

STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 10 April 2014 at 7.00 p.m.
**Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG**

The meeting is open to the public to attend.

Members:

Chair: Councillor Helal Abbas
Vice Chair : Councillor Marc Francis
Councillor Rajib Ahmed, Councillor Carli Harper-Penman, Councillor Denise Jones,
Councillor Zara Davis, Councillor Dr. Emma Jones, Councillor Kabir Ahmed and
Councillor Md. Maium Miah

Deputies:

Councillor Joshua Peck, Councillor Khaled Uddin Ahmed, Councillor Judith Gardiner,
Councillor Tim Archer, Councillor Peter Golds and Councillor Shahed Ali

The quorum for this body is 3 Members

Public Information.

The deadline for registering to speak is **4pm Tuesday, 8 April 2014**
Please contact the Officer below to register. The speaking procedures are attached
The deadline for submitting material for the update report is **Noon Wednesday, 9 April
2014**

Contact for further enquiries:

Zoe Folley, Democratic Services,
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG
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Web: <http://www.towerhamlets.gov.uk/committee>

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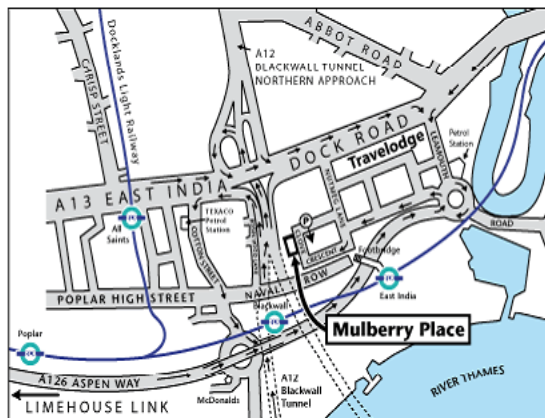
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APOLOGIES FOR ABSENCE

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS (Pages 1 - 4)

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Monitoring Officer.

2. MINUTES OF THE PREVIOUS MEETING(S) (Pages 5 - 18)

To confirm as a correct record the minutes of the meeting of the Strategic Development Committee held on 25th February 2014 and the extraordinary meeting of the Strategic Development Committee held on 13th March 2014.

3. RECOMMENDATIONS

To RESOLVE that:

- 1) in the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director Development and Renewal along the broad lines indicated at the meeting; and
- 2) in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.

4. PROCEDURE FOR HEARING OBJECTIONS (Pages 19 - 20)

To NOTE the procedure for hearing objections at meetings of the Strategic Development Committee.

PAGE NUMBER	WARD(S) AFFECTED
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5. DEFERRED ITEMS

Nil items.

6.	PLANNING APPLICATIONS FOR DECISION	21 - 22	
6 .1	Suttons Wharf North, Palmers Road, London (PA/13/02938)	23 - 46	Mile End & Globe Town

Proposal:

Application under s.73 of the Town and Country Planning Act for a variation of Condition 22 of the Planning Permission PA/11/3348 dated 30/03/12 to seek minor material amendments to the approved Block A of the Suttons Wharf North development comprising:

- Removal of one ground floor links between Block A2 and A3 and the creation of separate D1 Use Class units (390sq.m; 280sq.m; and 1035sq.m);
- Insertion of an additional internal floor level (no resulting increase of heights to the consented buildings);
- Alterations to the dwelling mix within Block A, resulting in a net increase of 41 residential units
- Other associated external changes

Recommendation: To GRANT planning permission subject the variation to the legal agreement to secure additional planning obligations, conditions and informative(s).

6 .2	100 Whitechapel road and land rear at Fieldgate Street & Vine Court (PA/13/3049)	47 - 86	Whitechapel
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Proposal: Demolition of existing vehicle workshop and car showroom; erection of a residential development comprising a total of 223 dwellings (comprising 48 studios; 91 x 1 bed; 52 x 2 bed; 20 x 3 bed; 11 x 4 bed) in an 18 storey building facing Fieldgate Street; and 2 buildings ranging in height from 8-12 storey building facing Whitechapel Road and Vine Court, provision of ground floor retail and restaurant spaces (Class A1 and A3), 274.9 sqm extension to the prayer hall at the East London Mosque and provision of pedestrian link between Fieldgate Street and Whitechapel Road, extension to existing basement to provide 20 disabled car parking spaces, motorcycle spaces, 360 bicycle parking spaces and bin storage in basement, associated landscape and public realm works.

Recommendation: That subject to any direction by the London Mayor, Planning Permission is REFUSED for the reasons set out in the Committee report.

Next Meeting of the Strategic Development Committee

Thursday, 15 May 2014 at 7.00 p.m. to be held in the Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Meic Sullivan-Gould, Monitoring Officer, Telephone Number: 020 7364 4801

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON TUESDAY, 25 FEBRUARY 2014

**COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Helal Abbas (Chair)
Councillor Marc Francis (Vice-Chair)
Councillor Rajib Ahmed
Councillor Carli Harper-Penman
Councillor Denise Jones
Councillor Dr. Emma Jones
Councillor Kabir Ahmed
Councillor Md. Maium Miah
Councillor Peter Golds (Substitute for
Councillor Zara Davis)

Other Councillors Present:

None

Apologies:

Councillor Zara Davis

Officers Present:

Paul Buckenham	(Development Control Manager, Development and Renewal)
Jane Jin	(Planning Officer, Development and Renewal)
Piotr Lanoszka	(Planning Officer, Development and Renewal)
Megan Nugent	(Legal Services Team Leader, Planning, Directorate Law, Probity and Governance)
Zoe Folley	(Committee Officer, Directorate Law, Probity and Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were made.

Councillor Kabir Ahmed declared an interest in agenda item (6.1) Ocean Estate Site H, west of Aston Street, including Allonby, Channel and Studland Houses (PA/13/02911). This was on the basis that he was a Board Member of Tower Hamlets Community Housing (Council Appointed).

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 9th January 2014 be agreed as a correct record and signed by the Chair.

3. RECOMMENDATIONS

The Committee **RESOLVED** that:

- 1) In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director, Development and Renewal along the broad lines indicated at the meeting; and
- 2) In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director, Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision

4. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

The Committee noted the procedure for hearing objections, together with details of persons who had registered to speak at the meeting.

5. DEFERRED ITEMS

None.

6. PLANNING APPLICATIONS FOR DECISION

6.1 Ocean Estate Site H, west of Aston Street, including Allonby, Channel and Studland Houses (PA/13/02911)

Update Report tabled.

Paul Buckenham (Development Manager, Development and Renewal) introduced the application for planning permission for the demolition of existing buildings on site and construction of three residential blocks with associated landscaping and basement parking.

The Chair then invited registered speakers to address the Committee.

Tim Miller spoke in objection as an occupant of the property on the northern side of Matlock Street. Mr Miller objected to the loss of privacy from the proposed building. Specifically, the loss of light to his daughter's bedroom, who required medical treatment in this room. His daughter had a right to natural light and privacy. In view of this, he requested that the windows of the new building, near his daughter's bedroom, should be bay windows or that the building should be set back further. The separation distances to his property were 18 metres. In response to Members, he stated that he had put his concerns to the applicant and Council Officers. He was supportive of a condition that addressed the overlooking issues. This would address his concerns about the scheme.

Mike Tyrell from Tower Hamlets Homes and the Chair of the Ocean Regeneration Trust spoke in support of the application. Mr Tyrell welcomed the proposals that sought to replace low grade buildings with new affordable houses including family housing and high quality amenity space. Mr Tyrell highlighted the much needed improvements to the route to the Whitehorse Road Park that should encourage use. The design was sympathetic to the area. The scheme would protect amenity. In response to Members, he clarified the uplift in affordable housing.

Piotr Lanoszka (Planning Officer, Development and Renewal) presented the report. Mr Lanoszka explained the site location, the outcome of the local consultation, the proposed housing mix that was considered acceptable. Mr Lanoszka also explained the proposed layout, elevations, the quality of the outdoor space that would integrate the site with the surrounding area, the car parking plans and the good transport links for the site.

Mr Lanoszka described the impact on views from the key points. In particular, the visibility of the proposal in the backdrop of the Grade 1 Church. Whilst there would be some impact in this regard, the specialists considered that, with careful management of the materials, the impact should be minimal. Mr Lanoszka also explained the planning obligations. It was considered that the proposed benefits outweighed the shortfalls in this regard. Given the overall benefits of the scheme, Officers were recommending that the scheme should be granted planning permission.

In response to Members, Mr Lanoszka explained the separation distances between the proposed building and the nearest properties which were at least 20 metres in compliance with policy. As a result, it was considered that the plans would not affect privacy. However, should the Committee consider that there were exceptional circumstances in this case, Members could impose an

informative to mitigate the issues with overlooking raised by the objector speaking. With the permission of the Chair, the applicant confirmed that they were willing to work with the objector to address his concerns regarding overlooking.

Members then asked further questions. In response, Officers highlighted the process for allocating the financial contributions for projects. Officers also confirmed the engagement with Crossrail. Members were reassured that there were conditions to protect the amenity of the future occupants given the proximity to Crossrail tunnels. Officers also clarified the uplift in affordable housing in terms of unit numbers and habitable rooms.

The Committee also noted the policy support in the Core Strategy for locating a tall building in the area given the established pattern of development in the area and the status of the nearby Ben Johnson Road Town Centre.

The Committee agreed to add an informative to the application that the applicant work with the objector from Matlock Street to minimise the issues about overlooking to the objectors property from the new building.

On a unanimous vote, the Committee **RESOLVED**:

1. That planning permission at Ocean Estate Site H, west of Aston Street, including Allonby, Channel and Studland Houses (PA/13/02911) be **GRANTED** for the demolition of existing buildings on site and construction of three residential blocks between two and thirteen storeys high comprising 225 residential dwellings (64 one-bed, 106 two-bed, 30 three-bed, 15 four-bed and 10 five-bed) with associated landscaping and basement parking subject to:
2. Any direction by the London Mayor.
3. The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) within three months of the date of this resolution, to secure the planning obligations set out in the report.
4. That the Corporate Director, Development & Renewal is delegated authority to negotiate and approve the legal agreement indicated above.
5. That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions and informatives to secure the matters set out in the committee and update report AND the informative agreed by the Committee that the applicant work with the objector from Matlock Street to minimise the issues with overlooking to the objector's property from the new building.

6. Any other conditions/informatives considered necessary by the Corporate Director, Development & Renewal.

6.2 Sceptre Court, 40 Tower Hill, London EC3N 4DX (PA/13/02692)

Update Report tabled.

Paul Buckenham (Development Manager, Development and Renewal) introduced the application for planning permission for change of use from Office (Use Class B1) to a dual use as Higher Educational Establishment (Use Class D1) and Office (Use Class B1).

Jane Jin (Planning Officer, Development and Renewal) presented the report. Ms Jin explained the policy designation for the site within the Central Activities Zone (CAZ) and a Preferred Office Location (POL). The proposal would be departure from policy as it will result in a net loss of Office floor space within the POL.

Ms Jin explained the case for the departure given that the plans would not affect the function of the CAZ and POL but it would provide a supporting role. Also the proposal would support the expansion of higher educational facilities in the borough. The Committee were also advised of the proposed layout and that the impact on amenity and the highway was acceptable. Transport for London had no concerns subject to the conditions.

The Committee also noted that there would be no external alterations and details of the planning obligations including the ten scholarships for local residents. In view of the merits of the scheme, Officers were recommending that the application be granted.

In response to a Member, it was reported that the details of the ten placements were pending finalisation with the applicant

On a unanimous vote, the Committee **RESOLVED**:

1. That planning permission at Sceptre Court, 40 Tower Hill, London EC3N 4DX (PA/13/02692) be **GRANTED** for Change of Use from Office (Use Class B1) to a dual use as Higher Educational Establishment (Use Class D1) and Office (Use Class B1) subject to:
2. Any direction by the London Mayor.
3. The prior completion of a legal agreement to secure the planning obligations set out in the committee report.
4. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.

5. That the Corporate Director Development & Renewal is delegated authority to recommend the conditions and informatives in relation to the matters set out in the committee report.

7. OTHER PLANNING MATTERS

None.

The meeting ended at 8.00 p.m.

Chair, Councillor Helal Abbas
Strategic Development Committee

LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.30 P.M. ON THURSDAY, 13 MARCH 2014

**COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Helal Abbas (Chair)
Councillor Marc Francis (Vice-Chair)
Councillor Rajib Ahmed
Councillor Carli Harper-Penman
Councillor Denise Jones
Councillor Zara Davis
Councillor Kabir Ahmed
Councillor Md. Maium Miah
Councillor Peter Golds (Substitute for
Councillor Dr. Emma Jones)

Other Councillors Present:

None.

Apologies:

Councillor Dr. Emma Jones and for lateness from Councillor Marc Francis and Peter Golds.

Officers Present:

Paul Buckenham	(Development Control Manager, Development and Renewal)
Megan Nugent	(Legal Services Team Leader, Planning, Directorate Law, Probity and Governance)
Beth Eite	(Planning Officer, Development and Renewal)
Tim Ross	(Planning Officer, Development and Renewal)
Zoe Folley	(Committee Officer, Directorate Law, Probity and Governance)
Jerry Bell	(Applications Team Leader, Development and Renewal)

The order of business was changed at the meeting so that that agenda item 5.3, 27 Commercial Road and 29-37 Whitechurch Lane, London E1 1LD (PA/13/02338) was considered ahead of items 5.1, Land bounded by Park Place, Westferry Road & Heron, Quay Road (Newfoundland), London, E14 4JB (PA/13/1455 and PA/13/1456) and 5.2. Former Job Centre Plus, 307 Burdett Road, London, E14 7DR (PA/13/1656)

However, for ease of reference the items are set out in agenda order in these minutes.

1. **DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS**

No declarations of disclosable pecuniary interests were made.

Councillor Zara Davis declared an interest in agenda items 5.1, Land bounded by Park Place, Westferry Road & Heron, Quay Road (Newfoundland), London, E14 4JB (PA/13/1455 and PA/13/1456) and 5.2, Former Job Centre Plus, 307 Burdett Road, London, E14 7DR (PA/13/1656). This was on the basis that the Councillor had received hospitality from the Canary Wharf Group in 2010 and had declared this to Council in accordance with the relevant procedures.

Councillors Helal Abbas, Md. Maium Miah and Kabir Ahmed declared an interest in agenda items 5.1, Land bounded by Park Place, Westferry Road & Heron, Quay Road (Newfoundland), London, E14 4JB (PA/13/1455 and PA/13/1456) and 5.2 Former Job Centre Plus, 307 Burdett Road, London, E14 7DR (PA/13/1656). This was on the basis that the Councillors had received correspondence from interested parties.

Councillor Peter Golds declared an interest in items 5.1 Land bounded by Park Place, Westferry Road & Heron, Quay Road (Newfoundland), London, E14 4JB (PA/13/1455 and PA/13/1456) and 5.2 Former Job Centre Plus, 307 Burdett Road, London, E14 7DR (PA/13/1656). This was on the basis that the Councillor had been a resident of Lovegrove Walk.

2. **RECOMMENDATIONS**

The Committee **RESOLVED** that:

- 1) In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director, Development and Renewal along the broad lines indicated at the meeting; and
- 2) In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director, Development and Renewal is delegated authority to do so,

provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision

3. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

The Committee noted the procedure for hearing objections, together with details of persons who had registered to speak at the meeting.

4. DEFERRED ITEMS

Nil Items.

5. PLANNING APPLICATIONS FOR DECISION

5.1 Land bounded by Park Place, Westferry Road & Heron, Quay Road (Newfoundland), London, E14 4JB (PA/13/1455 and PA/13/1456)

Update Report tabled.

Paul Buckenham (Development Manager, Development and Renewal) drew attention to the update report regarding the publication of the National Planning Practice Guidance and the commencement of the public consultation on the Draft further alterations to the London Plan 2014.

Whilst these matters should be given some weight, the changes did not introduce any further material considerations or alter the nature of the recommendations.

It was agreed by the Committee that agenda items 5.1, Land bounded by Park Place, Westferry Road & Heron, Quay Road (Newfoundland), London, E14 4JB (PA/13/1455 and PA/13/1456) and 5.2 Former Job Centre Plus, 307 Burdett Road, London, E14 7DR (PA/13/1656) would be considered together as they were linked items but would be voted on separately.

Mr Buckenham introduced both applications for residential led use developments.

5.1 Land bounded by Park Place, Westferry Road & Heron, Quay Road (Newfoundland)

Beth Eite (Planning Officer) explained the Newfoundland scheme. Ms Eite explained the site location within a preferred office location (POL) and the surrounding area. The Committee were advised of the justification for the change in use to a residential led scheme that complied with policy. Ms Eite described the views of the proposal from key points and that the scheme would protect the setting of the surrounding area.

Members were advised of the design, height, floor plans, the amenity space the leisure facilities, the public realm improvements, the s106 and the reasons

for the level of car parking .The impact on amenity was considered acceptable

Members were also advised of the housing mix for the scheme and the plans to provide the affordable housing at the three donor sites: 307 Burdett Road, 83 Barchester Street and Lovegrove Walk. The Committee noted the need for these plans to secure the optimum level of affordable housing (45%) across the schemes given the nature of the sites, the service charge issues etc.

The Committee were briefly advised of the plans for the off site developments. The Committee noted the housing mix, the layout, the level of child play space, the letter of support for the Burdett Road scheme from a housing provider and the temporary nature of the accommodation under the Lovegrove Walk scheme.

The Committee noted the proposed timetable for delivering the affordable housing as required in the legal agreement.

Given the benefits of the Newfoundland scheme, Officers were recommending that the planning permission and listed building consent should be granted.

5.2 Former Job Centre Plus, 307 Burdett Road, London, E14 7DR (PA/13/1656)

Ms Eite then gave a detailed presentation on the application for minor material amendments at 307 Burdett Road. Ms Eite explained the main changes to the consented scheme including the removal of the commercial units and the proposed changes to the layout. Ms Eite also explained the elevations, the detailed design and the need for the proposed wall by the tow path. Members were also advised of the housing mix and the amenity space. No letters of representation had been received. The scheme would protect the setting of the protected assets. Given the benefits of the scheme, Officers were recommending that the planning permission should be granted.

Members asked questions about the housing mix given the aim to create a mixed and balanced community. Some Members questioned the impact of the proposal in this regard given the perceived concentration of social housing around Barchester Street, the differences in the expected child yields for each proposed development and the self-contained private facilities at the Newfoundland site.

Members also sought assurances regarding the impact on infrastructure from the development.

The Committee also asked questions/made comments about the density of the Newfoundland scheme, the level of open space, the departure from policy given the POL site designation, the commercial units at Burdett Road and the criteria for calculating the percentage of affordable housing across the schemes.

In response, Officers explained in further detail the reasons for the off site affordable housing. It was considered that the benefits of this approach in terms of the level and quality of the affordable housing outweighed the benefits of providing this housing on site. Officers also explained the need for additional social housing at Barchester Street given the recent decline in social housing and increase in private housing at ward level.

Officers noted the concerns about the level of infrastructure to support new developments on the Isle of Dogs in view of the collective impact of other schemes. Officers were working on a plan for the area to address this. There was a full S106 with education contributions from the schemes.

Officers explained the nature of the commercial units at Burdett Road. It was considered that the loss of the units was acceptable given the proximity of the site to supermarkets and as it complied with policy. Officers also confirmed that the schemes would deliver 45% affordable housing across all sites, excluding the temporary units at Lovegrove Walk and the contributions for affordable housing.

On a vote of 7 in favour, 1 against and 1 abstention the Committee **RESOLVED:**

1. That planning permission and listed building consent at Land bounded by Park Place, Westferry Road & Heron, Quay Road (Newfoundland), London, E14 4JB (PA/13/1455 and PA/13/1456) be **GRANTED** for erection of a 58 storey and linked 2 storey building with 3 basement levels to comprise of 568 residential units (use class C3), 7 ancillary guest units (use class C3), flexible retail use (use class A1-A4), car and cycle parking, pedestrian bridge, alterations to deck, landscaping, alterations to highways and other works incidental to the proposal subject to:
2. Any direction by the London Mayor.
3. The prior completion of a legal agreement to secure the planning obligations set out in the committee report.
4. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
5. That the Corporate Director Development & Renewal is delegated authority to impose the conditions and informatives on the planning permission in relation to the matters set out in the committee report.
6. Any other conditions/informative(s) considered necessary by the Corporate Director Development & Renewal
7. That if, within 3 months of the date of this committee the legal agreement has not been completed, the Corporate Director

Development & Renewal is delegated power to refuse planning permission.

5.2 Former Job Centre Plus, 307 Burdett Road, London, E14 7DR (PA/13/1656)

Update Report tabled.

For the minute on this item, please see the above item for 5.1.

On a vote of 7 in favour, 0 against and 2 abstentions, the Committee **RESOLVED:**

1. That planning permission at Former Job Centre Plus, 307 Burdett Road, London, E14 7DR (PA/13/1656) be **GRANTED** for Minor Material Amendments to Planning Permission ref: PA/09/214 dated 17 May 2011 for the redevelopment of the site involving the erection of a part 6 and part 11 storey building and lower ground floor level adjacent to Limehouse cut to provide 56 residential units, 658 square metres of commercial floorspace (Use Classes A1/A3 and A4) at ground and lower ground floor level, cycle parking, amenity space and other associated works subject to:
2. The prior completion of a legal agreement to secure the planning obligations set out in the committee report.
3. That the Corporate Director Development & Renewal is delegated authority to negotiate the legal agreement indicated above.
4. That the Corporate Director Development & Renewal is delegated authority to impose the conditions and informatives in relation to the matters set out in the committee report.

5.3 27 Commercial Road and 29-37 Whitechurch Lane, London E1 1LD (PA/13/02338)

Update Report tabled.

Note: Councillors Peter Golds and Marc Francis did not vote on this item having arrived after the introduction of the application.

Paul Buckenham (Development Manager, Development and Renewal) introduced the item at 27 Commercial Road and 29-37 Whitechurch Lane, London E1 1LD.

Tim Ross (Planning Officer) presented the report. The Committee were advised of the site location, the surrounds, the floor layouts, the design, the proposed elevations, the coach parking and servicing and the views of the

proposal from prominent points. Members also noted the scope and outcome of the local consultation and the matters raised as set out in the Committee report and the update report.

Mr Ross explained the planning matters for consideration. It was considered that the proposed hotel use at this site was acceptable in view of the site designation given the expected benefits of the scheme. The height and design responded well to the surrounding area with no harm to the setting of surrounding assets. The s106 complied with policy and there were public realm improvements. The site had good transport links.

Members were advised of the impact on daylight and sunlight to the surrounding properties most affected by the proposal. On balance, it was considered that the daylight and sunlight impacts were acceptable given the overall benefits of the scheme and that the units should generally continue to receive adequate levels of light.

Members asked a number of questions. In response, it was noted that Transport for London (TFL) were satisfied with the proposals subject to the conditions and there was also a Transport Management Plan. Officers noted the comments of TFL about access for twelve metre coaches. It was considered that, due to the anticipated infrequencies of such visits, that this should not cause any problems. Officers also explained, in further detail, the daylight impacts when assessed by the various standards.

Members asked about the impact on privacy on 34-38 Whitechurch Lane given the separation distances. Member questioned the steps taken to minimise this. Officers agreed to add a condition to the application to mitigate any overlooking issues at the lower floors from the proposal.

In response to further questions, Officers referred to the letters of support as set out in the Committee report and the update that considered that the plans would have a positive impact on the local economy. The Chair asked if these were standard letters (proforma letters). The Chair requested that this should be specified in the Committee Report.

It was confirmed that there was no evidence to suggest that a hotel use would cause anti-social behaviour (ASB). The active frontage should in fact improve natural surveillance and help address ASB. Officers also outlined the scope of the applicant's consultation exercise. All properties tested in terms of amenity impact would have been notified by the Council about the application.

On a vote of 4 in favour, 0 against and 3 abstentions the Committee **RESOLVED:**

That planning permission at 27 Commercial Road and 29-37 Whitechurch Lane, London E1 1LD (PA/13/02338) be **GRANTED** for the demolition of existing buildings and creation of a development, of a part 19/ part 21 storey hotel, comprising 269 bedrooms and associated bar and restaurant facilities, with one disabled parking space (on site), 24 cycle parking spaces at

basement and ground level and a service/drop off bay off Whitechurch Lane
subject to:

Any direction by the London Mayor.

The prior completion of a legal agreement to secure the planning obligations
set out in the committee report.

That the Corporate Director Development & Renewal and the Service Head
(Legal Services) are delegated power to negotiate and complete the legal
agreement indicated above acting within normal delegated authority.

That the Corporate Director Development & Renewal is delegated power to
impose on the planning permission the conditions and informatives to secure
the matters set out in the committee report.

The meeting ended at 8.15 p.m.

Chair, Councillor Helal Abbas
Strategic Development Committee

Guidance for Development Committee/Strategic Development Committee Meetings.

Who can speak at Committee meetings?

Members of the public and Councillors may request to speak on applications for decision (Part 6 of the agenda). All requests must be sent direct to the Committee Officer shown on the front of the agenda by the deadline – 4pm one clear working day before the meeting. Requests should be sent in writing (e-mail) or by telephone detailing the name and contact details of the speaker and whether they wish to speak in support or against. Requests cannot be accepted before agenda publication. Speaking is not normally allowed on deferred items or applications which are not for decision by the Committee.

The following may register to speak per application in accordance with the above rules:

Up to two objectors on a first come first served basis.	For up to three minutes each.
Committee/Non Committee Members.	For up to three minutes each - in support or against.
Applicant/ supporters. This includes: an agent or spokesperson.	Shall be entitled to an equal time to that given to any objector/s. For example: <ul style="list-style-type: none"> • Three minutes for one objector speaking. • Six minutes for two objectors speaking. • Additional three minutes for any Committee and non Committee Councillor speaking in objection.
Members of the public in support	It shall be at the discretion of the applicant to allocate these supporting time slots.

What if no objectors register to speak against an applicant for decision?

The applicant or their supporter(s) will not be expected to address the Committee should no objectors register to speak and where Officers are recommending approval. However, where Officers are recommending refusal of the application and there are no objectors or members registered, the applicant or their supporter(s) may address the Committee for 3 minutes.

The Chair may vary the speaking rules and the order of speaking in the interest of natural justice or in exceptional circumstances.

Committee Members may ask points of clarification of speakers following their speech. Apart from this, speakers will not normally participate any further. Speakers are asked to arrive at the start of the meeting in case the order of business is changed by the Chair. If speakers are not present by the time their application is heard, the Committee may consider the item in their absence.

This guidance is a précis of the full speaking rules that can be found on the Committee and Member Services webpage: www.towerhamlets.gov.uk/committee under Council Constitution, Part.4.8, Development Committee Procedural Rules.

What can be circulated?

Should you wish to submit a representation or petition, please contact the planning officer whose name appears on the front of the report in respect of the agenda item. Any representations or petitions should be submitted no later than noon the working day before the committee meeting for summary in the update report that is tabled at the committee meeting. No written material (including photos) may be circulated at the Committee meeting itself by members of the public including public speakers.

How will the applications be considered?

The Committee will normally consider the items in agenda order subject to the Chair's discretion. The procedure for considering applications for decision shall be as follows:
Note: there is normally no further public speaking on deferred items or other planning matters



- (1) Officers will announce the item with a brief description.
- (2) Any objections that have registered to speak to address the Committee
- (3) The applicant and or any supporters that have registered to speak to address the Committee
- (4) Committee and non- Committee Member(s) that have registered to speak to address the Committee
- (5) The Committee may ask points of clarification of each speaker after their address.
- (6) Officers will present the report supported by a presentation.
- (7) The Committee will consider the item (questions and debate).
- (8) The Committee will reach a decision.

Should the Committee be minded to make a decision contrary to the Officer recommendation and the Development Plan, the item will normally be deferred to a future meeting with a further Officer report detailing the implications for consideration.

How can I find out about a decision?

You can contact Democratic Services the day after the meeting to find out the decisions. The decisions will also be available on the Council's website shortly after the meeting.

For queries on reports please contact the Officer named on the front of the report.

<p>Deadlines. To view the schedule of deadlines for meetings (including those for agenda papers and speaking at meetings) visit the agenda management timetable, part of the Committees web pages. Visit www.towerhamlets.gov.uk/committee - search for relevant Committee, then 'browse meetings and agendas' then 'agenda management timetable'.</p>	 <p>Scan this code to view the Committee webpages.</p>
<p>The Rules of Procedures for the Committee are as follows:</p> <ul style="list-style-type: none">• Development Committee Procedural Rules - Part 4.8 of the Council's Constitution (Rules of Procedure).• Terms of Reference for the Strategic Development Committee - Part 3.3.5 of the Council's Constitution (Responsibility for Functions).• Terms of Reference for the Development Committee - Part 3.3.4 of the Council's Constitution (Responsibility for Functions).	 <p>Council's Constitution</p>

Agenda Item 6

Committee: Strategic Development	Date: 10 th April 2014	Classification: Unrestricted	Agenda Item No: 6
Report of: Corporate Director Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Committee. Although the reports are ordered by application number, the Chair may reorder the agenda on the night. If you wish to be present for a particular application you need to be at the meeting from the beginning.
- 1.2 The following information and advice applies to all those reports.

2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda are available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

3. HEAD OF LEGAL SERVICES

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the Development Plan and other material policy documents. The Development Plan is:
 - the London Plan 2011
 - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
 - the Managing Development Document adopted April 2013
- 3.2 Other material policy documents include the Council's Community Plan, supplementary planning documents, government planning policy set out in the National Planning Policy Statement and planning guidance notes and circulars.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 7

Brief Description of background papers:
Application, plans, adopted UDP, Interim
Planning Guidance and London Plan

Tick if copy supplied for register:

Name and telephone no. of holder:
Eileen McGrath (020) 7364 5321

- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 3.6 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.7 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 3.8 In accordance with Article 31 of the Development Management Procedure Order 2010, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

4. PUBLIC SPEAKING

- 4.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Committee's procedures. These are set out at Agenda Item 4.

5. RECOMMENDATION

- 5.1 The Committee to take any decisions recommended in the attached reports.

Agenda Item 6.1

Committee: Strategic Development	Date: 10 th April, 2014	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Jane Jin	Ref No: PA/13/02938
	Ward: Mile End and Globe Road

1. APPLICATION DETAILS

Location: Suttons Wharf North, Palmers Road, London
Existing Use: Residential Development
Proposal: Application under s.73 of the Town and Country Planning Act for a variation of Condition 22 of the Planning Permission PA/11/3348 dated 30/03/12 to seek minor material amendments to the approved Block A of the Suttons Wharf North development comprising:

- Removal of one ground floor links between Block A2 and A3 and the creation of separate D1 Use Class units (390sq.m; 280sq.m; and 1035sq.m);
- Insertion of an additional internal floor level (no resulting increase of heights to the consented buildings);
- Alterations to the dwelling mix within Block A, resulting in a net increase of 41 residential units
- Other associated external changes

Drawing Nos/Documents: Drawings:

491/PL/010 Rev A; 491/PL/011 Rev J; 491/PL/013 Rev F;
491/PL/014 Rev E; 491/PL/015 Rev E; 491/PL/016 Rev F;
491/PL/017 Rev E; 491/PL/018 Rev E; 491/PL/019 Rev E;
491/PL/020 Rev E; 491/PL/021 Rev F; 491/PL/022 Rev F;
491/PL/023 Rev E; 491/PL/024 Rev E; 491/PL/025 Rev E;
491/PL/026 Rev E; 491/PL/027 Rev E; 491/PL/028 Rev E;
491/PL/029 Rev E; 491/PL/040 Rev H

Environmental Statement Addendum Dated December 2013 with reference 11752/IR/BK/SW;

Applicant: Hollybrook Limited
Ownership: Barwood Ventures Ltd;
Barwood (Suttons Wharf) Ltd;
Barwood Nominees Ltd; and
One Housing Group
Historic Building: None
Conservation Area: Adjacent to Regents Canal Conservation Area

2. EXECUTIVE SUMMARY

2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document 2013 as well

as the London Plan (2011) and its Revised Early Minor Alterations (REMA) 2013 and the National Planning Policy Framework and has found that:

- 2.2 The proposal to alter the ground floor and rationalise the internal layout of the Block A to introduce 41 additional residential units can be considered to be a minor material amendment to the consented scheme.
- 2.3 The minor loss of D1 floor space is considered acceptable which is more in tune with the requirements of the NHS England and which allows or other D1 uses to be introduced.
- 2.4 The impacts of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure are not considered to be unduly detrimental, given the built form of the consented scheme and the urban nature of the site.
- 2.5 Sufficient quantum and quantity of housing amenity space, communal space, child play space and open spaces are already provided for which can cater for the requirement of the revised Block A (41 net additional units) and are considered to effectively meet the needs of the development.
- 2.6 Transport matters, including parking, access, and servicing are not altered and additional cycle spaces are provided for the additional 41 residential units which are acceptable and promote sustainable travel modes.
- 2.7 The proposal will provide the full amount of the financial contributions for net additional 41 units in accordance with the Council's Planning Obligation SPD towards health facilities, libraries, leisure facilities and sustainable transport which would be sufficient to mitigate the impact of the development.

3. RECOMMENDATION

- 3.1 That the Strategic Development Committee resolve to **GRANT** planning permissions subject to:

The variation to the **legal agreement** to secure the following additional planning obligations:

3.2 Financial Obligations

- a) A contribution of £8,820 towards libraries
- b) A contribution of £29,115 towards leisure facilities.
- c) A contribution of £40,182 towards health facilities.
- d) A contribution of £1,050 towards sustainable transport
- e) £1,583 towards S106 monitoring fee (2%)

Total: £80,750

Non-financial Obligations

- 3.3
 - a) Car-free agreement to extend to the 41 new residential units to restrict occupants applying for parking permits
 - b) Any other planning obligation(s) considered necessary by the Corporate Director

Development & Renewal

- 3.4 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
- 3.5 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

CONDITIONS & INFORMATIVES

- 3.6 Where they have not already been discharged, the conditions on the previous decision notice shall be re-imposed to the new decision notice and there are no new conditions proposed as a result of the proposed minor material amendment. All other pre-commencement conditions which have been discharged will be re-worded to ensure that they are changed to compliance conditions.
- 3.7 Any other conditions(s) considered necessary by the Corporate Director Development & Renewal.
- 3.8 **Informatives:**
- S106 planning obligation
- 3.9 Any other informative(s) considered necessary by the Corporate Director Development & Renewal
- 3.10 That, if within 3 months of the date of this committee's resolution the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1 Suttons Wharf North is approximately 1.2 ha in size, and is located at the southern end of Palmers Road. The site originally comprised of a cash and carry warehouse however the warehouse has been demolished since the approval of the re-development in 2006 and half of the development has been completed.
- 4.2 Of the 7 consented residential blocks, the 5 blocks which are the affordable housing units are the only element of the wider consented scheme that have been delivered on site and are now occupied. The remaining two blocks (A and B) are the private tenure and these blocks are currently under construction.
- 4.3 The site adjoins the Regents Canal (to the east) which is a conservation area, and lies between Meath Gardens (to the west) and Mile End Park (further to the east). Adjoining to the south of the site is Suttons Wharf South that has recently been redeveloped for a predominately a residential scheme.

Proposal

- 4.4 The consented scheme comprises 7 blocks predominately in residential use, of which 5 blocks have been constructed and are solely for affordable housing. The ground floors of some of these buildings had consented commercial uses.
- 4.5 The remaining two blocks (A and B) are currently under construction and the subject application is to alter Block A of the consented scheme. The originally consented scheme

had a total quantum 3,485sq.m of B1, A1 and D1 uses for the entire site.

- 4.6 Recently, the Members resolved to grant planning permission for the proposed changes to Block B within the site, where by 8 additional units were proposed together with a reduction of commercial floor space.
- 4.7 The current proposed amendment relates to Block A and the proposed changes relate to rationalising the floor to ceiling heights of each residential floor which allows for one additional floor to be inserted to the three buildings (A1, A2, A3) which form Block A whilst maintaining the consented heights. This together with re-shuffling of the internal floor layout results in the scheme providing net additional 41 units.
- 4.8 The proposal also includes rationalising the consented D1 floor space on the ground floor, as a result of the NHS England requesting that circa 900sq.m would now be required on-site, not circa 1,900sq.m. Therefore the proposal includes three separate commercial units to be taken up for different D1 uses by breaking up Cores A2 and A3 to provide amenity space at grade level. The proposal will now include three separate D1 spaces of 390sq.m; 280sq.m and 1035sq.m, the largest space for the NHS.
- 4.9 The proposed amendment also includes associated elevational changes to the façades of the building to reflect the internal changes and to accommodate a revised lift strategy.

5 RELEVANT PLANNING HISTORY

5.1 There is a complex planning history for the site and this can be summarised as below.

PA/05/1727

Demolition of existing buildings and construction of seven buildings, rising from 7 storeys up to 16 storeys to provide 419 new dwellings, 656m² of Class B1 (Business) floorspace, 225m² of either Class B1 and/or D1 (non-residential institution) floorspace, 330m² of Class A1 (shop) floorspace, a health clinic (1,907m²), and a day nursery (367m²), 183 parking spaces and landscaping was granted on 12 May 2006.

The consented mixed use scheme included the following numbers of residential units:

Block A – 154

Block B – 64

Block C – 35

Blocks D, E, F – 150

Block G – 16

Total 419 units.

The total affordable housing provision on site equated to 52% in habitable rooms.

PA/06/1336

Demolition of existing buildings and construction of seven buildings, rising from 7 storeys up to 16 storeys to provide 419 new dwellings, 656m² of Class B1 (Business) floorspace, 225m² of either Class B1 (Business) and/or D1 (non-residential institution) floorspace, 330m² of Class A1 (Shop) floorspace, a 1,907m² health clinic and a 367m² day nursery, 183 parking spaces and landscaping without compliance with conditions previously attached to the Council's planning permission dated 12th May 2006 (Ref: PA/05/1727) was granted on 13 December 2007.

This application involved removal of planning conditions and therefore did not alter the make up of the scheme, however a new consent was issued and therefore was the 'Planning Permission' for the site.

PA/10/1089

Non-material amendment to planning permission dated 13th December 2007, Reference PA/06/1336, for the demolition of existing buildings and construction of seven buildings, rising from 7 storeys up to 16 storeys to provide 419 new dwellings, 656 m² of Class B1 (Business) floorspace, 225 m² of either Class B1 (Business) and/or D1 (non-residential institution) floorspace, 330 m² of Class A1 (Shop) floorspace, a 1,907 m² health clinic and a 367 m² day nursery, 183 parking spaces and landscaping without compliance with conditions previously attached to the Council's planning permission dated 12th May 2006 (Ref: PA/05/1727); by the addition of a condition requiring development to be carried out in accordance with approved plans.

This non-material amendment saw the insertion of a planning condition to list all approved plan numbers to allow for an application to be made for a minor material amendment to the scheme under s.73 of the Town and Country Planning Act. This was introduced through the Country Planning Act 1990 which was brought into force on 1 October 2009, via the commencement of s.190 of the Planning Act 2008.

5.5 **PA/10/2697**

Variation of Condition 22 (Schedule of approved drawings) of the Council's planning permission dated 13th December 2007, Reference PA/06/1336, as amended on 26 June 2010 ref: PA/10/1089 for redevelopment to allow the replacement of eight approved plans with revised versions that would result in minor material amendments to Blocks C and G comprising:

Block G

- *Change of 16 studio units to 8 x 1 bedroom units and 4 x 2 bedroom units.*
- *Reconfiguration of nursery space resulting in an increase in floorspace from 367sq.m to 395sq.m.*
- *Reduction in height of glass panelling around the circumference from two storeys to one storey.*
- *Minor reduction in height but remains 6 storey.*

Block C

Modifications to ground floor window framing.

This permission was granted on 4 August 2011 and subsequently increased the number of habitable rooms slightly and therefore the percentage of the affordable housing was reduced to 51%.

The number of residential units in each block has been changed to following:

Block A – 154

Block B – 64

Block C – 35

Blocks D, E, F – 150

Block G – 12

Total 415 units.

5.6 **PA/11/3348**

Variation of Condition 22 (Schedule of approved drawings) of the Council's planning permission dated 13th December 2007, Ref PA/06/1336, as amended on 26 June 2010 ref PA/10/1089 (and further amended on 4th August 2011), reference PA/10/2697 for the replacement of two approved plans with revised versions to allow the following minor material amendments to blocks D, E and F:

- *Minor reconfiguration of the 9th floor set back storey of Blocks D, E and F;*
- *Removal of the open walkway's between Blocks D, E and F at ground to second floor levels;*

- *Glazed enclosure of the external stair cores between Blocks D and E, and E and F;*
- *Enclosure of the external walkway's between Blocks D and E, and E and F;*
- *Minor alterations to fenestration and external stair cores of the north elevation of Block F and southern elevation of Block D; and*
- *Chimney flue on the north elevation of Block F.*

This permission was approved on 30 March 2012 and sought minor changes to the physicality of the buildings. However, through the variation of the s.106, Block B became all private tenure and Blocks C and G were allocated for affordable housing. This permission retained the affordable housing provision on site as 51%. A new planning permission was issued and therefore this permission became the implemented permission.

5.7 **PA11/2309**

Change of use of the ground floor and first floor of Block G of Suttons Wharf North from a nursery (D1 use class) to residential (C3 use class), and associated exterior alterations, to provide six additional one and two bedroom units was approved 30 March 2012.

This permission was a stand-alone permission and was considered on its own merits for the change of use from D1 use (395sq.m) on the ground floor of Block G to residential. The dwelling mix consented were 6 x 2bedroom units in the intermediate tenure.

5.8 **PA/11/2310**

Change of use on the ground floor of Block C of Suttons Wharf North from non-residential floorspace (Class B1 and/or D1) to residential (C3 use class), to provide three additional units (one x no. one bedroom, one x no. two bedroom and one x no. three bedroom) was granted on 30March 2012.

This permission was also a stand-alone permission and was for the change of use within Block C from B1/D1 use (225sq.m) to residential to provide 3Intermediate units.

The planning permissions PA/11/3348, PA/11/2309 and PA/11/2310 were all considered at the same time to allow for a holistic assessment. The permissions and variation of the s106 to the original planning obligation provided the number of dwelling units for the site as follows. The affordable housing % was slightly reduced to 50.7% through the permissions but still remains as 51% as a whole number.

Block A – 154

Block B – 64

Block C – 38

Blocks D, E, F – 150

Block G – 18

Total 424 units.

PA/12/2535

5.9 *Non-material amendment following grant of planning permission dated 30/03/2012, ref PA/11/03348 to Blocks A & B for:*

- *reduction in floor to ceiling heights within Block B in order to introduce two additional floors of development*
- *minor external changes to the elevations of block B associated with the introduction of two new floors*
- *changes to the dwelling mix within Block A and B in order to ensure the overall number of units and bed spaces within the development remains as approved.*

This application was approved on 2 November 2012 for a non-material amendment which altered dwelling schedule of Blocks A and B (private tenure). Whilst the unit numbers stayed the same, the number of habitable rooms increased due to the removal of studios, and

increased number of 2 bedroom units which are all in private tenure. This resulted in the increase of habitable rooms in private tenure by 82 rooms and therefore consequently resulted in the reduction of affordable housing to 49.6% on the site.

5.10 **PA/13/2108**

Application under s.73 of the Town and Country Planning Act for a variation of Condition 22 of the Planning Permission PA/11/3348 dated 30/03/12 to seek minor material amendments to the approved Suttons Wharf North development comprising the conversion of part ground, first and second floor levels to create eight additional residential units (3 x 3 bed; 3 x 2bed and 2 x 1bed) and retention of 107sq.m. of commercial floor space (A1 or B1(a) Use Class) on the ground floor; and associated minor alterations to Block B.

This application was considered by the Members at the Strategic Development Committee in November 2013 and again in January 2014 as a deferred item and was granted planning permission.

In conclusion, currently the site has consent for 432 units with 48.6% of affordable housing. It is worthwhile to note that all of the affordable units have been delivered on site as consented, and Block B and A (private units) are currently under construction.

In terms of non-residential uses, the planning history of the application resulted in a reduction of commercial spaces (A1, B1 and D1) from a total consented 3,485sq.m to 2,014sq.m comprising A1 and D1 uses only. Block A contained the largest quantum of commercial space (D1) at 1,907sq.m which was identified for PCT during the initial application stages in 2005.

6. **POLICY FRAMEWORK**

6.1 Following the adoption of the Managing Development Document on 17th April 2013 the development plan now consists of the Managing Development Document (MDD), the Core Strategy 2010 and the London Plan 2011 with its Revised Early Minor Alterations (REMA) 2013. The following policies are relevant to the application:

6.2 **Core Strategy Development Plan Document 2010 (CS)**

Policies:	SP01	Refocusing on 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

6.3 **Managing Development Document (Adopted 2013)**

Policies	DM3	Delivering Homes
	DM4	Housing Standards and amenity space
	DM8	Community Infrastructure
	DM10	Delivering Open space
	DM11	Living Buildings and Biodiversity

DM14	Managing Waste
DM15	Local Job Creation and Investment
DM20	Supporting a Sustainable Transport Network
DM22	Parking
DM23	Streets and Public Realm
DM24	Place Sensitive Design
DM25	Amenity
DM27	Heritage and Historic Environment
DM29	Zero-Carbon & Climate Change

6.4 Supplementary Planning Guidance/Documents and Other Documents
 Planning Obligations SPD 2012

6.5 Spatial Development Strategy for Greater London (London Plan 2011; REMA 2013; Draft Further Alterations to the London Plan 2014)

- 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 Social Care Facilities
- 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
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.9 Access to Nature and Biodiversity

- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.19 Biodiversity and Access to Nature

6.6 London Plan Supplementary Planning Guidance/Documents

London Housing Design Guide 2010
Housing Supplementary Planning Guidance Nov 2012
Sustainable Design & Construction 2006
Accessible London: Achieving an Inclusive Environment 2004
Shaping Neighbourhoods: Children and Young People's Play and Informal Recreation 2012

6.7 Government Planning Policy Guidance/Statements

The National Planning Policy Framework 2012 (NPPF)
The Planning Practice Guidance

6.8 Community Plan The following Community Plan objectives relate to the application:

A better place for living safely
A better place for living well
A better place for creating and sharing prosperity
A better place for learning, achievement and leisure
A better place for excellent public services

6.9 Good practice guidance is issued by 'Communities and Local Government'

The guidance 'Greater flexibility for planning permissions: Guidance', published 23 November 2009 and as amended by 2nd edition dated October 2010 provides guidance on the use of measures and to augment policy and advise on the best way of achieving technical outcomes.

6.10 Background to Minor Material Amendments

Changes were originally introduced to the planning regime in October 2009 and updated in October 2010 to allow minor and non-material amendments to proposals after permission has been granted. This has now been replaced by the Planning Practice Guidance published in March 2014

6.11 The Guidance provides that the use of the existing route under s.73 of the Town and Country Planning Act to vary a condition would be the best short term solution for allowing minor material amendments to an approved scheme. However, the use of s.73 depends on the existence of a relevant condition which can be amended, which includes either a condition listing plans numbers or compliance with the approved plans condition.

6.12 The implemented permission does have such a condition to vary, allowing the Council to consider the proposed minor material amendment.

6.13 Therefore, the current proposal proposed an amendment to Condition 22 which lists the approved plan numbers of the Permission for the proposed minor-material amendment.

7. CONSULTATION RESPONSE

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:

7.3 LBTH Housing

7.4 This proposal delivers 41 net additional private units to the original consented scheme. These

-- units are provided through an additional floor level being inserted and through revisiting the dwelling mix.

This scheme achieved 52% affordable housing by habitable room, when the scheme was originally consented in 2006. Through amendments, the consented scheme has delivered 48.6% affordable housing. This proposal with the additional uplift of 41 private units would change the affordable housing habitable provision to 45% by habitable rooms.

The 45% existing affordable units by habitable rooms are all occupied and let as Social target rented, Intermediate and Shared Ownership units. The overall development still exceeds the Council's minimum affordable housing policy requirement of 35% by habitable rooms, therefore this proposal is acceptable on balance.

[Officer Comment: details of affordable housing is discussed in the main body of the report]

7.5 NHS

NHS England have indicated that the D1 space secured within the site is now required, albeit it was formally expressed that the space was not required in 2010. Circa 900sq.m would be required by NHS.

[Officer comment: Initially the proposal separated the D1 space into three smaller separate units, which allowed the buildings to be separated and linkages removed. However, the following discussions with the NHS, the applicant has re-provided the space required by the NHS of 1,050sq.m.]

7.6 LBTH Transportation

The proposed additional residential units do not have any additional parking spaces attached to them. In addition the developer is expected to sign up to a legal 'Permit Free' agreement, secured by the S106 which prevents future residents from applying for parking permits in the surrounding controlled parking zones.

Additional cycle parking is required to make this proposal policy compliant. Looking at the schedule of accommodation provided, the current level of cycle parking falls short of the MDD minimum standards, which requires 1 space per 1/2 bed unit and 2 spaces per 3+ bed unit.

For the proposed D1 uses no details are submitted with regards likely uses within that use class, all of which have different servicing requirements (perhaps ambulances, museum deliveries etc.) as well as additional cycle parking requirements, which are included in the MDD.

[Officer Comments: Following the above comments, the applicant has provided the required cycle parking provision and the car free obligation will be extended to the additional 41 units through a deed of variation to the original legal agreement. In addition, the consented space for NHS will be retained and at a reduced scale and therefore the impact is likely to be reduced from that approved in the original scheme. Details of transportation is discussed in the main body of the report]

8. LOCAL REPRESENTATION

8.1 A total of 450 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site.

8.2 The number of representations received from neighbours and local groups in response to notification and publicity of the application as submitted and amended were as follows:

No of individual responses: 9 Objecting: 9 Supporting: 0 Neither: 0

No of petitions received: None

8.3 The issues raised in the objections received are;-

8.4 *No additional parking provided for the additional residents*

[Officer Comment: The on-site car parking provision as consented is already over the current maximum requirement and therefore additional on-site parking is resisted. The new additional units would be subject to a car free agreement and therefore there would be no net increase to the vehicle movements in and out of the site as a result on the additional residential units.]

8.5 *Need for commercial spaces within the site not new homes*

[Officer's comment: This is addressed in the Land Use section of this report]

8.6 *Increase in density resulting in overcrowding*

[Officer's comment: The proposal does not suffer from any of the symptoms of over development and thus resulting in overcrowding conditions. The proposed unit sizes are also in accordance with the minimum dwelling standards as outlined in the Council's Managing Development Document 2013 and in the London Plan 2011.]

8.7

Number of habitable rooms as stated in the accommodation schedule is not correct

[Officer comment: The officers have assessed the details of the dwelling schedule and have not relied on the applicant's submission, whether it is right or wrong. The details of the housing, and dwelling mix is outlined in the main body of the report]

8.8

Problems with refuse disposal

---- [Officer's comment: The development provides sufficient waste and recycling storage capacity to accommodate the projected waste disposal for the units on site and this is detailed in the main body of the report.]

8.9 *Fly tipping*

[Officer's comment: This is a site management issue. There is no direct link to suggest that the additional residential units will result in further fly tipping on site.]

8.10 *Loss of health care facility*

[Officer comment: NHS have shown interest of continuing to secure a space (reduced floor space then previously secured) within the site and therefore the applicant have re-provided the space]

8.11 *Contribution towards transport should be sought*

[Officer comment: Transport contribution have previously been sought through the original consent and further contributions are sought for the revised amendment for sustainable transport]

8.12 *Anti-social behaviour*

[Officer's comment: Objections received indicate that there have been incidents of anti-social behaviour on or near the site. There is no clear association between reported cases and occupiers of the development and officers are not aware of any evidence to suggest that the proposed additional units will add to the anti-social behaviour to the area.]

Increasing the dimensions of the footprint of the building to accommodate the additional 41 units.

[Officer comment: As explained earlier in the report, the additional units are achieved through rationalising the floor to ceiling heights and re-shuffling the internal layout. The proposal does not increase the footprint of the consented buildings.]

9. MATERIAL PLANNING CONSIDERATIONS

9.1 The main planning issues raised by this application that the committee are requested to consider are:

- Land Use.
- Housing
- Design
- Amenity
- Transport
- Planning obligations

Land Use

9.2 The proposal will see the reduction of the consented commercial uses within Block A and the introduction of additional residential units.

9.3 Reduction in D1 floor space.

The proposal would not result in the loss of the consented D1 use class, but a reduced total quantum of floor space.

9.4 Initially, 1,907sq.m of D1 floor space within Block A was secured for a health clinic (previously by PCT) and since then in 2010, NHS confirmed that the space was no longer required. However as a result of subject application, NHS have shown interest in the space again, and requested 850sq.m - 900sq.m be made available. The applicant has now re-introduced a provision for a health clinic and a total space of 1,035sq.m would be provided for NHS. This is considered to be an acceptable approach as the required floor space would be fit for purpose and other separated D1 units (280sq.m and 390sq.m) can be made available to other end users such as nurseries.

9.5 The proposal will continue to provide a health clinic provision through working partnership with the NHS, and therefore would improve access to health facilities in the borough in accordance with the policy SP04 of the Core Strategy 2010; and DM8 of the Managing Development Document 2013.

9.6 Residential Use

In terms of residential use, at strategic level the London Plan policy 3.3 'Increasing housing supply' recognises the pressing need for additional housing in London and supports development which delivers new homes on suitable sites. It seeks an annual average of 32,210 net additional homes across London, of which Tower Hamlets annual target is 2,885. It is also worth noting that these targets are proposed to be increased by the Further Alternations to the London Plan (Draft 2014) where the Borough's annual target is proposed to be set at a minimum of 3,931.

9.7 At the local level, the Core Strategy also identifies that housing needs to be provided in accordance with the London Plan housing targets. It also seeks to deliver more affordable homes and achieve mixed and balanced places that have a range of dwelling sizes, types and tenures, to help create sustainable communities

9.8 Given that the predominate use of the site and the area in general is in residential use maximising the site for residential use is acceptable. Given that there may be further pressure for boroughs to deliver more homes annually than what is already expected, the net additional 41 units within the proposed subject amendment could be sustained. It will be explained in the latter part of this report why the proposed density can be sustained on this site.

9.9 It is considered that the proposed reduction in D1 floor space and the introduction of a modest net uplift of residential units is a minor amendment in the context of the site wide scheme given

all these changes are contained within the footprint of the consented buildings.

- 9.10 The remainder of the report looks at whether the proposed residential quality is in accordance with policies, and whether the proposal will have impact upon the general amenities to the area. The detail of affordable housing is also discussed below.

Housing

9.11 *Policy summary*

At the national level the NPPF seeks to ensure that wide choices of high quality homes are delivered. Where it is identified that affordable housing is needed this need should be met on-site, unless off-site provision of a financial contribution of broadly equivalent value can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities.

- 9.12 The London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and provides that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that Boroughs should set their own overall targets for affordable housing provision over the plan period which can be expressed in absolute terms or as a percentage.

- 9.13 At the local level, Policy SP02 of the Core Strategy (2010) states that the Council will seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision being sought. This policy seeks a split of 70% social/affordable to 30% intermediate housing provision.

- 9.14 The site originally was consented with 419 residential units separated in 7 residential blocks, with a total of 206 units for affordable housing, equating 52% in habitable room numbers. Since the granting of the original permission, various amendments have been sought on site as detailed in the Planning History earlier in this report, and therefore the current consented scheme on site is 432 residential units with the same 206 affordable housing units (48.6% by habitable room).

- 9.15 The proposed net additional 41 units which is the subject of this minor material amendment will be located in Block A which is a private tenure block. This will result in the development delivering an overall 473 residential units for the application site with a minor reduction of the affordable housing provision to 45% as a result of the increase in habitable room numbers in private tenure.

- 9.16 The proposal continues to exceed the minimum required affordable housing units on-site and provides split which retains 72:28 in favour of social rented accommodation and therefore the proposal would still be acceptable and would remain compliant with policies mentioned above.

- 9.17 It is important to note that the 206 units of affordable housing, of which 136 units are social rented and 70 units are within the Intermediate and shared ownership provision, have already been constructed and occupied. Therefore, as part of this proposal for a net increase of 41 additional units, no further affordable housing is secured. The Council's Housing officer is satisfied with the quantum of the already delivered affordable housing which exceeds the Council's minimum.

9.18 *Housing Mix*

Pursuant to Policy 3.8 of the London Plan, the development should '*... offer a range of housing choices, in terms of housing sizes and types, taking account of the housing*

requirements of different groups’.

9.19 Policy SP02 of the Core Strategy and policy DM3 of the MDD sets out that development should provide a balance of housing types, including family homes, in accordance with the most up-to-date housing needs assessment.

9.20 The proposal results in a re-shuffle of the dwelling mix and Table 1 provides the details of Block A dwelling mix as consented and as proposed amendment, and Table 2 outlines the breakdown of the entire scheme under the subject proposal.

Table 1 (Block A)

	As consented	As proposed
1bed	35	46
2bed	67	102
3bed	43	38
TOTAL	145	186

Table 2 Dwelling mix for the entire site as revised

Unit size	Social Rented			Intermediate/Shared			Private Sale		
	Units	%	Target	Units	%	Target	Units	%	Target
1 bed	30	22%	30%	28	55%	25%	65	24%	50%
2 bed	54	40%	25%	39	21%	50%	147	55%	30%
3 bed	16	12%	30%	3	4%	25%	55	21%	20%
4 bed	36	26%	15%	-	-		-	-	
TOTAL	136			70			267		

9.21 The proposed net additional units do not alter the consented mix for the affordable units, and as it can be seen from the table above the units within the private tenure would still retain the level of family sized units in accordance with the Council’s policy DM3 of the MDD. Within the private, there is a higher proportion of 2bed units, however it is considered that given fixed nature of the affordable housing tenure and the overall achievement in the quantum of family sized units within the private tenure, the proposal on balance is acceptable.

9.22 *Density*

In terms of the proposed density, Policy 3.4 of the London Plan sets out the optimum housing densities for a site based on how accessible they are. For an urban area with a PTAL of 4-6 the anticipated density range is 200-700 habitable rooms per hectare or 70-260units per hectare. The application site lies in PTAL within PTAL 4 and 5 and has a density of 1162hr/ha or 361u/ha and therefore would be above the recommended density range. However, the intent of the London Plan and Council’s MDD is to optimise the intensity of use compatible with local context, good design principles and public transport capacity.

9.23 It should be remembered that density only serves an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:

- Access to sunlight and daylight;
- Lack of open space and amenity space;
- Increased sense of enclosure;
- Loss of outlook;
- Increased traffic generation; and
- Impacts on social and physical infrastructure.

9.24 As detailed within this report, officers consider that the subject site can accommodate the density of the proposed development, and the above symptoms of over-development are not present in this case.

Design

- 9.25 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 9.26 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimising the potential of the site.
- 9.27 Core Strategy policy SP10 and Policy DM23 and DM24 of the MDD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 9.28 The proposal includes minor elevational changes which would see an additional storey being inserted within the buildings of Block A which would not result in a notable change however the most noticeable change would be the removal of the linkage between A2 and A3 buildings. This subsequently would allow the consented podium level to be provided at a grade level for everyone to access. This is considered to be a better design approach where better permeability is achieved through the site and outlook to the Canal and Mile End Park beyond.
- 9.29 The proposed changes also include rationalising the lift over run however these are not highly visible and are minor in nature and the proposed reduction of the footprint of the building is acceptable. The added floor level would follow the typology of the architecture and the visual break-up of the building A2 and A3 is acceptable and as a minor material amendment to the entire scheme.
- 9.30 Figure 1 Western Elevations of Suttons Wharf Development as proposed

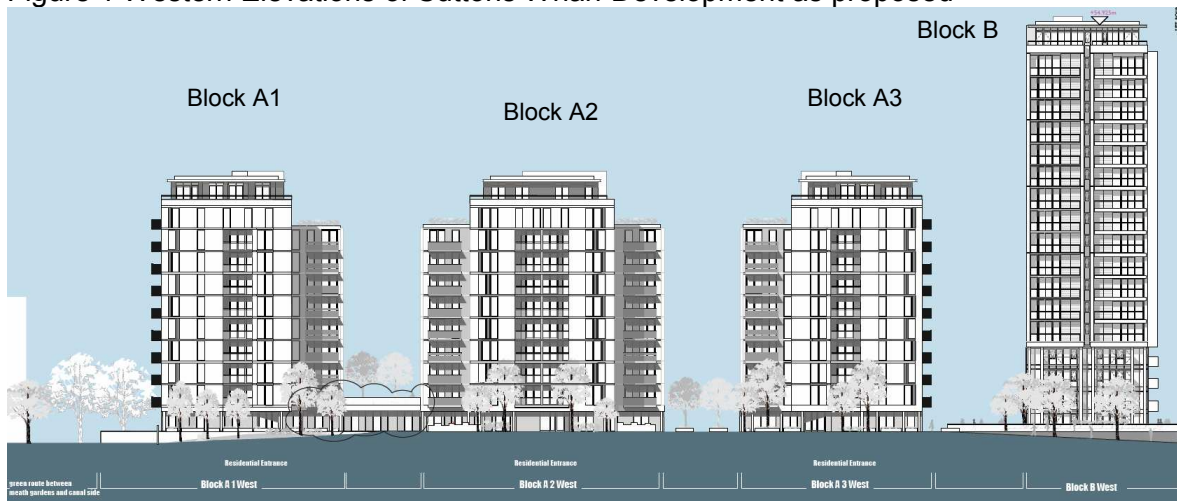


Figure 2 Western Elevations of Suttons Wharf Development as consented

9.31



9.32 *Quality of residential accommodation*
 The GLA produced a supplementary planning guidance note on housing in November 2012. Part 2 of the document provides advice on the quality expected from new housing developments with the aim of ensuring it is “fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime”. The document reflects the policies within the London Plan but provides more specific advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.

9.33 The revised layout of the floors within the buildings is appropriate and ensures that the majority of the units do have a dual aspect.

9.34 With regards to the internal layout, Policy 3.5 of the London Plan sets out minimum standards for all residential dwellings, and these requirements are echoed in policy DM4 of the MDD. Each of the units within this development exceed the required standard by at least 10sq.m.

9.35 The proposed residential accommodation complies with the standards as set out in the GLA’s Supplementary Planning Guidance Note, and the standards which are repeated in the Council’s Core Strategy and the Managing Development Document. It is therefore considered that the proposal constitutes a development which would provide a high quality residential accommodation for the future occupiers.

9.36 *Amenity space*
 Private amenity space is a set figure which is determined by the size of the dwelling. Policy DM4 of the MDD sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. These spaces can be provided in the form of balconies, private gardens, and terraces. All of the proposed units have private amenity spaces which exceed the minimum standards as set out in the said policy. The private amenity spaces are provided in the form of balconies and provide the sufficient width and size for each unit.

9.37 Policy DM4 of the MDD requires residential developments to provide an on-site communal open space and this is calculated by the number of dwellings. 50sqm is required for the first 10 units with an additional 1sqm required for each additional unit. In the case of the proposed development, the uplift of additional units will require 41sq.m additional communal open space on site. Nonetheless the site wide requirements have been reviewed. Numerically, the

proposal would be required to provide 513sq.m on site communal amenity space for the 473 residential units, however the site as consented provides over 2,500sq.m of communal amenity space. The consented scheme provides a comprehensive landscaping scheme that includes a tree-lined central avenue, an ecology pool, and a landscaped pedestrian link that creates a connection between the canal and Meath Gardens. In addition, a canal-side walkway will be provided running the entire length of the canal frontage.

9.38 It is also worthwhile to note that as part of the originally consented development, a financial contribution was also delivered towards the construction of the pedestrian bridge over the Regents Canal linking Meath Gardens to Mile End Park which is now in place.

9.39 Policy DM10 of the Managing Development Document 2013 seeks developments to provide or contribute to the delivery of open spaces. Public open space is determined by the number of residents anticipated from the development, the planning obligations SPD sets out that 12sqm of public open space should be provided per resident, otherwise a financial contribution towards the provision of new space or the enhancement of existing spaces.

9.40 It is considered that the site wide accessible open space would be more than sufficient to cater for the existing residents already occupying the site and future residents of Blocks A and B. In addition, the original consent secured financial contribution towards the delivery of the pedestrian link bridge connecting the borough's open spaces which has already been delivered.

Amenity

9.41 Policy SP10 of the CS seeks to protect residential amenity and policy DM25 of the MDD require developments to ensure it does not result in the loss of privacy, unreasonable overlooking, or unacceptable increase in sense of enclosure, or loss of outlook.

Privacy

9.42 Any loss of privacy which may occur to the neighbouring residents needs to be considered. Within policy DM25 a distance of 18m is suggested as a distance which is normally sufficient to mitigate any significant loss of privacy between habitable facing windows.

The location of the windows of the added floor level within the buildings would be at same positions with the consented floors below and above and therefore it is not considered that there would be any additional impact arising from the new additional windows.

Outlook / sense of enclosure

9.43 Unlike the impact upon daylight and sunlight, or even measuring privacy, analysing a sense of enclosure or the impact upon outlook is not a 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. As explained above, there is not considered to be any significant detrimental impact in terms of a loss of light or privacy.

9.44 Overall it is considered that the proposed development would not result in any significant loss of outlook or create a sense of enclosure that would be significantly detrimental to the surrounding residential occupiers.

Daylight and sunlight

9.45 9.35 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).

9.46 Core Strategy Policy SP10 and Policy DM25 of the Managing Development Document seek to protect amenity, by ensuring development does not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development. Policy DM25

also seeks to ensure adequate levels of light for new residential developments.

9.47 Given that the proposed units will be within the consented building footprint, there will be no further implications to the availability of the sunlight and daylight to the neighbouring dwellings and also, given that the location of windows are same as the other consented floors within same building the daylighting conditions would not be different to what has been assessed before.

9.48 **Overall** it is considered that there would be no additional amenity implications as a result of the proposed amendment and therefore it satisfies policies DM25 of the MDD and SP10 of the Core Strategy.

Transport

9.49 The NPPF and Policy 6.1 of the London Plan 2011 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.

9.50 CS Policy SP08 & SP09 and Policy DM20 of the MDD seek to deliver an accessible, efficient and sustainable transport network; ensuring new development has no adverse impact on safety and road network capacity; a requirement of assessments of traffic generation impacts; and also seeks to prioritise and encourage improvements to the pedestrian environment.

9.51 As detailed earlier in this report, the site has a public transport accessibility level (PTAL) of 4 and 5 (1 being poor and 6 being excellent) which is a moderate/good rating.

Servicing / Deliveries and Refuse

9.52 London Plan Policy 6.13 states that developments need to take into account delivery and servicing.

9.53 There are no new highways implications as a result of the proposed development, rather details as to whether sufficient provision is available for servicing and deliveries and refuse collection is considered.

9.54 The site would continue to provide sufficient vehicular access on site to accommodate deliveries associated with the residential use and the commercial uses off the adopted highway and the frequency of the deliveries associated with residential use is likely to be on an ad-hoc basis which is not likely to have a noticeable impact on the highway network.

9.55 In relation to servicing requirement for the D1 Use, the consented scheme had larger and more varied commercial floor spaces. The current proposed amendments would result in the total commercial floor space (A1 and D1) of 1,812sq.m on site than the previously consented 3,485sq.m. Therefore, although the subject amendment would result in three separate D1 units, the limited Use Class of the commercial uses on site and the reduced amount of commercial floor space from the previously consented would reduce the servicing and frequency of delivery and servicing vehicles to and from the site. Therefore the proposed amendment is not likely to add any further impacts to the highway network, and as mentioned all servicing will take place off the highway network.

Car Parking

9.56 Policies 6.13 of the London Plan, Policy SP09 of the CS and Policy DM22 of the MDD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.

9.57 The consented scheme had a total of 183 car parking spaces, of which 178 are located within the basement level. The proposal will see the reduction of four on-site car parking spaces

within the basement level due to the additional cycle parking provision and additional underground storage for refuse storage (discussed below). The net additional units would be subject to a car free agreement which is already in place for the wider development site.

Provision for Cyclists

- 9.58 The consented scheme provided a total of 477 cycle spaces on site. With relation to Block A, having regard to the revised dwelling mix and the net additional 41 units, Block A will require a minimum of 224 cycle parking spaces for the residents which is worked out on the basis of the current minimum standards 1 space per 1/2 bed and 2 space per 3 bed+. The proposal provide additional cycle spaces through removing onsite car parking bays within the basement level and would provide 260 spaces within close proximity of the cores for the buildings within Block A. Therefore sufficient cycle parking has been provided for and is considered to be acceptable which would help to promote cycling and sustainable mode of transport for the residents of the development.

Refuse/recycling

- 9.59 The consented scheme utilises 'iceberg type' underground refuse storage system which was designed to hold a capacity of 60,000 litres across the whole site, held in 12 separate containers. Currently the site has a total provision of 6 underground storages in place and a further two underground storage areas will be constructed as a result of Block B phase. The remaining four would be provided with Block A phase of construction.

- 9.60 However as a result of the net additional units, the scheme would require a total refuse storage capacity of 63,060 litres. The consented scheme had a total provision for 59,280 litres. The proposal now includes two additional underground storage areas which would be possible through the removal of on-site parking bays within the basement and would allow additional capacity of 10,000 litres of waste to be stored. Therefore, the total refuse storage would be 70,000 litres for the site which would be more than sufficient amount to cater for the total weekly projected waste generation of 63,060 litres.

- 9.61 In relation to recycling, the initially consented scheme had 7 x 'node type' storage facility with a capacity of 3,200 litres per node which equates to 22,400 litres in total. As part of the subject amendments, the proposal will now provide a total number of 10x nodes which will equate to a total capacity on site of 32,000 litres for weekly collection. The total current requirement of 31,300 litres, in accordance with the standards as set out in Appendix 2 of the MDD 2013. Therefore, the site will comfortably provide sufficient storage for recycling for the entire site.

- 9.62 The proposal would provide sufficient waste and recycling storage capacity for weekly collection and would accord with the policies with the Managing Development Document 2013.

Environmental Considerations

- 9.63 The Environmental Statement (ES) addendum accompanied the application which supplements the Environmental Statement prepared in October 2005 and its subsequent addendum prepared in 2013. The ES addendum analyses each chapter on the effects of the current proposed changes on each of the technical EIA analyses. The submitted ES have reviewed relevant chapters and the overall conclusions of the original ES Chapters remain applicable to the amended development. The Council's EIA officer has reviewed the detailed report and supports the conclusion.

Health Considerations

- 9.64 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough.

- 9.65 Policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 9.66 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
 - Providing high-quality walking and cycling routes.
 - Providing excellent access to leisure and recreation facilities.
 - Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
 - Promoting and supporting local food-growing and urban agriculture.
- 9.67 The applicant has agreed to an additional financial contribution of £40,182 to allow for expenditure on health care provision within the Borough in addition to the provision of the health clinic space within the revised scheme.
- 9.68 The application has already proposed public accessible routes and contributed towards a pedestrian bridge linking two Parks, which provide connectivity with the Canal, Mile End Park and Meath Gardens. This contributes to facilitating healthy and active lifestyles for the future occupiers of the development and existing residents nearby.
- 9.69 It is therefore considered that the financial contribution together with the actual provision towards healthcare onsite and consented access routes will meet the objectives of London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy which seek the provision of health facilities and opportunities for healthy and active lifestyles.

Planning Obligations and CIL

- 9.70 Planning Obligations Section 106 Head of Terms for the proposed development are based on the priorities set out in the adopted Tower Hamlets Planning Obligations SPD (January 2012).
- 9.71 The NPPF requires that planning obligations must be:
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Are fairly and reasonably related in scale and kind to the development.
- 9.72 Regulation 122 of CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.
- 9.73 Securing appropriate planning contributions is further supported by policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 9.74 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:
- Affordable Housing
 - Employment, Skills, Training and Enterprise
 - Community Facilities
 - Education

The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

9.75 In line with the Council's SPD, the applicant has agreed to the additional Heads of Terms for the proposed net additional 41 units which will be secured through a deed of variation. The calculations of the following contributions are based on 70 additional people and zero uplift in child yield utilising the Tower Hamlets' Planning for Population Capacity Assessment.

- a) A contribution of £29,115 towards leisure facilities.
- b) A contribution of £40,182 towards health facilities.
- c) A contribution towards £8,820 towards libraries
- d) A contribution towards £1,050 towards sustainable transport
- e) £1,583 towards S106 monitoring fee (2%)

Total: £80,750

Non-Financial Obligations

- a) Car free agreement to be extended to the future occupiers of the 41 net additional residential units.

Local Finance Considerations

9.76 Section 70(1) of the Town and Country Planning Act 1990 (as amended) provides: "In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to the application;
- b) Any local finance considerations, so far as material to the application; and
- c) Any other material consideration."

9.77 Section 70(4) defines "local finance consideration" as:

- a) 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
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

In this context "grants" might include the Government's "New Homes Bonus" - a grant paid by central government to local councils for increasing the number of homes and their use.;

9.78 As regards Community Infrastructure Levy considerations, following the publication of the Inspector's Report into the Examination in Public in respect of the London Mayor's Community Infrastructure Levy, Members are reminded that that the London Mayoral CIL became operational from 1 April 2012 and will be payable on the uplift in floor space within the scheme. The likely CIL payment associated with proposed amendment would be in the region of £49,105.

9.79 With regards to the New Home Bonus. The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by

the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.

9.80 Using the DCLG's New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £59,008 in the first year and a total payment £354,048 over 6 years.

Human Rights Considerations

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

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

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

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

9.84 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.

9.85 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.

9.86 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

9.87 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

9.88 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by

planning conditions and the associated section 106 agreement to be entered into.

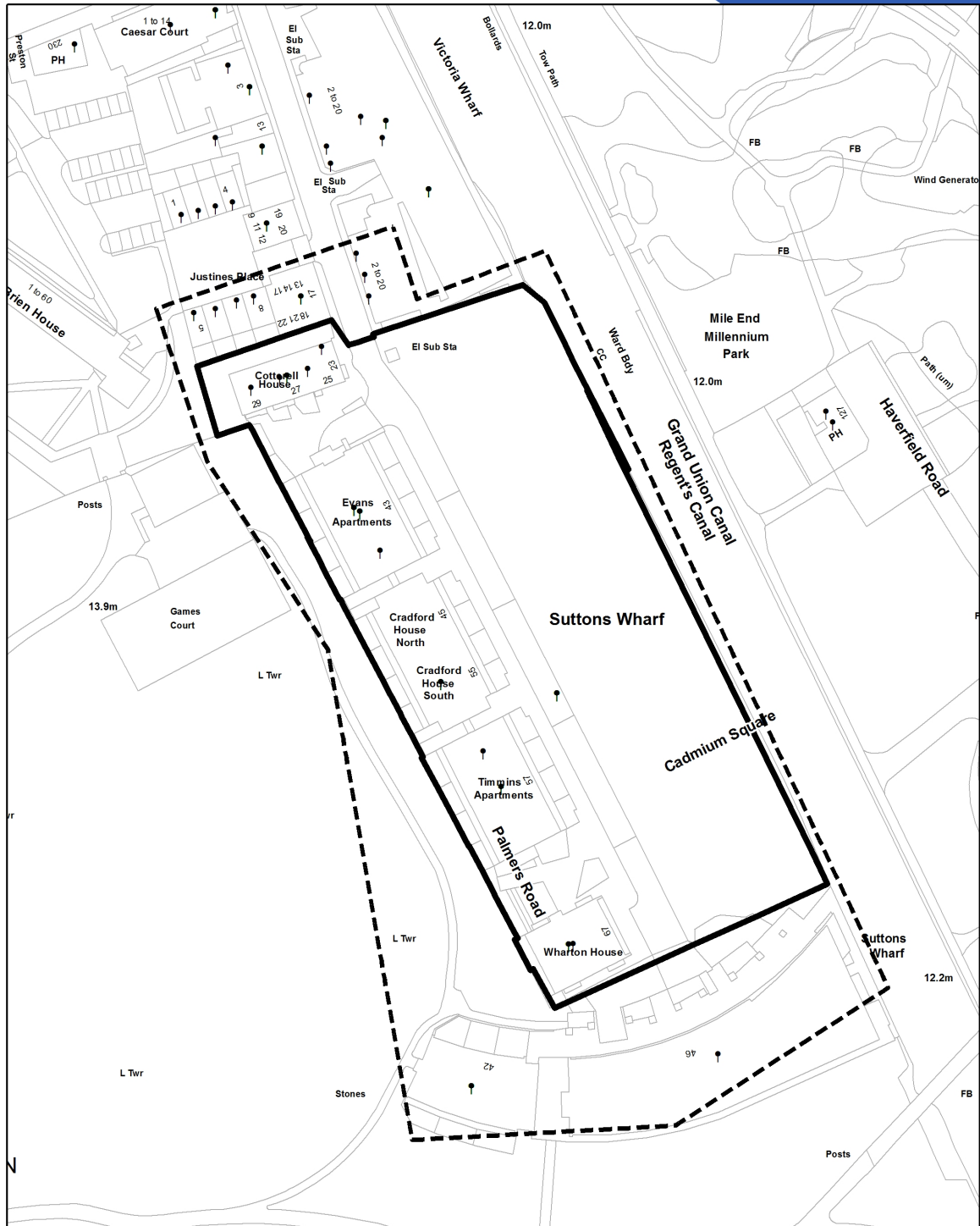
Equalities Act Considerations

- 9.89 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.90 The contributions towards various community assets/improvements and infrastructure improvements addresses, in the short-medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support community wellbeing and social cohesion.
- 9.91 Furthermore, the requirement of the original s.106 Agreement to use local labour during construction enabled local people to take advantage of employment opportunities.
- 9.92 The community related uses and contributions (which will be accessible by all), help mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.
- 9.93 Whilst no additional affordable housing is to be provided as a result of the current application, delivery of affordable housing has already taken place on site which will provide housing that supports a mixed and balanced community and social cohesion.
- 9.94 Accessibility of the development has also been taken into account in the design to ensure that the development is accessible and that the development provides suitable provision for all ages.

10 Conclusions

- 10.1 The proposed amendments are minor in nature in the context of the site wide re-development and the proposal represents a high quality, well designed residential units in the market tenure. The site has already delivered much need affordable housing which is already in occupation and the proposal broadly complies with the national, London and local policies and would include contributions to local facilities and infrastructure to mitigate the impact of development.
- 10.2 All other relevant policies and considerations have been taken into account. Planning permission for the proposed minor amendments under the s.73 of the Town and Country Planning Act should be granted for the reasons set out in the EXECUTIVE SUMMARY and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map
PA/13/02938



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

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.

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Agenda Item 6.2

Strategic Development Committee	Date: 10 April 2014	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Shay Bugler		Ref No: PA/13/3049	
		Ward(s): Whitechapel	

1. APPLICATION DETAILS

- 1 **Location:** 100 Whitechapel road and land rear at Fieldgate Street & Vine Court
- 1.2 **Existing Use:** Car showroom (sui generis), vehicle workshops (Class B2) and associated basement parking/servicing
- 1.3 **Proposal:** Demolition of existing vehicle workshop and car showroom; erection of a residential development comprising a total of 223 dwellings (comprising 48 studios; 91 x 1 bed; 52 x 2 bed; 20 x 3 bed; 11 x 4 bed) in an 18 storey building facing Fieldgate Street; and 2 buildings ranging in height from 8-12 storey building facing Whitechapel Road and Vine Court, provision of ground floor retail and restaurant spaces (Class A1 and A3), 274.9 sqm extension to the prayer hall at the East London Mosque and provision of pedestrian link between Fieldgate Street and Whitechapel Road, extension to existing basement to provide 20 disabled car parking spaces, motorcycle spaces, 360 bicycle parking spaces and bin storage in basement, associated landscape and public realm works.
- Drawing Nos:** Sk14-03-14/01; P2000 Rev E; PS001 Rev L; P2002 Rev K; P2003 Rev K; P2004 Rev K; P2005 Rev J; P2007 Rev H; P2008 Rev H; P2009 Rev J; P2010 Rev E; P2011; P2012 Rev A; P2013; P2020 Rev F; P2021 Rev F; P2022 Rev E; P2023; P2024; P2050 Rev E; P2051; P2053 Rev C; P2300 Rev A; P2301 Rev A; P2302 Rev A
- 1.5 **Supporting documentation**
- Planning support statement
 - Design and Access Statement
 - Secure by Design Statement
 - Daylight and sunlight report
 - Wind Microclimate Study
 - Transport Assessment
 - Travel Plan
 - Delivery and Servicing Plan
 - Baseline television and radio signal survey and Reception Impact Assessments
 - Construction Environment Management Plan
 - Energy Statement
 - Sustainability Statement
 - Statement of Community Involvement
 - Affordable Housing Viability Assessment
 - Heritage Statement by Tyler Parkes
 - Regeneration and Socio-Economic Statement

- Air Quality Assessment
- Ecological Appraisal
- External Lighting Statement
- Ventilation Statement
- Waste Management Strategy
- Noise Assessment
- Wind Microclimate Study

- 1.6 **Applicant:** Alyjiso and Fieldgate Ltd
- 1.7 **Owner:** Alyjiso and Fieldgate Ltd.
- 1.8 **Historic Building:** N/A Adjoining Tower House
- 1.9 **Conservation Area:** Directly adjoining Myrdle Street and Whitechapel Market Conservation Areas

2. EXECUTIVE SUMMARY

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document 2013 as well as the London Plan (2011) and its Revised Early Minor Alterations (REMA) 2013 and the National Planning Policy Framework and has found that:
- 2.2 Redevelopment of the site, within the Tower Hamlets Activity Area, close to the edge of Whitechapel District Centre is considered acceptable in principle and supported by policies in the London Plan, Core Strategy and Managing Development DPD.
- 2.3 The proposed Mosque extension would provide a much needed community facility for the area.
- 2.4 The proposed layout would improve permeability through the area, including new public links between Whitechapel Road, Fieldgate Street and Vine Court and is supported in principle subject to resolving issues associated with detailed design and the relationship of ground floor residential units to streets and spaces.
- 2.5 The proposed height, scale and appearance of the buildings, which rise up to 18 storeys and 12 storeys respectively and project forward of the building line on Fieldgate Street would be an incongruous feature in the local context and would cause substantial harm to visual amenities of the area, local townscape and the character and appearance of Myrdle Street Conservation Area and does not create an effective transition, detrimental to the setting of Whitechapel Market Conservation Area.
- 2.6 The report explains that the proposed development would result in poor quality residential accommodation severely affected by poor daylight, sunlight and with high proportion of mono-aspect units.
- 2.7 The report also explains that the proposed development would cause harm to the amenities of occupiers of adjoining properties through substantial loss of daylight, sunlight, outlook and causing problems of overlooking and loss of privacy.
- 2.8 The development would provide 29% affordable housing with insufficient information to provide certainty that this is the maximum that could be achieved on site. The proposed

housing mix would also be heavily skewed towards single bedroom flats and studios with a low overall percentage of family accommodation and only 2% wheelchair accessible housing.

- 2.9 The scheme would make adequate provision for cycle parking and wheelchair accessible car parking, but on-site servicing, refuse collection and fire safety arrangements remain unresolved.
- 2.10 The proposals have attracted both significant local support and objection. The potential benefits of the scheme have been weighed against the harm that would be caused and the conflict with adopted policies. The NPPF sets out a presumption in favour of granting permission in the interests of sustainable development. However in this case the harm would substantially outweigh the benefits. The use of planning conditions or obligations has been considered but the harm and conflict with policy goes to the heart of the proposals. Despite extensive negotiations and pre-application discussions that have sought to resolve these issues, the applicant has declined to make further substantial amendments.
- 2.11 The proposals are recommended for refusal for reasons set out in Section 3 of this report.

3. RECOMMENDATION

- 3.1 That subject to any direction by the London Mayor, Planning Permission is REFUSED for the following reasons:
- 3.2 Insufficient information has been submitted to demonstrate that the proposal would provide the maximum amount of affordable housing that could be achieved on site. As such, the proposal is contrary to policies 3.8; 3.10; 3.11, 3.12 & 3.13 of the London Plan (2011); policy SP02 of the Core Strategy (2010); policy DM3 of the Managing Development Document (2013) which seek to ensure that new developments offer a range of housing choices.
- 3.3 The proposed development would provide a high density residential development that would represent a significant departure from adopted policy in terms of the mix of dwelling sizes, with significant over provision of studios and single bedroom flats, under provision of family accommodation and underprovision of wheelchair accessible housing. The development would be contrary to policies 3.4 & 3.5 of the London Plan (2011) and policies SP02 of the Core Strategy (2010) and DM3 & DM4 of the Managing Development Document (2013) which seeks to prevent symptoms of overdevelopment and provide appropriate housing choice in the borough.
- 3.4 The proposed scale, form, height, appearance and layout of the development would exhibit symptoms of poor quality design and would fail to adequately deal with its context, harming the visual amenities of the area, local townscape on Fieldgate Street and Whitechapel Road and harming the character and appearance of the adjoining Myrdle Street and Whitechapel Market Conservation Areas. The proposed development would be contrary to Policies 3.4, 3.6, 7.1, 7.4 and 7.7 of the London Plan (July 2011) and policies DM4, DM24 and DM25 of the Managing Development Document (2013) with modifications and as a result, it is not considered to provide a sustainable form of development in accordance with the National Planning Policy Framework.
- 3.5 The proposed development would cause substantial harm to the amenities and living conditions of occupiers of adjoining and adjacent residential properties through excessive loss of daylight and sunlight, overbearing impact, sense of enclosure, loss of outlook and loss of privacy. The development would be contrary to policies NPPF; BRE Guidelines; SP10 of the Core Strategy (2010) and DM25 of the Managing Development Document (2013) which seek to ensure that development does not result in unacceptable material deterioration of daylight and sunlight conditions for future and existing residents.

- 3.6 The proposed development would fail to provide adequate servicing, refuse collection and fire appliance access to serve the needs of the development. The proposals would therefore be contrary to National Planning Policy Framework; policies SP0 & SP09 of the Core Strategy (2010); DM14 & DM20 of the Managing Development Document (2013) which seek to ensure that adequate waste provision are provided and sites are appropriately accessed and serviced.
- 3.7 The proposed development would provide poor quality residential accommodation including excessive provision of single aspect dwellings, and high proportion of dwellings that would experience poor outlook, poor quality daylight and sunlight, excessivesense of enclosure and loss of privacy, The development would therefore exhibit symptoms of poor quality design and over development and would be contrary to the National Planning Policy Framework (NPPF); SP02 & SP10 of the Core Strategy (2010); policy DM3, DM4, DM24 & DM25 of the Managing Development Document (2013) which seek to provide high quality design and places which create sustainable forms of development.
- 3.8 The proposed development would fail to provide adequate on site amenity space and child play space to meet the needs of future residents and to offsetthe issues associated with poor quality residentialaccommodation. The proposed development would therefore exhibit symptoms of poor qualitydesignand over development and would be contrary to policies 3.6 of the London Plan (2011); SP02 of the Core Strategy (2010) and DM4 of the Managing Development Document (2013) which seek to ensure appropriate amenity space is provided onsite.
- 3.9 Insufficient information has been submitted to demonstrate that the proposed residential development would not result in undue noise disturbance to occupiers of the future residential development contrary to policies 7.15 of the London Plan (2011); policies SP03 & SP10 of the Core Strategy (2010) and policies DM25 of the Managing Development Document (2013) which seek to ensure that development proposals reduce noise minimising the existing potential adverse impact and separate sensitive development for major noise sources.
- 3.10 Insufficient information has been submitted to demonstrate that design solutions are incorporated into new developments to minimise exposure to poor air quality. Policy SP02 & SP10 of the Core Strategy and policy DM9 of the Managing Development Document (2013) seek to protect the Borough for the effects of air quality requiring the submission of air quality assessment demonstrating how it would prevent or reduce air pollution in line with Clear Zone objectives.

4. APPLICATION SITE AND SURROUNDINGS

- 4.1 The application site is known as 100 Whitechapel Road and land rear at Fieldgate Street and Vine Court and comprises part of an existing two storey car showroom and associated vehicle repair workshop situated beneath and adjacent to a nine storey hotel, immediately to the east. The application site has frontage on to Whitechapel Road and extends through to Fieldgate Street to the south. There is an existing semi- circular vehicular forecourt and drop off area from Whitechapel Road and a ramped vehicle access in the south west corner of the site off Fieldgate Street leading to basement car parking and service areas.
- 4.2 Adjoining the application site to the west is the East London Mosque which is set within a complex of associated buildings fronting Whitechapel Road and Fieldgate Street, including the London Muslim Centre (LMC) and the Maryam Centre, between three and nine storeys in height.To the east, there are a mix of commercial one to four storey buildings facing

Whitechapel Road and the rear mews access to Vine Court characterised by a mix of commercial uses.

- 4.3 Tower House, an imposing eight storey red-brick Victorian building a former hostel, converted now to private residential accommodation adjoins the eastern boundary of the site, fronting Fieldgate Street. The area to the south, across Fieldgate Street has a lower rise, finer grain character with a variety of commercial, retail and restaurant uses, with three storey mainly Georgian terraced houses in a series of streets running north/south off Fieldgate Street.
- 4.4 Myrdle Street Conservation Area is located immediately to the south and east of the site, including Tower House on the north side of Fieldgate Street. Whitechapel Market Conservation Area is immediately east of the site including the adjoining properties in Vine Court and on Whitechapel Road.
- 4.5 The site had a PTAL rating of 6a which means it has excellent public transport accessibility with a bus stop located on Whitechapel Road in front of the site and two underground stations within a short walking distance- Whitechapel and Aldgate East. Shadwell Overground and DLR stations are approximately 900 metres from the site.

Relevant Planning History

- 4.6 Planning permission was granted on 11 November 2013 for extensions and alterations to existing hotel (C1) to provide 119 additional bedrooms, together with extension and change of use of part of existing ground floor car showroom to flexible retail and/or commercial uses (Classes A1, A2, A3). (PA/13/1168).
- 4.7 Planning permission was granted on 22 November 2010 for part change of use of existing office building (Use Class B1 - 4,059sqm) to 169 bedroom hotel (Use Class C1 - 4,181sqm), together with external refurbishment works, single storey side extension and excavation to provide basement lift access, erection of refuse store at first floor level together with refuse chute to ground floor level, erection of roof plant enclosure at first floor level, cycle, disabled and coach parking, and associated ancillary works. (PA/10/1659).
- 4.8 Planning permission was granted on 31 January 2014 for erection of two, four storey homes with rear gardens on land at 11-14 Vine Court, Whitechapel (PA/13/02906).

5. DETAILS OF PROPOSAL

- 5.1 The proposal involves the demolition of the existing car showroom and vehicle workshop and the erection of a major mixed use, residential-led development comprising the following elements:
- 5.2 Erection of a 300 sq.m. extension to the prayer hall at the rear of the East London Mosque. This would sit within space to the rear of the recently permitted extension to the Ibis hotel at 100 Whitechapel Road.
- 5.3 Erection of an 18 storey building fronting onto Fieldgate Street, with the top three storeys set back (proposed block 1). This building would accommodate XX private residential flats with a small café (Class A3) unit of 65 sqm at ground floor fronting Fieldgate Street and storage, caretaker accommodation and plant room also at ground floor.
- 5.4 Erection of a building rising from 8 to 12 storeys (Block 2), with the 12 storey element fronting Whitechapel Road and Vine Court and facing onto Tower House situated in the north eastern part of the site between the existing Ibis Hotel, 104 Whitechapel Road, Vine

Court and Tower House. This building would provide a large restaurant space (280 sqm) at ground floor fronting Whitechapel Road and a new north/south pedestrian/cycle link, with a mix of private, intermediate and affordable rented accommodation above.

- 5.5 Block 2 would incorporate a double storey undercroft, providing pedestrian and vehicular access through to Vine Street which connects with a new 4.5m to 7m wide north-south pedestrian route linking Fieldgate Street and Whitechapel Road. The new north south route would be defined by the positioning of the proposed blocks either side with active ground floor frontages along its length including two commercial units described above, two ground floor duplex residential units and two additional retail units which were part of the permission for extension and reconfiguration the ground and first floors of the adjoining hotel.
- 5.6 The existing ramped vehicle access route from Fieldgate Street would be retained to serve a reconfigured and extended basement with 20 disabled car parking spaces, 360 cycle parking spaces, motorcycle parking and refuse storage.
- 5.7 A total of 223 residential units are proposed in the development, which would comprise:
 - 173 private sale / private rent residential units - 48 studios; 73 x 1 bed; 33 x 2 bed & 19 x 3 bed units)
 - 14 Intermediate (shared ownership) units - 7 x 1 bed & 7 x 2 bed units
 - 36 Affordable rented units - 12 x 1 bed; 12 x 2 bed; 1 x 3 bed & 11 x 4 bed units
- 5.8 The proposal makes provision for 29% affordable housing (calculated by habitable rooms) or 22% calculated by units with a tenure split of 72% affordable rent and 28% intermediate (shared ownership) calculated by units.

6 RELEVANT PLANING POLICIES

- 6.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are particularly relevant to the application:
- 6.2 National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).
- 6.3 The London Plan (2011)
 - 2.1 London in its global, European and United Kingdom context
 - 2.13 Opportunity areas and intensification areas
 - 3.1 Ensuring equal life chances for all
 - 3.2 Improving health and addressing health inequalities
 - 3.3 Increasing housing supply
 - 3.4 Optimising housing potential
 - 3.5 Quality and design of housing developments
 - 3.6 Children and young people’s play and informal recreation facilities
 - 3.7 Large residential developments
 - 3.8 Housing choice
 - 3.9 Mixed and balanced communities
 - 3.10 Definition of affordable housing
 - 3.11 Affordable housing targets
 - 3.12 Negotiating affordable housing on individual 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 social care facilities
- 3.18 Education facilities
- 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 networks 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
- 5.16 Waste self sufficiency
- 5.17 Waste capacity
- 5.21 Contaminated land
- 6.1 Strategic approach
- 6.2 Providing public transport capacity and safeguarding land for transport
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London's transport connectivity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.10 Walking
- 6.13 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
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.18 Protecting local open space and addressing local deficiency
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

6.4 Tower Hamlets Core Strategy (adopted 2010)

- SP01 Refocusing on our town centres
- SP02 Urban living for everyone
- SP03 Address the impact of noise pollution
- SP05 Provide appropriate refuse and recycling facilities
- SP07 Support the growth and expansion of further and higher education facilities
- SP08 Making connected places
- SP10 Protect and enhance heritage assets and their settings; protect amenity and ensure high quality design in general
- SP11 Energy and Sustainability
- SP12 Delivering Place making
- SP13 Planning Obligations

6.4 Managing Development Document (2013)

- DM3 Delivering Homes
- DM4 Housing Standards and amenity space
- DM8 Community Infrastructure
- DM9 Improving Air Quality
- DM10 Delivering Open space
- DM11 Living Buildings and Biodiversity
- DM13 Sustainable Drainage
- DM14 Managing Waste
- DM15 Local Job Creation and Investment
- DM17 Local Industrial Locations
- DM20 Supporting a Sustainable Transport Network
- DM21 Sustainable Transport of Freight
- DM22 Parking
- DM23 Streets and Public Realm
- DM24 Place Sensitive Design
- DM25 Amenity
- DM26 Building Heights
- DM27 Heritage and Historic Environment
- DM28 Tall buildings
- DM29 Achieving a Zero-Carbon borough and addressing Climate Change
- DM30 Contaminated Land & Hazardous Installations

6.7 Supplementary planning documents and other guidance

- London Plan Housing SPG (2012)
- Tower Hamlets Planning Obligations SPD
- Whitechapel Vision Masterplan adopted December 2013
- Whitechapel Market Conservation Area Character Appraisal and Management Plan
- Myrdle Street Conservation Area Character Appraisal and Management Plan
- Air Quality Action Plan

7 CONSULTATION RESPONSES

External consultees

English Heritage (archaeology)

- 7.1 This application should be determined in accordance with national and local policy guidance and on the basis of advice from your specialist Conservation Officer.

Environment Agency

- 7.2 No comments received.

Greater London Authority

- 7.3 Stage 1 response confirms the principle of a residential led, mixed use development is acceptable in strategic terms. A number of issues requiring further clarification, additional information or amendments to the proposals are highlighted.

- 7.4 The proposal makes provision for affordable housing which falls below the Council's target, but is considered to be favourable in relation to similar residential schemes in the

surrounding area. The applicant has submitted a viability assessment with the application and the results should be independently verified in order to ensure that the maximum level of affordable housing and affordable housing split is achieved.

- 7.5 London Plan Policy 3.11 accords priority to a good amount of family housing to form part of residential proposals. The proposal currently has a relatively high proportion of studio and one bed flats (63% overall) compared with an overall provision of family sized units of 13%. Consideration should be given to increasing the number of family sized units across the scheme.
- 7.6 The scheme's residential density can be supported at a strategic level; however this is subject to overall design quality in terms of architecture, residential quality and accessibility in order to fully justify the proposed density.
- 7.7 Opportunities to reduce the number of single aspect north facing dwellings should be explored and further information is required on floor to ceiling heights of units to ensure that the highest possible residential quality is achieved on this constrained site.
- 7.8 The proposed pedestrian link from Fieldgate Street to Whitechapel Road is supported in principle. Further details on definition of public and private space and control over vehicular access for servicing and refuse are required. Improvements to natural surveillance at the southern end of the link could be achieved with residential units with front doors on to the link. Further information is required as detailed above in relation to the treatment of proposed shared surfaces along the pedestrian link.
- 7.9 The height of the proposed residential blocks can be supported from a strategic perspective given that the site is located within the City Fringe Opportunity Area where taller buildings are acceptable. This is however subject to the applicant clearly demonstrating a high quality of ground floor public and private spaces, accessibility and an exemplary standard of architecture.
- 7.10 There are significant impacts on daylight and sunlight to proposed dwellings within the scheme and there is an element of overshadowing caused by the positioning of the proposed residential blocks in relation to each other. The collective building massing also impacts on the quality of light within the defined spaces along the new pedestrian link. Consideration should be given to ensuring that the orientation of habitable rooms is optimised.
- 7.11 The visual impact of the 18 storey block and its relation to the existing townscape to the south of the site should be assessed. A simple approach to the materiality and architectural detailing should be applied to the residential facades with the aim of forming a high quality and rational design response that sits well with the surrounding context.
- 7.12 The anticipated child yield of the development is 64 children, of which 21 would be under 5, 24 between 5 and 11 years old and 20 would be 12 years or over. In accordance with the London Plan SPG guidelines and the Council's policies on children's play space provision, the applicant should indicate how the proposal will provide 640 sq. m. of usable play space which should include a range of spaces for each age group and demonstrate how a play space.
- 7.13 The applicant has broadly followed the energy hierarchy and sufficient information has been provided to understand the proposal as a whole. However, further revisions and information is needed before the proposals can be considered compliant with the London Plan policies on sustainability, energy efficiency and climate change.

Transport For London (TfL)

- 7.14 There are a number of potential constraints on the redevelopment of a site situated close to underground tunnels and infrastructure. This development is on top of TfL's old station box. Therefore, it would need to be demonstrated to the satisfaction of TfL engineers that the development will not have any detrimental effect on adjoining tunnels and structures either in the short or long term the design must be such that the loading imposed on our tunnels or structures is not increased or removed and there is no right of support to the development or land
- 7.15 The development hereby permitted shall not be commenced until detailed design and method statements (in consultation with TfL) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent), have been submitted to and approved in writing by the local planning authority which:
- 7.16 A financial contribution of £350,000 is requested towards upgrading of footways between 100 Fieldgate Street and the New Road/Vallance Road junction. A financial contribution of £15,000 towards Legible London signage in the immediate vicinity of the site is requested.

London Fire and Emergency Planning Authority

- 7.17 The appliance access and water supplies for the fire service are not specifically addressed by the supplied documentation in the planning application.
- 7.18 The Brigade is not satisfied with the pump appliance access and water supplies to the stair cores / elements of Block 2 in the vicinity of Vine Court. The heights of the building suggest these would require fire-fighting shafts with dry rising mains. Pump appliance access to within 18m (and within sight of) the entrances to these stair cores and a corresponding hydrant in the surrounding area do not appear to be achievable in accordance with Sections 15 and 16 of Building Regulations Approved Document B.
- 7.19 Amended plans and additional information submitted does not address concerns. It is not indicated on the plans and there is no explanatory note or travel distances shown. Judging by the location of the dry riser inlets for cores 2 and 3 there appears to be lengthy horizontal mains proposed. While horizontal mains have been accepted previously for unusually shaped plots, these have been in relation to quite short distances and where stair cores have not been so remote from the pump appliance location.
- 7.20 Lengthy horizontal mains do not provide any benefits to fire-fighting operations, and in fact, complicate matters. In such cases we generally advise sprinklers are considered where the usual fire-fighting facilities cannot be provided.

Metropolitan Police - Crime Prevention

- 7.21 No response.

Internal consultees

Access officer

- 7.22 The proposal will need to comply fully with the requirements of Lifetime Homes (100%) and 10% of units (or habitable rooms) should be suitable for use by wheelchair user. The wheelchair accessible units should be across all sizes and tenures - the greatest need within Tower Hamlets is for 3 and 4bed wheelchair accessible units.

- 7.23 Detailed comments were provided on proposed layout of four family sized wheelchair accessible units. Comments identify that the layout of the units would not be acceptable in terms of current standards, particularly in terms of door positions, room shapes and manoeuvring space.
- 7.24 Wheelchair accessible dwellings should ideally be located on the ground floor to reduce the reliance on lifts. Where this is not possible the accessible units should be located as close to the ground floor as possible and have access to two lifts.
- 7.26 Detailed comments provide on design of shared surfaces, play space, landscape, and entrances to buildings and storage to ensure principles of inclusive design are embedded within the scheme.

Biodiversity Officer

- 7.27 The application site has no significant biodiversity value, and the existing buildings have been assessed as having negligible potential for roosting bats. There would therefore be no adverse impacts on biodiversity.

Daylight & Sunlight (retained consultant)

- 7.28 The applicant's Daylight and Sunlight report has been independently assessed to determine the impacts the proposal had on surrounding developments and the development itself.

Impact on neighbouring properties

- 7.29 Independent assessment does not completely agree with applicant's interpretation of daylight and sunlight results and believes that the scheme will have a more material adverse impact on neighbouring properties than the report suggests.
- 7.30 The reductions in vertical sky component (VSC) that are significantly higher than 20% and in some cases up to 50% and substantial impacts on average daylight factor (ADF) and other indicators shows that the proposed development will have a material adverse effect on properties at 46, 48, 50, 52 and 54 Fieldgate Street, 102, 108, 118-120 and 153-175 Whitechapel Road and 49 Settles Street.
- 7.31 Applicant's report argues that Tower House should be considered a bad neighbour because it is located close to the site boundary and takes a disproportionate amount of borrowed light from across the development site. It is a matter of planning judgement as to whether this argument is accepted. Officers will need to take into account the fact that the building is a converted hostel that has been in situ for many years and weigh up whether it would have been reasonable for occupiers to have expected the application site to be developed to the scale proposed.
- 7.32 There would be significant reductions in VSC across Tower House (west and north facing windows) of more than 50%, 80% and in some cases 100%. The ADF results cannot be relied upon as mitigation as these are also very low and very few across the building are at BRE compliant levels. The proposals will leave Tower House with substantially inadequate levels of daylight such that this will have a material impact on the occupation of the property. The impact on Tower House cannot be considered to meet planning policy.

Internal daylight and sunlight within the proposed development

- 7.33 The self-test analysis shows that the development would produce residential units with extremely poor levels of daylight and sunlight, far below the standard which should be considered to be acceptable for new accommodation, even in an urban location.

Assessment raises significant concern on this point in relation to quality of accommodation proposed. The worst results are for single aspect studio apartments where the only habitable room performs poorly and also the habitable room windows on the lower floors of Block 1.

Directorate of Communities, Localities and Culture (CLC)

- 7.34 The increase in population as a result of the proposed development will increase demand on the borough's open space, sports and leisure facilities and on the borough's Idea stores, libraries and archive facilities. The increase in population would also have an impact on sustainable travel within the borough. Contributions should be secured through a Section 106 Agreement towards Idea stores, libraries and archives, leisure facilities and public open space.

Economic Development

- 7.35 The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. To ensure local businesses benefit from this development; 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets.
- 7.36 If permission is granted a financial contribution of £56,377 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of and a contribution of £2,586 towards the training and development of unemployed residents in Tower Hamlets to access either jobs within the development or jobs or training within employment sectors relating to the final development should be secured.

Environmental Health (Noise and air quality)

- 7.37 The development should be refused as residential occupiers would be exposed to unacceptable high levels of noise and vibration from local traffic on the Whitechapel Road and structure / ground borne vibration from the London Underground.
- 7.38 Insufficient information and evidence has been submitted to demonstrate that the proposed mitigation measures would be acceptable.
- 7.39 Insufficient information was submitted to the Council to demonstrate that the impacts on air quality are acceptable.
- 7.40 Insufficient information has been submitted to determine whether the development would not result in unacceptable wind conditions onsite.

Energy and Sustainability

- 7.41 The overall Carbon Dioxide emission reductions considered achievable for the development are approximately 41.8%. The proposed development would fall short of DM29 policy requirements by approximately 8% which equates to 22.8 tonnes of Carbon Dioxide (CO₂) per annum.
- 7.42 The Council's Planning Obligations SPD includes the mechanism for any shortfall in CO₂ to be met through a cash in lieu contribution for sustainability projects. This policy is in accordance with Policy 5.2 (E) of the London Plan 2011 which states '...carbon dioxide reduction targets should be met on-site. Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through

cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere.'

- 7.43 It is recommended that a contribution of £31,464 is sought for carbon offset projects in the vicinity of the proposed development.
- 7.44 The Sustainability Statement states that the proposal meets the BREEAM Excellent and Code for Sustainable Homes level 4 would be achieved for the applicable areas. However, no pre-assessments have been submitted to demonstrate how this would be achieved.

Affordable Housing Team

- 7.45 The application is providing 29% affordable housing. This falls below our minimum requirement of 35% affordable housing by habitable rooms. This has not been fully tested through a viability appraisal.
- 7.46 The tenure split within the affordable 77:23 in favour of rented. This split fits broadly with the Council's target of 70:30, than the target set by the London Plan of 60:40.
- 7.47 Within the affordable rented units there is a 33% provision of one bed unit against our policy target of 30%, 33% of two bed units, against our policy target of 25%, 3% of three bed units against our policy target of 30% and a 31% of four beds against a policy target of 15%. Overall the Council policy requires 45% of family units; this scheme is providing 33%. In unit terms this represents 14 family sized housing of the 36 rented homes on balance this is deemed acceptable
- 7.48 Within the intermediate tenure there is a 50% of one bed units against our policy target of 25%, 50% of two bed units against our policy target of 50%.
- 7.49 All units meet the minimum space standards set in the London Housing Design Guide. However 11 of the 36 rented flats would be single aspect which is 31% of the affordable rented provision as are 7 of 14 intermediate flats which is 50%. The Council's Affordable Housing Team initially had reservations concerning space standards however the applicant has revised the proposals to address this issue. A Registered Provider from the Council's Preferred Partner List has reviewed the current layouts and confirms that they would be keen to acquire these units.

Transportation and Highways

- 7.50 The proposal makes no provision for general parking spaces but includes 20 disabled car parking spaces. According to the Council's data, night time parking occupancy is 91% on Fieldgate Street, 115% on Settles Street and 91% on Greenfield Road. As the night time parking occupancy on streets nearby to the proposed development is above the 80% level Highways regard parking as stressed. Should the Council be minded to grant planning permission, this development should be subject to a s106 agreement prohibiting all occupiers of the new residential units from obtaining on-street parking permits issued by LBTH.
- 7.51 Segregated non-residential cycle parking does not appear to have been provided in the basement area. This is a particular issue for the Mosque extension as there does not appear to be direct access between the Mosque and the cycle parking provided elsewhere on the site. Further details of the proposed cycle storage spaces for the Mosque development is required.

- 7.52 The applicant has not amended the waste collection strategy and hence Transportation and Highways objection remains.
- 7.54 Transportation and Highways support the pedestrian and cycle link through the site but would not seek to adopt these.
- 7.55 The servicing arrangements are unacceptable. LBTH Highways requested information to demonstrate that the new service bay on Fieldgate Street would not cause harm to the safe and efficient operation of the Highway.

Waste Management

- 7.56 No comments received.

8 LOCAL REPRESENTATION

- 8.1 A total of 563 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. Site notices were displayed and the application was advertised in the local press.
- 8.2 The applicants also held a public consultation exhibition prior to submission of the application.

Comments in support

- 8.3 Six individual letters of support from Greaterix Business Centre (business Hub Trade Forum), Tower Hamlets Community Housing and occupiers of three addresses in Tower Hamlets and one outside the borough:
- Built environment will be regenerated;
 - Development will create job opportunities, attract more businesses and commercial visitors to the area;
 - Development will provide much needed housing, affordable housing and attract new residents;
 - Development will contribute to the local economy
 - Development will provide additional worship space for a fast growing Muslim population;
 - Proposals will unify a historically displaced section of the original mosque;
- 8.4 Tower Hamlets Community Housing has confirmed there is a need for more residential units in this area. Housing are impressed with the design and the layout of the units, particularly liking that they are all within one building and so are easier to manage, the design of this development is in keeping with scheme's that we have completed ourselves and so would enjoy managing them.
- 8.5 The overlooking of the units on the link through to Whitechapel Road would be a beneficial space not only to this development but the future development of the Whitechapel area.
- 8.6 One petition received in support with 6540 signatures
- The development would provide beneficial community facilities including the mosque extension.

- The development would provide a new pedestrian link between Whitechapel Road and Fieldgate Street.
- The proposal would provide additional affordable housing in the Borough.

Objections received

8.7 Five letters of objection received from local residents in Mears Close, Davenant Street and the owners of 104-1064 Whitechapel Road and 7, 11-14 Vine Court. Objections raise the following issues

- The proposal would greatly reduce daylight and sunlight to property at 7 Vine Court;
- The proposals have not assessed the impact on daylight and sunlight at the proposed development which has planning permission at 11-14 Vine Court;
- The proposal would result in loss of daylight and sunlight to surrounding properties;
- Vine court is a very narrow road, carriageway is not capable of coping with increased pedestrian or vehicular traffic;
- The height of the proposed tower on Fieldgate Street would dwarf any of the buildings around it;
- The size of the site does not allow for a tower with a large footprint to look like a natural addition to the street scene;
- The proposed tower would have a canyon-like effect on Fieldgate Street;
- The overall scale of development would have an adverse impact on the street scene and character of Fieldgate Street and cause substantial harm to the Myrdle Street Conservation Area.
- Fieldgate street already suffers problems from traffic congestion, overcrowding, noise and illegal rubbish dumping.
- The proposal would cause problems of noise and disturbance to surrounding residents.
- There is little architectural merit on the overall design of the scheme;
- The site should be developed with a high quality architectural proposal;
- The development could provide much needed high quality green open space within the scheme;
- The quality of the design appears inferior compared with other new developments nearby such as Goodman's Fields;
- The proposal would result in loss of daylight to the proposed dwellings.
- The proposal would result in overlooking to surrounding properties through a combination of height, proximity and projecting balconies with little distance separation;
- The impact of the increased number of people attending the Mosque on highway safety has not been addressed
- The positive aspects of a new pedestrian link with cafes and restaurants has been outweighed by more substantive negative aspects of the proposal

9. MATERIAL PLANNING CONSIDERATIONS

9.1 The main planning issues raised by the application are as follows:

- Land use
- Design
- Housing
- Outdoor open space
- Residential amenity
- Transport and access
- Environmental considerations

- Sustainability and Energy efficiency
- Health considerations
- Planning Obligations
- Local finance considerations
- Equalities considerations

Land Use

9.1 The main land use issues to consider are as follows:

Proposed residential and mixed use development

9.2 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles: an economic role – contributing to the economy through ensuring sufficient supply of land and infrastructure; a social role – supporting local communities by providing a high quality built environment, adequate housing and local services; and an environmental role – protecting and enhancing the natural, built and historic environment. These economic, social and environmental goals should be sought jointly and simultaneously.

9.3 Paragraph 9 of the NPPF highlights that the pursuit of sustainable development includes widening the choice of high quality homes, improving the conditions in which people live and take leisure, and replacing poor design with better design. Furthermore, paragraph 17 states that it is a core planning principle to efficiently reuse land that has previously been developed and to drive and support sustainable economic development through meeting the housing needs of an area.

9.5 The site is located in the City Fringe Opportunity Area. Policy 2.13 of the London Plan (2011) seeks development in opportunity areas to maximise both residential and non-residential development and densities whilst promoting a mix of uses. In particular, development proposals are expected to integrate with the surrounding area to support wider regeneration. Improvements to environmental quality should be delivered in the opportunity areas.

9.6 The provision of residential accommodation on this site is supported by London Plan policy 3.3, which seeks to increase London's supply of housing and in doing so sets a London wide housing delivery target of 32, 210 additional homes per year up to 2021. Table 3.1 sets borough housing targets, of which Tower Hamlet's is 2, 885 additional homes per year between 2011 and 2021. Policy 3.4 of the London Plan seeks to ensure that development proposals achieve the optimum intensity of use taking account local context, the design principles of the London Plan and public transport capacity. National, London wide and local plan policies would therefore support the principle of residential development on this site.

Loss of employment floor space

9.7 The site is currently occupied by a car showroom (sui-generis) and associated vehicle repair workshops (class B2). The application site is located within the City Fringe, close to the Central Activities Zone and within the Tower Hamlets Activity Area. The location is characterised by excellent transport links and high levels of accessibility including cycling and walking.

9.9 The site falls with a Local Office Location (LOL); change in employment floor space is managed in accordance with SP06 of the Core Strategy (2010); which seeks to ensure job opportunities are provided and maintained and part 3a in particular states "the provision of a range and mix of employment uses and spaces will be supported in the borough by

designating locations as Local Office Locations to accommodate additional demand for secondary office space". Detailed policies in DM16 also apply.

- 9.10 DM15 of the Managing Development Document (2013) states that redevelopment of employment sites outside of spatial policy areas would be supported, but should not result in the loss of active and viable employment uses, unless it can be shown, through a marketing exercise, that the site has been activity marketed (for approximately 12 months) or that the site is unsuitable for continued employment use due to its location, viability, size and condition. However policy DM15 relating to the loss of employment uses is intended to apply to areas outside specific designations e.g. Local Office Locations.
- 9.11 Given the site does not contain any substantial office accommodation, other than ancillary accommodation to the main car showroom and repair workshops, the redevelopment of the site would not threaten the strategic objectives relating to the Local Office Location. Although the site has good access and the existing site condition is satisfactory for the current car repair workshops this is not considered to be the most efficient use of the land and it is questionable as to whether this location would be attractive to alternative B2 occupiers given that the surrounding site is predominantly residential in character and is located beside a place of worship. The loss of the car showroom element was considered acceptable in a decision to allow an extension to the hotel which included proposals to reconfigure the ground floor of the block to provide small scale retail units (see planning history).
- 9.12 In conclusion, there is no overriding policy reason to justify the retention of employment use in favour of residential development in this particular location and given the London Plan Opportunity Area policies and Tower Hamlets Activity area policies promoting intensification, the proposed loss of the existing car showroom and workshops are considered acceptable.

Extension to the Mosque Prayer Hall

- 9.13 The application proposes a 300 sqm extension to the prayer hall at the East London Mosque. This will increase the capacity of the prayer hall by approximately 30%. The London Plan classifies places of worship as social infrastructure. Policy 3.16 states that London requires additional and enhanced social infrastructure provision to meet the needs of its growing and diverse population. The policy also confirms that development proposals which provide high quality social infrastructure would be supported in light of local and strategic needs Assessments; that facilities should be accessible to all sections of the community (including disabled and older people) and be located within easy reach by walking, cycling and public transport. Finally, it goes on to say that wherever possible, the multiple users of premises should be encouraged.
- 9.14 Policy SP03 of the Core Strategy (2010) builds upon 3.1 of the London Plan (2011) and supports the provision of high quality social and community facilities. The MDD policy DM8 supports extensions to community facilities in locations outside of town centres only in exceptional circumstances where they would provide for a local need that is not met elsewhere. The East London Mosque is a well-established facility catering for more than a local need. It is situated outside of the nearest town centre (Whitechapel) but is within the City fringe Activity Area, in a highly accessible location. Evidence has been provided to show that the extension is required to increase capacity to meet existing demands.
- 9.15 The Whitechapel Masterplan seeks to provide additional community infrastructure to cater for existing and new residents. The provision for the extension of the Mosque would provide a much needed community facility to the area. The highly accessible location, with good access to public transport and provision of cycle storage facilities on site would assist with safe arrival of worshippers at this facility. No objections have been raised from the

Council's Transportation and Highways or Environmental Health Sections with regard to this element of the proposals.

Proposed café and restaurant floor space.

- 9.16 The proposals include provision of small scale café on the corner of Fieldgate Street and the proposed pedestrian link through the site and a larger restaurant on the northern edge of the site fronting Whitechapel Road. The proposed uses are intended to animate the ground floor of the development and provide activity and natural surveillance, particularly onto the new north south route.
- 9.17 Policy DM1(4a) directs Class A3 uses towards town centres and the Tower Hamlets Activity Area, provided that they do not result in an overconcentration of such uses. There is a significant concentration of restaurants and hot food take aways in the retail frontage east of the site on Whitechapel Road up to the junction with New Road. Whilst there have been no formal objections on this point, officers would be concerned that if permission was granted the additional restaurant floor space on the northern boundary of the site would result in an over concentration of restaurants and hot food uses along this part of Whitechapel Road. However as this matter could be overcome by imposing conditions, subject to discussions with the applicant to restrict the floor space to non-A3, A4 and A5 uses, the proposed restaurant use is not included as a reason for refusal.
- 9.18 The café proposed within the ground floor of the residential tower (Block 1) however is relatively small scale and the nearest restaurant on FieldgateStreet is some distance to the east beyond Tower House. This element of the scheme is considered acceptable in policy terms.

Design and heritage

- 9.19 The National Planning Policy Framework attaches great importance to the design of the built environment. In accordance with paragraph 58 of the NPPF, new developments should:
- function well and add to the overall quality of the area,
 - establish a strong sense of place, creating attractive and comfortable places to live,
 - respond to local character and history, and reflect the identity of local surroundings and materials,
 - create safe and accessible environments, and
 - be visually attractive as a result of good architecture and appropriate landscaping.
- 9.20 Chapter 7 of the London Plan places an emphasis on robust design in new development.
- 9.21 The Council's policy SP10 sets out the broad design requirements for new development to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds. Further guidance is provided through policy DM24 of the Managing Development Document. Policy DM26 gives detailed guidance on tall buildings and specifies that building heights should be considered in accordance with the town centre hierarchy, and generally respond to predominant local context. Policies SP09 and DM23 seek to deliver a high-quality public realm consisting of streets and spaces that are safe, attractive and integrated with buildings that respond to and overlook public spaces. The place making policy SP12 seeks to improve, enhance and develop a network of sustainable, connected and well-designed neighbourhoods across the borough through retaining and respecting features that contribute to each neighbourhood's heritage, character and local distinctiveness.

Site layout

- 9.22 The general arrangement of buildings fronting Whitechapel Road and Fieldgate Street and the proposed new north-south link between Whitechapel Road and Fieldgate Street, and additional connectivity to Vine Court, would improve pedestrian permeability in the area and is welcomed in principle.
- 9.23 The northern section of the proposed north-south route would feature good active frontage on either side, provided by ground floor commercial and restaurant units. The middle of the route is less successful; although it would be overlooked by ground floor windows to residential accommodation in the northern part of Block 1 and the southern end of Block 2. It suffers from a potentially ambiguous relationship between public and private spaces.
- 9.24 The scheme layout would result in an ambiguous space to the rear of Block 1, where a paved area is indicated leading from the new north-south route to provide access to the plant room and adjacent to the open refuse store located below the refuse chute serving the hotel. This apparently publically accessible access strip and refuse storage area would not create a place of potential concealment, which would be detrimental to the safety of users of the new pedestrian link. Two ground floor units (00-03 and 00-4) have amenity areas that are in close proximity and are facing toward to the permitted refuse storage area (that is not indicated on the application plans), which is of concern as it would be detrimental to the residential amenity of future residents.
- 9.25 The bottom two floors of Block 1 would be set back from Fieldgate Street, allowing for a better setting for the entrance to the building. However this could become dominated by vehicular servicing which remains unresolved with the Highway Authority (see comments in section 7). Adequate buffers with clearly defined boundaries would also need to be provided to the windows of ground floor units facing Fieldgate Street and the proposed route.
- 9.26 In summary the layout of the scheme has some merit but the detail is far from resolved for officers to be able to support this in terms of the principles of good design.

Scale and massing

- 9.27 The application site is located within the City Fringe Activity Area, as identified by the Tower Hamlets Local Plan and as such there is an expectation of a level of intensification on this site which might include an element of taller buildings within the scheme, provided their location, height, detailed design and environmental impacts can be justified in terms of Core Strategy Policy SP10 and Managing Development Document Policy DM26. This includes demonstrating sensitivity to their context and not having an adverse impact on the setting of heritage assets.
- 9.28 The Myrdle Street Conservation Area is located to the immediate south and west of the application site. It is characterised by dense, but low scale development. Taller buildings, such as some of those on New Road and Settles Street are of four and five storeys with basement. Those on secondary residential streets, such as Myrdle Street and Parfett Street are smaller, around two and three storeys. The Whitechapel Market Conservation Area is located to the immediate north-east of the application site and is also characterised by predominantly low scale development. The Conservation Area Appraisals for Myrdle Street and Whitechapel Market identify the change taking place in the City Fringe as a threat, and state that this change must take account of the special architectural and historic interest of the conservation areas.
- 9.29 Outside of the conservation areas, but within the City Fringe Activity Area, there is more variation in building heights with some recent schemes within the vicinity of the application site reaching seven and nine storeys. To the west there is even greater variation in building

heights, with some permitted schemes in excess of 20 storeys. However these are located within Central Activity Zone and have a closer relationship to the cluster of tall buildings at the Aldgate Preferred Office Location. To the east, beyond the Myrdle Street Conservation Area, the redeveloped Royal London Hospital features a range of building heights reaching 18 storeys. However, given the special circumstances and civic importance of the hospital development, it should not necessarily be considered as setting a precedent for building heights within this context.

- 9.30 Block 1 is 18 storeys in height and would be substantially taller than the majority of buildings in the surrounding area, particularly those in the adjacent conservation areas and the surrounding parts of the Activity Area. The Greater London Authority has stated in their Stage 1 report that: “The applicant is requested to supply further visual information that clearly demonstrates how the architecture of the residential blocks will contribute positively to the surrounding context and character of the site”.
- 9.31 The applicant has provided non-verified CGI images to address the visual information requested. However they have not addressed LBTH Officers concerns. This disparity in height would be evident in a range of local views, including views into and out of the conservation areas. For example, the visualisations submitted in support of the application illustrate that views east along Fieldgate Street would be subject to a disturbing contrast in scale between the proposed development and the modestly scaled buildings in the Myrdle Street Conservation Area. The marked difference in height between the proposed development and the adjacent Maryam Centre would also be clearly evident in these views. The visualisations also show that views west along Fieldgate Street, from within the conservation area, would be harmed by the proposed development with the contrasts in scale being clearly evident. The impact of the building in these views is exacerbated by the fact that floors 3-15 of Block 1 – e.g. much of the height also sits relatively far forward in the street scene, above a second storey overhang. This adds unacceptably to the overall bulk of the building and contributes to it being unduly prominent in the streetscene.
- 9.32 Block 2 varies between nine and twelve storeys in height, with the taller element being positioned behind the frontage with Whitechapel Road. To the immediate west of the application site is Brunning House, which is of a similar height to the nine storey element of the application scheme. To the immediate east of the application site is a terrace of buildings within the Whitechapel Market Conservation Area (even numbers 102 to 132). These buildings are typical of the conservation area and vary in height from one to five storeys.
- 9.33 The plans and visualisations submitted in support of the application confirm that both of these elements would be visible in views along Whitechapel Road and that there would be a marked disparity in height and bulk between the proposed development and the buildings in the adjacent conservation area. It is acknowledged that building heights along Whitechapel Road do vary, and that Brunning House is notably taller than the prevailing character of the conservation areas. However, in order to preserve the setting of the conservation area, the redevelopment of the application site needs to create a more effective transition in scale and mass, rather than reinforcing and worsening the disturbing contrast in built form.
- 9.34 The application site falls within the boundary of the Whitechapel Vision Masterplan Supplementary Planning Document. Whilst the redevelopment of the application site could have a role to play in contributing to the wider objectives of this document, it should be noted that it is not within an area identified by the Vision as being suitable for higher density development. The application site does not fall within an identified gateway space or a location deemed suitable for a landmark building. The Vision does, however, recognise the

importance of protecting and enhancing the historic environment and states that new development would be required to sensitively plan to an appropriate scale and mass.

- 9.35 In summary, the overall height and scale of the proposal would be completely out of character with its surroundings and would cause demonstrable harm to the views into and out of Myrdle Street and Whitechapel Market Conservation Areas and to the quality of the townscape along Fieldgate Street including the setting of Tower House, contrary to London Plan, Core Strategy and Managing Development Document.

Elevation treatment and material palette

- 9.36 The elevation treatment and material palette of the proposed development is an important component of its overall standard of architecture. Of particular concern is the need for a place sensitive design that incorporates high quality materials, as required by Managing Development Document Policy DM24. This is especially relevant for the application site, given its immediate relationship to two conservations areas.
- 9.37 The Myrdle Street and Whitechapel Market Conservation Areas feature a range of building materials, but overall there is a predominance of brick – typically yellow stock and red – that gives the townscape a particular tonality and texture, which is an important element of its overall character. The prevalence of masonry construction, and comparatively high solid-to-void ratios, also contributes to a somewhat hard streetscape character. Recent developments, both within the conservation areas and within their setting, have responded positively to this character. For example, the Maryam Centre adjacent to the application site features distinctive brick detailing while the Bio Innovation Centre on New Road utilises a brass mesh cladding which responds to the tonality and texture of the conservation area in a contemporary way.
- 9.38 The application drawings indicate that Block 1 would be finished with white pre-cast concrete panels, powder coated aluminium insulation panels (indicatively shown as grey) and powder coated aluminium curtain walling/windows. Whilst a high proportion of glazing is a necessary and practical feature of the façade design, seeking to allow in as much light as possible, the use of large areas of white concrete panels would fail to adequately respond to the tonality and texture that is an important characteristic of the adjacent conservations areas. The use of this material would reinforce the incongruous nature of the development and would be detrimental to the setting of the Myrdle Street Conservation Area, which it would have a direct visual relationship with.
- 9.39 Block 2 is more successful, incorporating some facing brickwork, which makes some reference to the material character of the adjacent conservation areas. However the dominance of projecting balconies and the lack of any reference to scale, rhythm, solid to void relationships or typical fenestration proportions is such that the elevations and materials would not mitigate the harm caused by the overall scale, height and bulk of the buildings.

Supporting information

- 9.40 Rendered visualisations, illustrating the impact on a number of views, have been submitted in support of the application. However no actual assessment of the visual impact on the heritage assets has been provided and this is an important consideration and this would be expected where there is potential for there to be unacceptable impacts. This would normally be expected to include an assessment of their sensitivity, an assessment of the magnitude of the visual effects and an assessment of the overall significance of the visual effects in accordance with best practice guidance. In addition, no views of the scheme have been provided looking east along Whitechapel Road or north along Settles Street. The latter is a notable omission, given that the Planning Statement submitted in support of the application draws attention to this view.

Impact on the significance of nearby heritage assets

- 9.41 The National Planning Policy Framework emphasizes the importance of preserving heritage assets and requires any development likely to affect a heritage asset or its setting to be assessed in a holistic manner. The main factors to be taken into account are the significance of the asset and the wider social, cultural, economic and environmental benefits arising from its preservation, the extent of loss or damage as result of the development and the public benefit likely to arise from proposed development. Any harm or loss to a heritage asset requires clear and convincing justification.
- 9.42 Policy 7.8 of the London Plan specifies that developments affecting heritage assets and their setting should conserve the assets significance by being sympathetic to their form, scale, materials and architectural detail.
- 9.43 The Council's Core Strategy Strategic objective SO22 aims to "Protect, celebrate and improve access to our historical and heritage assets by placing these at the heart of reinventing the hamlets to enhance local distinctiveness, character and townscape views". This is to be realised through strategic policy SP10 which aims to protect and enhance the Borough's heritage assets to enable creation of locally distinctive neighbourhoods with individual character and context. Further policy guidance is also provided by policy DM27 of the Managing Development Document.
- 9.44 Further to the aforementioned policies, in considering whether to grant planning permission for a development which affects the setting of a listed building, according to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the local planning authority is required to have special regard to the desirability of preserving the setting of the building and any features of special architectural or historic interest which it possesses. In accordance with Section 72 of the above act, special attention shall also be paid to the desirability of preserving or enhancing the character and appearance of designated conservation areas. As statutory requirements consideration of the harm to the setting of a listed building and the desirability of preserving or enhancing the character and appearance of a conservation area, are considerations to which a decision maker should give considerable weight.
- 9.45 The amended Heritage Statement now also includes a consideration of the impact of the proposed development on a number of nearby Listed Buildings. Whilst this assessment is somewhat limited, it is considered that on balance there would be no unacceptable impact on these structures.
- 9.46 In conclusion officers assessment is that the proposed development would fail to preserve or enhance the character and appearance of the conservation areas that directly adjoin the site.

Housing

- 9.47 The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that "housing applications should be considered in the context of the presumption in favour of sustainable development" Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 9.48 Policy 3.4 of the London Plan seeks to optimise the density of development with consideration for local context and public transport capacity. The policy is supported by

Table 3A.2 which links residential density to public transport accessibility and urban character. Policy SP02 of the Core Strategy while reiterating the above adds that density levels of housing should correspond to the Council's town centre hierarchy and that higher densities should be promoted in locations in or close to designated town centres.

- 9.49 The London Housing SPG notes the density matrix within the London Plan and Council's Core Strategy is a guide to development and is part of the intent to maximise the potential of sites, taking into account the local context, design principles, as well as public transport provision. Moreover, it should be remembered that density only serves an indication of the likely impact of development.
- 9.50 Policy SP02 of the Core Strategy (2010) seeks to ensure new housing developments optimise the use of land by corresponding the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of that location.
- 9.51 The site falls within the range of PTAL 6a. Table 3A.2 of the London Plan (2011) suggests a density of 650-1100 habitable rooms per hectare (hrph) in a Central location for sites with a PTAL range of 6. The scheme is proposing approximately 653.75 habitable rooms per hectare and would therefore fall within the density guidelines.
- 9.52 Notwithstanding the above, typically high density schemes may exhibit symptoms associated with over development and poor quality design where they have unacceptable impacts on the following areas:
- Access to sunlight and daylight;
 - Loss of privacy and outlook;
 - Small unit sizes
 - Lack of appropriate amenity space;
 - Increased sense of enclosure;
 - Increased traffic generation; and
 - Impacts on social and physical infrastructure
- 9.53 The GLA stated in their stage 1 report that "while the scheme's residential density can be supported at a strategic level, this is subject to the overall design quality in terms of architecture, residential quality and accessibility in order to fully justify the scheme's density". Later sections of this report explain the scheme would exhibit significant problems in relation to effects on neighbouring amenity, poor quality amenity space, unacceptable levels of internal daylight.

Affordable housing

- 9.54 In line with section 6 of the National Planning Policy Framework, the London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.8 seeks provision of a genuine choice of housing, including affordable family housing. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and specifies that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period. Policy 3.13 states that the maximum reasonable amount of affordable housing should be secured.
- 9.55 The Council's Core Strategy (2010) requires a minimum of 35% affordable housing provision. Out of the 223 proposed units, 50 would be provided as affordable (36 as

affordable rent and 14 as intermediate) equivalent to 29% affordable housing by habitable rooms (24% by units) which is below the minimum requirement.

- 9.56 The applicant has provided a viability assessment that has been subject to an independent review by the Council's retained consultant (Deloitte). The review identified 26 individual inputs that can determine viability and agreed with 7 of these, requesting further information on the remaining 19. The applicant has sought to address one of the outstanding issues. Further advice from Deloitte confirms that the additional information does not help to address the outstanding queries. Consequently officers are unable to advise that the 29% affordable housing proposed is the maximum amount that could be achieved on site as required by London Plan policy 3.4.
- 9.57 In terms of proposed tenure mix within the affordable offer, 77% affordable would be affordable rent at Tower Hamlets preferred rents (POD) and 23% intermediate (shared ownership). This is a higher proportion of rented units than the Council's preferred split of 70/30 and would need to be adequately justified.
- 9.58 In conclusion there is insufficient information has been submitted to the Council to demonstrate that the scheme is delivering the maximum reasonable affordable housing in accordance with policy or that the departure from the Council's stated policy mix would be acceptable in this instance.

Dwelling size mix

- 9.59 In line with section 6 of the National Planning Policy Framework and London Plan policy 3.8, the Council's Core Strategy policy SP02 and policy DM3 of the Managing Development Document require development to provide a mix of unit sizes in accordance with the most up-to-date housing needs assessment. The relevant targets and the breakdown of the proposed accommodation is shown in the table below.

Unit size	Affordable Rented			Intermediate			Private Sale		
	Units	%	Target	Units	%	Target	Units	%	Target
Studio	0	0	0	0			48	28	
1 bed	12	33	30%	7	50	25%	73	42	50%
2 bed	12	33	25%	7	50	50%	33	19	30%
3 bed	1	3	30%	0	0	25%	19	11	20%
4 bed	11	31	15%	0	0		0	0	
Total	36	100		14	-		173	100	

- 9.60 Within the affordable rent units the housing mix would be 33% one bed, 33% two-bed 3% three-bed and 31% four-bed. The proposal makes provision for 34% family units within the affordable rented tenure which is below the policy requirement of 45%. Within the intermediate tenure the mix would be 50% one-bed and 50% two-bed.
- 9.61 In the market sale tenure there would be 70% studios and one bedroom flats, 19% two-bed and 11% three-beds. The applicant justifies the shortfall in family units in private sale and intermediate tenures by referring to the lack of demand but this is not supported by the Council's housing needs assessment. However, it is considered that 70% studio and one bed units within the market tenure far exceeds policy requirement and that with such a large amount of smaller market units, more affordable housing could be provided onsite. The GLA have also drawn attention to the generally low provision of family units within the scheme.

Wheelchair Accessible Housing and Lifetime Homes

- 9.62 Policy 3.8 of the London Plan and Policy SP02 of the Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair

accessible or easily adaptable for residents who are wheelchair users. Insufficient information has been submitted to demonstrate that the proposed units would meet lifetime homes standards.

- 9.63 Four, 3 bedroom wheelchair accessible flats are proposed within the affordable rented accommodation on the ground, second and third floors. The focus on the lower floors of the affordable block is welcomed. In terms of overall provision this would be equivalent to 2% by unit, well below the policy target of 10%.
- 9.64 Policy DM3 allows the provision of wheelchair accessible housing to be calculated by habitable rooms if this would give a better overall outcome in terms of tenure and size distribution to meet local needs. The scheme would have a total of 368 habitable rooms, of which 20 would be wheelchair accessible units. Hence the proportion using this calculation would be 5%.
- 9.65 The Council's Access Officer has raised concerns with the proposed layouts of the designated wheelchair accessible units in terms of adequate space to accommodate wheelchair manoeuvrability due to the size and shape of some of the rooms. In conclusion officers cannot support the provision of wheelchair accessible units in terms of either quantity or quality.

Standard of residential accommodation

- 9.66 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document seek to ensure that all new housing is appropriately sized, high-quality and well-designed. Specific standards are provided by the Mayor of London's Housing SPG to ensure that the new units would be "fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the needs of occupants throughout their lifetime."
- 9.67 All units within the scheme would meet the minimum unit size and room size standards set out in the London Housing SPG, in particular the proposed family sized units in the affordable tenure would in some cases be more spacious.
- 9.68 The GLA stage 1 report notes that there remain a number of single aspect studio flats fronting onto Whitechapel Road. While it is accepted that there are restrictions in terms of what can be achieved due to spatial constraints, it is considered that further attention should be given to minimising north facing single aspect units, especially as their residential quality would be further affected by the noise levels of Whitechapel Road'.
- 9.69 The GLA have also noted that "there is an element of overshadowing caused by the positioning of the proposed residential blocks in relation to each other. The collective building massing also impacts on the quality of light within the defined spaces along the new pedestrian link. In response to these constraints, further consideration should be given to ensuring that the orientation of habitable rooms is optimised". Again, this has not been adequately addressed by the applicant.
- 9.70 A total of 108 flats would be single aspect (16 are south facing over Fieldgate Street). This represents 47% of all units proposed. 90 out of 173 private flats would be single aspect, which represents 52% of the total. 11 out of 36 affordable rented flats would be single aspect representing 31% of the affordable rented provision and 7 out of 14 intermediate flats would be single aspect, which amounts to 50% of the intermediate provision.
- 9.71 Of the above, 47 of the total single aspect flats on floors 0-10 of Blocks 1 and 2 have extremely poor outlook facing onto either the side elevation of the 10 storey hotel only 6

metres away with hotel bedroom windows opposite, or facing the west or north elevation of Tower House between 6.5 and 9 metres away with habitable room windows opposite.

- 9.72 Overall, Officers consider the proposed development would provide poor quality housing when it is compared to the London Housing standard on single/dual aspect and the Council's Managing Development Document (2013) policies on outlook, privacy and sense of enclosure.

Internal daylight and sunlight and outlook

- 9.73 The internal daylight and sunlight results of the development itself were independently assessed by the Council's retained consultants DelvaPatmanRedler. It is concluded that there are a significant number of rooms would receive below recommended levels of daylight, as measured using Average Daylight Factor (ADF) using the guidelines set out in BRE Planning for Daylight and Sunlight. Many of these have levels that are extremely low and there are a number of rooms with an ADF of below 0.1% and some bedrooms with no ADF level at all.
- 9.74 A total of 24 studios do not meet the required level of ADF, which means that they would have their only living area with substandard daylight. In addition, there are studio apartments with extremely low levels of ADF, with many below 0.5% and 5 having below 0.1% which means that these cannot be considered in any way to be suitable for habitable rooms.
- 9.75 Following submission of amended plans, the Council's independent consultant concluded that whilst there are improvements in the daylight results to the proposed accommodation, there are too many rooms which will have inadequate internal luminance, and therefore the development could not be considered to be providing sufficient suitable residential accommodation. The levels of sunlight available are still very poor to a significant number of windows. There are a significant number have no sunlight at all.
- 9.76 In addition to the numerical tests of daylight that would be received by the proposed dwellings, consideration should be given to other environmental factors such as quality of outlook, sense of enclosure and privacy. For units in Block 1 which are facing south over Fieldgate Street or facing other directions above ninth floor, dwellings would have good outlook, daylight and sunlight. Similarly, units in Block 2 facing north over Whitechapel Road would have reasonable outlook, although a number are single aspect and would be exposed to noise from high levels of traffic.
- 9.77 The remainder of the units on the lower floors of both blocks (the majority in Block 2), would have their main windows facing towards the elevations of existing buildings – the 10 storey hotel or 7 storey Tower House. In some cases the distance separations are as low as 10 metres and the most generous distance separation is 9 metres. Single aspect flats on the first to 8th floors of the west elevation of Block 2 would have main windows only 6 metres from the hotel bedroom windows on the east elevation of the 10 storey hotel. Similarly the south facing windows and balconies in Block 2 would be only 9 metres from main windows in the north elevation of Tower House.
- 9.78 The relationships between the buildings combined with the high levels of units affected is such that officers are very concerned that these dwellings would not only experience poor quality daylight and sunlight, but would be exposed to high degrees of overlooking and a very oppressive sense of enclosure.

Conclusion

- 9.79 In terms of housing quality, whilst the units would meet minimum internal space standards, they would be significantly compromised by a combination of very poor daylight and sunlight

to lower levels of the development, an abnormally high proportion of single aspect flats and extremely compromised outlook, sense of enclosure and loss of privacy. The scheme would fail to deliver high quality residential accommodation as required by the NPPF, London Plan and local plan policies.

Effect on the amenity of surrounding properties

- 9.80 Core Strategy Policy SP10 and Policy DM25 of the Managing Development Document (2013) seek to protect amenity, by ensuring development does not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development. Policy DM25 also seeks to ensure adequate levels of light for new residential developments.

Daylight and sunlight

- 9.81 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. The primary method of assessment is through calculating the vertical sky component (VSC). BRE guidance specifies that reductions in daylighting materially affect the living standard of adjoining occupiers when, as a result of development, the VSC figure falls below 27 and is less than 0.8 times its former value. In order to better understand impact on daylighting conditions, should the VSC figure be reduced materially, the daylight distribution test (otherwise known as the no skyline test) calculates the area at working plane level inside a room that would have direct view of the sky. The resulting contour plans show where the light would fall within a room and a judgement may then be made on the combination of both the VSC and daylight distribution, as to whether the room would retain reasonable daylighting. The BRE does not set any recommended level for the Daylight Distribution within rooms but recommends that where reductions occur, they should be less than 20% of the existing. Average daylight factor (ADF) can also be calculated. This should be presented on an absolute scale for testing the adequacy of proposed new dwellings and can also be submitted to supplement, but not in place of VSC and NSL for measuring the impact on neighbouring properties. In calculating the ADF values, the input variables for glazing transmittance, reflective values and frame correction factors should be agreed with LBTH beforehand which was not the case with this application.
- 9.82 The applicant submitted a Daylight and Sunlight report to determine the impact the proposed development has on surrounding residential amenity. This report has been subject to an independent assessment by the Council's retained consultant. In terms of the impact on neighbours, the independent advice explains that the development would have significant adverse effects in terms of key indicators, Vertical Sky Component (VSC) and Average Daylight Factor (ADF). The most severely affected properties would be:
- 48 Fieldgate Street - The daylight results show reductions of over 20% for all windows tested, and with three rooms experiencing a reduction of over 45% from existing.
 - 153/175 Whitechapel Road - The results for most of the windows are acceptable or the annual sunlight, but there are substantial numbers of failures of winter sunlight. Reductions on ground, first and second floors are substantially between 40% and 65% reduction from existing in winter months.
 - 102 Whitechapel road - there will be significant reductions in VSC to this property and the rooms affected would be left with ADF levels of 0.51 & 0.71. Therefore the levels of daylight available to this building would be substandard and cannot be considered to meet planning policy.

- 108 Whitechapel Road – windows at this property would lose between 29% to 65% of their VSC from the existing condition. The ADF results are very low. At present, all rooms have a level of ADF which is below the minimum recommended level and all of these will be reduced further by between 21% and 43%. This property would therefore experience a reduction in daylight which is clearly noticeable and will be left with substandard levels of light.
- 50, 52 & 54 Fieldgate Street - windows in these properties would lose between 27% and 51% of VSC from the existing situation. As well as this, the rooms would be left with levels of ADF far below the recommended standard.
- 49 Settles Street - This property would experience a reduction in VSC of between 23.8% and 27%. It would also experience reductions in ADF that would take all the rooms to below the minimum recommended level for the relevant room uses.

Tower House

- 9.83 Tower House requires further consideration as it is the building with the largest number of flats directly affected by the proposed development, due to its location adjacent to the site boundary.
- 9.84 The results show reductions in VSC are significant across the building, with a substantial number of rooms experiencing reductions of more than 50% from existing and many reductions of more than 80% up to 100% in some cases. The Council's consultant has advised that it is not possible to use the ADF results as mitigation measures for this property, as the ADF results are extremely low. There are a number of rooms which have an ADF result of 0% and very low levels of ADF level 0.2% and below, with very few across the whole building at compliant level.
- 9.85 Tower House would experience substantially inadequate levels of daylight, such that this would have an adverse impact on the occupation of the property, and would leave the building with levels of daylight to most of the rooms substantially below a level which should be considered to be adequate.
- 9.86 Furthermore, the windows affected at Tower House would either be north or west facing and between 6.5 and 9 metres away from the 12 storey rear elevation of Block 2 or the 15 to 18 storey elevation of Block 1 all with habitable room windows or projecting balconies facing the main windows of habitable rooms in Tower House. Hence the substantial impacts in terms of daylight and sunlight are combined with a major effect on outlook, sense of enclosure and loss of privacy.
- 9.87 Given the number of properties directly affected and the fact that the effects are not marginal, these impacts are not considered acceptable. In conclusion, the scheme would cause substantial harm to the amenity of occupiers of adjoining properties and would conflict with policy DM25.

Outdoor open space and child play space

- 9.88 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require adequate provision of private and communal amenity space for all new homes.

Private amenity space

- 9.89 The private amenity space standard is set at a minimum of 5sqm for 1-2 person dwellings with an extra 1sqm for each additional occupant. The majority of the proposed dwellings would have adequately sized balconies or terraces all meeting or exceeding the minimum

standard. Some of the ground floor affordable units have access to private courtyards or gardens. The private amenity space required is by policy would be 991 sqm. In total the scheme would provide 2367 sqm.

- 9.90 In terms of private amenity space for the market housing, 4 studios and 2 x 2 bed private units have no private amenity space. These units are also worst affected by Daylight and Sunlight. Furthermore, 11 affordable one bed units have no private amenity space onsite in Block 2.

Communal amenity space

- 9.91 For all developments of 10 units or more, 50sqm of communal amenity space plus 1sqm for every additional unit should be provided. As such, a minimum of 263 sqm is required for a development of 223 flats. The proposal makes provision for approximately 226 sqm of communal amenity space in the form of two public spaces, provided within the north/south public route and on the corner of the new route with Fieldgate Street, in front of the proposed café. Whilst these spaces would provide outdoor open space which will add to the quality of the public realm, they could not be considered to be communal amenity space to meet the needs of residents of the scheme as they would be publically accessible to anyone moving through the scheme.

Child play space

- 9.92 In addition to the private and communal amenity space requirements, policy 3.6 of the London Plan, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document (2013) require provision of dedicated play space within new residential developments. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG 'Shaping Neighbourhoods: Play and Informal Recreation' which sets a benchmark of 10sqm of useable child play space per child. Play space for younger children should be provided on-site, with older children being able to reasonably use spaces off-site, within a short walking distance.
- 9.93 Using the LBTH child yield calculations, the development is anticipated to yield 54 children (26 under 5 yrs, 17 between 6-10 years old and 11 between 11-15 year olds). Accordingly a total of 540 sq.m of child play space should be provided to meet London Plan policies. Where the total requirement cannot be provided on site, the London Plan SPG advises that provision for under 5s should be a priority on site. 260 sqm of on-site play space would be required for under 5s; however the application proposes a total of 190 sqm of child play space onsite, in the form of a partially covered area to the rear of Block 1 beneath an overhang, close to the back of the hotel (including refuse collection area) and a further space at 12th floor level of Block 2 (affordable housing).
- 9.94 In both instances, the quality of child playspace in terms of location, safety, accessibility and overshadowing is poor. The proposal fails to provide any play space for 6-15 year olds onsite, however London Plan SPG policy does allow financial consideration to be given to financial contributions to be made to improving local open space where there is suitable provision in the vicinity for older children, using a benchmark of 400 metres walking distance for 6-10 year olds and 800 metres for 11-15 year olds. There are existing open spaces at Altab Ali Park and Vallance Gardens within the appropriate walking distances. The GLA Stage 1 report asks for a play space strategy to be prepared to deal with on site and off-site provision; however this has not been provided.
- 9.95 Hence on balance and based on the information available, officers conclude that the provision of on-site child play space is deficient in terms of quantity and quality and in the

absence of a clear strategy for off-site provision to meet the needs of future occupiers, the proposals would conflict with London Plan, Core Strategy and MDD policies.

Transport, Access and Highways

- 9.96 The National Planning Policy Framework emphasizes the role transport policies have to play in achieving sustainable development and stipulates that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities.
- 9.97 The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. Strategic Objective SO20 of the Core Strategy states that the Council seeks to: “Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle.” Policy SP09 provides detail on how the objective is to be met.
- 9.98 Policy DM20 of the Council’s Managing Development Document reinforces the need to demonstrate that developments would be properly integrated with the transport network and would have no unacceptable impacts on the capacity and safety of that network. It highlights the need to minimise car travel and prioritise movement by walking, cycling and public transport. The policy requires development proposals to be supported by transport assessments and a travel plan.
- 9.99 There are two underground stations within a short walking distance Whitechapel and Aldgate East. Shadwell rail station is approximately 900 metres from the site. There are excellent pedestrian facilities in the vicinity of the application site and a comprehensive range of cycle routes in the area. The site has a PTAL rating of 6.

Car parking

- 9.100 Policy DM22 sets out the Council’s parking standards in new developments. The application site falls mainly within PTAL 6. The application proposes a total of 20 accessible car parking spaces which would be shared by the proposed development and the adjacent hotel. No general needs parking is proposed. The development would also be subject to a ‘car free’ planning obligation restricting future occupiers from obtaining residential on-street car parking permits, with the exception of disabled occupants or beneficiaries of the Council’s permit transfer scheme. Additionally, long term impacts would be managed through a Travel Plan.
- 9.101 In accordance with London Plan and the Council’s parking standards, developments should provide 20% electric vehicle charging points (10% on site provision and 10% passive provision for future installation). The amended plans include adequate provision for electric vehicle charging.

Cycle parking

- 9.102 The London Plan policy 6.9 and policy DM22 of the Managing Development Document set minimum cycle parking standards for residential development. In accordance with these standards, the application proposes 360 secure, covered spaces for residents at basement level 2. LBTH Highways note that further information is required on the ‘racks, stands and lockers’ to be installed in the basement and the anticipated split between the three types.

9.103 The applicant proposes that 4 additional spaces to be located on Whitechapel Road on the basis that cycling mode share to the mosque is around 1%. LBTH have sought to require cycle parking to accommodate a 2% share to be provided as part of the development. This is equivalent to six new spaces. This should be linked to the Mosque Travel Plan.

Servicing and refuse collection

9.104 The servicing strategy for the site relies on an existing inset loading bay on Whitechapel Road and a proposed on-site loading/service bay accessed from Fieldgate Street, in front of Block 1 (the tower).

9.105 The Council's Highways Service have raised no objection to the use of the existing bay on Whitechapel Road but advise that in their opinion, the location of the bay proposed in Fieldgate Street would result in conflicting movements between vehicles and cycles using the basement car park ramp and vehicles exiting the proposed bay. As Fieldgate Street is one-way east-west, the proposed design would not allow sufficient inter-visibility between vehicles leaving the service bay, and vehicles/cyclists exiting the basement car park. In addition, it is doubtful that the bay, as proposed, would provide enough space for goods vehicles to enter and exit in a forward gear within the space designated for vehicle movements.

9.106 Two large refuse storage areas are proposed within the basement of the scheme, one for each of the two main buildings. The submitted strategy shows that bins would be brought up from the basement car park and left for collection at the top of the access ramp between Fieldgate Street and the car park. Due to the sheer numbers required to service 223 flats, the proposed strategy would result in obstruction to the passage of vehicles and cycles using the ramp and could cause obstructions to pedestrians and general congestion for vehicles in Fieldgate Street.

9.107 The scheme would rely on length horizontal mains and dry risers to accommodate fire safety measures and the needs of fire appliances in an emergency. The submitted proposals and amended plans have been reviewed by the London Fire and emergency Planning Authority who have raised significant concerns about the layout and the proposed arrangements for fire safety.

Environmental considerations

Noise

9.108 Policy 7.15 of the London Plan (2011) sets out guidance in relation to noise for new developments and in terms of local policies and policies SP03 and SP10 of the Core Strategy (2010) & policy DM25 of the Managing Development Document (2013) seek to minimise the adverse effects of noise.

9.109 The noise assessment submitted was reviewed by the Councils Environment Health team who have raised concerns that the development would be exposed to a high degree of noise and vibration and any future occupants would be significantly affected. The proposed mitigation measures suggested by the applicant are not considered robust enough for this location. The design of the development is an important factor at this location as many of the bedrooms would overlook Whitechapel Road and in some cases these units are single aspect. The development would also require a high level of acoustic ventilation and noise insulation incorporated within it to meet the required standards. The development is also likely to be affected by structure-borne noise from the London Underground system in close proximity. If the site is to be developed with high density residential accommodation, a high degree of noise insulation would be required to meet the "good standard" of BS8233 with a high degree of sound insulation between residential and commercial areas.

- 9.110 There has been substantial correspondence between the applicant and the Council's Environmental Health team on the matter of noise and vibration. However the final comments from Environmental Health remain concerned and would not recommend granting permission on the basis of information currently available. Given the local context and other major developments that have been approved in Aldgate and Whitechapel nearby, with habitable rooms facing busy main roads, if permission were to be granted then issues of noise and vibration could be addressed by mitigation measures secured through a condition. However it is important to take into account the effect of noise and vibration combined with other concerns about the generally poor quality of residential accommodation proposed. Therefore on balance, noise is a determining factor and should be referenced in any reason for refusal.
- 9.111 The proposed development would not comply with policy 7.15 of the London Plan, policies SP03 & SP10 of the Core Strategy and policy DM25 of the Managing Development Document (2013) seek to ensure that development proposals reduce noise minimising the existing potential adverse impact and separate sensitive development from major noise sources and the NPPF.

Wind

- 9.112 Wind microclimate is an important factor in achieving high quality developments, where tall buildings are proposed, with appropriate levels of comfort relative to the area being assessed. The applicants submitted a Wind Assessment which was Independently assessed and it was concluded that insufficient information was submitted to provide assurance that the proposal would not have an adverse impact on the wind microclimate within and adjacent to the development. However given the scale of development proposed and the relatively built up nature of the surrounding area, it is likely that with further analysis, any wind microclimate effects could be mitigated through use of appropriate design and secured through conditions.

Air Quality

- 9.113 Policy 7.14 of the London Plan seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality. Policy SP02 and SP10 of the Core Strategy and Policy DM9 of the Managing Development Document (2013) seek to protect the Borough from the effects of air pollution, requiring the submission of air quality assessments demonstrating how it will prevent or reduce air pollution in line with Clear Zone objectives.
- 9.114 LBTH Environment Health team have raised concerns and recommend refusing the application in its current form, based on the information available, on air quality grounds. The Air Quality Assessment submitted with the application does not appear to account for emissions from the energy strategy either. The air quality assessment would need to account for any emissions from the energy strategy to the atmosphere. The energy strategy proposes a gas CHP but does not account for emissions to air from this.
- 9.115 Insufficient information has been submitted to demonstrate that the proposal would adequately comply with policies 7.14 of the London Plan, Core Strategy (2010) policy SP02; policy DM9 of the MDD (2013) and the objectives of Tower Hamlets Air Quality Action Plan (2003).

Energy and Sustainability

- 9.116 At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic

level, the climate change policies as set out in Chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the LBTH Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.

- 9.117 The GLA Stage 1 report notes that a range of passive design features and demand reduction measures are proposed to reduce the carbon emissions of the proposed development.
- 9.118 The overall CO2 emission reductions considered achievable for the development are approximately 41.8%. The Managing Development Document Policy DM29 includes the requirement to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. The submitted energy strategy does not include details of the proposed CHP plant rooms or pipework between the buildings. The current proposals therefore fall short of this policy requirements by approximately 8% which equates to 22.8 tonnes of CO2.
- 9.119 If permission were to be granted the shortfall in CO2 emission reductions could be offset through a cash in lieu payment as set out in the Council's Planning Obligations SPD. The current identified cost for a tonne of CO2 is £1,380 per tonne of CO2. This figure is recommended by in the GLA Sustainable Design and Construction SPG 2013 and the GLA Planning Energy Assessment Guidance) and is also based on the London Legacy Development Corporation's figure for carbon offsetting.
- 9.120 For the proposed scheme it is recommended that a figure of £31,464 is sought for carbon offset projects in the vicinity of the proposed development. It is advised that this money is ring fenced for energy and sustainability measures to local school in the vicinity or other projects to be agreed with the applicant.
- 9.121 Policy 29 of the Development Management Document also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential developments to achieve a Code level 4 and non-residential developments to achieve a BREEAM excellent rating.
- 9.122 The Sustainability Statement identifies that BREEAM Excellent and Code for Sustainable Homes level 4 would be achieved for the applicable areas. However, no pre-assessments have been submitted to demonstrate how this would be achieved. The submission of pre-assessments to demonstrate that the requirements of Policy DM29 are deliverable should be conditioned from prior to commencement. The submissions of the final Code / BREEAM certificates should also be conditioned post completion.

Health considerations

- 9.123 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough. Policy SP03 of the Core Strategy (2010) seeks to deliver healthy and liveable neighbours that promote active and healthy lifestyles, and enhance people's wider health and well-being. Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
 - Providing high-quality walking and cycling routes.
 - Providing excellent access to leisure and recreation facilities.

- Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
- Promoting and supporting local food-growing and urban agriculture.

9.124 If permission were to be granted it would be a policy requirement to secure a contribution to primary health care provision within the borough. In terms of healthy and active lifestyles, the proposed development would provide residential accommodation with good transport access and close to amenities such as local open space in Aldgate and Whitechapel and to indoor leisure provision in Whitechapel.

9.125 However officers remain concerned about the quality of residential accommodation proposed in terms of poor quality daylight and sunlight, sense of enclosure and loss of privacy to many of the proposed flats. Combined with concerns expressed by the Council's environmental Health Service around exposure to noise, vibration and poor air quality, it is doubtful that the scheme in totality would contribute towards health and active lifestyles.

Planning Obligations

9.126 Planning obligations may be used to mitigate the impact of the development or to control certain aspects of the development, such as affordable housing. 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.

9.127 Regulation 122 of CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.

9.128 Securing appropriate planning contributions is supported by policy SP13 of the Core Strategy which seeks to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate impacts of the development.

9.129 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides further guidance on the planning obligations policy SP13. The SPG also sets out the Borough's key priorities:

- Affordable Housing
- Employment, Skills, Training and Enterprise
- Community Facilities
- Education
- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

9.130 In order to ensure that the impacts of the proposed development is sufficiently mitigated, the following contributions would be sought if permission was granted:

- | | |
|--|----------|
| • Construction phase skills and training | £56,377 |
| • End-user Phase Skills and Training | £5,284 |
| • Idea Stores, libraries and archives | £53,598 |
| • Leisure Facilities | £190,851 |

• Primary School	£318,622
• Secondary School	£219,112
• Health Facilities	£264,931
• Smarter Travel	£6,284.85
• Public Open Space	£341,345
• Street scene and the Built Environment	£67,704
• CO2 Reduction	£31,464
• Upgrading footway (TfL)	£350,000
• Legible London signage (TfL)	£15,000
• Monitoring (2%)	£31,111
• Total:	£1,951,683

9.131 The provision of financial contributions is a material consideration and has to be taken into account in making a decision on the application. Should members be minded to approve the development, it is recommended that the above contributions should be secured. However members should note that based on information in the applicant's viability report, it is likely that the above contributions would impact on the overall level of affordable housing, causing a reduction from 29% currently proposed.

9.132 Even if all proposed obligations could be met and the affordable housing was not impacted, officers consider that these benefits would not outweigh the harm that would be caused by other aspects of the development, in terms of design, housing quality and impact on neighbouring amenity.

Local Finance Considerations

9.133 Section 70(1) of the Town and Country Planning Act 1990 (as amended) provides:
"In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to the application;
- b) Any local finance considerations, so far as material to the application; and
- c) Any other material consideration."

9.134 Section 70(4) defines "local finance consideration" as:

- a) 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
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

9.135 In this context "grants" include the Government's "New Homes Bonus" - a grant paid by central government to local councils for increasing the number of homes and their use.;

9.136 Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and would normally be payable. The estimated Community Infrastructure Levy for this development would be £757,470.

9.137 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It

is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.

Human Rights Considerations

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

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

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

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

9.141 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 rights are 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 interests.

9.142 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest

9.143 The balance to be struck between individual rights and the wider public interest has been carefully considered and it is not considered that the adverse amenity impacts are acceptable or that the potential interference with the rights of surrounding property owners is necessary or proportionate in this instance.

Equalities Act Considerations

9.144 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:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.145 The proposed development includes a 300 sqm extension to the prayer hall at East London Mosque. Hence the equalities impacts associated with the development are material. If permission is granted and the development implemented it will provide additional social infrastructure aimed at meeting the needs of a particular faith group, but not exclusively so. As the application is recommended for refusal, the impact on social infrastructure needs to be carefully considered. Many of the reasons for refusal are linked to the residential blocks within the scheme and as a proportion of overall floor space within the scheme the Mosque extension is relatively small, There is no compelling evidence that the proposed extension to the east London Mosque could not be achieved through a standalone planning application. Hence initial conclusions are that a refusal of planning permission would not have significant adverse equalities impacts. However a detailed Equalities Impact Assessment will be prepared and presented to Committee as an update report.

9.146 The contributions towards education infrastructure, qualitative and quantitative improvements to the provision of public open space, commitments to use local labour and services during construction, apprenticeships and employment training schemes, provision of a substantial quantum of high quality affordable housing and improvements to permeability would help mitigate the impact of real or perceived inequalities and would serve to support community wellbeing and promote social cohesion.

9.147 The designated wheelchair units do not appear to provide adequate space to accommodate wheelchair manoeuvrability due to the size and shape of some of the rooms. Officers cannot support the provision of wheelchair accessible units in terms of either quantity or quality. The proposal makes provision for 20 accessible spaces which would promote equality.

10. CONCLUSION

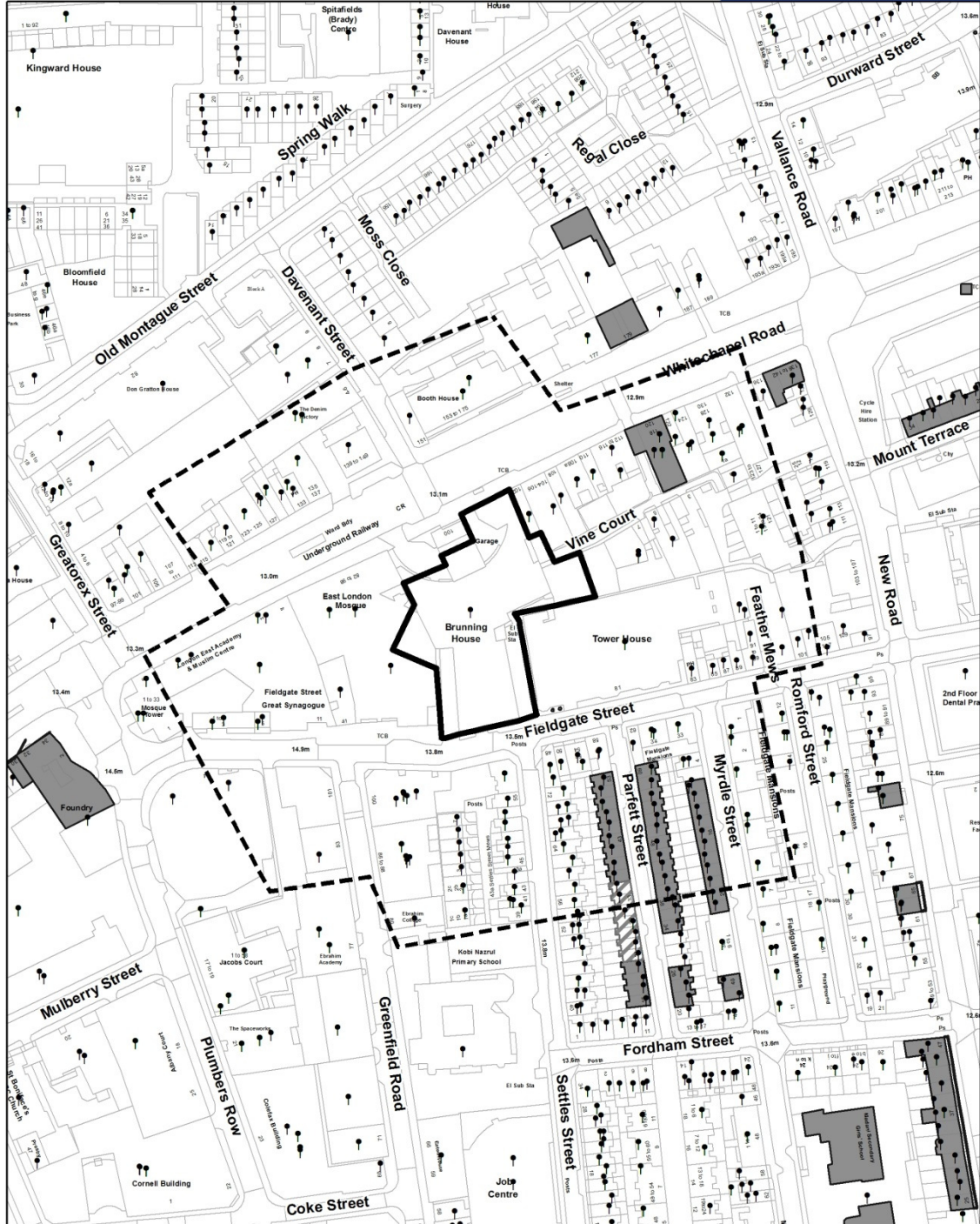
10.1 The merits of the proposed development have been carefully considered and assessed against relevant development plan policies, taking into account other material considerations and evidence provided from statutory consultees, internal consultees and retained independent consultants. The level of support and objection in terms of letters and petitions received from local residents and businesses has been taken into account.

10.2 In conclusion, officers have found that the scheme exhibits substantial and significant harmful impacts in terms of poor quality residential accommodation, symptoms of over development, harm to the amenities of adjoining occupiers, poor quality design causing harm to local townscape and heritage assets. The proposals would also fail to deal adequately with refuse collection and fire safety. The proposed mix of residential accommodation would represent a departure from adopted policy and there is

insufficient evidence to show that the affordable housing offer is the maximum that could be achieved.

- 10.3 The benefits associated with the scheme, including provision of community infrastructure, housing delivery and improved permeability have been taken into account but are insufficient to overcome the clear harm that would be caused by the proposals.
- 10.4 All other relevant policies and considerations have been taken into account. It is recommended that planning permission should be REFUSED for the reasons set out in section 3 of the report.

Planning Application Site Map
PA/13/03049



- Planning Application Site Boundary
- Consultation Area

- Locally Listed Buildings
- Statutory Listed Buildings

- Land Parcel Address
- OSLine



This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.

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