequential loss of parking spaces. In the context of the loss of the 10 on-street residential car parking bays it is worth noting the scheme would be capable of meeting any demand for parking spaces through the Borough permit transfer scheme on site and thereby avoid (in contrast to other residential schemes) additional pressure placed upon pre-existing on-street car parking and this is a material consideration.

Cycle Parking Provision

- 15.16 The cycle parking provision would be in accordance with London Plan cycle standards. 854 residential cycle stands would be provided at basement level, with additional cycle stands provided at ground and first floor level for the town houses and for visitors. 91% of the residential cycle parking total would be Sheffield stands and the other 9% would be double stackers.
- 15.17 The shopper cycle bay provision would be on-street consisting of stands for 52 bicycles set outside the entrance to the store which is a welcomed location. 60 cycle stands would be provided for staff of the supermarket at basement level and 28 cycle stands at ground level for the staff of the other five retail units.
- 15.18 The scheme makes provision for land under the ownership of the applicant to be made available at no rent for the purpose of supporting a Transport for London Cycle Station. The Transportation Team support the securing of this land for such a use by legal agreement with opportunity for future funding for installing a cycle station a matter for Transport for London to explore through the route of the Mayor of London's CIL.

Pedestrian Connectivity

- 15.19 The scheme's creation of Albion Walk would improve pedestrian connectivity providing a car free route, set apart from the arterial traffic of the A11, into the Whitechapel town centre from Cambridge Heath Road and Bethnal Green/Globe Town to the north east.

Concluding remarks

- 15.20 The Borough Development Management Highways & Transportation Team have reviewed the amended application and Transport Assessment and raise no objection to the transport arrangements or the impact of the scheme on the road network, subject to appropriate planning conditions and planning obligations were consent for the scheme is granted.

Crossrail Safeguarded Second Entrance

- 15.21 The applicant has prepared ground and basement plans for the safeguarded second entrance to the Crossrail station opening out onto the eastern end of Albion Walk set next to the built Crossrail ventilation shaft, presented in the Design and Access Statement. These designs are not part of the formal planning application drawings for this scheme but are provided to demonstrate a second station entrance is compatible with the schemes public realm and pedestrian route made on Albion Walk.
- 15.22 The scheme's foundations and basement car park have been designed to spatially safeguard the construction to the second entrance and likewise without structural disruption from the construction of the potential station entrance to the development and its basement car park.
- 15.23 Crossrail and Transport for London are satisfied the scheme does not prejudice the future development of the safeguarded second entrance.

OTHER CONSIDERATIONS

16.0 Environmental Impact Assessment (EIA)

- 16.1 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) (hereafter referred to as 'the EIA Regulations') require that for certain planning applications, an Environmental Impact Assessment (EIA) is undertaken. EIA is a procedure which serves to provide information about the likely effects of proposed projects on the environment, so as to inform the process of decision making as to whether the development should be allowed to proceed, and if so on what terms.
- 16.2 The Proposed Development is considered an 'EIA development' as it falls within the description and thresholds in Schedule 2 10(b) of the EIA Regulations as an 'urban development project' and is likely to have significant effects on the environment.
- 16.3 The planning application was subject to an EIA, and an ES has been submitted with the planning application. The application has been advertised as an EIA application.
- 16.4 This ES comprises three volumes incorporating Volume 1 containing details of alternatives considered and design evolution as well as technical chapters on effects of:
- Demolition and Construction
 - Socio-Economic
 - Transport
 - Wind
 - Noise and Vibration
 - Air Quality
 - Ground Conditions, Groundwater and Contamination;
 - Archaeology
 - Daylight/Sunlight and Overshadowing
 - Hydrology
 - Ecology and Nature Conservation
- 16.4 Volume 2 provides a Townscape, Heritage and Visual Impact Assessment (THVIA). Volume 3 provides technical appendices. A separate Non-Technical Summary

(NTS), is also provided that gives a summary of the proposal and the findings of the ES in non-technical language.

- 16.5 The Borough's EIA consultants were commissioned to undertake an independent review of the ES, to confirm whether it satisfied the requirements of the EIA Regulations. The ES has also been reviewed by the Council's EIA Officer. An Interim Review Report (IRR) was prepared and issued to the Applicants
- 16.6 Since the submission of the application, a number of clarification documents have been submitted, as well as an Amended ES. The Amended ES was considered to be 'further information' under Regulation 22 of the EIA Regulations, and was processed as required by the EIA Regulations.
- 16.7 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 Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- 16.8 LBTH, as the relevant planning authority, has taken the 'environmental information' into consideration when determining the planning application. Where required, the mitigation measures identified in the environmental information would be secured through planning conditions and/or planning obligations, were planning permission to be granted.
- 16.9 Pursuant to this matter of the local planning authority having regard to the environmental information a number of letters of objection have expressed specific concern surrounding the developers not adequately addressing a number of issues by the aforementioned 2011 EIA Regulations, specifically:-
- (a) the visual assessment and effects on Trinity Green Almshouses;
 - (b) the ES description of the existing Almshouses courtyard space; and
 - (c) the consideration of alternatives building forms and layouts studied by the applicant and main reasons for the selection of their final choice, taking due account of environmental considerations into effect and the avoidance or reduction of harm to identified heritage assets.
- 16.10 Following on from these expressed concerns a number of objectors have stated the local planning authority are not in a current position to lawfully approve the application until the developer has addressed the above matters. These points are considered further below:
- a) Visual assessment and effects on Trinity Green Almshouses,
- 16.11 Four viewpoints have been considered in the ES with respect to the Trinity Green Almshouses, as follows:
- 16 - Mile End Road, in front of the Trinity Green Almshouses' – rendered visualisation;
 - 17 - Trinity Green Courtyard: south-east part of courtyard' – rendered visualisation;
 - 22 - Trinity Green Courtyard: southern end of courtyard – rendered visualisation; and
 - 23 - Trinity Green Courtyard: centre of courtyard – wireline visualisation.
- 16.12 It is considered that the viewpoints that have been included in the ES provide a fair visual representation of the view from this location – showing the view without the proposed development, with the proposed development and with the proposed

development plus cumulative schemes. This has been supplemented by numerous visits to the proposed development site by LBTH Officers. These visualisations have been used to inform the decision making on this planning application.

b) The ES description of the existing courtyard space

- 16.13 The ES states that in relation to the Trinity Green Almshouses '*The courtyard is a shared private amenity space for the use of the residents only*', however it is noted that this is open to the public. This has been noted by the planning officer when determining the application.

c) Alternatives

- 16.14 The EIA Regulations state '*An outline of the main alternatives studied by the applicant or appellant and an indication of the main reasons for the choice made, taking into account the environmental effects*'.
- 16.15 Chapter 4 of the ES sets out the main alternatives studied by the applicant, including the scheme evolution process and alternative building forms and layouts – such considerations have taken account of environmental considerations, as well as technical constraints.
- 16.16 The ES is considered to fully comply with the requirements of the EIA Regulations, and officers have sufficient information to make a recommendation.

17.0 London View Management Framework (LVMF)

- 17.1 The application is accompanied by a Townscape, Heritage and Visual Impact Assessment TVIA. The TVIA provided views of the proposed scheme from a series of identified London View Management Framework (LVMF) viewpoints.
- 17.2 In respect to LVMF View 2A.1 (London Panorama from Parliament Hill), LVMF View Point LVMF 4A.1 (London Panorama from Primrose Hill), LVMF 5A.2 (Greenwich Park to St Pauls Cathedral), LVMF 6A.1 (Blackheath to St Pauls Cathedral) the scheme would be. However the degree of intrusion into these views would be minimal and as such the Borough Heritage Officer concludes there is no meaningful impact on these protected views.
- 17.3 In respect to LVMF View 25 from Queen's Walk to the Tower of London the scheme would not be visible at all and likewise from LVMF View 15.B1 and 15.B.2 from Waterloo Bridge of St Pauls Cathedral.
- 17.4 In summary the scheme has been appropriately tested in the ES and raises no concerns in respect of London View Management Framework.

Archaeology

- 18.1 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.
- 18.2 Much of the application site lies within an Archaeological Priority Area, derived from a possible route of a roman road. The application is accompanied by a desk based archaeological assessment contained in the ES. The site has potential to contain remains of the Roman Road, a plague pit, a post medieval sewer and remains of the

on-site 19th century brewery. However based on mapping and documentary evidence and previous archaeological investigations on-site the prepared assessment concludes the likelihood for remains being present across the majority of the site remains low as any remains are liable to have been removed during construction of the existing store.

- 18.3 Greater London Archaeology Advisory Service (GLASS) have reviewed the scheme and the archaeological assessment. GLASS raise no objection to the methodology or the proposal development, subject to an appropriate planning condition for a two stage process archaeological investigation were consent granted.

19.0 Noise and Vibration

- 19.1 The ES includes a noise and vibration assessment and a construction and demolition assessment. It provides results of background noise and vibration monitoring that was carried out at various locations surrounding the site following discussions with the LBTH Environmental Health Noise Team.

Demolition and Construction Phase

- 19.2 The assessment reviews the noise and vibration impacts to surrounding properties of the scheme during the estimated 39 month demolition and construction phase, including from construction plant and vehicle movements and from noise and vibration when the store and residential units are complete.
- 19.3 The scheme is intended to be built out in a single phase with residential units only occupied following construction of the whole scheme. With appropriate mitigation secured by condition the residual effects of noise and vibration due to demolition and construction are considered to be acceptable.
- 19.4 Construction traffic movements and associated noise would be centred on the eastern end of Darling Row with a peak of 27 construction vehicles movements in an hour. However given the existing ambient noise levels stemming primarily from Cambridge Heath Road traffic the implications of these movements are considered to be limited and acceptable subject to appropriate planning conditions including a Construction and Environmental Management Plan.

End Occupation Phase

- 19.5 The submitted assessment details the level of attenuation that will be required in order to ensure that the new homes within the scheme meet residential standard of British Standard BS8233:2014. The supermarket and podium base block in particular will contain a significant amount of plant. However subject to acoustic attenuation for the plant, secured by planning condition, it is considered the relevant British Standard can be achieved. The vibration impacts to the development from the underground trains is considered to be negligible.
- 19.6 The supermarket service yard will be a source of considerable noise. However the ES details provides the outline of design measures to contain and curb this noise to acceptable including internal sound absorption specified full height screens to street.
- 19.7 To conclude, subject to application of appropriate planning conditions, it is considered that the proposed development would adequately protect neighbouring residents and building occupants including 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).

20.0 Air Quality

- 20.1 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.
- 20.2 The ES accompanying the planning application includes an air quality assessment that reviews the scheme's air quality implications at end phase and during the construction and demolition stage. The methodologies deployed in the air quality assessment are accepted by the Council's ES consultants and the Borough's own Air Quality Officer.
- 20.3 Following receipt of revised details in respect of the energy centre the built development subject to receipt of further detail secured by planning condition is capable of being air neutral. With respect to transport emissions associated with the development these would fail to be air neutral, based on the information submitted. Were consent granted a planning condition would be sought to mitigate these impacts.
- 20.4 The submitted assessment concludes that there is medium risk of dust impact during construction phase and mitigation measures would needed to put in place to curb these potential air quality impacts.
- 20.5 In respect of new residential units the assessment shows that proposed receptors would be close to exceeding NO₂ annual objectives on the lower storeys of the development and therefore details of mitigation measures should be secured by planning condition including a mechanical ventilation system to include NO_x filtration where appropriate.
- 20.6 In summary it is considered that the proposed development is acceptable in air quality terms in accordance with Policies SP10 and DM9 of the Local Plan and Policy 7.14 of the London Plan, subject to relevant conditions to secure Construction Environmental Management plan to secure control of dust emissions during construction phase, a condition to secure mechanical ventilation to address high NO₂ levels to the proposed lower storey residential units and a condition to mitigate emissions from transport movements associated with the development.

21.0 Land Contamination

- 21.1 In accordance with the requirements of the NPPF and policy DM30 of the MDD, the application has been accompanied by a land contamination assessment contained within the Environmental Statement. It assesses the likely contamination of the site as well as approaches to construction piling.
- 21.2 The methodology and scope of the assessment for the purpose of the ES is accepted as sound. The Council's Environmental Health Team have reviewed the submitted assessment, and advises that subject to condition requiring investigation

to identify the extent of potential contaminated land and agree a remediation strategy should it be required there are no objections to the scheme on grounds of land contamination.

22.0 Flood Risk & Water Resources

- 22.1 The NPPF, Policy 5.12 of the London Plan, and Policies DM13 and SP04 of the Borough Local Plan 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.
- 22.2 A flood risk assessment surface and drainage strategy form part of the ES. The prepared assessment considers the proposed development represents no risk in terms of flooding.
- 22.3 The methodology of the flood risk, water use and drainage strategy in the ES are considered sound as is the scope of the assessments and the conclusion drawn in the ES on these matters.
- 22.4 Subject to relevant conditions the proposal would be acceptable with regard to flood risk, sustainable drainage, sewerage and water supply and use 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.

23.0 Energy and Sustainability

- 23.1 The NPPF sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change.
- 23.2 The climate change policies as set out in Chapter 5 of the London Plan 2015 and the Policies SO24 and DM29 of the Local Plan collectively require new development to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 23.3 The submitted energy strategy follows the principles of the Mayor's energy hierarchy and seeks to focus reduce emissions through the energy hierarchy and deliver emission reduction through energy efficiency measures, efficient supply of heating and renewable energy technologies, the proposals are anticipated to deliver a 34% reduction in CO2 emissions which is significantly below the policy requirement of 45% reduction in CO2 emissions.
- 23.4 In order for the scheme to be supported by the sustainable development it is recommended that the shortfall in CO2 emission reduction is met through a carbon offsetting payment. The planning obligations SPD contains the mechanism for any shortfall to be met through a carbon offsetting contribution, in the absence of the CO2 emission reduction not being delivered on site. In addition, the council has an adopted carbon offsetting solutions study (adopted at Cabinet in January 2016) to enable the delivery of carbon offsetting projects. Based on the current energy strategy a carbon offsetting contribution of £212,580 would be appropriate for carbon offset projects. The calculation for this figure is as follows:
- 23.5 The submitted Energy Strategy has explored connecting to a district heating system that might be delivered by the Council as part of the Whitechapel Vision Masterplan. Further discussions should be undertaken to establish if it feasible for the central

energy system intended for the scheme to have the opportunity to connect to the Whitechapel district heating system at a future date.

- 23.6 The prepared sustainability Statement sets out how the residential element of the scheme would meet the Mayor of London essential and preferred energy standards and completion of the residential development in accordance with the criteria set out in the sustainability would be secured by condition, should the scheme be approved.
- 23.7 Were consent granted the applicant would be required to submit further details of the design strategy for the supermarket to strive to achieve BREEAM Excellence Rating. The Borough Energy Officer considers it is premature at this stage to accept BREEAM excellent rating cannot be achieved on the supermarket component of the scheme. A planning condition would be imposed requiring to achieve an 'excellent' rating unless credible evidence is provided to demonstrate this is not practically feasible. It is understood such a rating has been achieved on other comparable supermarkets and as such the onus is on applicant to demonstrate credibly why it could not be achieved with this scheme.
- 23.8 To conclude the scheme complies with Chapter 5 of the London Plan and Policy DM29 of the Local Plan subject to the imposition of appropriate planning conditions/planning obligations to deliver the on-site savings and the off-site emission reduction proposals.

24.0 Ecology, Biodiversity and Trees

- 24.1 The Borough's Biodiversity Action Plan (2009), Policy 7.19 of the London Plan, Policy SP04 of the Borough's CS and Policy DM11 of the MDD seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity.
- 24.2 The Council's Biodiversity Officer is satisfied subject to appropriate planning conditions the biodiversity conditions of the completed development would result in a net gain in biodiversity. Existing plant and animal habitats on site are limited. The scheme provides ample opportunities for nesting boxes, nectar rich planting on the podium gardens and bio-diverse living roofs that would not be designed to be generally accessible for amenity use purposes.
- 24.3 Taken overall the scheme is capable of serving to improve the ecology and biodiversity value of the site as sought by the relevant London and Local Plan policies.

Existing Trees

- 24.4 Existing trees are set towards the edges of the application site and are the principal vegetation within the red line of the planning application site. Lime, London Plane and Whitebeam species predominate, marking the Brady Street, Merceron Street Collingwood Street edges of the existing supermarket site. The majority of these trees are in good condition, are mature and provide valuable townscape/streetscene amenity value.
- 24.5 The proposal would involve the felling of mature street trees along Brady, Merceron and Collingwood Street. The Tree Officer has reviewed the scheme and raises no objection following the removal of a previous objection to the loss of the trees following agreement (that would need to be secured by planning condition to any

consent granted) that the developer would undertake to replant the street trees, at own costs, to an agreed semi mature planted size and agreed species. In addition further additional trees should be planted off-site to mitigate the loss of mature trees on site of high amenity value. The site would be subject to extensive landscaping scheme and following replanting there would be no numerical loss of trees on-site.

25.0 Waste and Recycling

- 25.1 Core Strategy Strategic Objective SO14 is to manage waste efficiently, safely and sustainably minimising waste and maximising recycling. Policy SP05 'Dealing with waste' implements the waste management hierarchy - reduce, reuse and recycle. Policy DM14 of the Local Plan 'Managing Waste' requires development to demonstrate how it will provide appropriate storage facilities for residual waste and recycling. Major development should provide
- 25.2 Each of the proposed eight main residential buildings would have an individual bin storage area at podium level, or ground level In the case of the 28 story tower, with the townhouses having their own individual refuse spaces. The refuse from the main residential blocks would be then managed to two shared holding areas at basement and collected from loading bays on Merceron Street and Darling Row.
- 25.3 The collection of the supermarket store waste would be from the stores dedicated serviced yard, accessed off Darling Row. SWEPT analysis demonstrates the refuse collection vehicles could manoeuvre into and out of the service yard. Commercial waste sourced from the five smaller flexible use retail spaces would be stored back of house within the individual units prior to waste being wheeled on day of collection to two loading bays on Merceron Street and Darling Row.
- 25.4 Following concerns raised by the Borough Waste Officer over the length of time taken for the residential waste the applicant has agreed to twice weekly residential refuse collection. Were consent granted a detailed waste management plan would be required to manage times of collection to minimise loading bay usage conflicts, ensure there is no crossover of commercial and residential storage areas and to ensure timely rotation of residential bins at time of collection to avoid collection delays. The applicant has agreed to a condition to deal with street cleansing along Albion Walk and Brady Square.
- 25.5 Subject to appropriate planning condition the schemes storage, collection and management of waste is considered consistent with relevant Local Plan and London Plan policy

26.0 Wind

Overview

- 26.1 Tall buildings can have an impact on microclimate, particularly in relation to wind. Where strong winds occur due to a tall building it can have detrimental impacts on the comfort and safety of pedestrians and cyclists and render landscaped areas unsuitable for their intended purpose. The Lawson Comfort Criteria (LCC) is a widely accepted measure of suitability for specified purposes:

Lawson Comfort Criteria

Sitting	Long-term sitting e.g. outside a café
Entrance Doors	Pedestrians entering/leaving a building
Pedestrian Standing	Waiting at bus-stops or window shopping

Leisure Walking	Strolling
Business Walking	'Purposeful' walking or where, in a business district, pedestrians may be more tolerant of the wind because their presence on-site is required for work
Roads and Car Parks	Open areas where pedestrians are not expected to linger

- 26.2 Policy DM24 'Place sensitive design' requires development to take into account impacts on microclimate. Policy DM26 'Building heights' requires development not to adversely impact on the microclimate of the surrounding area, the proposal site and the provision of open space. London Plan Policy 7.7 echoes the requirement for tall and large scale buildings not to lead to adverse wind turbulence.
- 26.3 For residential development the desired wind microclimate would typically need to have areas suitable for sitting, entrance use, standing and leisure walking. Business walking and roads classifications may be acceptable in areas set away from the residential aspects of the scheme, occasional strong winds should be avoided.
- 26.4 The applicant's ES includes an assessment of the potential impacts of the scheme on the wind microclimate within the site and the surrounding area in accordance with the Lawson Comfort Criteria. The existing conditions were tested in a wind tunnel and with the proposed scheme and neighbouring proposed developments, the latter to assess cumulative impacts. The Council's ES consultants accept the methodology of the assessment and share the overall conclusions drawn from the assessment.
- 26.5 The wind modelling findings show there would be some adverse microclimate wind changes upon the surrounding streets without mitigation in place. These impacts have been assessed as falling within an acceptable range through planned mitigation measures, including significant tree planting, and could be resolved to a level that is classified as negligible adverse impact. Microclimate winds would be greatest at the foot of Building 1, to the north and east but within acceptable limits with conditions in the worst winter months suitable for strolling. Albion Walk with mitigation measures would be suitable for short periods of standing/sitting during winter months.
- 26.6 The assessment undertook modelling of the podium level residential amenity spaces and shows the conditions generally suitable for outdoor sitting and, at worst, for short periods of standing/sitting. As such they are considered acceptable. All private balconies and terraces would have safe conditions, with all the balconies suitable for sitting in summer months.
- 26.7 In conclusion the microclimate conditions, subject to proposed mitigation measures would be acceptable for future and existing residents in respect of the sought use of external amenity spaces, to pedestrians and to the users of surrounding streets and open spaces, to the new public realm spaces on Albion Walk and within Brady Street. As such the scheme satisfies the microclimate impacts set out in London Plan and Borough Local Plan.
- 27.0 Planning obligations, socio economic effects and impact upon local infrastructure/facilities**
- 27.1 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's Draft 'Planning Obligations SPD' 2016 sets out how these impacts can be assessed and appropriate mitigation.

27.2 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) Fairly and reasonably related in scale and kind to the development.

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.

27.3 Securing necessary planning contributions is further supported Core Strategy Policy SP13 '*Planning obligations*' which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development. This is explained in the Council's Draft Planning Obligations SPD that sets out the borough's key priorities:

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

27.5 The borough's other priorities include:

- Health
- Sustainable Transport
- Environmental Sustainability

27.5 If permitted and implemented, the proposal would also be subject to the Council's community infrastructure levy.

27.6 The development is predicted to have a population yield of 1049 which would yield 142 children aged between 0-15 and generate a demand for 64 school places. The development would also generate jobs once complete. Therefore, the development would place additional demands on local infrastructure and facilities, including local schools, health facilities, idea stores and libraries, leisure and sport facilities, transport facilities, public open space and the public realm and streetscene. Should planning permission be granted, the LBTH CIL contribution is estimated at £3,184,126.

27.7 In addition the development would be liable to the London Mayor's CIL estimated at £1,731,031.

27.8 In the absence of securing terms of an acceptable Section 106 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.

27.9 Site specific S106 planning obligations are sought in respect to enhancements to the existing street market on Whitechapel Road, to the sum in total of £2,005,000. These obligations arise are to mitigate the retail impacts of the new enlarged supermarket, notably in respect of prospective trade diversion in relation comparison goods and safeguarding the mix and vitality of the street market given its valuable role in supporting local enterprise and providing a distinct local character to the designated Whitechapel town centre.

27.10 The scale and nature of the financial contributions are considered to meet the NPPF tests of (a) directly related to the development, (b) necessary to make the

development acceptable in planning terms (c) fairly and reasonably related in scale and kind to the development and are not captured by the Regulation 123 list, pertaining to the Borough CIL as they pertain to the activity of the commercial market as opposed to community infrastructure.

- 27.11 The applicant has accepted in writing enhancement to the existing street market meet in full the CIL tests as set out in the NPPF. The applicant has also stated a willingness to meet the £2,005,000 in full. However the applicant rejects, following a meeting with officers, this aggregate sum meets the CIL NPPF tests, on the basis the applicant considers the contributions are not proportionate in scale to the impacts of the development the obligation would seek to mitigate.
- 27.12 Officers have considered carefully the street market S106 financial contributions and consider it is proportionate and directly related to the development and necessary to make the development acceptable in planning terms. In this regard it is worth noting the applicant submitted a Retail Assessment that identifies the enlarged comparison good floor space would yield annually an estimated £6m of additional trading in comparison goods measured against the existing trading. Placed in this trading context store and notwithstanding potential positive trading synergies between the development and the market, the £2,005,000 one off planning contribution to mitigate retail impacts upon the market of the development is considered reasonable in kind and scale, even with a modest trade diversion year on year between market traders and the development.
- 27.13 The scheme would involve extensive changes to the surrounding road network and associated movement of vehicular traffic including changes to traffic signalling. To mitigate these impacts of the development the following planning obligations are necessary to make the development acceptable:-
- Traffic calming measures, in-line with applicants preferred layout design. Estimate cost of works £250,000. An alternative option to introduce one way traffic along Collingwood Street if deemed necessary, additional works. Estimated £40,000
 - Contribution towards on-going maintenance of Darling Row, to mitigate the impacts of the development in terms of volume of traffic on this road. Estimated £200,000 s106 obligations.
- 27.14 In addition dealt with by Section 278 a scheme of footway improvements along Brady St, Merceron St and Darling Row is necessary and carriageway resurfacing in Darling Row. These works are estimated around £695,250. Plus Section 278 delivered traffic signals works on Cambridge Heath Road in respect connection with junction with Darling Row (and decommissioning of existing traffic signals to store) managed by TfL.
- 27.15 The applicant has agreed in writing to meet these financial obligations for highway works.
- 27.16 Should permission be granted, the developer would also be required to use reasonable endeavours to meet at least 20% local procurement of goods and services, 20% local labour in construction and 20% end phase local jobs, a car parking permit-free agreement, 20% active and 20% passive electric vehicle charging points, meet Crossrail entrance safeguarding obligations, meet carbon offsetting contributions (£212,580), provide land (at peppercorn rent) for a TfL bike station and mitigation (if necessary) for television signals.

- 27.17 In accordance with the Borough's adopted Planning Obligations SPD (2016):-
- Employment training contributions are required of £231,632.00 are required
 - End-user phase training contributions of: £326,640.60
- In addition scheme would need to provide 37 construction apprenticeships and 3 end-user apprenticeships, were consent granted.
- 27.18 Should permission be granted the scheme would be required to provide 25% affordable housing by habitable room based upon a tenure split 75:25 split between rented units and intermediate units and based upon 49:51 split across bedroom unit sized between social rent and E1 postcode Borough Framework Rents. This offer has been independently viability tested and the information submitted is considered to be comprehensive and robust.
- 27.19 Setting aside the street market enhancement S106 obligations the applicant has agreed to the Heads of Terms in respect of affordable housing, highways works, carbon offset and all those that derive from the Borough Planning Obligations SPD including apprenticeships and financial contributions towards employment and enterprise that are set formula based contributions.

28.0 Other Local financial considerations

- 28.1 Section 70(2) of the Planning Act provides that in dealing with a planning application a local planning 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.
- 28.2 Section 70(4) defines "*local finance consideration*" as:
- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
 - Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

In this context "*grants*" include the New Homes Bonus Scheme (NHB).

- 28.3 NHB was introduced by the Government in 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The NHB 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. The grant matches the additional council tax raised by the Council for each new house built for each of the six years after that house is built. This is irrespective of whether planning permission is granted by the Council, the Mayor of London, the Planning Inspectorate or the Secretary of State.
- 28.4 If planning permission is refused for the current application NHB would not be received but would be payable were the Mayor to grant permission or an alternative development involving new housing was consented should the NHB scheme remain in operation.
- 28.4 Using the DCLG's New Homes Bonus Calculator, the proposed would generate some £843,162 the first year and £5,058,962 over 6 years.

29.0 Human Rights 1998

29.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:

29.2 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court of Human Rights 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".

29.3 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

29.4 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 rights will be legitimate and justified. 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. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

29.5 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.

29.6 The balance to be struck between individual rights and the wider public interest has been carefully considered. Having taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement, officers consider that any interference with Convention rights is justified.

30.0 Equalities Act 2010

30.1 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, gender 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.

30.2 It is considered the proposed development would not conflict with any of the above considerations.

30.3 The proposed commitments to use local labour and services during construction, apprenticeships and contributions employment training schemes and provision of a substantial quantum of high quality affordable housing would help mitigate the impact of real or perceived inequalities and would serve to support community wellbeing and promote social cohesion.

30.4 The scheme would be socially inclusive through the provisions such as wheelchair accessible housing, and through much enhanced public realm that would be step free improving pedestrian mobility for all.

30.5 It has been identified within the application documentation and the review of the submitted material that the existing street market serves an extensive cross-section of the local population catering extensively for a wide range of household incomes and ethnic backgrounds, including providing employment to those across the ethnically diverse population of the Borough. As such the planning obligations sought in respect of safeguarding and strengthening the vitality of the street market to mitigate the proposed expanded supermarket is an important feature of the scheme and ensuring the scheme advances equality of opportunity and social cohesion.

31.0 CONCLUSION

31.1 All relevant policies and considerations have been taken into account. It is recommended that the Committee resolves to inform the Mayor of London that planning permission for the redevelopment of Sainsbury's Supermarket at No 1 Cambridge Heath Road should be refused for the reasons set out in the MATERIAL PLANNING CONSIDERATIONS and the details set out in the RECOMMENDATIONS at Section 3 of this report.

32.0 SITE MAP

32.1 Please refer to the next page of this report (Appendix 1).

APPENDIX 1: SITE MAP



APPENDIX 2 : DRAWINGS and DOCUMENT SCHEDULE

PLANS:

- 0100 100 Rev. 01
- 0110 100
- 0120 100
- 0130 100
- 0130 100
- 1211 100
- 0000 100 Rev. P02
- 0010 100 Rev. P02
- 0010 101 Rev. P02
- 0010 102 Rev. P03
- 0010 103 Rev. P04
- 0010 104 Rev. P03
- 0010 105 Rev. P03
- 0010 106 Rev. P03
- 0010 107 Rev. P03
- 0010 108 Rev. P03
- 0010 109 Rev. P03
- 0010 110 Rev. P03
- 0010 111 Rev. P03
- 0010 112 Rev. P03
- 0010 113 Rev. P03
- 0010 114 Rev. P03
- 0010 115 Rev. P03
- 0010 124 Rev. P01
- 0010 125 Rev. P01
- 0010 127 Rev. P01
- 0010 128
- 0010 200 Rev. P02
- 0010 201 Rev. P02
- 0010 202 Rev. P02
- 0010 203 Rev. P02
- 0010 204 Rev. P02
- 0010 205 Rev. P02
- 0010 206 Rev. P04
- 0010 207 Rev. P04
- 0010 208 Rev. P02
- 0010 209 Rev. P02
- 0010 210 Rev. P03
- 0020 100 Rev. P01
- 0020 101 Rev. P01
- 0020 102 Rev. P02
- 0020 103 Rev. P02
- 0020 104 Rev. P01
- 0030 101 Rev. P01
- 0030 102 Rev. P01
- 0030 103 Rev. P01
- 0030 104 Rev. P01

- 0030 105 Rev. P01
- 0030 106 Rev. P02
- 0030 108 Rev. P01
- 0030 109 Rev. P01
- 0030 111 Rev. P02
- 0030 012 deleted
- 0300 100 Rev. P03
- 0300 101 Rev. P02
- 0300 102 Rev. P01
- 0410 100 Rev. P01
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- 0410 102 Rev. P01
- 0410 103
- 0410 104 Rev. P02
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- 2000 001
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- 2000 013
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- 2000 015 Rev. P01
- 2000 016 Rev. P01
- 2000 017
- 2000 018
- 2000 019 Rev. P01
- 2000 020
- 2000 021
- 2000 022 Rev. P01
- 2000 023 Rev. P02
- 2000 024
- 2000 025
- 2000 026 Rev. P01
- 2000 027
- 9000 100 Rev. P01
- 9030 100
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- 9040 101 Rev. P01

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- 904 201 Rev. P02
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- 003-02 Rev. A (dated 31/9/16)

DOCUMENTS:

- Amended Environmental Statement Volumes 1, 2 and 3 including Technical Appendices and amended Heritage Townscape & Visual Impact Assessment (November 2015)
- Amended Non Non-Technical Summary (March 2016)
- Transport Assessment (March 2015)
- Transport Assessment Addendum (November 2015)
- Affordable Housing Statement (March 2015)
- Financial Viability Assessment and Addendums
- Separate Kitchen Briefing Note (26th September 2016)
- Operational Waste Strategy Rev. B (20th February 2015)
- Arboricultural Report (19th February 2015)
- Energy Strategy Report
- Energy Sustainability Note (undated)
- Energy Centre Note (24th October 2016)
- Planning Statement (March 2015)
- Retail Assessment (March 2015)
- Operation Waste Strategy
- Transport Assessment (March 2015)
- Transport Assessment Addendum (November 2015)
- Internal Daylight and Sunlight Assessment (23 November 2015)
- Statement of Community Involvement Rev. B (March 2015)
- Residential Summary Accommodation Schedule Rev. 02 (issued 3rd November 2016)