

# STRATEGIC DEVELOPMENT COMMITTEE

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**Extraordinary Meeting**  
**Wednesday, 24 August 2016 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 Marc Francis  
Vice Chair : Councillor Danny Hassell  
Councillor Asma Begum, Councillor Denise Jones, Councillor Md. Maium Miah,  
Councillor Gulam Robbani, Councillor Helal Uddin and Councillor Julia Dockerill

**Substitutes:**

Councillor Amina Ali, Councillor Andrew Cregan, Councillor Muhammad Ansar  
Mustaquim, Councillor John Pierce, Councillor Oliur Rahman, Councillor Chris Chapman  
and Councillor Andrew Wood

[The quorum for this body is 3 Members]

**Public Information.**

The deadline for registering to speak is **4pm Monday, 22 August 2016**  
Please contact the Officer below to register. The speaking procedures are attached  
The deadline for submitting material for the update report is **Noon Tuesday, 23 August  
2016**

**Contact for further enquiries:**

Zoe Folley, Democratic Services,  
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG  
Tel: 020 7364 4877  
E-mail: [Zoe.Folley@towerhamlets.gov.uk](mailto:Zoe.Folley@towerhamlets.gov.uk)  
Web: <http://www.towerhamlets.gov.uk/committee>

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an electronic  
agenda:



## Public Information

### **Attendance at meetings.**

The public are welcome to attend meetings of the Committee. However seating is limited and offered on a first come first served basis.

### **Audio/Visual recording of meetings.**

Should you wish to film the meeting, please contact the Committee Officer shown on the agenda front page.

### **Mobile telephones**

Please switch your mobile telephone on to silent mode whilst in the meeting.

### **Access information for the Town Hall, Mulberry Place.**



**Bus:** Routes: 15, 277, 108, D6, D7, D8 all stop near the Town Hall.

**Docklands Light Railway:** Nearest stations are East India: Head across the bridge and then through the complex to the Town Hall, Mulberry Place

**Blackwall station:** Across the bus station then turn right to the back of the Town Hall complex, through the gates and archway to the Town Hall.

**Tube:** The closest tube stations are Canning Town and Canary Wharf .

**Car Parking:** There is limited visitor pay and

display parking at the Town Hall (free from 6pm)

If you are viewing this on line:([http://www.towerhamlets.gov.uk/content\\_pages/contact\\_us.aspx](http://www.towerhamlets.gov.uk/content_pages/contact_us.aspx))

### **Meeting access/special requirements.**

The Town Hall is accessible to people with special needs. There are accessible toilets, lifts to venues. Disabled parking bays and an induction loop system for people with hearing difficulties are available. Documents can be made available in large print, Braille or audio version. For further information, contact the Officers shown on the front of the agenda.



### **Fire alarm**

If the fire alarm sounds please leave the building immediately by the nearest available fire exit without deviating to collect belongings. Fire wardens will direct you to the exits and to the fire assembly point. If you are unable to use the stairs, a member of staff will direct you to a safe area. The meeting will reconvene if it is safe to do so, otherwise it will stand adjourned.

### **Electronic agendas reports and minutes.**

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To access this, click [www.towerhamlets.gov.uk/committee](http://www.towerhamlets.gov.uk/committee) and search for the relevant committee and meeting date.

Agendas are available at the Town Hall, Libraries, Idea Centres and One Stop Shops and on the Mod.Gov, Apple and Android apps.



QR code for smart phone users

## **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. 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.

### **3. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 5 - 6)**

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

<b>PAGE NUMBER</b>	<b>WARD(S) AFFECTED</b>
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### **4. DEFERRED ITEMS**

None

**5. PLANNING APPLICATIONS FOR DECISION**

**7 - 8**

**5.1 Site Bound by Raven Row, Stepney Way Sidney Street,  
London E1 (PA/15/01789)**

**9 - 110**

**Whitechapel**

Proposal:

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

Recommendation:

That the Committee resolve to GRANT planning permission subject to the prior completion of a legal agreement, conditions and informatives set out in the Committee report.



Proposal:

The erection of two separate four storey podium blocks of Student Apartments – the easterly block flanked by two eight storey towers rising from the podium level and the western block by an eight storey block and a ten storey tower at the western end terminating the view along the Campus Access Road to the south. 412 student rooms are proposed which include 344 en suite single rooms, 32 self-contained studios, 36 rooms designed for students with disabilities, 67 kitchen/diners and communal facilities on the site of a redundant railway viaduct running along the northern boundary of the Queen Mary College Campus in Mile End, London.

Application for variation of Condition 2 (approved plans) of planning permission reference APP/E5900/A/12/2173692, dated 26/03/2013, for a minor material amendment to the approved scheme including;

- Amended unit type and room design – changed from 332 en-suite and 80 studios to 334 cluster rooms and 78 studios;
- Amended internal layouts to improve the entrance / security arrangements and communal facilities;
- Provision of roof top plant (within the envelope of the approved scheme); and
- Elevational changes to reflect the internal arrangements and Scape’s design aspirations, including a reduction, in part, in the overall massing of the building.

Recommendation:

That the Committee resolve to GRANT planning permission subject to a deed of variation to link the current S.73 application to the previous S.106 agreement dated 26<sup>th</sup> June 2012 (as amended by a deed of variation dated 14<sup>th</sup> February 2013), conditions and informatives in relation to the matters set out in the Committee report.

**5 .3 99 Mansell Street & 31-33 Prescot Street, London E1  
(PA/16/00757)**

**129 - 176**

**Whitechapel**

Proposal:

Mixed-use development in a part 6, part 8 and part 11 storeys block with lower ground floor comprising 67 serviced apartments (Use Class C1) on the upper floors and 1,115sqm of office floorspace (Use Class B1) at basement, ground and first floor and a 103 sqm of flexible retail/financial services/restaurant/cafe/drinking establishment floorspace (Use Class A1, A2, A3, A4 and A5) at ground floor level.

Recommendation:

That the Committee resolve to GRANT planning permission subject to the prior completion of a legal agreement, conditions and informatives as set out in the Committee report.

**6. OTHER PLANNING MATTERS**

None.

**Next Meeting of the Strategic Development Committee**

Thursday, 8 September 2016 at 7.00 p.m. to be held in 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:-

Melanie Clay Corporate Director of Law Probit and Governance and 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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## 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"> <li>• Three minutes for one objector speaking.</li> <li>• Six minutes for two objectors speaking.</li> <li>• Additional three minutes for any Committee and non Committee Councillor speaking in objection.</li> </ul>
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](http://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><b>Deadlines.</b>                  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 <a href="http://www.towerhamlets.gov.uk/committee">www.towerhamlets.gov.uk/committee</a> - search for relevant Committee, then ‘browse meetings and agendas’ then ‘agenda management timetable’.</p>	 Scan this code to view the Committee webpages.
<p><b>The Rules of Procedures for the Committee are as follows:</b></p> <ul style="list-style-type: none"> <li>• Development Committee Procedural Rules - Part 4.8 of the Council’s Constitution (Rules of Procedure).</li> <li>• Terms of Reference for the Strategic Development Committee - Part 3.3.5 of the Council’s Constitution (Responsibility for Functions).</li> <li>• Terms of Reference for the Development Committee - Part 3.3.4 of the Council’s Constitution (Responsibility for Functions).</li> </ul>	 Council’s Constitution



# Agenda Item 5

<b>Committee:</b> Strategic Development	<b>Date:</b> 24 <sup>th</sup> August 2016	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director Development and Renewal		<b>Title:</b> Planning Applications for Decision	
<b>Originating Officer:</b> Owen Whalley		<b>Ref No:</b> See reports attached for each item	
		<b>Ward(s):</b> 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. ADVICE OF 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:	Tick if copy supplied for register:	Name and telephone no. of holder:
See Individual reports	✓	See Individual reports

- 
- 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 a previous Agenda Item .

#### **5. RECOMMENDATION**

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

# Agenda Item 5.1

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

## 1. APPLICATION DETAILS

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

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

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

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

3273 PL220 (Rev P5);  
3273 PL221 (Rev P5);  
3273 PL250 (Rev P3);  
3273 PL251 (Rev P3);  
3273 PL252 (Rev P3);  
3273 PL253 (Rev P3);  
3273 PL300 (Rev P4);  
3273 PL301 (Rev P4);  
3273 PL310 (Rev P4);  
3273 PL311 (Rev P4);  
3273 PL320 (Rev P6);  
3273 PL321 (Rev P6);  
3273 PL400 (Rev P2);  
3273 PL401 (Rev P2);  
3273 PL402 (Rev P2);  
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3273 PL422 (Rev P2);  
3273 PL423 (Rev P2);  
3273 PL424 (Rev P2);  
3273 PL-500 (Rev P2);  
3273 PL-501 (Rev P2);  
3273 PL-502 (Rev P2);  
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3273 PL-523 (Rev P2);  
3273 PL-524 (Rev P2);  
3273 PL-525 (Rev P2);  
3273 PL-526 (Rev P2);  
3273 PL-527;  
3273 PL-258;  
3273 PL-529;  
3273 PL-530;  
3273 PL-531;  
3273 PL-532;  
3273 PL-533;  
3273 PL-534;  
3273 SK160524;

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

Documents:

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

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

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

## 2. EXECUTIVE SUMMARY

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

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

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

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

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

### 3. RECOMMENDATION

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

#### Financial contributions:

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

#### Non-financial contributions:

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



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

3.5. **Conditions**

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

3.6. **Informatives**

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

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

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

#### **4. PROPOSAL, LOCATION DETAILS and DESIGNATIONS**

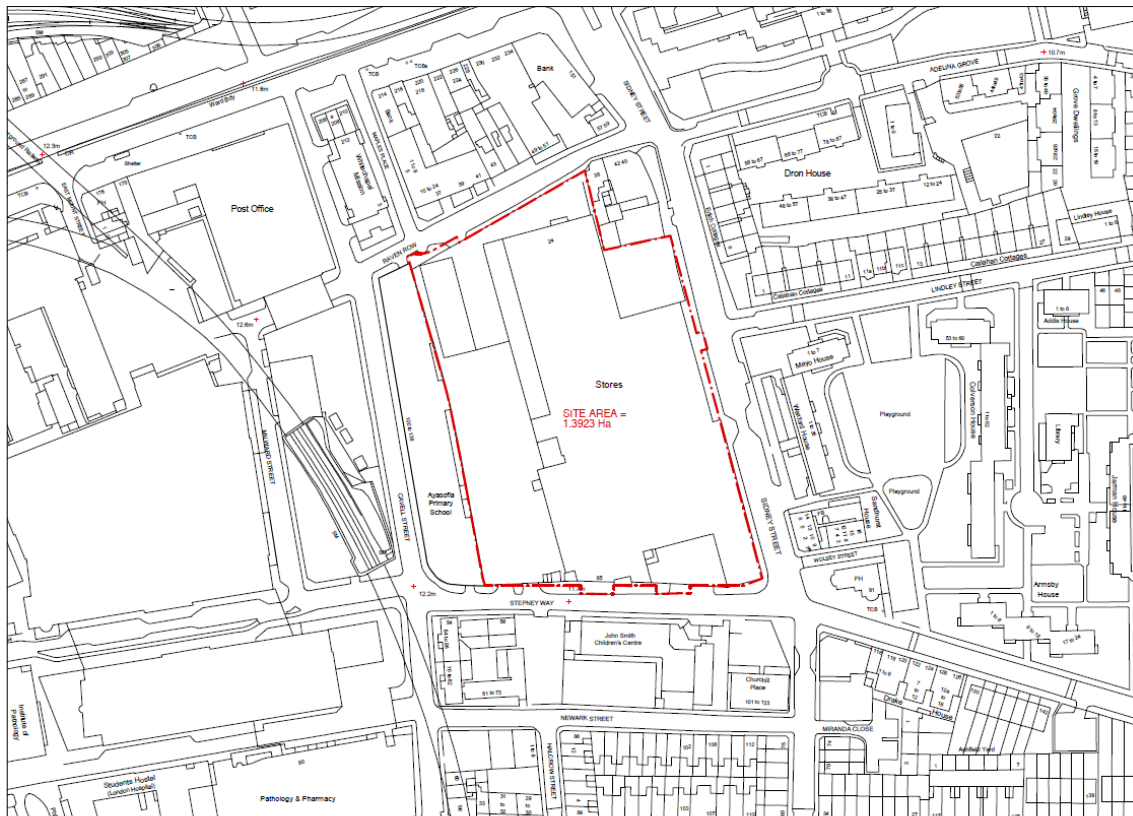
##### **Proposal**

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

##### **Site and Surroundings**

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

## Site Location Plan



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

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

### **Designations**

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

### **Relevant Planning History**

#### PA/00/00305

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

#### PA/00/00637

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

#### PA/00/01480

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

#### PA/01/00221

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

#### PA/01/00638

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

#### PA/04/01591

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

#### PA/05/00906

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

#### PA/05/01536

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

- PA/14/02527
- 4.20. On 24<sup>th</sup> October 2014 the Council issued a Scoping Opinion on the information to be contained in an EIA to be submitted in support of an application for commercial/residential development.
- PA/14/03608
- 4.21. On 9<sup>th</sup> March 2015 planning permission was granted for the creation of a 'pop-up' style multi-sports environment on 2nd floor level within existing vacant building including ancillary refreshment area, for a temporary period until 1st April 2016.
- PA/15/02081
- 4.22. On 20<sup>th</sup> August 2015 an application for prior notification of proposed demolition was withdrawn by the applicant.
- PA/15/03151
- 4.23. On 30<sup>th</sup> November 2015 the Council issued a Screening Opinion advising that an EIA would be required in respect of the demolition of the existing buildings on land bound by Raven Row, Stepney Way and Sidney Street.
- PA/16/00604
- 4.24. An application for planning permission has been received, although is currently invalid, which proposes the renewal of planning permission PA/14/03608 for creation of a 'pop-up' style multi-sports environment on 2nd floor level within existing vacant building including ancillary refreshment area which is due to expire on 1st April 2016.
- PA/16/00670
- 4.25. An application for planning permission has been received and is currently pending determination for the demolition of existing buildings above ground slab level.

## **5. POLICY FRAMEWORK**

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.
- 5.2. **Government Planning Policy Guidance/Statements**  
National Planning Policy Framework (2012) (NPPF)  
Planning Policy Guidance (Online)
- 5.3. **London Plan - incorporating the Minor Alterations to the London Plan (2016)**
- 2.1 London
  - 2.9 Inner London
  - 2.13 Opportunity Areas and Intensification Areas
  - 3.1 Ensuring Equal Life Chances for All
  - 3.2 Improving Health and Addressing Health Inequalities
  - 3.3 Increasing Housing Supply
  - 3.4 Optimising Housing Potential
  - 3.5 Quality and Design of Housing Developments
  - 3.6 Children and Young People's Play and Informal Recreation Facilities
  - 3.7 Large Residential Developments
  - 3.8 Housing Choice
  - 3.9 Mixed and Balanced Communities
  - 3.10 Definition of Affordable Housing

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

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

- SP01 Refocusing on our Town Centres
- SP02 Urban Living for Everyone
- SP03 Creating a Healthy and Liveable Neighbourhoods
- SP04 Creating a Green and Blue Grid
- SP05 Dealing with Waste
- SP06 Delivering Successful Employment Hubs
- SP08 Making Connected Places
- SP09 Creating Attractive and Safe Streets and Spaces
- SP10 Creating Distinct and Durable Places
- SP11 Working towards a Zero Carbon Borough
- SP12 Delivering Placemaking
- SP13 Planning Obligations

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

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

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

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

5.7. **Tower Hamlets Community Plan**

The following Community Plan objectives relate to the application:

- A Great Place to Live
- A Prosperous Community
- A Safe and Supportive Community
- A Healthy Community

5.8. **Other Material Considerations**

- Ford Square Sidney Square Conservation Area Character Appraisal and Management Guidelines, LBTH (2007)
- London Hospital Conservation Area Character Appraisal and Management Guidelines, LBTH (2007)
- Whitechapel Market Conservation Area Character Appraisal and Management Guidelines, LBTH (2009)
- Stepney Green Conservation Area Character Appraisal and Management Guidelines, LBTH (2009)
- London Borough of Tower Hamlets Strategic Housing Market & Needs Assessment, DCA (2009)
- Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment, English Heritage (2008)
- The Setting of Heritage Assets, English Heritage (2011)
- Conservation Area Designation, Appraisal and Management – Historic England Advice Note 1 (2016)
- Tall Buildings – Historic England Advice Note 4 (2015)
- Air Quality Action Plan, LBTH (2003)
- Clear Zone Plan 2010-2025, LBTH (2010)
- Tower Hamlets Tenancy Strategy, LBTH (2013)
- District Heating Manual for London, GLA (2013)

**6. CONSULTATION RESPONSE**

- 6.1. The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 6.2. The following were consulted regarding the application:

**Internal Consultees:**

**LBTH Environmental Health (Air Quality)**

- 6.3. The Air Quality Assessment concludes that the development will not have any significant impacts on the Local Air Quality from the operational phase and that the existing air quality at the site will be below the air quality objectives in the opening year therefore is suitable for residential use. I would however question why the Ayosofia Primary school next door to the development was not included in the sensitive receptors modelled in the study.
- 6.4. The Air Quality Neutral Assessment shows that the development is not Air Quality Neutral in regards to the building emissions which are over twice as high as the benchmarked emissions. This is not acceptable. The chosen heating plant should be reconsidered to reduce emissions so that the development is air quality neutral or further mitigation must be provided. It is recommended that details of alternative heating plant be secured by condition.



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

#### **LBTH Environmental Heath (Contaminated Land)**

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

#### **LBTH Environmental Heath (Noise & Vibration)**

- 6.10. *No comments have been received.*

#### **LBTH Enterprise & Employment**

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

##### Financial Contributions

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

##### Non-financial Obligations

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

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

#### **LBTH Communities, Localities & Culture**

- 6.12. *No comments have been received.*

## **LBTH Transportation & Highways**

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

## **LBTH Biodiversity Officer**

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

## **LBTH Arboricultural Trees Officer**

- 6.24. *No comments have been received.*

### **LBTH Education Development Team**

- 6.25. *No comments have been received.*

### **LBTH Public Health Strategist**

- 6.26. *No comments have been received.*

### **LBTH Market Services**

- 6.27. *No comments have been received.*

### **LBTH Surface Water Run-off Team**

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

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

### **LBTH Occupational Therapist**

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

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

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

### **LBTH Waste Policy & Development**

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

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

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

### **External Consultees**

#### **Greater London Authority**

##### **Principle of Development**

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

##### **Employment**

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

##### **Housing Supply**

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

##### **Density**

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

##### **Affordable Housing and Tenure Split**

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

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

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

#### Children's Play Space

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

#### Urban Design

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

#### Strategic Views

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

#### Historic Environment

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

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

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

#### Inclusive Design

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

#### Climate Change

- 6.53. The applicant has broadly followed the energy hierarchy and sufficient information has been provided to broadly understand the proposals as a whole. By following the London Plan energy hierarchy the applicant expects an overall reduction of 359 tonnes of CO<sub>2</sub> per year in regulated emissions compared to a 2013 Building Regulations compliant development, which is equivalent to an overall saving of 56%, which is welcomed. However, further information is required before full compliance with London Plan policy can be verified.

#### Flood Risk & Sustainable Drainage

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

#### Transport

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

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

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

#### Crossrail

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

### **Transport for London**

#### Car Parking

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

#### Cycle Parking

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

### Cycle Hire

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

### Freight

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

### **Historic England**

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



## **Historic England – Greater London Archaeological Advisory Service**

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

## **Environment Agency**

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

## **London Underground**

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

## **London Overground (Rail for London)**

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

## **Crossrail**

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

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

6.84. *Officer Comments: Noted.*

#### **National Air Traffic Services**

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

6.86. *Officer Comments: Noted.*

#### **London City Airport**

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

6.88. *Officer Comments: Noted.*

#### **London Fire and Emergency Planning Authority**

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

6.90. *Officer Comments: Noted.*

#### **Thames Water**

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

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

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

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

## **Metropolitan Police – Crime Prevention Officer**

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

## **Barts Health NHS Trust**

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

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

**BBC (Reception Advice)**

- 6.104. *No comments have been received.*

**National Grid**

- 6.105. *No comments have been received.*

**EDF Energy**

- 6.106. *No comments have been received.*

**Maritime Greenwich World Heritage Co-ordinator**

- 6.107. *No comments have been received.*

**Historic Royal Palaces**

- 6.108. *No comments have been received.*

**Network Rail**

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

- 6.110. *Officer Comments: Noted.*

**Air Ambulance Service**

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

6.112. *Officer Comments: Noted.*

**Twentieth Century Society**

6.113. *No comments have been received.*

**The Victorian Society**

6.114. *No comments have been received.*

**The Georgian Group**

6.115. *No comments have been received.*

**The Garden History Society**

6.116. *No comments have been received.*

**The Society for the Protection of Ancient Buildings**

6.117. *No comments have been received.*

**City of London Corporation**

6.118. *No comments have been received.*

**London Borough of Hackney**

6.119. No objections.

6.120. *Officer Comments: Noted.*

**London Borough of Newham**

6.121. *No comments have been received.*

**Royal Borough of Greenwich**

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

6.123. *Officer Comments: Noted.*

**London Borough of Southwark**

6.124. *No comments have been received.*

**London Borough of Lewisham**

6.125. *No comments have been received.*

## London Legacy Development Corporation

6.126. *No comments have been received.*

## Whitechapel Ward Forum

6.127. *No comments have been received.*

## Ford Square Tenants Association

6.128. *No comments have been received.*

## 7. LOCAL REPRESENTATION

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

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

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

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

### Objections

#### 7.4. Land Use

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

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

7.6. Housing

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

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

7.8. Urban Design

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

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

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

7.10. Conservation, Heritage and Archaeology

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

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

7.12. Amenity

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

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



#### 7.14. Highways

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

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

#### 7.16. Other:

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

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

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

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

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

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

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

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

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

7.25. **Support**

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

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

7.27. **General Observations**

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

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

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

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

## **8. MATERIAL PLANNING CONSIDERATIONS**

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

### **SUSTAINABLE DEVELOPMENT**

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

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

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

## **LAND USE**

### Existing Land Uses

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

### Land Use Policy Context

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

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

*Proposed Land Uses*

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



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

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

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

## **HOUSING**

### *Residential Density*

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

### Affordable Housing

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

**Table 1: Proposed Affordable Housing**

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

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

***Affordable Rent (Borough Framework Levels inclusive of service charges)***

1 bed – £234 per week

2 bed – £253 per week

***Social Target Rent***

3 bed – £158 per week

4 bed – £166 per week

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

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

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

Residential Mix

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

**Table 2: Proposed Residential Mix**

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

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

#### Tenure Split

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

#### Residential Design & Space Standards

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

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

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

#### Private Amenity Space

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

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

Communal Amenity Space

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

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

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

**Table 3: Communal Amenity Space Provision by Block**

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

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

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

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

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

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

Child Play Space

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

**Table 4: Proposed Child Play Space Provision and Minimum Requirements**

	<b>Block A</b>	<b>Block B</b>	<b>Block C</b>	<b>Public Open Space</b>	<b>Total</b>
<b>&gt;5 Years Child Yield</b>	41	12	17	0	<b>70</b>
<b>5-11 Years Child Yield</b>	45	5	10	0	<b>60</b>



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

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

## Child Play Space Plan



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

### *Inclusive Design and Wheelchair Adaptable/Accessible Homes*

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

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

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

## **URBAN DESIGN & CONSERVATION**

### *Existing Condition of the Site*

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

### Photograph of the Existing Building



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

#### Urban Design and Townscape

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

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

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

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

### Buildings A2 and C1 (CGI Looking West)



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



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

### Proposed Building Heights



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

#### Building Heights

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



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

**Whitechapel Vision SPD – KPT5: Figure 27**



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*i) make a significant contribution to local regeneration.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

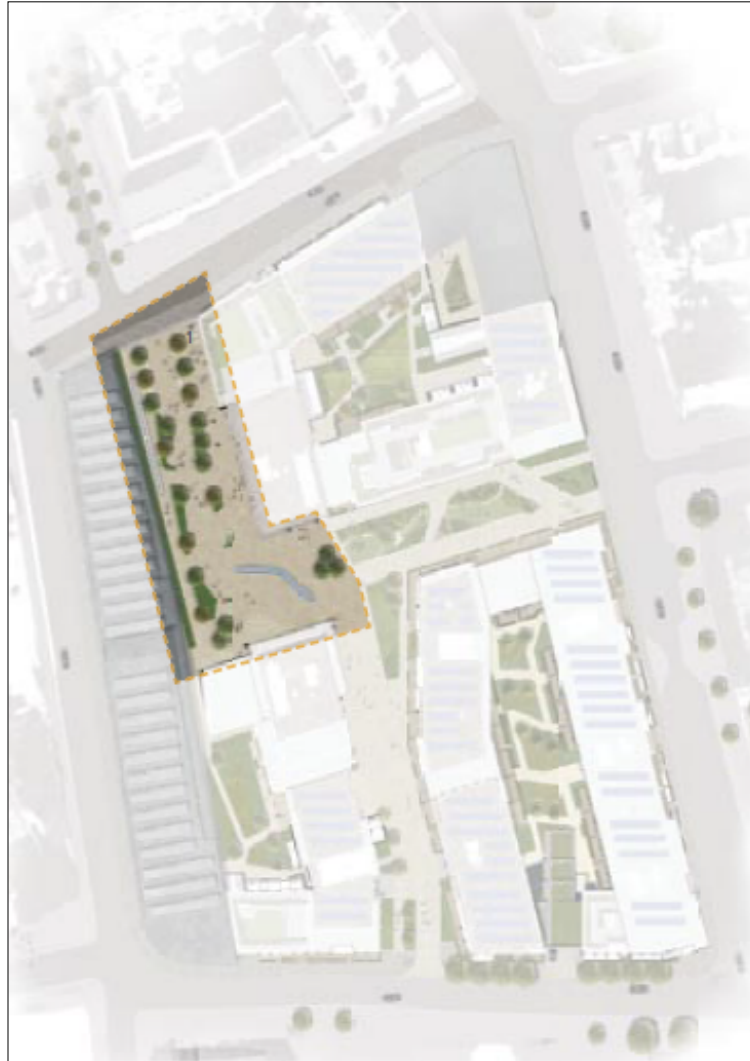
8.147. Taking into account the above, it is considered that the proposed tall buildings, specifically Building A2 at 18 storeys and Building C1 and 21/25 storeys, accord with the requirements of Policy 7.7 of the London Plan (2016) and Policy DM26 of the Council's adopted Managing Development Document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

#### Public Open Space

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

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

### Whitechapel Central Square:



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



### Whitechapel Green:



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

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

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

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

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

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

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

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

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

**View 13 – Whitechapel Road, Junction with Brady Street**



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

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

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



### View 17 – Sidney Square



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

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

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

*Secure by Design*

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

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

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

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

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

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

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

#### Archaeological Impacts

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



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

## **AMENITY**

### Policy Context

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

### Daylight and Sunlight – Impacts on Neighbouring Properties

- 8.196. The daylighting conditions at neighbouring properties are normally calculated by two main methods, namely the Vertical Sky Component (VSC) and No Sky Line (NSL). Building Research Establishment (BRE) guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should be reduced to no less than 0.8 times their former value, in order to ensure that sufficient light is still reaching windows.
- 8.197. These figures should be read in conjunction with other factors, including the Average Daylight Factor (ADF), which is a measure of the amount of daylight in an interior. ADF is dependent on the room and window dimensions, the reflectances of interior surfaces and the type of glass, together with the obstructions outside. British Standard 8206 recommends the following minimum ADF values for residential dwellings:
- >2% for kitchens;
  - >1.5% for living rooms; and
  - >1% for bedrooms.
- 8.198. Sunlight is assessed through the calculation known as the Annual Probable Sunlight Hours (APSH), which considers the amount of sunlight available during the summer and winter for each window facing within 90 degrees of due south (i.e. windows that receive direct sunlight). The amount of sunlight that a window receives should not be less than 5% of the APSH during the winter months of 21 September to 21 March, so as to ensure that such windows are reasonably sunlit. In addition, any reduction in APSH beyond 20% of its former value would be noticeable to occupants and would constitute a material reduction in sunlight.
- 8.199. The submitted Environmental Statement and associated Addendums include a Daylight, Sunlight, Overshadowing and Solar Glare assessment, prepared by Waterman Energy, Environmental & Design Limited. The assessment has been prepared for the scheme both on a stand-alone basis, and on a cumulative impact basis, whereby other live planning application proposals have been included in the model.
- 8.200. The submitted assessment has been independently reviewed by the Council's appointed consultant, BRE, who note that the assessment methodology accords with established guidance as set out in the BRE publication entitled 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' (2011), referred to hereafter as the BRE Guidelines. The daylighting and sunlighting impacts of the scheme on a stand-alone are discussed below.

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

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

### **90 Stepney Way:**

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

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

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

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

### **1-16 Sandhurst House:**

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

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

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

### **1-36 Wexford House:**

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

**Wexford House (Eastwards View from Sidney Street)**



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

***1-8 Mayo House:***

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

### **1 Lindley Street:**

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

### **1-6 Erlich Cottages:**

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

### **5 Maples Place:**

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

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

**37-41 Raven Row:**

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

**38 Raven Row:**

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

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

**43-47 Raven Row:**

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

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

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

**49 -51 Raven Row:**

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

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

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

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

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



***Whitechapel Mission:***

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

***100-136 Cavell Street:***

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



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

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

***54-62 Stepney Way:***

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

***Daylight and Sunlight within the Development***

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

- >1% for bedrooms.

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

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

**ADF Pass Rate: Existing Surrounding Conditions**

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

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

**ADF Pass Rate: Cumulative Assessment**

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

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

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

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

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

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

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

#### Sunlight in Open Spaces

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

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

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

#### Overlooking, Outlook and Sense of Enclosure

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

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

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

### Noise & Vibration

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

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

## **TRANSPORTATION & HIGHWAYS**

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

### Trip Generation

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

### Car Parking

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

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

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



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

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

Cycle Parking

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

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

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

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

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

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

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

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

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

#### Waste & Recyclables Storage

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

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

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

#### Servicing

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

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

#### Construction Traffic

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

#### **ENERGY & SUSTAINABILITY**

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

- 8.349. The London Plan sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean);
  - Supply Energy Efficiently (Be Clean); and
  - Use Renewable Energy (Be Green).
- 8.350. Policy 5.6 of the London Plan (2016) states that major development proposals should select energy systems in accordance with the following hierarchy:
1. Connection to existing heating or cooling networks;
  2. Site wide CHP network;
  3. Communal heating and cooling.
- 8.351. Policy DM29 of the Managing Development Document (2013) includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. From April 2014 the London Borough of Tower Hamlets have applied a 45% carbon reduction target beyond Part L 2013 of the Building Regulations as this is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations.
- 8.352. The application is accompanied by an Outline Energy Statement, prepared by MLM Consulting Engineers, which has been reviewed by the LBTH Sustainable Development Team. The Outline Energy Statement shows that the proposed development follows the principles of the Mayor's energy hierarchy through the implementation of energy efficiency measures, including the use of high thermal performance materials, a site-wide Combined Heat and Power (CHP) system for heating and hot water supply, and a photovoltaic (PV) system. The cumulative CO2 savings from these measures exceed the requirements of Policy DM29(1), achieving a 56.34% improvement in CO2 emissions over Building Regulations 2013 minimum requirements.
- 8.353. It is noted that the Outline Energy Statement explores options for connecting to a district heating system using the London Heat Map, although concludes that there are no existing heat networks to connect with. It is acknowledged that this is presently the case. The proposed use of a site-wide CHP system has therefore been shown to accord hierarchy in Policy 5.6 of the London Plan (2016).
- 8.354. In relation to environmental sustainability, the submitted proposals include Sustainability Statement which details how the non-residential element of the scheme has been designed to meet BREEAM 'Excellent' rating. This is supported by the Sustainable Development Team and accords with Policy DM29(4) of the Managing Development Document (2013).
- 8.355. Having regard to the above, it is recommended that conditions be included to secure the following:
- CO2 emission reductions in accordance with the Outline Energy Statement;
  - Detailed specification of the renewable energy technologies (PV array), and;
  - BREEAM 'Excellent' rating for non-residential element of the development.
- 8.356. Subject to these conditions, it is considered that the proposed development would follow the Mayor's energy hierarchy and would achieve a policy compliant level of CO2 emission reductions. The scheme would also attain the highest standards of sustainable design and construction. The proposals therefore accord with Policies 5.2, 5.3, 5.6 and

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

## **BIODIVERSITY**

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

## **ENVIRONMENTAL CONSIDERATIONS**

### *Environmental Impact Assessment*

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

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

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

#### Air Quality

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

- 8.371. The AQA (at Appendix 9.2 of the ES) includes an NO<sub>2</sub> Sensitivity Test, which is based on the presumption that there would be no decrease in emissions from the baseline to the opening year. The LBTH Air Quality Officer notes that the results show that in the opening year the NO<sub>2</sub> annual objective would be exceeded at two receptors at ground floor level at Blocks A and B.
- 8.372. In order to ensure that future residents within the development are not exposed to unacceptably poor air quality within their homes, it is recommended that a condition be included to secure details of a mechanical ventilation system for the residential units shown to exceed the annual NO<sub>2</sub> objective in the NO<sub>2</sub> Sensitivity Test. The mechanical ventilation system must either include NO<sub>x</sub> filtration or have air inlets located at high (roof) level where the air will be cleaner.
- 8.373. Subject to the above conditions, it is considered that the proposed development is acceptable in air quality terms, in accordance with Policy DM9 of the Council's adopted Managing Development Document (2013).

*Demolition and Construction Noise, Vibration and Dust*

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



### Contaminated Land

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

### Flood Risk

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

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

Wind Microclimate

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

**Lawson Comfort Criteria**

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

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

#### **IMPACT UPON LOCAL INFRASTRUCTURE / FACILITIES**

- 8.398. Policy SP13 of the Core Strategy (2010) seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's 'Planning Obligations' SPD sets out in more detail how these impacts can be assessed and appropriate mitigation.
- 8.399. The NPPF requires that planning obligations must be:
- (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and,
  - (c) Are fairly and reasonably related in scale and kind to the development.

- 8.400. Regulation 122 of the CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.
- 8.401. Securing appropriate planning contributions is further supported Policy SP13, which seeks to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 8.402. The current Planning Obligations SPD was adopted in 2012. A new version has been formed to better reflect the implementation of CIL and the needs of the borough in respect of planning obligations, which was issued for public consultation in April 2016.
- 8.403. The boroughs four main priorities remain:
- Affordable Housing
  - Employment, Skills, Training and Enterprise
  - Community Facilities
  - Education
- 8.404. The Borough's other priorities include:
- Public Realm
  - Health
  - Sustainable Transport
  - Environmental Sustainability
- 8.405. The applicant has agreed to the full financial contributions as set out in the Planning Obligations SPD in relation to:
- Enterprise and Employment Skills and Training, and;
  - a monitoring contribution of £500 per obligation.
- 8.406. The applicant has also offered 30.7% affordable housing by habitable room with a tenure split of 69/31 between social rented and intermediate tenure housing. This offer has been independently viability tested and is considered to maximise affordable housing levels in accordance with relevant adopted policy.

Financial contributions:

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

Non-financial contributions:

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

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

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

### **FINANCIAL CONSIDERATIONS**

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

8.408. Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:

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

8.409. Section 70(4) defines “local finance consideration” as:

- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

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

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

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

8.413. The mechanism for contributions to be made payable towards Crossrail has been set out in the Mayor’s Supplementary Planning Guidance (SPG) “Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy” (April 2013). The SPG states that contributions should be sought in respect of uplift in floorspace for B1 office, hotel and retail uses (with an uplift of at least 500sqm). The site is within the ‘Rest of London’ Crossrail charging area.

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

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

- 8.415. The New Homes Bonus (NHB) was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period. For the first year the NHB is expected to be in the region of £836,739 and over the six year period around £5,020,435.
- 8.416. This application is also subject to the Borough's Community Infrastructure Levy, which came into force for application determined from 1st April 2015. This is a standard charge, based on the net floor space of the proposed development, the level of which is set in accordance with the Council's adopted CIL charging schedule. The estimated Borough CIL contribution for this development is approximately £1,748,016.

### **HUMAN RIGHTS CONSIDERATIONS**

- 8.417. In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-
- 8.418. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
  - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and,
  - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".
- 8.419. This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

- 8.420. Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified.
- 8.421. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 8.422. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.423. As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 8.424. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

### **EQUALITIES ACT CONSIDERATIONS**

- 8.425. The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty, inter alia, when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
  3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.426. The requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 8.427. The affordable housing supports community wellbeing and social cohesion.
- 8.428. The proposed development allows for an inclusive and accessible development for less-able and able residents, employees, visitors and workers. Conditions secure, inter alia, lifetime homes standards for all units, disabled parking and wheelchair adaptable/accessible homes.

### **9. Conclusion**

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



Planning Application Site Map  
PA/15/01789



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address	
 Consultation Area	 Statutory Listed Buildings	0 40 m 	

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



# Agenda Item 5.2

<b>Committee:</b> Strategic Development	<b>Date:</b> 24 August 2016	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Applications for Planning Permission
<b>Case Officer:</b> Christopher Stacey-Kinchin	<b>Ref No:</b> PA/16/00425
	<b>Ward:</b> Bethnal Green

## 1.0 APPLICATION DETAILS

**Location:** Redundant Railing Viaduct North of Pooley House, Westfield Way, London

**Existing Use:** Railway Viaduct (Sui Generis)

**Proposal:** The erection of two separate four storey podium blocks of Student Apartments – the easterly block flanked by two eight storey towers rising from the podium level and the western block by an eight storey block and a ten storey tower at the western end terminating the view along the Campus Access Road to the south. 412 student rooms are proposed which include 344 en suite single rooms, 32 self-contained studios, 36 rooms designed for students with disabilities, 67 kitchen/diners and communal facilities on the site of a redundant railway viaduct running along the northern boundary of the Queen Mary College Campus in Mile End, London.

Application for variation of Condition 2 (approved plans) of planning permission reference APP/E5900/A/12/2173692, dated 26/03/2013, for a minor material amendment to the approved scheme including;

- Amended unit type and room design – changed from 332 en-suite and 80 studios to 334 cluster rooms and 78 studios;
- Amended internal layouts to improve the entrance / security arrangements and communal facilities;
- Provision of roof top plant (within the envelope of the approved scheme); and
- Elevational changes to reflect the internal arrangements and Scape’s design aspirations, including a reduction, in part, in the overall massing of the building.

**Drawings and documents:** Site Location Plan, Dated Nov 2015  
 Site Plan Ground Floor Level, Dated July 2016  
 Site Plan First Floor Level, Dated June 2016  
 Proposed Ground Floor, Dated July 2016  
 Proposed First Floor, Dated Jan 2016  
 Proposed Second & Third, Dated Jun 2016  
 Proposed Fourth & Fifth, Dated Jun 2016  
 Proposed Sixth & Seventh, Dated Jun 2016  
 Proposed Eight & Ninth, Dated Jun 2016  
 Proposed Roof, Dated Jun 2016  
 Elevation to South (With Plant), Dated May 2016  
 Elevation to North (With Plant), Dated May 2016  
 East Elevation Section HH (With Plant), Dated May 2016  
 West Elevation AA (With Plant), Dated May 2016  
 Sections (1) Section BB  
 Sections (2) Section CC  
 Section (3) Section DD  
 Section (4) Section EE (With Plant)  
 Section (5) Section FF (With Plant)  
 Section (7) Section GG  
 Design and Access Statement, Dated Feb 2016  
 Supplementary Design and Access Statement, Dated Jun 2016

**Applicant:** Scape Living / Leopard Guernsey Westway Ltd  
**Ownership:** Network Rail  
 Queen Mary & Westfield College University of London  
**Historic Building:** None  
**Conservation Area:** Development sits adjacent to Regents Canal conservation area

## 2.0 EXECUTIVE SUMMARY

- 2.1 This application is reported to the Strategic Development Committee as the proposal has attracted a total of 4 written objections and a petition in objection to the scheme containing 104 signatures which raises material planning considerations discussed in paragraph 7.3 of this report.
- 2.2 This application has been considered 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 2016 and the National Planning Policy Framework and all other material considerations.
- 2.3 The proposal is for the erection of two separate four storey podium blocks of Student Apartments – the easterly block flanked by two eight storey towers rising from the

podium level and the western block by an eight storey block and a ten storey tower at the western end terminating the view along the Campus Access Road to the south containing 412 student rooms along with associated kitchen/diners and communal facilities on the site of a redundant railway viaduct running along the northern boundary of the Queen Mary College Campus in Mile End, London.

- 2.4 This application is for the variation of condition 2 (approved plans) relating to planning permission reference APP/E5900/A/12/2173692, dated 26/03/2013, for a minor material amendment to the approved scheme including; amended unit type and room design – changed from 332 en-suite and 80 studios to 334 cluster rooms and 78 studios; amended internal layouts to improve the entrance / security arrangements and communal facilities; provision of roof top plant (within the envelope of the approved scheme); and elevational changes to reflect the internal arrangements and Scape's design aspirations, including a reduction, in part, in the overall massing of the building.
- 2.5 The proposed amendments to the previously approved scheme are considered to be acceptable. The revisions to the student housing mix and internal layout alterations which are minor in nature are considered to be acceptable as they will improve the standard of accommodation on site.
- 2.6 The alterations to the massing and elevational treatment of the building, along with the amendments to the entrance/security arrangements are generally considered to improve the overall aesthetic of the building and are thus considered acceptable in design terms.
- 2.7 The minor amendments to the cycle parking provision on site are considered to be acceptable as they result in an improved cycle parking provision overall on site.
- 2.8 Alterations to the scheme including the reduction in north facing bedrooms and ground floor level bedrooms are considered acceptable as they will improve the level of amenity afforded to future occupiers of the building.
- 2.9 The amendments to the refuse provision on site are minor in nature and can therefore be considered to be acceptable in relation to the relevant policies and standards.
- 2.10 The installation of additional plant on the roof of the building is considered to be acceptable as it is to be screened by an acoustic enclosure which has been designed to match the appearance of the building.

### **3.0 RECOMMENDATION**

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:
  - a) A deed of variation to link the current S.73 application to the previous S.106 agreement dated 26<sup>th</sup> June 2012 (as amended by a deed of variation dated 14<sup>th</sup> February 2013).
  - b) That the Corporate Director of Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:

### 3.2 Conditions on the original planning permission

1. Time limit
2. Development to be built in accordance with the approved plans
3. Submission of material samples
4. Scheme of landscaping
5. Wheelchair accessible unit details
6. Energy efficiency measures
7. BREEAM certificates
8. Contaminated land
9. Verification report
10. Restoration of railway viaduct
11. Cycle parking
12. Highway improvement works
13. Travel advice note
14. Servicing management strategy
15. Refuse and recycling facilities
16. Waste management strategy
17. Noise mitigation measures
18. Details of plant and equipment
19. Construction management plan
20. Surface water drainage
21. Piling and foundation designs
22. Petrol/oil interceptors
23. Building management statement
24. Roof terraces hours of use
25. Details of external lighting and CCTV
26. Ecological appraisal report
27. Bat and Black Redstart survey
28. Provision of ecological enhancements prior to occupation
29. Scheme of landscaping for area between the development and Pooley House  
*(It should be noted that some of these conditions have already been discharged and so will become compliance conditions, also as the development has commenced the time limit for implementation will also not be relevant)*

### 3.3 Informatives on planning permission

None

## 4.0 PROPOSAL AND LOCATION DETAILS

### Proposal

- 4.1 This application is made under Section 73 of the Town and Country Planning Act 1990. This section of the act enables the 'varying' or 'amending' of conditions.
- 4.2 Section 73 applications involve the consideration of the conditions subject to which a previous planning permission was granted. It is important to note that a Section 73 application is not considering the principle of the development, as planning permission has already been granted for this. If it is decided that the proposed amendments to the conditions are not desirable then the application should be refused. However, if it is not the case then the application should be approved subject to differently worded conditions.

- 4.3 The approved scheme under appeal ref APP/E5900/A/12/2173692 (LBTH ref PA/10/01458) included the erection of two blocks of student apartments, featuring 412 student rooms (332 en-suite single rooms, 58 self-contained studios and 22 rooms designed for students with disabilities), 62 kitchen/diners and communal facilities. The two blocks both featured four storey podium blocks, with the eastern block being flanked by two eight storey towers rising from the podium level, and the western block being flanked by one eight storey and one ten storey tower. The proposal also included storage facilities for Queen Mary University at the western end of the site.
- 4.4 Whilst the amended proposal has been developed to sit within the key parameters established by the consented scheme, including the number of bedrooms, building footprint and massing, the following changes to the approved consent APP/E5900/A/12/2173692 (PA/10/01458) are proposed:
- Amended unit type and room design – changed from 332 en-suite and 80 studios to 334 cluster rooms and 78 studios;
  - Amended internal layouts to improve the entrance / security arrangements and communal facilities;
  - Provision of roof top plant (within the envelope of the approved scheme); and
  - Elevational changes to reflect the internal arrangements and Scape’s design aspirations, including a reduction, in part, in the overall massing of the building.

#### **Site and Surroundings**

- 4.5 The application site relates to a rectangular plot of land which is approximately 0.469 hectares in size, and is 172m in length and 25m in width. The site previously consisted of a redundant railway viaduct, however this has now been demolished and the site is currently empty and features 2m high hoarding around its boundaries.
- 4.6 The application site sits at the northern end of the Queen Mary University campus, directly adjacent to the operational Great Eastern main line railway to the north, the Regent’s Canal to the east, the Longnor Estate to the west (which features a mixture of properties of between two to four storeys), and Pooley House (an eight storey student housing block) to the south. To the north of the railway line sits the housing developments of Sutton’s Wharf and Leamore Court (on Meath Crescent) which are 9 and 10 storeys in height respectively.
- 4.7 The application site does not feature, nor sits adjacent to, any statutory or locally listed buildings, however the site does sit directly adjacent to the Regent’s Canal conservation area which sits to the east of the site.

#### **Relevant Planning History**

- 4.9 PA/08/02485 – Outline Planning Permission for the erection of a four storey podium block with four towers rising a further eight storeys to provide accommodation for 431 students with kitchen/diners, common rooms, communal facilities and ground floor workshops. (No further action taken)
- 4.10 PA/09/00242 – Erection of a four storey podium block of student apartments with 4 eight storey towers rising from podium level to include 431 en-suite single and double rooms, rooms designed for students with disabilities, kitchen / diners, common

rooms, communal facilities and ground floor workshops. (Application withdrawn 16/04/2009)

- 4.11 PA/09/01445 – Erection of two four storey podium blocks, the easterly block flanked by eight storey towers and the westerly block by an eight storey and a ten storey tower to provide student accommodation comprising 380 en-suite single rooms, 28 studios, eight rooms for students with disabilities, 72 kitchen/diners, communal facilities and ground floor workshops. (Application withdrawn 09/12/2009)
- 4.12 PA/10/1458 - The erection of two separate four storey podium blocks of Student Apartments – the easterly block flanked by two eight storey towers rising from the podium level and the western block by an eight storey block and a ten storey tower at the western end terminating the view along the Campus Access Road to the south. 412 student rooms are proposed which include 344 en suite single rooms, 32 self-contained studios, 36 rooms designed for students with disabilities, 67 kitchen/diners and communal facilities on the site of a redundant railway viaduct running along the northern boundary of the Queen Mary College Campus in Mile End, London E1. The proposal also includes storage facilities for Queen Mary College at the western end of the site. (Permission refused 12/10/2011, allowed on appeal 26/03/2013)
- 4.12 PA/13/01344 – Non-material amendment following the grant of planning permission by the Planning Inspectorate dated 26/03/2013, Ref: PA/10/01458 (PINS Ref. APP/E5900/A/12/2173692) to change of wording of conditions 3, 4, 12, 20 and 29. (Permission granted 25/06/2013)
- 4.13 PA/13/01345 – Non-material amendment following the grant of planning permission by the Planning Inspectorate dated 26/03/2013, Ref: PA/10/01458 (PINS Ref. APP/E5900/A/12/2173692) to change of wording of conditions 5, 6, 11, 17, 18 and 25. (Permission granted 25/06/2013)
- 4.14 PA/16/00441 – Confirmation of implementation of Appeal Ref: APP/E5900/A/12/2173692 Storage unit construction. (Permission granted 14/04/2016)

## **5.0 POLICY FRAMEWORK**

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of this application must be made in accordance with the development plan unless material considerations indicate otherwise.
- 5.2 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

### **5.3 Government Planning Policy**

National Planning Policy Framework 2012  
National Planning Practice Guidance

### **5.4 London Plan 2016**

3.8 – Housing choice  
5.17 – Waste capacity  
6.3 – Assessing effects of development on transport capacity

- 6.9 – Cycling
- 6.13 – Parking
- 7.1 – Lifetime neighbourhoods
- 7.2 – An inclusive environment
- 7.3 – Designing out crime
- 7.4 – Local character
- 7.6 – Architecture
- 7.8 – Heritage assets and archaeology

#### 5.5 **Core Strategy 2010**

- SP02 – Urban living for everyone
- SP05 – Dealing with waste
- SP09 – Creating attractive and safe streets and spaces
- SP10 – Creating distinct and durable places
- SP12 – Delivering placemaking

#### 5.6 **Managing Development Document 2013**

- DM6 – Student accommodation
- DM14 – Managing waste
- DM20 – Supporting a sustainable transport network
- DM22 – Parking
- DM23 – Streets and the public realm
- DM24 – Place-sensitive design
- DM25 – Amenity
- DM27 – Heritage and the historic environment

#### 5.7 **Supplementary Planning Documents**

N/A

#### 6.0 **CONSULTATION RESPONSE**

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

6.2 The following were consulted regarding the application:

##### **Crime Prevention Officer**

6.3 No objection.

##### **Design Council**

6.4 No comments received.

##### **LBTH Design Officer**

6.5 No objection.

##### **LBTH Environmental Health – Noise and Vibration**

6.6 No comments received.

## **Greater London Authority**

6.7 No objection – Does not require the application to be referred at stage II.

## **Transport for London**

6.8 No objection.

## **LBTH Transport and Highways**

6.9 No objection.

## **7.0 LOCAL REPRESENTATION**

7.1 A total of 3107 letters were sent to neighbours and interested parties. A site notice was also displayed on site and the application was advertised in 'East End Life'.

7.2 The number of representations received in response to notification and publicity of the application is as follows:

No of individual responses:	Objecting: 4
	Supporting: 1
	Comments: 1

No of petition responses:	Objecting: 1 containing 104 signatories
	Supporting: 0

7.3 The following comments were raised in objection to the proposal:

- The proposal will result in an over-development and over-population of the site and will lead to an unacceptable loss of daylight on many areas of the Longnor Estate, especially for the newly built houses on Bradwell Street.
- The proposal will be visually overbearing, and would be totally out of keeping with the neighbouring properties, which are mainly four storey blocks of flats and two storey houses.
- The proposal will lead to a significant impact upon traffic, parking and access on the Longnor estate. This will cause traffic problems and create a safety hazard for other motorists and residents.
- The proposal will have a detrimental impact on residents due to the increased potential of late night disturbance from the occupation of the student housing. In addition, the overpopulation of the area with high-rise student accommodation will lead to the diminishment of a family-orientated community.
- The proposal will have a detrimental effect on the natural biological life of the surrounding space.
- The proposal will be in our direct line of vision, and will take away our view of the City of London completely.

7.4 The following comments were raised in support of the proposal:

- The proposal should be given consent.



7.5 The following comments (neither objecting nor supporting the application) were also made on this proposal:

- The proposal should incorporate a rainwater harvesting system on the roof so that rainwater runoff could be used to flush toilets and irrigate the planting around the development.

## **8.0 MATERIAL PLANNING CONSIDERATIONS**

8.1 This application has been assessed against all relevant policies under the following report headings:

1. Student Housing
2. Design
3. Transport and Highways
4. Amenity
5. Refuse
6. Environmental Considerations
7. Conclusion

8.2 As this application is a minor material amendment to a previously consented scheme, the principal of the development has not been reconsidered by officers, and this report only deals with the aspects of the proposal that the applicant seeks to amend.

### **Student Housing**

8.3 The proposed amendments to the scheme result in a slightly amended mix of units, changing from 332 en-suite rooms and 80 studios (412 units) to 334 cluster rooms and 78 studios (412 units). 30 of the cluster rooms are to be wheelchair accessible, and 11 of the studios are to be wheelchair accessible.

8.4 Policy 3.8 of the London Plan (2016) states that development proposals which propose student housing should meet a demonstrable local need and not compromise capacity for delivering conventional homes.

8.5 The Council's Core Strategy policy SP02 seeks to support the provision of student accommodation that meets identified need by focusing student accommodation supporting Queen Mary University in close proximity to the university.

8.6 The Council's Managing Development Document policy DM6 supports the provision of purpose-built student accommodation in locations identified within the Core Strategy and where: it does not compromise the supply of land for new homes and the Council's ability to meet its housing targets; it contributes to the provision of affordable housing if not providing accommodation specifically for accredited colleges and universities; it does not create an over-concentration of student accommodation in the local area or cause harm to residential amenity; and it does not place excessive pressure on existing social and physical infrastructure.

8.7 As a result of a new operator taking on the scheme a number of alterations to the accommodation have taken place in order to bring the proposals in line with their standards which have resulted in minor internal alterations to the accommodation and a slightly amended mix of units. The previous en-suite rooms have now been relabelled as cluster rooms, however in principle offer a similar typology of accommodation (i.e. between 5 and 8 private bedrooms with en-suite accommodation

sharing a kitchen/dining/living space), and the mix of rooms has also slightly altered from 332 en-suite rooms and 80 studios to 334 cluster rooms and 78 studios. It should also be noted that the previously consented scheme (APP/E5900/A/12/2173692 (PA/10/01458)) featured a total of 38 wheelchair accessible rooms, whereas the proposed amended scheme features a total of 40 wheelchair accessible rooms (representing 10% of the overall quantum of units).

- 8.8 All ground floor rooms have been relocated above ground floor and the number of north facing bedrooms has also been reduced from 17% to 7%. Communal facilities including: study rooms; meeting rooms; reception lounge; communal dining room; gym; games room; and TV room have also been reorganised and are now all accessible to both blocks encouraging students from both blocks to mix.
- 8.9 Officers consider that the minor amendments made to the accommodation of the scheme are acceptable as they generally improve the quality of the accommodation within the scheme.

### **Design**

- 8.10 The application proposes to make alterations to the entrance/security arrangements of the building, make a number of elevational alterations to the building, provide additional plant at roof level, and reduce the overall massing of the building (notably the building's height) by reducing the floor to floor heights within the building.
- 8.11 Policies 7.1, 7.2 and 7.3 of the London Plan (2016) seek to ensure that proposed buildings reinforce or enhance the character, legibility, permeability, and accessibility of the neighbourhood, incorporate the principles of inclusive design and reduce the opportunities for criminal behaviour. Policies 7.4, 7.6 and 7.8 of the London Plan (2016) seek to ensure that proposed buildings are of a high architectural quality and relate well to their surroundings. Where proposals affect the setting of heritage assets, they should be sympathetic to their form, scale, materials and architectural detailing.
- 8.12 The Council's Core Strategy policy SP10 seeks to ensure that proposals promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds. Proposals should also project and enhance heritage assets such as statutory listed buildings and their settings.
- 8.13 The Council's Managing Development Document policies DM24 and DM27 seek to ensure that development will be designed to the highest quality standards, incorporating principles of good design. Development is also required to protect and enhance the borough's heritage assets, their setting and their significance as key elements of developing the sense of place of the borough's distinctive 'Places'.
- 8.14 The proposed amendments to the entrance/security arrangements of the building involve replacing a number of separate entrances (proposed under the previously consented scheme APP/E5900/A/12/2173692 (PA/10/01458)) with a single entrance within the central courtyard which will be overlooked by the reception desk and will also be well lit. Officers consider that this amendment represents an improvement to the scheme and this view is also shared by the secure by design officer.
- 8.15 The consented elevations are predominantly formed of brick with punched windows and metal clad projecting bay elements. The amended proposals follow the principles of the consented design however now feature projecting windows to all of the student

rooms on the upper levels of the building (a mixture of horizontal and triangular projecting windows) and different facing materials, consisting of dark blue bricks (to match that found on the canal edges), white perforated aluminium panels and bronze aluminium panels on the horizontal projecting window elements. These amendments have been reviewed by the Council's urban design team who are content with the proposals and did not raise any objections to the proposed amended elevation designs.

- 8.16 The proposed amendments to the scheme involve reducing the overall height of the building which has been achieved through reducing the floor to ceiling heights throughout the building from 2.7m to 2.465m and installing additional plant at roof level. This has resulted in the western most block (the tallest element of the scheme) being reduced in height by 1.9m including the allowance for roof top plant, with the three remaining lower towers reducing in height by 1.3m, also allowing for roof top plant.
- 8.17 Officers consider the proposed amendments to the scheme are acceptable as they result in enhanced entrance/security arrangements for the building, elevations which are of higher architectural quality than the consented scheme and a slightly reduced overall mass.
- 8.18 Considering the above, officers conclude that the amended scheme represents an improvement on the previously consented scheme (APP/E5900/A/12/2173692 (PA/10/01458)) in terms of the design of the scheme, and can therefore be seen to be in accordance with the relevant policies as set out above.

### **Transportation & Highways**

- 8.19 The application proposes to modify the cycle parking provision on site as a result of overall design development.
- 8.20 Policy 6.3 of the London Plan (2016) states that development proposals should ensure that impacts on transport capacity and the transport network, at both a corridor and local level, are fully assessed and that development should not adversely affect safety on the transport network. Policy 6.9 states that developments should provide secure, integrated, convenient and accessible cycle parking facilities in line with the minimum cycle parking standards which are set out in a table which forms a part of policy 6.13.
- 8.21 The Council's Core Strategy policy SP09 (3) seeks to ensure that all new development does not have an adverse impact upon the capacity of the road network.
- 8.22 The Council's Managing Development Document policy DM20 (2) states that development must be able to demonstrate that it is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of the transport network. Policy DM22 (1 & 4) both state that development will be required to comply with the Council's minimum parking standards in order to ensure suitable provision for cyclists, however it should be noted that these standards have now been superseded by the parking standards set out within the recently adopted London Plan (2016), which this application is being assessed against.
- 8.23 The previously consented scheme (APP/E5900/A/12/2173692 (PA/10/01458)) featured 208 long stay cycle parking spaces within four cycle stores (two in the centre of each block on the northern side of the building), which contained double decker

cycle stands, and no short stay cycle parking spaces. Current London Plan cycle parking standards (which have been updated since then) require a minimum of 1 cycle parking space per 2 beds (long stay provision) and 1 cycle parking space per 40 beds (short stay provision). This therefore means that for this scheme to be compliant 206 long stay cycle parking spaces should be provided and 11 short stay cycle parking space should be provided (a total of 217 spaces). The amended proposal features two larger cycle stores (one in between the two blocks and one within the western block) which house 206 long stay cycle parking spaces once again in the form of double decker cycle stands, as well as 12 short stay cycle parking spaces in the form of Sheffield stands to the front of the site (a total of 218 spaces). Given the above the proposed cycle parking can be considered to be acceptable.

- 8.24 Considering the above, officers conclude that the amended scheme represents an improvement on the previously consented scheme (APP/E5900/A/12/2173692 (PA/10/01458)) in terms of its highways impacts, and can therefore be seen to be in accordance with the relevant policies as set out above.

### **Amenity**

- 8.25 Officers have assessed the amenity implications of the various alterations being made to the previously consented scheme, including the relocation of all ground floor bedrooms above ground floor level, the reduction in north facing bedrooms from 17% to 7%, the introduction of window boxes to the majority of bedrooms and the slight reduction in height of the building.
- 8.26 According to paragraph 17 of the NPPF local planning authorities should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 8.27 The Council's Core Strategy policy SP10 (4) states that the Council will ensure that all development protects the amenity of surrounding building occupiers.
- 8.28 The Council's Managing Development Document policy DM25 states that development should seek to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants by not creating unacceptable levels of noise, vibration, artificial light, odour, fume or dust pollution during the construction and life of the development.
- 8.29 The proposed alterations to the scheme which include the relocation of all ground floor bedrooms above ground floor level, the reduction in north facing bedrooms from 17% of the total bedrooms to 7%, the introduction of window boxes to the majority of bedrooms and the slight reduction in height of the building is welcome. Officers consider that these amendments will result in an enhanced level of amenity for future occupiers of the site as no bedrooms will now be at ground floor level adjacent to entrances to the building, a significantly fewer number of bedrooms will directly front the Great Eastern main line to the north, and a high proportion of rooms will received enhanced levels of light. The slight reduction in height of the building will also mean that no additional adverse amenity implications for neighbouring residents should be felt, with a possibility of any impacts from the proposal being slightly reduced as a result of these amendments.
- 8.30 Considering the above, officers conclude that the amended scheme does not raise any additional adverse amenity implications for neighbouring residents or building occupiers when considered against the previously consented scheme (APP/E5900/A/12/2173692 (PA/10/01458)), and instead will result in an enhanced

level of amenity for future occupiers of the site, and can therefore be seen to be in accordance with the relevant policies as set out above.

### **Refuse**

- 8.31 The application proposes to modify and slightly reconfigure the proposed bin stores for the scheme.
- 8.32 Policy 5.17 of the London Plan (2016) states that all developments should plan for waste management, and should minimise waste and achieve a high level of performance with respect to reuse and recycling.
- 8.33 The Council's Core Strategy policy SP05 (1) states that the Council will ensure that development implements the waste management hierarchy of reduce, reuse and recycle by ensuring that building users reduce and manage their waste effectively.
- 8.34 The Council's Managing Development Document policy DM14 (2) states that development should demonstrate how it will provide appropriate storage facilities for residual waste and recycling as a component element to implement the waste management hierarchy of reduce, reuse and recycle.
- 8.35 The overall level of refuse storage being provided across the site remains broadly the same as the previously consented scheme (APP/E5900/A/12/2173692 (PA/10/01458)), however the configuration and location of the two refuse stores has been slightly amended as a result of the design development of the scheme. Officers do not consider that the proposed amendments raise any additional issues with respect to refuse provision and will still offer a suitable level of refuse provision for the scheme.
- 8.36 Considering the above, officers conclude that the amended scheme is acceptable in terms of refuse provision, and can therefore be seen to be in accordance with the relevant policies as set out above.

### **Environmental Considerations**

- 8.37 The application proposes to install additional plant on the roof top of all four tower elements of the building.
- 8.38 The Council's Managing Development Document policy DM25(e) seeks to ensure that development does not create unacceptable levels of noise, vibration, artificial light, odour, fume or dust pollution during the construction and life of the development.
- 8.39 The previously consented scheme (APP/E5900/A/12/2173692 (PA/10/01458)) does not make any allowance for plant, however the amended scheme does and proposes to install much of the large heavy weight plant at ground floor level (including a substation, switch room and tank room), with the air handling equipment for the ventilation and cooling of the building will be located at roof level. The proposed roof plant sits within the volume of the consented scheme and is also screened by an acoustic enclosure which has been designed to match the appearance of the building.
- 8.40 Whilst full details of the proposed plant have not been submitted with this application, officers do not object to the principle of these amendments, and further details

relating to the proposed plant will be required to be submitted for approval as required by condition 18.

- 8.41 Considering the above, officers conclude that the amended scheme is acceptable in terms of environmental considerations, and can therefore be seen to be in accordance with the relevant policies as set out above.

### **Conclusion**

- 8.42 The alterations being made as part of this proposal are as a result of design development, due to a new operator taking on the project. Considering that the alterations being made to the scheme are generally minor in nature and are considered to offer improvements to the consented scheme, officers consider that this proposal for a minor material amendment to application APP/E5900/A/12/2173692 (PA/10/01458) should be supported and granted permission subject to the relevant conditions, informatives and S.106 deed of variation as outlined in section 3 of this report.

## **9.0 HUMAN RIGHTS CONSIDERATIONS**

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

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

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

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

- 9.4 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.

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

9.6 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.

## **10.0 EQUALITIES ACT CONSIDERATIONS**

10.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:

- 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.

## **11.0 FINANCIAL CONSIDERATIONS**

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

11.1 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:

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

11.2 Section 70(4) defines “local finance consideration” as:

- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

11.3 In this context “grants” might include New Homes Bonus. This is not applicable to this application.

11.4 As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 however as the proposal does not result in the creation of a new dwelling or net increase of new floor space the proposal is not liable for Mayoral CIL.

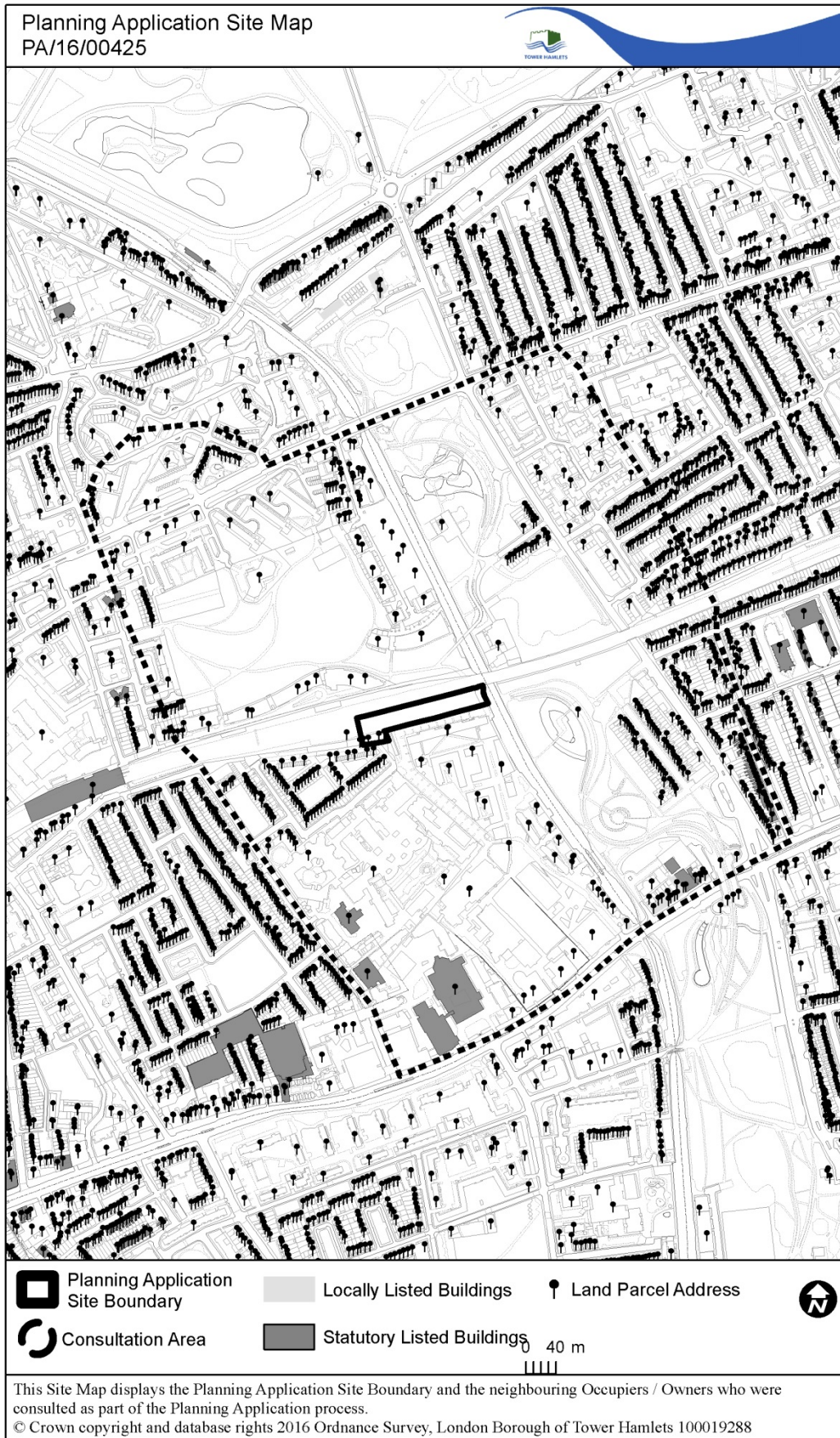
11.5 The Borough's Community Infrastructure Levy came into force from 1st April 2015. Again, the proposal would not be liable for Borough CIL as there is no net increase in the number of dwellings or in new floor space being created.

## **12.0 CONCLUSION**

12.1 All other relevant policies and considerations have been taken into account. Planning permission should be GRANTED for the reasons set out in the MATERIAL PLANNING CONSIDERATIONS section of this report.



# 13.0 SITE MAP



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# Agenda Item 5.3

<b>Committee:</b> Strategic Development Committee	<b>Date:</b> 24 <sup>th</sup> August 2016	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Application for Planning Permission
<b>Case Officer:</b> Adam Williams	<b>Ref No:</b> PA/16/00757
	<b>Ward:</b> Whitechapel

## 1. APPLICATION DETAILS

- Location:** 99 Mansell Street & 31-33 Prescott Street, London E1
- Existing Uses:** Cleared site under construction for a consented mixed use (B1 office and C1 serviced apartment) development
- Proposal:** Mixed-use development in a part 6, part 8 and part 11 storeys block with lower ground floor comprising 67 serviced apartments (Use Class C1) on the upper floors and 1,115sqm of office floorspace (Use Class B1) at basement, ground and first floor and a 103 sqm of flexible retail/financial services/restaurant/cafe/drinking establishment floorspace (Use Class A1, A2, A3, A4 and A5) at ground floor level.
- Drawing and documents:**
- Drawings:  
2060-PA-10 A;  
2060-PA-11 A;  
2060-PA-12 A;  
2060-PA-13 A;  
2060-PA-14 A;  
2060-PA-15 A;  
2060-PA-16 A;  
2060-PA-17 A;  
2060-PA-18 A;  
2060-PA-19 A;  
2060-PA-20 A;  
2060-PA-21 A;  
2060-PA-23 A;  
2060-PA-27;  
2060-PA-40.
- Documents:  
Design & Access Statement, prepared by Marldon;  
Planning Statement, prepared by Maddox Associates, dated March 2016;  
Archaeological Desk Based Assessment, prepared by L-P: Archaeology, dated October 2015;  
BREEAM: Ecology Report, prepared by QUANTS

Environmental, dated February 2016;  
 Heritage Statement, prepared by Heritage Collective, dated March 2016;  
 Air Quality Assessment, prepared by REC, dated 17 February 2016;  
 Acoustic Consultancy Report, prepared by LCP, dated 9 March 2016;  
 Daylight & Sunlight Report, prepared by the Chancery Group, dated 28 January 2016;  
 Energy Statement and BREEAM Pre-assessment, prepared by eb7 Sustainability, dated 29 February 2016;  
 Transport Statement, Report 01, prepared by Crowd Dynamics, dated February 2015;  
 Construction Management & Logistics Plan, prepared by Marldon;  
 Phase I Desk Study and Phase II Environmental Site Investigation, prepared by Pam Brown Associates, dated February 2016;  
 Flood Risk Assessment, prepared by Herrington Consulting Limited, dated February 2016;  
 Flood Risk Assessment and Surface Water Run-off Calculations, prepared by Herrington Consulting Limited, dated February 2016;  
 Statement of Community Involvement, prepared by Maddox Associates, dated 24 March 2016;  
 Technical Note, prepared by Paul Mew Associates, dated June 2016;  
 View Location 25A.1.

<b>Applicant:</b>	Marldon
<b>Ownership:</b>	Marldon
<b>Historic Building:</b>	None
<b>Conservation Area:</b>	Site adjoins the western boundary wall of the Grade II listed building at 30 Prescott Street

## 2. EXECUTIVE SUMMARY

Officers have considered the particular circumstances of this application against the Council's Development Plan policies in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (2015) and the relevant Government Planning Policy Guidance including National Planning Policy Framework and National Planning Practice Guidance and has found that:

- 2.1. The current application effectively incorporates the consented part 6, part 8 storey development at 31-33 Prescott Street (reference: PA/14/03553), with minor design modifications, together with a new 11 storey building on the adjoining site at 99 Mansell Street to provide additional office (Use Class B1) and serviced apartment (Use Class C1) accommodation, together with a new flexible use (Use Class A1/A2/A3/A4/A5) commercial unit. Within the context of the consented development, the current proposals would provide an additional 678sqm of office accommodation, an additional 39 serviced apartments, together with a new 103sqm flexible use (A1-A5) commercial unit at ground

floor level. The proposed mix and quantum of land uses accords with adopted policies, which generally seek to direct such uses to the Central Activities Zone, within which the site is located.

- 2.2. The development includes an 11 storey building on the corner of Mansell Street and Prescott Street, which is considered to be a tall building in the context of Local Plan policy. The proposals have been assessed against the detailed policy criteria for tall buildings within the London Plan and the Council's Managing Development Document and is it considered that the development is sited in a suitable location for a building of such height and meets all of the relevant design requirements for tall buildings.
- 2.3. It is further considered that the proposed design approach is sympathetic to the scale, form, character and materiality of the surrounding built form, with nearby buildings generally ranging between 4 and 9 storeys in height, and up to 16 storeys at the Grange Tower Hill Hotel, and being predominantly faced in brick. In particular, it is considered that the stepping down in height of the buildings towards the 4 storey listed building at 30 Prescott Street provides a suitable and proportionate transition in scale from the tall building on the corner of the site to the nearby lower-rise buildings on south side of Prescott Street. In addition, the clean, simple design of the scheme and use of brick as a facing material relates well to the character and appearance of the surrounding built form.
- 2.4. The acceptability in principle of the visual relationship between the proposed part 6, part 8 storey building and the adjacent listed buildings at 30 Prescott Street and the Church of the English Martyrs is established by the previous planning permission. This acceptability is principally the result of the articulation in building heights, which step down towards the listed building, together with the well-executed design of the buildings and use of brick as a facing material, which reflects the materiality of the listed Georgian house. With regard to the proposed 11 storey building, given the building's narrow frontage onto Prescott Street and its location at the western end of the site, away from the listed house and church, together with the high architectural quality of the development, it is considered that the proposals would not appear unduly overbearing within the setting of the listed buildings and would preserve their special historic and architectural interest.
- 2.5. Ten percent of the serviced apartments would be wheelchair accessible, which accords with adopted policy requirements. In addition, a condition would be included to require the development to achieve Secure by Design accreditation so as to ensure that the building provides a safe and secure environment for future occupants.
- 2.6. The proposed development would result in some reductions to the daylight and sunlight levels within neighbouring residential properties at 30 Prescott Street and within Londinium Tower at 87 Mansell Street. However, these impacts are predominantly negligible or minor in nature and on balance are considered to be acceptable. In addition, the proposed development would not result in any significant loss of privacy to neighbouring residents through overlook and would not result in an unacceptable degree of enclosure to neighbouring habitable room windows.
- 2.7. The development would be 'car free', which is supported given the site's high Public Transport Accessibility Level (PTAL) of 6b. In addition, adequate provisions have been made for cycle parking and the storage and collection of waste. Conditions would be included to secure a Delivery and Service Plan, and Construction Management Plan and a Construction Logistics Plan to ensure that any adverse impacts on the local transport network during both the construction and end-user phases are appropriately mitigated.

### 3. RECOMMENDATION

3.1. That the Committee resolve to GRANT planning permission subject to:

3.2. The prior completion of a **legal agreement** to secure the following planning obligations:

Financial Obligations:

- a) A contribution of £9,705.59 towards construction phase employment, skills, training and enterprise
  - b) A contribution of £33,468 towards end user phase employment, skills and training
  - c) A contribution of £23,724 towards carbon offsetting
  - d) A contribution of £137,799 towards Crossrail (off-set against Mayoral CIL)
  - e) £500 per clause towards monitoring
- Total financial contributions (excluding monitoring) = £194,995

Non-financial contributions

- f) 20% local employment during the construction and operational phases
- g) 20% of procurement from local business during the construction phase
- h) 4 apprenticeships during construction phase
- i) Car and Permit Free Agreement
- j) Travel Plan
- k) Compliance with the Code of Construction Practice
- l) TV reception surveys and mitigation

3.3. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.

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

3.5. **Conditions**

1. Time limit
2. Development in accordance with plans
3. Serviced apartment letting restriction (less than 90 days)
4. 7no. (10%) wheelchair accessible serviced apartments
5. Details and samples of facing materials and detailed drawings
6. Secure by Design certification
7. Noise insulation between commercial units and serviced apartments
8. Internal ambient noise levels for serviced apartments
9. Plant noise limit
10. Contaminated land scheme
11. Cycle parking in accordance with approved details
12. Construction Environmental Management Plan (TfL & DLR)
13. Construction Logistics Plan (TfL & DLR)
14. Delivery and Service Plan (TfL)
15. Disabled Parking Plan
16. Scheme of Highways Improvement Works (TfL)
17. Archaeological Written Scheme of Investigation (GLAAS)
18. Crane / Lifting Management Plan (DLR)
19. Surface Water Drainage Scheme
20. Biodiversity enhancement measures
21. Details of mechanical ventilation with high level intake
22. Detailed specification of photovoltaic array

23. Delivery of Energy Strategy
24. Details of photovoltaic array
25. BREEAM 'Excellent' rating

3.6. **Informatives**

1. Subject to s106 agreement
2. Subject to s278 agreement
3. CIL liable

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

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

#### **4. PROPOSAL, LOCATION DETAILS and DESIGNATIONS**

##### **Proposal**

4.1. The proposals are for the demolition of the existing buildings and erection of a new part 6, part 8 and part 11 storey block plus basement comprising 67 serviced apartments (Use Class C1) on the upper floors, 1,115sqm of office floorspace (Use Class B1) at basement, ground and first floor level, and a 103 sqm of flexible retail/financial services/restaurant/cafe/drinking establishment/hot food takeaway floorspace (Use Class A1, A2, A3, A4 and A5) at ground floor level.

##### **Site and Surroundings**

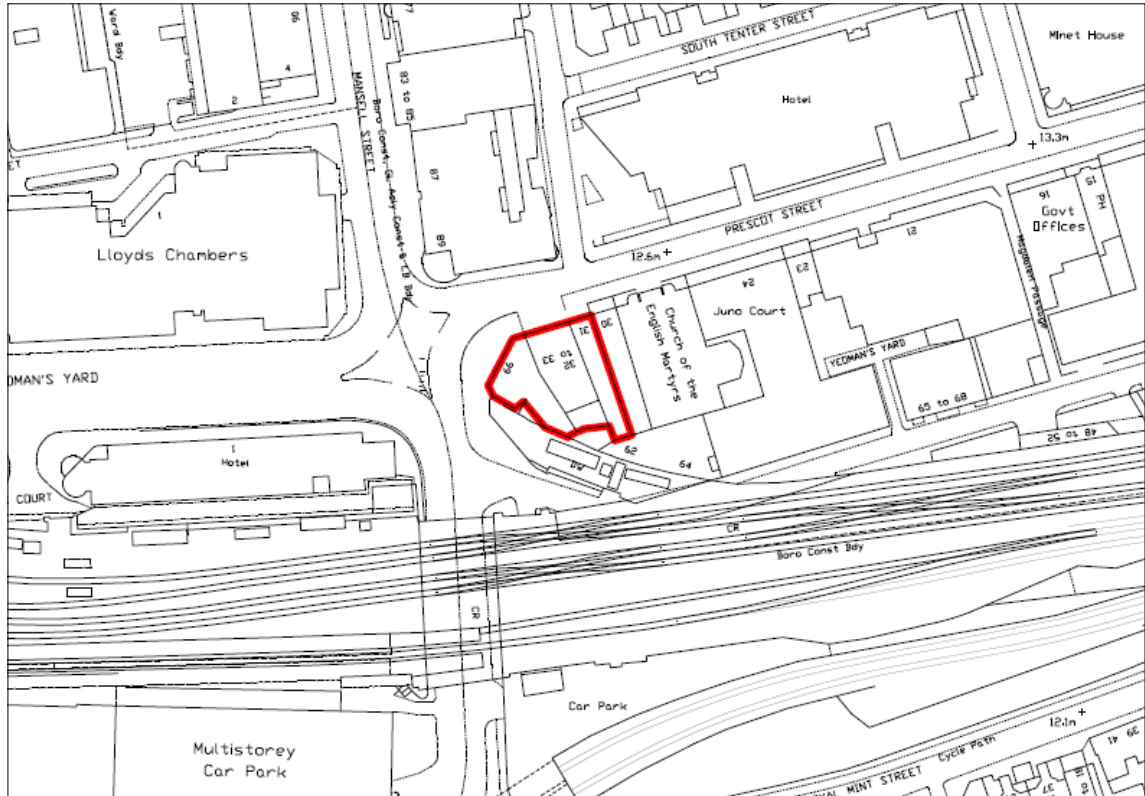
4.2. The application site covers an area of 0.05 hectares and comprises land at 99 Mansell Street and 31-33 Prescott Street, which previously included commercial buildings ranging from 3 to 6 storeys in height, although the site has subsequently been cleared as part of the consented redevelopment of 31-33 Prescott Street (see the 'Relevant Planning History' section of this report).

4.3. The site is located on the corner of Mansell Street and Prescott Street and is bounded by the public highway on Prescott Street to the north, by the adjoining Grade II listed 4 storey Georgian terraced house at 30 Prescott Street to the east, by an area of open land used for advertising and the rear of 62-64 Chamber Street to the south and by the public highway on Mansell Street to the west. The site lies immediately to the north of a railway viaduct and immediately to the east of the borough boundary shared with the City of London, which runs up the centre of Mansell Street.

4.4. The surrounding area is mixed use in character, with Mansell Street and Prescott Street predominantly comprising commercial buildings, whilst the area to the north of Prescott Street, including South Tenter Street and St Marks Street, includes residential properties in the form of terraced housing and flatted development, together with a primary school. The site also lies 280 metres to the north-east of the Tower of London UNESCO World Heritage Site.



## Site Location Plan



- 4.5. The scale and height of the surrounding built form is varied, ranging from the 4 storey Grade II listed house at 30 Prescott Street to the east of the site, to the 8 storey block of flats known as Londinium Tower to the north of the site, to the 9 storey office block within the City of London to the west of the site, up to the 16 storey Grange Tower Bridge Hotel on the north side of Prescott Street.
- 4.6. The application site benefits from excellent access to public transport, being located 170 metres to the north-east of Tower Gateway Docklands Light Rail (DLR) Station and 290 metres to the north-east of Tower Hill Underground Station. In addition, there are a wide number of bus routes operating on the surrounding streets, including Mansell Street. As a result the site has the highest possible Public Transport Accessibility Level (PTAL) of 6b, on a scale from 1a to 6b where 6b is excellent.

### Designations

- 4.7. The application site lies within both the Central Activities Zone and the City Fringe Opportunity Area, as designated in the London Plan (2016).
- 4.8. The site lies within the Aldgate Preferred Office Location, as designated in the Council's Managing Development Document (2013).
- 4.9. The site, as with the whole Borough, is within Air Quality Management Area.
- 4.10. The site lies within the 'Central London' Crossrail Charging Zone.
- 4.11. The four storey building at 30 Prescott Street, which adjoins the eastern boundary of the application site, is Grade II listed. The Roman Catholic Church of the English Martyrs, which adjoins the eastern boundary of 30 Prescott Street, is also Grade II listed.



- 4.12. The site lies within an Archaeological Priority Area, as designated in the Council's Managing Development Document (2013).
- 4.13. The application site is not located within a Conservation Area.
- 4.14. The majority of the site lies within the protected viewing corridor of London View Management Framework (LVMF) View 25A.1 – The Queen's Walk to Tower of London.

### **Relevant Planning History**

#### ***99 Mansell Street:***

##### PA/00/01485

- 4.15. On 17<sup>th</sup> January 2001 planning permission was granted for change of use from office (B1) to restaurant (A3) at basement and ground floor levels.

##### PA/15/03004

- 4.16. On 23<sup>rd</sup> November 2015 prior approval was granted for the demolition of the 6 storey block building.

#### ***31-33 Prescott Street:***

##### PA/14/02706

- 4.17. On 28<sup>th</sup> October 2014 prior approval was granted for the demolition of the buildings.

##### PA/14/03553

- 4.18. On 6<sup>th</sup> November 2015 planning permission was granted for the redevelopment of the site to create a mixed-use development comprising the erection of a part 6 and part 8 storey building providing 28 serviced apartments (Use Class C1) on the upper levels and 437 sqm of office floorspace (Use Class B1) on lower ground and ground floor levels.

##### PA/15/03232

- 4.19. On 16<sup>th</sup> December 2015 the Council granted consent for a non-material amendment to planning permission dated 06/11/2015, ref: PA/14/03553, including the relocation of lift core and lift overrun; variation to window pattern on front elevation; removal of windows on rear elevation where lift core is proposed, and; installation of PV panels on roof.

##### PA/15/03263

- 4.20. On 7<sup>th</sup> March 2016 the Council granted consent for the discharge of Conditions 3 (Samples), 5A (Archaeological Investigation) and 9 (Contaminated Land) of planning permission dated 06/11/2015, ref: PA/14/03553.

##### PA/15/03397

- 4.21. On 15<sup>th</sup> February 2016 the Council granted consent for the discharge of Condition 7 (Delivery and Servicing Plan) of planning application reference number PA/14/03553, dated 06/11/2015

##### PA/16/00442

- 4.22. On 10<sup>th</sup> May 2016 the Council granted consent for the discharge of Condition 8 (Construction Logistics Plan) of planning permission ref: PA/14/03553, dated 06/11/2015.

- PA/16/00455
- 4.23. On 22<sup>nd</sup> April 2016 the Council granted consent for the discharge of Condition 11 (Highway Improvement Works) of planning permission dated 06/11/2015, ref: PA/14/03553.

## **5. POLICY FRAMEWORK**

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of this application must be made in accordance with the plan unless material considerations indicate otherwise.
- 5.2. **Government Planning Policy Guidance/Statements**  
National Planning Policy Framework (2012) (NPPF)  
Planning Policy Guidance (Online)
- 5.3. **London Plan - incorporating the Minor Alterations to the London Plan (2016)**
- 2.1 London
  - 2.9 Inner London
  - 2.10 Central Activities Zone – Strategic Priorities
  - 2.11 Central Activities Zone – Strategic Functions
  - 2.12 Central Activities Zone – Predominantly Local Activities
  - 2.13 Opportunity Areas and Intensification Areas
  - 4.1 Developing London’s economy
  - 4.2 Offices
  - 4.3 Mixed Use Development and Offices
  - 4.5 London’s Visitor Infrastructure
  - 4.8 Supporting a Successful and Diverse Retail Sector and Related Facilities and Services
  - 4.9 Small Shops
  - 5.1 Climate Change Mitigation
  - 5.2 Minimising Carbon Dioxide Emissions
  - 5.3 Sustainable Design and Construction
  - 5.6 Decentralised Energy in Development Proposals
  - 5.7 Renewable Energy
  - 5.8 Innovative Energy Technologies
  - 5.9 Overheating and Cooling
  - 5.10 Urban Greening
  - 5.11 Green Roofs and Development Site Environs
  - 5.13 Sustainable Drainage
  - 5.14 Water Quality and Wastewater Infrastructure
  - 5.15 Water Use and Supplies
  - 5.17 Waste Capacity
  - 5.18 Construction, Excavation and Demolition Waste
  - 5.21 Contaminated Land
  - 6.1 Strategic Approach to Transport
  - 6.3 Assessing Effects of Development on Transport Capacity
  - 6.4 Enhancing London’s Transport Connectivity
  - 6.5 Funding Crossrail and Other Strategically Important Transport Infrastructure
  - 6.9 Cycling
  - 6.10 Walking
  - 6.12 Road Network Capacity
  - 6.13 Parking
  - 7.1 Building London’s Neighbourhoods and Communities
  - 7.2 An Inclusive Environment

- 7.3 Designing Out Crime
  - 7.4 Local Character
  - 7.5 Public Realm
  - 7.6 Architecture
  - 7.7 Location and Design of Tall and Large Buildings
  - 7.8 Heritage Assets and Archaeology
  - 7.9 Heritage-led Regeneration
  - 7.10 World Heritage Sites
  - 7.11 London View Management Framework
  - 7.12 Implementing the London View Management Framework
  - 7.13 Safety, Security and Resilience to Emergency
  - 7.14 Improving Air Quality
  - 7.15 Reducing Noise and Enhancing Soundscapes
  - 7.19 Biodiversity and Access to Nature
  - 8.2 Planning Obligations
  - 8.3 Community Infrastructure Levy (CIL)
- 5.4. **Tower Hamlets Core Strategy (2010) (CS)**
- SP01 Refocusing on our Town Centres
  - SP03 Creating a Healthy and Liveable Neighbourhoods
  - SP04 Creating a Green and Blue Grid
  - SP05 Dealing with Waste
  - SP06 Delivering Successful Employment Hubs
  - SP08 Making Connected Places
  - SP09 Creating Attractive and Safe Streets and Spaces
  - SP10 Creating Distinct and Durable Places
  - SP11 Working towards a Zero Carbon Borough
  - SP12 Delivering Placemaking
  - SP13 Planning Obligations
- 5.5. **Managing Development Document (2013) (MDD)**
- DM0 Delivering Sustainable Development
  - DM1 Development within the Town Centre Hierarchy
  - DM7 Short Stay Accommodation
  - DM9 Improving Air Quality
  - DM11 Living Buildings and Biodiversity
  - DM13 Sustainable Drainage
  - DM14 Managing Waste
  - DM16 Office Locations
  - DM20 Supporting a Sustainable Transport Network
  - DM21 Sustainable Transportation of Freight
  - DM22 Parking
  - DM23 Streets and the Public Realm
  - DM24 Place-sensitive Design
  - DM25 Amenity
  - DM26 Building Heights
  - DM27 Heritage and the Historic Environment
  - DM29 Achieving a Zero-carbon Borough and Addressing Climate Change
  - DM30 Contaminated Land
- 5.6. **Supplementary Planning Documents and Guidance include**
- Planning Obligations Supplementary Planning Document (2012)
  - Revised Planning Obligations Supplementary Planning Document, LBTH (Consultation Version, April 2016)
  - Designing Out Crime Supplementary Planning Guidance, LBTH (2002)

City Fringe Opportunity Area Planning Framework, GLA (2015)  
Use of Planning Obligations in the Funding of Crossrail Supplementary Planning Guidance, GLA (2013)  
London View Management Framework Supplementary Planning Guidance, GLA (2012)  
Sustainable Design and Construction Supplementary Planning Guidance, GLA (2014)  
London Borough of Tower Hamlets Rail Noise Policy Statement (1994)

5.7. **Tower Hamlets Community Plan**

The following Community Plan objectives relate to the application:

- A Great Place to Live
- A Prosperous Community
- A Safe and Supportive Community
- A Healthy Community

5.8. **Other Material Considerations**

Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment, English Heritage (2008)  
The Setting of Heritage Assets, English Heritage (2011)  
Conservation Area Designation, Appraisal and Management – Historic England Advice Note 1 (2016)  
Tall Buildings – Historic England Advice Note 4 (2015)  
Air Quality Action Plan, LBTH (2003)  
Clear Zone Plan 2010-2025, LBTH (2010)

**6. CONSULTATION RESPONSE**

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

6.2. The following were consulted regarding the application:

**Internal Consultees:**

**LBTH Environmental Health (Air Quality)**

6.3. The application is accompanied by an Air Quality Assessment. The air quality consultants subsequently submitted a Technical Note to respond to my earlier comments on the air quality assessment. The mitigation strategy has been revised to increase the level of mechanical ventilation, which is now to be provided to all habitable rooms in the whole development, rather than just the lower floors as previously planned.

6.4. Should the development be approved the mechanical ventilation should be secured by condition, with the inlets for the ventilation system located as high as possible on the building to ensure the air entering is cleaner to protect the health of the future residents.

6.5. *Officer Comments: Noted. Details of the mechanical ventilation system for all serviced apartments will be secured by condition.*

**LBTH Environmental Health (Contaminated Land)**

6.6. No objections subject to the inclusion of a condition to secure a contaminated land scheme, which must identify the extent of the contamination and set out the measures to be taken to avoid risk to the public, buildings and environment when the site is developed.

- 6.7. Officer Comments: *Noted. The above condition will be included.*

**LBTH Environmental Heath (Noise & Vibration)**

- 6.8. *No comments have been received.*

**LBTH Enterprise & Employment**

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

Financial Contributions

- Construction phase skills and training = £13,772
- End-user phase skills and training = £40,782.60

Non-financial Obligations

- 20% local labour construction
  - 20% use of local suppliers construction (enterprise)
  - construction apprenticeships
  - 20% end-user phase jobs (reasonable endeavours) for local people
  - all vacancies advertised through Skillsmatch
  - apprenticeships/traineeships where possible
- 6.10. Officer Comments: *Noted. The scheme was revised during the course of the application, including a 36sqm increase in Use Class C1 floorspace and an increase in the number of serviced apartments by 2. These amendments have resulted in a slight increase in the sought financial contributions, with the correct figures being shown in Sections 3 and 8 of this report. It should be noted that some of the financial contributions have already been paid upon commencement of the development at 31-33 Prescott St, hence the lower figures in the S106 heads of terms in the recommendation section. The applicant has agreed to all of the sought financial and non-financial contributions, which will be secured through the S106 agreement.*

**LBTH Transportation & Highways**

- 6.11. Transport and Highways require a S106 clause to be attached for “car and permit” free agreement for the development as it is located in excellent PTAL area (PTAL 6b). In addition, no details have been provided on how users of the development with a disability will be able to park. A Disabled Parking Plan should therefore be secured by condition, in accordance with the Council’s parking standards.
- 6.12. Transport and Highways welcomes the proposal to provide 28 cycle spaces within the development. Details of the basement level cycle store and access arrangements have been provided and are acceptable.
- 6.13. The waste containers are located at the basement level, therefore Transport and Highways will require the applicant to provide a Delivery and Service Management Plan. This should be secured through a condition. Transport and Highways object to any proposal to store waste bin on the public highways prior to and after the agreed collection time.
- 6.14. Due to the location of the development a condition should be included to secure a Construction Environmental Management Plan (CEMP).
- 6.15. Officer Comments: *Noted. The above clause and conditions will be included.*

## **LBTH Waste Policy & Development**

- 6.16. I have no objections to this proposal in principal. However there should be a detailed service management plan condition secured to outline when waste containers will be 'brought up' from the basement for collection and where they will be temporarily stored. It is unacceptable for the containers to be left on the public highway prior to and after collections for any length of time outside of collections taking place.
- 6.17. *Officer Comments: Noted. This is discussed further in Section 8 of this report. A Delivery and Service Management Plan will be secured by condition.*

## **LBTH Sustainable Urban Drainage Systems (SUDS) Team**

- 6.18. Policy DM13 requires development to show how it reduces the amount of water usage, runoff and discharge from the site, through the appropriate water reuse and sustainable urban drainage (SuDs) technique. This is further supported by the London plan policy 5.13 ; the SPG on London plan set out the expectation that SuDs should be incorporated into the design and that the minimum expectation is 50% attenuation of the site's (prior to redevelopment) surface water runoff at peak times.
- 6.19. The conclusion within the Flood Risk Assessment (FRA) cites the possibility of incorporating permeable paving and rainwater harvesting system. Drainage should be designed and implemented in ways that deliver other policy objectives including water use efficiency and quality, biodiversity, amenity and recreation. This will somewhat be achieved through the installation of permeable paving and rainwater harvesting including meeting policy DM13.
- 6.20. In addition, at section 2.5 of the BREEAM report it states that "the impact of climate change is likely to result in an increase in volume of floodwater during a surface water flood event" albeit the risk will remain low. The applicant should submit calculations confirming the pre and post development runoff rates for return periods up to the 1 in 100 plus climate change allowances. Finally, with respect to climate change allowance my comments refer to the change from NPPF requirement for + 30% for developments to now asses for the upper end allowance of 40% albeit the risk will still remain low , this is an opportunity to reduce runoff and attain additional benefits for a new development.
- 6.21. There are surface water flooding risk in the wider catchment and therefore the application of policy is important.
- 6.22. *Officer Comments: Noted. In order to address the above comments it is recommended that a condition be included to secure a Surface Water Drainage Scheme.*

## **External Consultees**

### **Greater London Authority**

- 6.23. I have now assessed the details of the application and conclude that, although these are proposals that the GLA would broadly support, the uplift in floorspace and height between the existing consents and the new application does not raise any new strategic issues.
- 6.24. Therefore, under Article 5(2) of the Town & Country Planning (Mayor of London) Order 2008, the Mayor of London does not need to determine the application. Your Council may, therefore, proceed to determine the application without further reference to the GLA.

6.25. Officer Comments: *Noted.*

## **Transport for London**

### Car Parking

6.26. We welcome the car free development given the high PTAL of the site.

### Trip Generation

6.27. The transport assessment (TA) predicts that the proposed development would result in a total of 36 two-way person trips being generated in the AM Peaks and 45 in the PM peaks; TfL considers this is reasonable. The TA also predicts that vehicle trip generation will be minimal due to the car free nature of the scheme and the central London location. However, the trip generation excludes cycling in the modal analysis. We consider that cycle trips should be included given the location and nearby cycle infrastructure.

6.28. Officer Comments: *The applicant subsequently provided the projected cycling trip generation figures within the Technical Note prepared by Paul Mews Associates, dated June 2016. This is discussed further in Section 8 of this report.*

### Walking and Cycling

6.29. The Transport Statement does not include either a Cycle Level of Service audit or a Pedestrian Environmental Review System (PERS) audit. The site is very close to Cycle Superhighway 3, which, once complete, will give direct access to Westminster to the west and the Docklands and Barking to the east. In view of this, the use of the site by people arriving by cycle should be a key movement consideration. We would be willing to enter into discussion with the applicant regarding improvements of the public realm for pedestrians and cyclists on Mansell Street.

6.30. Officer Comments: *The applicant subsequently provided a PERS audit within the Technical Note by Paul Mews Associates. The public realm improvements necessary to serve this development and mitigate its impacts would be secured through a Scheme of Highways Improvement Works condition, to be discharged in consultation with TfL.*

### Cycle Parking

6.31. TfL are satisfied that the proposal for long-stay cycle parking provision meets minimum numerical standards as set out under policy 6.9 of the London Plan. However, no information has been provided on the types of cycle stand proposed in the cycle parking area. Six short stay cycle parking spaces are also required at ground floor level. TfL consider that 3 Sheffield stands would meet the requirement.

6.32. Lift access arrangements for long-stay cycle parking are acceptable, provided that the lift itself meets minimum standards set out in LCDS (1.2x2.3m with a 1.0m wide door). In addition, the entrance to the cycle store must be step-free.

6.33. Officer Comments: *The applicant subsequently provided additional information on the proposed cycle parking arrangements, with 28 spaces to be provided in the basement cycle store via Sheffield stands. Details of the lift have also been provided, which meet the above requirements, and access to the cycle store would now be step-free. The applicant has agreed to provide 3 Sheffield stands on the public highway for short-stay*

*cycle parking, which would be secured through the Scheme of Highways Improvement Works condition, to be discharged in consultation with TfL.*

#### Cycle Hire

- 6.34. Based on the evidence for the area being a cycle hire hotspot, TfL would like to install a new docking station in close proximity to the site on the public highway or footway. We request a contribution of £100,000 from the applicant towards the construction and maintenance of the new docking station. We ask that this contribution is secured through the Tower Hamlets CIL.
- 6.35. *Officer Comments: As detailed in Section 8 of this report, it is estimated that the proposed development would require a LBTH CIL payment of £410,605. Any requests for project funding through the Council's CIL, such as the above, would need to be formally submitted to the Council's Infrastructure Team and would be determined through the Council's Infrastructure Delivery Framework.*

#### Loading Bay

- 6.36. The Transport Statement makes reference to the footway embedded loading bay that was agreed for 31-33 Prescott Street under PA/14/03553. TfL request that the planning conditions in relation to the public highway be reapplied to the new consent.
- 6.37. *Officer Comments: Noted. This condition will be included.*

#### Servicing and Construction

- 6.38. As the site is located close to a signal controlled junction, and is very traffic sensitive, the number of servicing vehicles attending the site must be regulated ensuring safety of other road users, in particular pedestrians and cyclists. TfL considers requests that conditions be included to secure a full Delivery & Servicing Plan (DSP), a Construction Management Plan (CMP) and a Construction Logistics Plan (CLP).
- 6.39. *Officer Comments: Noted. These conditions will be included.*

#### Docklands Light Railway

- 6.40. The site is in close proximity to the DLR viaduct over Mansell Street, located just south of the site. TfL request the inclusion of infrastructure protection conditions to ensure that there is minimal impact on the safe and normal function of the DLR during the construction of the site.
- 6.41. *Officer Comments: Noted. These conditions will be included.*

#### Travel Planning

- 6.42. TfL welcomes the applicant's commitment to submit a Travel Plan, which should be secured through the S106 agreement.
- 6.43. *Officer Comments: Noted. A Travel Plan will be secured through the S106 agreement.*

#### Crossrail

- 6.44. A financial contribution of £193,593 towards Crossrail is required, in accordance with Mayor's Supplementary Planning Guidance (SPG) 'Use of planning obligations in the



funding of Crossrail and the Mayoral Community Infrastructure Levy' (April 2013) and London Plan policies 6.5 and 8.3.

- 6.45. *Officer Comments: Noted. Crossrail contributions are required in designated areas for proposals that would result in a 500sqm or greater net uplift in A1 retail, B1 office or C1 hotel floorspace. The proposals would provide over 500sqm of new C1 serviced apartment floorspace, although given that the pre-existing buildings included B1 office floorspace, the proposals would not result in a 500sqm or more net uplift in B1 office floorspace. The Crossrail contribution has been recalculated on this basis, and to take into account the 36sqm increase in C1 floorspace as a result of design revisions during the course of the application, with the revised Crossrail contribution totalling £137,799, as detailed in Sections 3 and 8 of this report.*

#### **London Bus Services**

- 6.46. *No comments have been received.*

#### **Historic England**

- 6.47. This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.
- 6.48. *Officer Comments: Noted. The conservation implications of the proposals are discussed in detail in Section 8 of this report.*

#### **Historic England – Greater London Archaeological Advisory Service**

- 6.49. The planning application lies in an area of archaeological interest. Appraisal of this application using the Greater London Historic Environment Record and information submitted with the application indicates that the development is likely to cause some harm to archaeological interest but not sufficient to justify refusal of planning permission provided that a condition is applied to require an investigation to be undertaken to advance understanding.
- 6.50. Specifically, the archaeological interest should be conserved by attaching a condition to secure a written scheme of investigation (WSI) which shall set out the programme and methodology of site investigation and recording, together with the programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material.
- 6.51. *Officer Comments: Noted. The above condition will be included.*

#### **Environment Agency**

- 6.52. There are no constraints which fall within our remit for this application. We did not need to be consulted on this application and therefore have no comments.
- 6.53. *Officer Comments: Noted.*

#### **HM Tower of London**

- 6.54. *No comments have been received.*

## City of London Corporation

6.55. *No comments have been received.*

## Network Rail

6.56. *No comments have been received.*

## 7. LOCAL REPRESENTATION

7.1. The applicant undertook their own public consultation prior to the submission of the planning application, details of which are provided in the submitted Statement of Community Involvement.

7.2. At application stage a total of 693 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site and in the local press. The number of representations received from neighbours and local groups in response to notification and publicity of the application to date are as follows:

No of individual responses:	7	Objecting: 7	Supporting: 0	Observations: 0
No of petitions received:	0	Objecting: 0	Supporting: 0	Observations: 0

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

### Objections

#### 7.4. Land Use

- There are already a large number of hotels and short let apartments in the area and there is no need for more short term accommodation.

#### 7.5. Urban Design & Conservation

- The proposed 11 storey building would be out of character / scale with neighbouring buildings.
- The development includes three distinct buildings of different dimensions and styles that would not create a harmonious frontage.
- The development would have a visually overbearing impact within a historic setting.
- The development, by way of its scale and bulk, would damage the historic setting of the Grade II listed Roman Catholic Church of the English Martyrs and 30 Prescott Street.

#### 7.6. Amenity

- The development would overlook properties in Londinium Tower.
- The development would result in overshadowing and a loss of light to properties in Londinium Tower.

- The development would block daylight and sunlight to the rear of 30 Prescott Street, the garden to the side of the church, and the rose window of the church itself.
- Visitors staying at the proposed serviced apartments could create a lot of disruption to the local community, including noise disturbance and litter/rubbish on the streets.

7.7. **Other**

- The development would result in the loss of a private view of Tower Bridge from Londinium Towers.
- The planning drawings are very misleading as they show the development in isolation – proper context drawings should be provided.

7.8. *Officer Comments: It should be noted that the loss of a view is not a relevant material planning consideration and such matters can only be afforded very limited weight during the determination of a planning application. With regard to the submitted drawings, it is considered that the plans, elevations and sections include sufficient contextual detail of neighbouring buildings so as to appropriately illustrate the relationship between the proposed development and adjacent buildings. All other points are addressed in Section 8 of this report.*

## 8. MATERIAL PLANNING CONSIDERATIONS

8.1. The main planning issues raised by the application that the committee must consider are:

- Sustainable Development
- Land Use
- Urban Design & Conservation
- Amenity
- Transportation & Highways
- Energy & Sustainability
- Biodiversity
- Environmental Considerations (Air Quality, Contaminated Land)
- Planning Contributions and Community Infrastructure Levy
- Local Finance Considerations
- Human Rights
- Equalities

### SUSTAINABLE DEVELOPMENT

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

8.3. The Ministerial foreword to the NPPF and paragraph 6 say that the purpose of planning is to help achieve sustainable development. Sustainable is said to mean “*ensuring that better lives for ourselves don’t mean worse lives for future generations.*” The foreword provides key themes to assess whether proposals would result in sustainable or unsustainable development:

- “*Sustainable development is about change for the better.*”
- “*Our historic environment can better be cherished if their spirit of place thrives, rather than withers.*”

- *Our standards of design can be so much higher. We are a nation renowned worldwide for creative excellence, yet, at home, confidence in development itself has been eroded by the too frequent experience of mediocrity.*
  - *Sustainable development is about positive growth – making economic, environmental and social progress for this and future generations.”*
- 8.4. The NPPF Introduction page 2 paragraph 7 says achieving sustainable development involves three dimensions:
- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places.
  - a social role – supporting strong, vibrant and healthy communities, by creating a high quality built environment.
  - an environmental role – contributing to protecting and enhancing our natural, built and historic environment.
- 8.5. NPPF Paragraph 8 emphasises that these roles should not be undertaken in isolation, being mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously with the planning system playing an active role in guiding development to sustainable solutions.
- 8.6. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life (NPPF Paragraph 9).
- 8.7. NPPF Paragraph 14 says that for decision taking this means approving development proposals that accord with the development plan without delay unless specific policies in the Framework indicate development should be restricted.
- 8.8. Officers consider that when assessed against NPPF criteria the proposed scheme amounts to sustainable development. This opinion is supported when consideration is given to applicable core land-use planning principles set out at paragraph 17. Planning decisions should inter alia:
- be genuinely plan led;
  - be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
  - proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs;
  - always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
  - take account of the different roles and character of different areas, promoting the vitality of our main urban areas;
  - encourage the effective use of land by reusing land that has been previously developed;
  - promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas;
  - conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;

- 8.9. This is reflected in the Council's Core Strategy (2010) at Strategic Objective SO3 'Achieving wider sustainability.' This emphasises the achievement of environmental, social and economic development, realised through well-designed neighbourhoods, high quality housing, and access to employment, open space, shops and services.

## **LAND USE**

### Existing Land Uses

- 8.10. As detailed in the 'Relevant Planning History' in Section 4 of this report, prior approval was granted in both 2014 and 2015 for the demolition of the buildings at 99 Mansell Street and 31-33 Prescott Street (reference PA/14/02706 and PA/15/03004). In addition, planning permission was granted in November 2015 for the redevelopment of the site at 31-33 Prescott Street through the erection of a part 6 and part 8 storey building providing 28 serviced apartments (Use Class C1) on the upper levels and 437 sqm of office floorspace (Use Class B1) on lower ground and ground floor levels (reference PA/14/03553).
- 8.11. Both of the prior approvals for the demolition of the buildings on the sites have been implemented, as has the planning permission for the redevelopment of 31-33 Prescott Street, which is currently under construction. As such, the uses of the demolished buildings have fallen away, whilst the serviced apartment (C1) and office (B1) uses within the implemented development at 31-33 Prescott Street have yet to commence.
- 8.12. There are therefore no existing uses that would be lost as a result of the current proposals. The uses proposed in the current application should therefore be considered in light of the consented serviced apartment (C1) and office (B1) uses at 31-33 Prescott Street.

### Land Use Policy Context

- 8.13. Policy 4.5 of the London Plan (2016) seeks the delivery of 40,000 new hotel bedrooms by 2036 and supports the delivery of new visitor accommodation in appropriate locations, including focusing strategically important hotel provision within the CAZ and Opportunity Areas, with smaller scale hotel provision within CAZ fringe locations in areas with good access to public transport.
- 8.14. Policy SP06(4) of the Council's adopted Core Strategy (2010) seeks to concentrate visitor accommodation within the CAZ, City Fringe Activity Area, Canary Wharf Activity Area and Major and District Centres.
- 8.15. Policy DM7(1) of the Managing Development Document (2013) supports the development of new visitor accommodation in the Borough, provided such accommodation is appropriate in size relative to their location within the town centre hierarchy; serves a need for such accommodation; does not compromise the supply of land for new homes; does not to create an over-concentration of hotels in a given area or harm residential amenity, and; benefits from adequate access for servicing, coach parking and vehicle setting down and picking up movements.
- 8.16. Policy SP06(2) seeks to intensify office floorspace in Preferred Office Locations (POL).
- 8.17. Policy DM1(3) of the Managing Development Document (2013) intimates that A1 retail uses are supported within town centres.

- 8.18. Policy DM1(4) of the Managing Development Document (2013) seeks to support the vitality and viability of town centres by directing new A3/A4/A5 uses to the Central Activities Zone (CAZ), LBTH Activity Area and town centres, provided they do not result in an overconcentration of such uses, and provided there are at least two non A3/A4/A5 units between every new A3/A4/A5 unit.
- 8.19. Policy DM1(5) of the Managing Development Document (2013) states that the proximity of existing or proposed schools and local authority leisure centres will be taken into account when considering proposals for new A5 (hot food takeaway) uses.

Consented Development

- 8.20. The consented development at 31-33 Prescott Street (reference PA/14/03553), which has been implemented, comprises a new part 6, part 8 storey building to provide 437sqm of office floorspace (Use Class B1) at basement and ground floor level with 28 serviced apartments (Use Class C1) on the upper floors.

Proposed Land Uses

- 8.21. The current application effectively incorporates the consented development at 31-33 Prescott Street, with minor modifications, together with a new 11 storey building on the adjoining site at 99 Mansell Street to provide additional office (Use Class B1) and serviced apartment (Use Class C1) accommodation, together with a new flexible use (Use Class A1/A2/A3/A4/A5) commercial unit.
- 8.22. Specifically, within the context of the consented development, the current proposals would provide an additional 678sqm of office accommodation, an additional 39 serviced apartments, together with a new 103sqm flexible use (A1-A5) commercial unit at ground floor level. It is noted that the application site is not designated for any specific uses.
- 8.23. With regard to the proposed office floorspace, the application site lies within the Aldgate Preferred Office Location (POL) and Policy SP06(2) of the Core Strategy (2010) seeks to intensify office floorspace within the POLs. In addition, the site lies within the 'Outer Core' area of the City Fringe Opportunity Area (2015) which seeks to promote and enhance office provision within this area. As such, the proposed office use accords with adopted policy.
- 8.24. With regard to the proposed serviced apartment use, the site lies towards the eastern end of the Central Activities Zone (CAZ) with the highest PTAL of 6b and Policy SP06(4) of the Core Strategy (2010) supports the provision of smaller scale visitor accommodation within CAZ fringe locations in areas with good access to public transport.
- 8.25. Policy DM7(1) of the Managing Development Document (2013) supports the provision of visitor accommodation in the locations identified in the Core Strategy (see above) subject to the following criteria:
- a) the size is proportionate to its location within the town centre hierarchy*
- 8.26. The CAZ comprises the top tier of the town centre hierarchy, which policy indicates is capable of accommodating the largest scale of hotel development. The proposed development would provide 67 serviced apartments and it is considered that this level of visitor accommodation is proportionate to the site's location within the CAZ. The above requirement has therefore been met.

- b) there is a need for such accommodation to serve visitors and the borough's economy*
- 8.27. The acceptability in principle of serviced apartment use on this site is established by the consented, and now implemented, serviced apartment development at 31-33 Prescott Street (reference: PA/14/03553 – see the 'Relevant Planning History' section of this report).
- c) it does not compromise the supply of land for new homes and the Council's ability to meet its housing targets*
- 8.28. The application site lies within the Aldgate POL and Policy SP06(2) of the Core Strategy (2010) states that such locations are not appropriate for housing. As such, the site could not be brought forward for residential use. The above requirement has therefore been met.
- d) it does not create an over-concentration of such accommodation or cause harm to residential amenity*
- 8.29. As discussed above, there is an implemented planning permission for a serviced apartment scheme on part of the application site at 31-33 Prescott Street. Whilst the current proposals would increase the number of serviced apartments from 28 to 67, having regard to the site's location in the CAZ, within which adopted policy seeks to focus visitor accommodation, together with the predominantly commercial character of Mansell Street and Prescott Street, it is considered the proposals would not create an over-concentration of visitor accommodation, nor cause harm to residential amenity. The above requirement has therefore been met.
- e) there is adequate road access and servicing for coaches and other vehicles undertaking setting down and picking up movements*
- 8.30. Matters pertaining to vehicular access are discussed in the 'Highways' section of this report below. In summary, subject to the inclusion of planning conditions, it is considered that the proposed vehicle access arrangements are acceptable.
- 8.31. Policy DM7(2) of the Managing Development Document (2013) states that serviced apartments must be managed appropriately as short term accommodation (up to 90 days). In order to ensure that the accommodation is occupied on a short term basis only, it is recommended that a condition be included to require the serviced apartments to be let for periods of less than 90 days only. Subject to this condition, it is considered that the requirements of Policy DM7(2) have been met.
- 8.32. With regard to the proposed 103sqm flexible (A1/A2/A3/A4/A5) retail unit, Policy DM1 of the Managing Development Document (2013) seeks to direct such uses to the CAZ, Activity Areas and town centres. The proposed A1 and A2 uses are considered to be acceptable on this basis.
- 8.33. With regard to the A3, A4 and A5 uses specifically, Policy DM1 supports these uses within the CAZ, provided they do not result in a local over-concentration of such uses. Whilst it is noted that there is an existing A4 drinking establishment (Wetherspoons pub) located on the opposite side of Prescott Street from the application site, there are no other A3/A4/A5 uses within the immediate vicinity of the site. As such, it is considered that the proposals would not result in a local over-concentration of such uses. In

addition, with regard to the A5 use, it is noted that there are no schools in the immediate vicinity of the site.

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

## **URBAN DESIGN & CONSERVATION**

### *Building Heights*

- 8.35. Policy 7.7 of the London Plan (2016) relates to the location and design of tall and large buildings. Part A of this policy states that tall and large buildings should be of a plan-led approach and should not have an unacceptably harmful impact on their surroundings. Part B of this policy requires applications for tall and large buildings to be supported by an urban design analysis. Part C of this policy sets out detailed criteria for tall and large buildings, which are discussed below.
- 8.36. Part D of Policy 7.7 seeks to ensure that tall and large buildings do not result in adverse impacts in terms of microclimate/wind, overshadowing, noise, glare, aviation, navigations, telecoms interference and strategic views. Part E of this policy states that tall buildings in sensitive locations should be given particular considerations, which could include sites within Conservation Areas or within the setting of listed buildings.
- 8.37. Policy DM26 of the Council's adopted Managing Development Document (2013) sets out the Council's plan-led approach to tall buildings, providing detailed criteria for new tall buildings, which are discussed below.
- 8.38. With regard to Policy 7.7(A) of the London Plan (2016), the Council has an adopted plan-led approach to tall buildings, as set out under Policy DM26 of the Managing Development Document (2013). With regard to Policy 7.7(B), the applicant has provided an urban design analysis within the submitted Design & Access Statement.
- 8.39. Policy 7.7(C) of the London Plan sets out a range of detailed criteria for tall buildings, stating that tall and large buildings should:
- a) generally be limited to sites in the Central Activities Zone, opportunity areas, areas of intensification or town centres that have good access to public transport*
- 8.40. The application site lies within the Central Activities Zone, which accords with the above requirement.
- b) only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building*
- 8.41. The application site lies within the Tower Hill / Aldgate area, which is generally characterised by tall and large buildings, including large floorplate office blocks. The site lies immediately to the south-east of a 9 storey office block and to the south of a 16 storey hotel. At 11 storeys, the proposed building at 99 Mansell Street would sit within the established range of building heights in this area and it is considered that the site is able to accommodate a building of this height and form, given its prominent position at the corner of Mansell Street and Prescott Street, with the tall building facing down Goodman's Yard.



- c) relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level*
- 8.42. As discussed above, the surrounding area, particularly to the west and north, is characterised by large buildings, predominantly office blocks. However, the buildings to the east of the site on the south side of Prescott Street generally range between 4-5 storeys in height. It is considered that the proposed development positively responds to this changing height and scale of surrounding buildings by presenting an 11 storey volume on the prominent corner of Mansell Street and Prescott Street, then stepping down to 8 and then 6 storeys in height to the east on Prescott Street.
- d) individually or as a group, improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate, and enhance the skyline and image of London*
- 8.43. The proposed development effectively marks one of the key entrances to the borough from the City of London, with the borough boundary running north/south down Mansell Street. The development will terminate the eastwards view along Goodman's Yard, with the existing buildings bounding this arterial road being dated in appearance and of poor architectural quality, including long sections of dead street frontages. It is considered that the proposed development is of high architectural quality and the use of brick as a facing material would result in a building that appears visually solid and robust. The development in general, and the tall building in particular, would serve to enhance the character and appearance of the area, which is supported.
- e) incorporate the highest standards of architecture and materials, including sustainable design and construction practices*
- 8.44. As discussed above, it is considered that the proposed development incorporates the principles of good design and is of high architectural quality. In terms of sustainable design and construction practices, the development is projected to achieve a BREEAM rating of 'Excellent', which would be secured by condition (see the 'Energy and Sustainability' section of this report below).
- f) have ground floor activities that provide a positive relationship to the surrounding streets*
- 8.45. The proposed development includes a flexible A1/A2/A3/A4/A5 unit and B1 offices at ground floor level, which will provide active frontages that positively respond to the surrounding public realm.
- g) contribute to improving the permeability of the site and wider area, where possible*
- 8.46. At 0.05 hectares the application site is small and is bounded by adjoining sites to the east and south. As such, it is neither possible nor desirable to provide new routes through the site.
- h) incorporate publicly accessible areas on the upper floors, where appropriate*
- 8.47. The proposals do not include publically accessible areas on the upper floors. However, given the spatial constraints of the site, together with the relatively limited height of the proposed building within its local context, it is considered that the omission of a publically accessible area on the upper floors is not a significant planning issue in this instance.

- i) make a significant contribution to local regeneration.*
- 8.48. The proposed development will bring a previously long-term vacant site back into active use and will provide local employment during the construction and end-user phases.
- 8.49. The local policy context for tall buildings is principally provided by Policy DM26 of the Council's Managing Development Document (2013). This policy sets out a range of detailed criteria for tall buildings, which must:
- a) Be of a height and scale that is proportionate to its location within the town centre hierarchy and sensitive to the context of its surroundings;*
- 8.50. The application site lies within the Central Activities Zone (CAZ) which forms the highest tier of the town centre hierarchy. As discussed under London Plan Policy 7.7(C)(c) above, and under the 'Heritage and Conservation' section of this report below, it is considered that the proposed tall building, by way of its height, scale, massing, form and detailed design, positively responds to the surrounding built form and public realm.
- b) Within the Tower Hamlets Activity Area, development will be required to demonstrate how it responds to the difference in scale of buildings between the CAZ/Canary Wharf Major Centre and the surrounding residential areas.*
- 8.51. The application site is not located within a LBTH Activity Area. This requirement is therefore not applicable.
- c) Achieve high architectural quality and innovation in the design of the building, including a demonstrated consideration of its scale, form, massing, footprint, proportion and silhouette, facing materials, relationship to other buildings and structures, the street network, public and private open spaces, watercourses and waterbodies, or other townscape elements;*
- 8.52. This is discussed under London Plan Policies 7.7(C)(c) and 7.7(C)(d) above, it is considered that the proposed building is of high architectural quality and positively responds to the surrounding building form and public realm in terms of its scale, height, massing, form and design.
- d) Provide a positive contribution to the skyline, when perceived from all angles during both the day and night, assisting to consolidate clusters within the skyline;*
- 8.53. The application site lies within a part of the borough that includes a number of larger buildings and as such, it is considered that the proposed development would only be visible in the skyline in a limited number of local views. Nevertheless, it is considered that the tall element of the building, by way of its detailed design and materiality, would positively contribute to the skyline, particularly in the eastwards view along Goodman's Yard from within the City of London.
- e) Not adversely impact on heritage assets or strategic and local views, including their settings and backdrops;*
- 8.54. This is discussed under the 'Impact on LVMF Views' and 'Heritage and Conservation' sections of this report. In summary, it is considered that the proposed development would have no impact on LVMF View 25A.1 and would protect the setting and special historic and architectural interest of the adjacent Grade II listed buildings at 30 Prescott Street and the Church of the English Martyrs.

- f) Present a human scale of development at the street level;*
- 8.55. The tallest element of the proposed development faces toward Goodman's Yard, which is a wide street, and benefits from a wide area of pavement in front of the 11 storey frontage. The proposed building then steps down to 8 and then 6 storeys in height along Prescott Street, providing a suitable transition in height and scale to the buildings to the east, which typically range between 4-5 storeys in height. As such, it is considered that the proposed development would not appear unduly overbearing when viewed from the surrounding public realm as the tall element of the scheme benefits from a relatively expansive setting, which provides the 'breathing space' for a building of this scale.
- g) Where residential uses are proposed, include high quality and useable private and communal amenity space and ensure an innovative approach to the provision of open space;*
- 8.56. No residential units are proposed. This criterion is therefore not applicable.
- h) Not adversely impact on the microclimate of the surrounding area, including the proposal site and public spaces;*
- 8.57. Given the relatively limited height of the proposed building within its local context and its relationship to surrounding buildings and the public realm, it is considered that the proposed development would not result in any significant adverse impacts on the local microclimate.
- i) Not adversely impact on biodiversity or open spaces, including watercourses and waterbodies and their hydrology, as well as their settings and views to and from them;*
- 8.58. Subject to condition, the proposed development would deliver biodiversity enhancements on the site. In addition, the proposed development would not adversely impact on any open spaces.
- j) Provide positive social and economic benefits and contribute to socially balanced and inclusive communities;*
- 8.59. The proposed development will provide local employment, during both the construction and end-user phases, and will help to contribute to the local economy more generally by providing accommodation for visitors to the borough. The proposals would also deliver biodiversity enhancements within the site, together with physical improvements to the surrounding public realm through a Scheme of Highway Improvement Works, both of which will be secured by condition. In addition, the proposed development would help to contribute to inclusive communities by providing visitor accommodation for wheelchair users.
- k) Comply with Civil Aviation requirements and not interfere, to an unacceptable degree, with telecommunication, television and radio transmission networks;*
- 8.60. Given its relatively limited height the proposed development does not raise any aviation safeguarding concerns and the S106 agreement would include a clause to ensure that any impacts on TV/radio/satellite reception are recorded and suitably mitigated.
- l) Demonstrate consideration of public safety requirements as part of the overall design, including the provision of evacuation routes.*

- 8.61. Matters pertaining to evacuation routes are covered separately by Part B of the Building Regulations.
- 8.62. Taking into account the above, it is considered that the proposed development accords with the requirements of Policy 7.7 of the London Plan (2016) and Policy DM26 of the Council's adopted Managing Development Document (2013).

*Urban Design, Scale, Height, Massing and Form*

- 8.63. Policy 7.4 of the London Plan (2016) seeks to ensure that buildings, streets and open spaces provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets, contributes to a positive relationship between the urban structure and natural landscape features, is human in scale, allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area, and is informed by the surrounding historic environment.
- 8.64. Policy SP10(4) of the Council's adopted Core Strategy (2010) seeks to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds.
- 8.65. Policy DM24 of the Council's adopted Managing Development Document (2013) requires development to be designed to the highest quality standards, incorporating principles of good design and ensuring that the design is sensitive to and enhances the local character and setting of the development in terms of scale, height, mass, building plot sizes, building lines and setback, roof lines, streetscape rhythm, design details and through the use of high quality building materials and finishes.
- 8.66. The proposed development effectively comprises previously approved 6 and 8 storey buildings at 31-33 Prescott Street (with minor design modifications) under planning permission reference PA/14/03553, together with a new 11 storey building at 99 Mansell Street.
- 8.67. With regard to the proposed 6 and 8 storey buildings, the height and form of these buildings, including the use of set-back roof storeys, together with the overall design approach and facing material palette are all common features shared with the previously approved scheme. The current proposals include modifications to the design of these buildings, including the regularisation of the fenestration and introduction of a double-height glazed street frontage for 33 Prescott. In addition, the set-back roof storeys are now to be faced in aluminum cladding in place of a curtain walling system.

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Prescot Street & Mansell Street Elevation (Composite)**



**Proposed Development –Prescot Street & Mansell Street Elevation (Composite)**



- 8.68. It is considered that the design modifications to 31-33 Prescott Street are minor in nature and improve the appearance of the buildings, providing a more consistent architectural treatment across both buildings and a regularity to the pattern of fenestration that is continued across to the new 11 storey building at 99 Mansell Street.
- 8.69. With regard to the new 11 storey building at 99 Mansell Street, the architectural approach, pattern of fenestration and materiality (namely the use of brick) is continued across the facade from 33 Prescott Street to 99 Mansell Street. The double-height glazed street frontages are also repeated along the facade of 99 Mansell Street.
- 8.70. Whilst all three buildings share a common architecture, the proposals also seek to visually distinguish each of the three buildings, principally through the use of a different colour brick for each building, together with articulated building heights. Specifically, the 11 storey building is faced in grey brick and is located on the corner of the site at 99 Mansell Street, whilst 33 Prescott Street is faced in yellow brick and is 8 storeys in height, and 31 Prescott Street is faced in red brick and is 6 storeys in height.
- 8.71. It is considered that the proposed design approach is sympathetic to the scale, form, character and materiality of the surrounding built form, with nearby buildings generally ranging between 4 and 9 storeys in height, and up to 16 storeys at the Grange Tower Hill Hotel, and being predominantly faced in brick. In particular, it is considered that the stepping down in height of the buildings towards the 4 storey listed building at 30 Prescott Street provides a suitable and proportionate transition in scale from the proposed tall building on the corner of the site to the nearby lower-rise buildings on south side of Prescott Street.
- 8.72. The proposed development has been assessed by the LBTH Urban Design Officer and is considered to be acceptable in design terms. It is recommended that a condition be included to secure samples and details of the facing materials and design details.
- 8.73. Taking into account the above, subject to condition, it is considered that the proposed development incorporates the principles of good design and takes into account and positively responds to the surrounding built form and public realm in terms of its scale, height, massing, form, detailed design, facing materials and finished appearance. The proposals therefore accord with Policy 7.4 of the London Plan (2016), Policy SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013).

#### Heritage and Conservation

- 8.74. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) requires decision makers determining planning applications that would affect a listed building or its setting to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".
- 8.75. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers determining planning applications that would affect buildings or other land in a conservation area to pay "special attention [...] to the desirability of preserving or enhancing the character or appearance of that area".
- 8.76. Policy 7.8 of the London Plan (2016) states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. Policy 7.9 of the London Plan (2016) states that

the significance of heritage assets should be assessed when development is proposed and schemes designed so that the heritage significance is recognised both in their own right and as catalysts for regeneration.

- 8.77. Policy SP10(2) of the Council's adopted Core Strategy (2010) seeks to protect and enhance the Borough's Conservation Areas and Listed Buildings and their settings and encourages and supports development that preserves and enhances the heritage value of the immediate and surrounding environment and wider setting.
- 8.78. Policy DM27(1) of the Council's adopted Managing Development Document (2013) requires development to protect and enhance the Borough's heritage assets, their setting and their significance as key elements of developing the sense of place of the Borough's distinctive 'Places'.
- 8.79. The application site adjoins the western boundary of the Grade II listed house at 30 Prescott Street, which itself adjoins the western boundary of the Grade II listed Church of the English Martyrs. It is noted that letters of representation have been received in which objection is raised to the proposals on the grounds that they would cause harm the historic setting of these listed buildings.
- 8.80. The site also lies 80 metres to the north of the Tower of London Conservation Area, the northern boundary extends to the railway viaduct to the south of the site. As with the 16 storey Grange Tower Hill Hotel on the north side of Prescott Street, the upper floors of the building will be visible above the rail viaduct in northwards views from within the Conservation Area. However, given the relatively limited height of the proposed development and its location in relation to the railway viaduct and the Conservation Area, it is considered that the scheme would protect the character and appearance of the Tower of London Conservation Area and would not intrude into the setting of any period buildings in key local views.
- 8.81. With regard to the listed buildings, the adjoining building at 30 Prescott Street is a Grade II listed 4 storey plus basement Georgian terraced house faced in yellow London stock brick with timber framed sash windows and a front lightwell bounded by metal railings. This building forms part of a group (for the purposes of listing) with the adjoining Church of the English Martyrs, which is a Grade II listed church designed in the gothic style by Edward Welby Pugin and completed in 1875. The roof of the church rises up to a height equivalent to approximately 8 residential storeys, whilst the spire rises to a height equivalent to approximately 11 residential storeys.
- 8.82. As discussed above, the proposed buildings at 31-33 Prescott Street are effectively the same (in terms of their dimensions and overall design approach) to the previously consented development. The acceptability in principle of the visual relationship between these buildings and the adjacent listed buildings is therefore established by the previous planning permission. However, for the avoidance of doubt, this acceptability is principally the result of the articulation in building heights, which step down towards the listed building, together with the simple, clean design of the buildings and use of brick as a facing material, which reflects the materiality of the listed Georgian house. The changes in the treatment of the elevation enhance this relationship.
- 8.83. The proposed 11 storey building at 99 Mansell Street has a very narrow frontage onto Prescott Street, which is 1 window bay wide, with the main frontage (4 bays wide) facing north-westwards towards the junction of Mansell Street and Goodman's Yard. It is noted that the parapet height of the proposed building would sit just below the top of the spire of the Church of English Martyrs.

- 8.84. The proposed building at 99 Mansell Street would be markedly taller than the pre-existing building on the site, which was 6 storeys in height. However, given the building's narrow frontage onto Prescott Street and its location at the western end of the site, away from the listed house and church, together with the high architectural quality of the development, it is considered that the proposals would not appear unduly overbearing within the setting of the listed buildings and would preserve their special historic and architectural interest. The stepping up of the scheme from 31 to 33 Prescott Street and then again to 99 Mansell St is considered to preserve the setting of the listed building
- 8.85. Taking into account the above, it is considered that the proposed development has been sensitively designed in terms of its scale, height, form, design and facing materials and would protect the setting and special architectural and historic interest of the adjacent Grade II listed buildings at 30 Prescott Street and the Church of English Martyrs. For the aforementioned reasons it is considered that the development would also preserve the character and appearance of the Tower of London Conservation Area. As such, the proposals accord with Policy 7.8 of the London Plan (2016), Policy SP10(2) of the Council's adopted Core Strategy (2010), Policy DM27 of the Council's adopted Managing Development Document (2013) and government guidance set out in Section 12 of the National Planning Policy Framework (2012).

#### Impact on LVMF Views

- 8.86. Policies 7.11 and 7.12 of the London Plan (2016) define a number of strategically important views within London and require development to not harm, and where possible make a positive contribution to, the characteristics and composition of strategic views and their landmark elements. Policy 7.12 provides detailed guidance for development located within the foreground, middle ground or background of these strategic views.
- 8.87. Policy 7.10 of the London Plan (2016) states that development in World Heritage Sites and their settings, including any buffer zones, should conserve, promote, make sustainable use of and enhance their authenticity, integrity and significance and Outstanding Universal Value.
- 8.88. The south-western corner of the application site, which includes the tall element of the scheme, lies within the viewing corridor of London View Management Framework (LVMF) View 25A.1, which is the northwards view of the Tower of London from the Queen's Walk, a short distance from City Hall.
- 8.89. The current application is accompanied by a composite image of LVMF View 25A.1, which shows that the proposed development would not be visible within this protected vista as it would sit below the roofline of the existing buildings in the background of the Tower of London, located just to the right of the White Tower.
- 8.90. Taking into account the above, it is considered that the proposed development would preserve the protected vista of LVMF View 25A.1 and would conserve the Outstanding Universal Value of the Tower of London UNESCO World Heritage Site, in accordance with the objectives of Policies 7.10, 7.11 and 7.12 of the London Plan (2016)

#### Accessibility and Inclusive Design

- 8.91. Policy 4.5 of the London Plan (2016) requires at least 10% of all new hotel bedrooms to be designed to be wheelchair accessible. Policy 7.2 of the London Plan (2016) seeks to ensure that the principles of inclusive design, including the specific needs to older and disabled people, are incorporated into new developments.



- 8.92. The proposed development would provide a total of 67 serviced apartments, of which 7 serviced apartments (10.4% of total) would be provided as wheelchair accessible, with these units being located on the 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup> and 5<sup>th</sup> floors. The wheelchair accessible units include large accessible shower rooms and the upper floors of the building are served by two lifts, which provide wheelchair access resilience in the event that one lift is rendered out of service. Level access is also provided to all internal areas, which is supported.
- 8.93. It is recommended that a condition be included to require the 7 wheelchair accessible serviced apartments to be retained as wheelchair accessible for the life of the development.
- 8.94. Subject to condition, it is considered that the proposed hotel includes adequate provision of wheelchair accessible rooms and that the development incorporates the principles of inclusive design, including the specific needs to older and disabled people. The proposals therefore accord with the requirements of Policies 4.5 and 7.2 of the London Plan (2016).

#### Secure by Design

- 8.95. Policy 7.3 of the London Plan (2016) seeks to ensure that developments are designed so as to reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating.
- 8.96. Policy DM23(3) of the Council's adopted Managing Development Document (2013) requires development to improve safety and security without compromising good design and inclusive environments by locating entrances in visible, safe and accessible locations, by creating opportunities for natural surveillance, by avoiding the creation of concealment points, by making clear distinctions between public, semi-public and private spaces and by creating clear sightlines and improving legibility.
- 8.97. The proposed development would present a continuous street frontage on Prescott Street and Mansell Street, with no recessed entrances, which is supported as recesses can limit surveillance and encourage antisocial behaviour and rough sleeping. In order to ensure that the building provides a safe and secure environment for future occupants and visitors, it is recommended that a condition be included to require the development to achieve Secure by Design certification.
- 8.98. Subject to condition, it is considered that the proposals would reduce the opportunities for criminal and anti-social behaviour and improve safety and security within and around the site without compromising good design. The proposals therefore accord with Policy 7.3 of the London Plan (2016) and Policy DM23(3) of the Council's adopted Managing Development Document (2013).

#### Archaeological Impacts

- 8.99. Policy SP10(2) of the Council's adopted Core Strategy (2010) seeks to protect and enhance archaeological remains. Policy DM27(4) of the Council's adopted Managing Development Document (2013) requires any nationally important archaeological remains to be preserved permanently in site, subject to consultation with English Heritage (now named Historic England).
- 8.100. The application site lies within an Archaeological Priority Area, as designated in the Council's Managing Development Document (2013). Accordingly, Historic England Greater London Archaeological Advisory Service (GLAAS) were consulted on the

application and have advised that the proposed development has the potential to cause some harm to archaeological interest at the site.

- 8.101. In order to mitigate these impacts, GLAAS have requested that a condition be included to require no demolition or development to take place until a written scheme of investigation (WSI) has been submitted to and approved by the Council, in consultation with GLAAS. The WSI will be required to include the programme and methodology for site investigation and recording, together with the programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material.
- 8.102. Subject to this condition, it is considered that the proposed development would adequately protect any archaeological remains at the site, in accordance with Policy SP10(2) of the Council's adopted Core Strategy (2010) and Policy DM27(4) of the Council's adopted Managing Development Document (2013).

## **AMENITY**

### *Policy Context*

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

### *Daylight and Sunlight – Impacts on Neighbouring Properties*

- 8.104. The daylighting conditions at neighbouring properties are normally calculated by two main methods, namely the Vertical Sky Component (VSC) and No Sky Line (NSL). Building Research Establishment (BRE) guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should be reduced to no less than 0.8 times their former value, in order to ensure that sufficient light is still reaching windows. NSL takes into account the distribution of daylight within the room and figures should not exhibit a reduction beyond 0.8 times their former value.
- 8.105. Sunlight is assessed through the calculation known as the Annual Probable Sunlight Hours (APSH), which considers the amount of sunlight available during the summer and winter for each window facing within 90 degrees of due south (i.e. windows that receive direct sunlight). The amount of sunlight that a window receives should not be less than 5% of the APSH during the winter months of 21 September to 21 March, so as to ensure that such windows are reasonably sunlit. In addition, any reduction in APSH beyond 20% of its former value would be noticeable to occupants and would constitute a material reduction in sunlight.
- 8.106. The application is accompanied by a Daylight and Sunlight Assessment, prepared by the Chancery Group, which details the modelled impacts of the development on the daylighting and sunlighting conditions of nearby residential properties.
- 8.107. The assessment shows that the impacts on the daylighting and sunlighting conditions of the following properties would be within BRE guidelines levels and as such are considered to be acceptable:
- 2 Scarborough Street
  - 4 Scarborough Street

- 6 Scarborough Street
- 8 Scarborough Street
- 10 Scarborough Street

**30 Prescott Street:**

- 8.108. The building at 30 Prescott Street is four storeys in height and adjoins the eastern boundary of the application site. The building is in use as the Presbytery (priest's house) for the adjacent Roman Catholic Church of the English Martyrs. It is noted that a letter of representation has been received from the owners of the church and 30 Prescott Street, in which objection is raised to the proposals on daylight/sunlight impact grounds.
- 8.109. In terms the daylighting impacts, the assessment shows that the reductions to the VSC of the 8 affected windows and the NSL of the 6 affected rooms would be within BRE guideline levels (i.e. reductions of less than 20%) and are therefore considered to be negligible.
- 8.110. In terms of Annual APSH (sunlight) impacts, of the 8 affected windows that face within 90 degrees of due south, 3 windows (38% of total) would remain BRE compliant, 3 windows (38% of total) would see minor reductions of 26-29% and 2 windows (24%) would see moderate reductions of 31%.
- 8.111. As one would expect, the Winter APSH reductions would be slightly more pronounced. This is because the sun sits lower in the sky during the winter months, so even a limited increase in building height can result in a longer shadow being cast across nearby buildings. Specifically, 2 windows (25% of total) would remain BRE compliant in terms of Winter APSH, whilst 4 windows (50% of total) would see minor Winter APSH reductions of 20-29.9% and 2 windows (25% of total) would see moderate Winter APSH reductions of 30-34%.
- 8.112. Taking into account the above, it can be seen that the daylighting impacts on 30 Prescott Street would be negligible, whilst the sunlighting impacts would be generally minor in nature. Overall, it is considered that the impacts of the proposed development on the daylighting and sunlighting conditions of 30 Prescott Street are acceptable.

**87 Mansell Street:**

- 8.113. The building at 87 Mansell Street is an 8 storey block of flats known as 'Londinium Tower' that is located immediately to the north of the application site. The building comprises a Wetherspoon's pub at ground floor level with flats on the upper floors. It is noted that a number of letters of representation have been received from residents within Londinium Tower, in which objection is raised to the proposals on daylight/sunlight impact grounds.
- 8.114. In terms of the daylighting impacts, of the 75 affected residential windows, the assessment shows that 49 windows (65% of total) would remain BRE compliant for VSC, whilst 21 windows (28% of total) would see minor VSC reductions of between 20-29.9% and 5 windows (7% of total) would see minor-to-moderate VSC reductions of 30-31%.
- 8.115. Of the 54 affected residential rooms, 36 rooms (67% of total) would remain BRE compliant for NSL, whilst 12 rooms (22% of total) would see minor NSL reductions of between 20-29.9%, 4 rooms (7% of total) would see moderate NSL reductions of 30-39.9% and 2 rooms (4% of total) would see major NSL reductions of 41-42%.

- 8.116. The assessment shows that the daylighting impacts on Londinium Tower would be generally minor in nature, with the majority of windows and rooms remaining BRE compliant. Where windows would be subject to VSC reductions of over 20%, it can be seen that 6 of these windows at first and second floor level would have residual VSC values in the mid-to-high teens, whilst the rest would have relatively high VSC values in the early to mid-twenties. It is considered that such residual VSC values are not unacceptable for properties within dense inner-urban areas, such as this.
- 8.117. In terms of the sunlighting impacts, of the 70 affected windows that face within 90 degrees of due south, 64 windows (91% of total) would remain BRE compliant for Annual APSH, whilst 6 windows (9% of total) would see minor Annual APSH reductions of between 21-26%. As discussed above, Winter APSH is more sensitive to increases in building height and the assessment shows that the Winter APSH of 44 windows (63% of total) would be reduced by between 24-55%.
- 8.118. The assessment shows that the sunlighting impacts would be very limited, with the vast majority of windows (91% of total) remaining BRE compliant for Annual APSH. Whilst the Winter APSH reductions would be greater, the proposed development would not entirely eliminate the winter sunlight hours for any properties, with the residual Annual and Winter APSH levels remaining at relatively high levels for a site located in a dense inner-urban area.
- 8.119. Overall it is considered that the impacts of the proposed development on the daylighting and sunlighting conditions of properties within Londinium Tower at 87 Mansell Street are acceptable.
- 8.120. It is noted that the design of the development was modified during the course of the application, with the set-back roof storey being changed to a full storey. This modification would slightly increase the volume of building at roof level, which in turn would slightly increase the daylight/sunlight impacts of the scheme on surrounding properties. However, given that the increase in the volume of the building would be very slight, and given that the impacts of the original scheme on surrounding lighting conditions would be negligible to minor in nature, it is considered that this design modification would not result in any significant further deterioration in surrounding lighting conditions.
- 8.121. Taking into account the above, it is considered that the proposed development would not result in any significant adverse impacts on the daylighting or sunlighting conditions of neighbouring residents, in accordance with the objective of Policy SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013).

*Overlooking, Outlook and Sense of Enclosure*

- 8.122. It is noted that a number of letters of representation have been received from residents of Londinium Tower at 87 Mansell Street, in which objection is raised to the proposals on the grounds that the proposals would result in direct overlooking from the site into flats within Londinium Tower, adversely impacting on the privacy of residents.
- 8.123. At its closest point, namely at the eastern end of the site at 31 Prescott Street, the separation distance between the proposed development and Londinium Tower is 16 metres. At the western end of the proposed Prescott Street frontage, on the site of 99 Mansell Street, the separation distance increases 17 metres.

- 8.124. The supporting text to Policy DM25 at paragraph 25.3 of the Managing Development Document (2013) advises that a separation distance of approximately 18 metres between facing habitable room windows is sufficient to reduce inter-visibility to a level that is acceptable to most people.
- 8.125. Whilst the separation distance between the proposed development and Londinium Tower falls slightly below 18 metres, this degree of separation between facing buildings across streets is not uncommon within the borough, or within London generally, particularly in areas where historic street patterns survive. It is also noted that the separation distance would be the same as for the previous buildings on this site, and the same as for the approved development at 31-33 Prescott Street. As such, it is considered that the proposed development would not result in any significant degree of overlooking or loss of privacy to neighbouring residents within Londinium Tower.
- 8.126. In terms of any impacts on the rear windows for the adjoining property at 30 Prescott Street, it is noted that the envelope of the proposed building on the site of 31-33 Prescott Street where it adjoins 30 Prescott Street is effectively the same as that of the previously approved scheme. As such, the current proposals would not result in any noticeable increase in the sense of enclosure to occupants at 30 Prescott Street, over-and-above the consented scheme. Whilst the current proposals include an 11 storey element on the site of 99 Mansell Street, this part of the building is located further away from 30 Prescott Street and thus would result in any significant degree of enclosure to the neighbouring property.
- 8.127. Taking into account the above, it is considered that the proposed development would adequately protect the amenity of surrounding residents in terms of privacy and outlook, in accordance with the objectives of Policy SP10(4) of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013).
- 8.128. Consideration has been given to the development potential of the neighbouring site to the south west of the application site and whether the current proposal would prejudice the redevelopment of this plot of land. The site consists of a redundant railway viaduct that is only approximately 8m wide; it is possible that a building could come forward on this site, but due to the land use designations it is unlikely to be a residential development and because it is so narrow would not need to be dual aspect. The windows of the serviced apartments do look out over this site but are set back from the boundary by approximately 6m so even if a building were to be constructed in front of these windows some outlook would remain (albeit very limited). As these are serviced apartments and not permanent residential accommodation this relationship is considered acceptable.

#### Noise & Vibration

- 8.129. The application site lies immediately to the east of the junction of Goodman's Yard and Mansell Street, which are heavily trafficked roads, and immediately to the north of a railway viaduct. As such, the background noise and vibration levels in this area have the potential to cause disturbance to guests within the proposed serviced apartments. In addition, the proposed development will include mechanical plant, which has the potential to cause noise disturbance to guests and surrounding residents if not suitably attenuated.
- 8.130. The current application is accompanied by an Acoustic Design Report, prepared by LCP, which includes the results of background noise and vibration surveys carried out at the site. The assessment shows the average noise levels impinging on the facade were 66dB(A) during the day (LAeq, 16 hour) and 61dB(A) at night (LAeq, 8 hour), whilst the

lowest recorded background noise levels were 53dB during the day (LA90, 5 mins) and 47dB at night (LA90, 5 mins).

- 8.131. The report details the minimum required sound reduction performance of the glazing in order to ensure that the BS8233 maximum indoor ambient noise levels for dwellings (for the proposed serviced apartments) and commercial spaces (for the proposed flexible retail and office spaces) are achieved. The most noise sensitive elements of the proposed development are the serviced apartments, the facades of which would need to be designed to achieve an indoor ambient noise level not exceeding 30dB (LAeq, 8 hour) at night time when guests would be sleeping.
- 8.132. In order to ensure that future occupants within the serviced apartments are not unduly disturbed by noise, either from outside sources or from adjoining commercial spaces within the development, it is recommended that conditions be included to require the serviced apartments to be designed to achieve 30dB LAeq,T\* and 45dB LAfmax, and to require adequate sound insulation to be provided between commercial spaces and serviced apartments to ensure that NR25 is not exceeded within the serviced apartments.
- 8.133. With regard to the recorded vibration levels at the site, the daytime Vibration Dose Values (VDV) were 0.044 (horizontal) and 0.015 (vertical) and the night time VDV were 0.042 (horizontal) and 0.011 (vertical). British Standard BS6472 'Guide to Evaluation of Human Exposure to Vibration in Buildings' advises that VDV of 0.2 to 0.4 during the day and 0.1 to 0.2 at night have a 'low probability of adverse comment' from building occupants. The Council's Rail Noise Policy Statement (1994) also provides target maximum VDV for residential uses of 0.2 during the day and 0.13 at night. As the recorded vibration levels are significantly below these guideline VDV levels, it is considered highly unlikely that the vibration levels at the site would cause disturbance to future occupants. Vibration mitigation measures would therefore not be required.
- 8.134. In order to ensure that the noise generated by fixed plant within the development does not result in noise disturbance to future occupants within the serviced apartments or nearby residents, it is recommended that a plant noise compliance condition be included. Specifically, this condition will require the noise generated by any fixed plant within the development to at no time exceed 10dB below the lowest background noise level (LA90) when measured as a distance of 1 metre from the nearest sensitive facade.
- 8.135. Subject to the above conditions, it is considered that the proposed development would not result in undue noise or vibration disturbance to surrounding residents or future guests within the development, in accordance with Policy SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013).

## **TRANSPORTATION & HIGHWAYS**

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

assessment of traffic generation impacts and also seeking to prioritise and encourage improvements to the pedestrian environment.

#### Trip Generation

- 8.138. The application is accompanied by a Transport Statement (TS), prepared Crowd Dynamics, which includes the modelled trip generation figures for the pre-existing uses (B1 office and B8 storage) and proposed mix of uses (A1-A5, B1 & C1) within the 11 storey block at 99 Mansell Street. The TS does not include the trip generation figures for the part of the development on 31-33 Prescott Street on the basis that this part of the development effectively already has planning permission. The TS therefore models the difference in trip generation between the approved development at 31-33 Prescott Street (reference PA/15/03553) and the current proposals, which effectively incorporate the approved development 31-33 Prescott Street and include an additional block at 99 Mansell Street.
- 8.139. The TS shows that the pre-existing B1 office and B8 storage uses at 99 Mansell Street would have generated 361 two-way trips per day. The majority of trips would have been made by public transport and walking, with 5% of trips being made by car and 1% of trips being made by taxi.
- 8.140. The TS shows that the proposed A1-A5, B1 and C1 uses within the 99 Mansell Street block would generate 399 two-way trips per day. In terms of the modal split, the TS shows that only a very small proportion of trips would be made by private car (2.7%) and taxi (3.5%), with the remainder of trips being made by sustainable forms of transport. Specifically, the majority of trips would be made by rail and Underground (61.8%) followed by walking (24.5%) and bus (7.5%).
- 8.141. The TS shows that the proposed block at 99 Mansell Street would only result in a small uplift in daily trips, amounting to 38 additional two-way trips per day. The applicant's transport consultant considers that this uplift in trips would have a negligible impact on the local transport network. TfL have reviewed the TS and consider that the proposed trip generation is reasonable, although requested that cycling be included in the modal split.
- 8.142. Paul Mew Associates, on behalf of the applicant, have prepared a Technical Note that responds to the queries raised by TfL. The Technical Note provides estimated two-way cycle trips for the entire development (99 Mansell Street and 31-33 Prescott Street), which gives a worst case scenario of 54 two-way cycle trips per weekday. It is considered that these projected cycle trips, together with the proposed uplift of 38 two-way trips per day across all other modes of transport, would not place any significant strain on local transport infrastructure.
- 8.143. Taking into account the above, it is considered that the proposed development would not result in any significant adverse impacts on the capacity of the local transport network, including the Transport for London Road Network (TLRN), in accordance with Policy 6.3 of the London Plan (2016), Policy SP09(3) of the Core Strategy (2010) and Policy DM20(2) of the Managing Development Document (2013).

#### Car Parking

- 8.144. Policy SP09(4) of the Council's adopted Core Strategy (2010) and Policy DM22(2) of the Council's adopted Managing Development Document (2013) seek to ensure that developments located in areas of good public transport accessibility are secured as 'car

free'. Policy 6.13 of the London Plan (2016) also promotes 'car free' development in areas with good access to public transport, whilst still providing for disabled people.

- 8.145. The proposed development does not include any on-site car parking, which is supported in principle in line with the above policies as the site benefits from excellent access to public transport, with the highest possible a PTAL of 6a. LBTH Transportation & Highways have requested that the development be secured as 'car and permit free' through a clause in the S106 agreement in order to prevent any person residing at the site from obtaining an on-street parking permit. TfL also welcome the car free development, given the high PTAL at the site.
- 8.146. Where site constraints mean provision of on-site disabled parking is unfeasible or not safe, the Council's parking standards, as set out in Appendix 2(1) of the Managing Development Document (2013), require applications to demonstrate how a disabled person can park to use the development with ease. LBTH Transportation & Highways note that no information has been provided on the disabled parking arrangements and have requested that a condition be included to secure a Disabled Parking Plan.
- 8.147. Subject to the above condition and S106 clause, the proposed car-free development accords with Policy SP09(4) of the Core Strategy (2010), Policy DM22(2) of the Managing Development Document (2013) and Policy 6.13 of the London Plan (2015).

Cycle Parking

- 8.148. Policy DM22(4) of the Managing Development Document (2013) and Policy 6.9 of the London Plan (2016) require developments to include adequate provision of safe, secure and accessible cycle parking facilities. The current cycle parking standards used by the Council are set out at Table 6.3 of the London Plan (2016), which for this proposed development require a minimum cycle parking provision of:

Use	Long Stay Cycle Parking	Short Stay Cycle Parking	Total
A1-A5 Retail	1	2	3
B1 Office	12	2	14
C1 Serviced Apartment	3	1	4
<b>Total</b>	<b>16</b>	<b>5</b>	<b>21</b>

- 8.149. The proposed development includes a designated cycle store at basement level, which will accommodate up to 28 bicycles using 'Sheffield' style cycle stands. The total number of cycle parking stands therefore exceeds the minimum requirements for this development. In addition, the proposed use of 'Sheffield' style floor mounted cycle stands is supported as they are easily accessible, usable and secure, in accordance with the Council's cycle parking design standard at Appendix 2(1) of the Managing Development Document (2013).
- 8.150. As the cycle store is located at basement level, the bicycles will need to be transported by lift. The applicant has provided details of the proposed lift, the carriage of which is sufficiently large (2.3m deep x 1.2m wide with a 1m door) to accommodate a bicycle without the need to lift it off the floor, which is supported.
- 8.151. It is noted that TfL have requested that the short stay cycle parking be provided at street level, as it is unlikely that short term users, such as those for the retail unit, would either be aware of the basement cycle store or willing to use it. This is considered to be a reasonable request and the applicant has agreed to provide a further 6 short stay cycle



spaces on the footway at the corner of Mansell Street and Prescott Street, as set out in paragraph 2.11 of the Technical Note prepared by Paul Mew Associates, dated June 2016. These on-street cycle stands would form part of the requirements of a Scheme of Highway Improvement Works for this development, which would be secured by condition.

- 8.152. LBTH Transportation & Highways have reviewed the proposed cycle parking arrangements and consider them to be acceptable.
- 8.153. It is recommended that a further condition be included to require the proposed cycle parking facilities and lift to be installed in accordance with the submitted details prior to first occupation of the development, and require the facilities to be retained and maintained for the life of the development.
- 8.154. Subject to condition, it is considered that the proposals include adequate provision of safe, secure and usable cycle parking facilities, in accordance with Policy DM22(4) of the Council's adopted Managing Development Document (2013) and Policy 6.9 of the London Plan (2015).

*Servicing, Waste & Recyclables Storage*

- 8.155. Policy SP09(3) of the Core Strategy (2010) and Policy DM20(2) of the Managing Development Document (2013) seek to ensure that development does not adversely impact on the safety or capacity of the road network.
- 8.156. Policy SP05 of the Council's adopted Core Strategy (2010) and Policy DM14 of the Managing Development Document (2013) require planning applications to be considered in light of the adequacy and ease of access to the development for waste collection and the adequacy of storage space for waste given the frequency of waste collections.
- 8.157. The proposed development would be serviced from an embedded loading bay located on the footway on Prescott Street, which is the same arrangement as for the previously approved development at 31-33 Prescott Street (reference PA/14/03553). TfL raise no objections to the proposed servicing arrangements, subject to the inclusion of the same 'Scheme of Highway Improvement Works' condition as was included on the permission for 31-33 Prescott Street. This condition requires the submission and approval of details of the necessary works to the public highway to construct the loading bay and prevents the loading bay from being used during peak AM and PM hours. Officers recommended that the condition be included.
- 8.158. With regard to waste storage, the proposals include the provision of designated refuse store at basement level, which is shown on plan as being able to accommodate 9 x 1,280 litre bins. The refuse store is located adjacent to the lift core and the bins would be transported up to street level via a goods lift on collection days. The goods lift has direct access to the public highway on Prescott Street at ground floor level, with the total wheeling distance of the bins being approximately 12 metres, which is only marginally over the Council's recommended 10 metre maximum wheeling distance. The proposals have been reviewed by the Council's Waste Policy & Development Team, who have no objections to the proposed waste storage arrangements.
- 8.159. Both the LBTH Waste Team and LBTH Transportation & Highways request that a condition be included to secure a Delivery and Service Management Plan, which must detail the timings for when the bins will be brought up to street level and where the bins will be temporarily stored. The Waste Team would emphasise that it is unacceptable for

bins to be left on the public highway prior to and after collections for any length of time outside of collections taking place.

- 8.160. Taking into account the above, subject to condition, it is considered that the proposed servicing arrangements would not adversely impact on the capacity or safety of the road network, and that the waste and recyclables storage arrangements are acceptable. The proposals therefore accord with Policies SP05 and SP09(3) of the Core Strategy (2010) and Policies DM14 and DM20(2) of the Managing Development Document (2013).

## **ENERGY & SUSTAINABILITY**

- 8.161. At a national level, the National Planning Policy Framework (2012) sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan (2015), Policies SO24 and SP11 of the Core Strategy (2010) and Policy DM29 of the Managing Development Document (2013) collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.162. The London Plan sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean);
  - Supply Energy Efficiently (Be Clean); and
  - Use Renewable Energy (Be Green).
- 8.163. Policy DM29 of the Managing Development Document (2013) includes the target to achieve a minimum 50% reduction in CO<sub>2</sub> emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. From April 2014 the London Borough of Tower Hamlets have applied a 45% carbon reduction target beyond Part L 2013 of the Building Regulations as this is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations.
- 8.164. The submitted Energy Strategy, prepared by eb7 Ltd, dated 29<sup>th</sup> February 2016, broadly follows the principles of the Mayor's energy hierarchy, as detailed above, and seeks to focus on using less energy and integration of renewable energy technologies. Specifically, the energy strategy proposes a communal heat system for the hot water and air source heat pumps for the space heating and cooling, whilst renewable energy would be provided through a 10 panel photovoltaic array at roof level.
- 8.165. The CO<sub>2</sub> emission reductions proposed would result in a 29% reduction against a Building Regulations 2013 baseline. The scheme is currently significantly below adopted Policy DM29 requirements for a 45% reduction in CO<sub>2</sub> emissions
- 8.166. The Planning Obligations SPD includes the mechanism for any shortfall in CO<sub>2</sub> 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 (2016) which states:
- 8.167. *"...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 a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere."*

8.168. This would allow the scheme to be supported despite the target CO2 emission reductions not being fully delivered on site. The council has an adopted carbon offsetting solutions study (adopted at Cabinet in January 2016) to enable the delivery of carbon offsetting projects. Based on the current energy strategy a carbon offsetting contribution of £23,724 would be appropriate for carbon offset projects. The calculation for this figure is as follows:

- Building Regulation compliant development would have emissions at 82.4 tonnes/CO2
- Proposed development is at 58.5 tonnes/CO2
- 45% DM29 reduction would deliver a scheme at 45.32 tonnes/CO2.
- Shortfall to meet DM29 requirements = 13.18 tonnes/CO2 x £1,800 = £23,724 offset payment to meet current policy requirements.
- This should be secured through appropriately worded Conditions and a S106 agreement for £23,724 to be payable prior to commencement of development.

8.169. In terms of sustainability, Policy DM 29(4) 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 non-residential development to achieve the BREEAM 'Excellent' rating. The applicant has submitted a BREEAM pre-assessment which shows the scheme is designed to achieve a BREEAM 'Excellent' rating with a score of 75.92%.

8.170. The LBTH Energy Efficiency & Sustainability Team consider that the proposals accord with the above policies, subject to the inclusion of conditions to secure the delivery of the energy strategy and proposed renewable energy technologies, and a BREEAM 'Excellent' rating, together with a S106 clause to secure a carbon offsetting contribution of £23,724.

8.171. Subject to these conditions and S106 clause, it is considered that the proposed development would follow the Mayor's energy hierarchy and attain the highest standards of sustainable design and construction. The proposals therefore accord with the objectives of Policies 5.2, 5.3, 5.6 and 5.7 of the London Plan (2016), Policy SP11 of the Core Strategy (2010) and Policy DM29 of the Managing Development Document (2013).

## **BIODIVERSITY**

8.172. Policy 7.19 of the London Plan (2015), Policy SP04 of the Core Strategy (2010) and Policy DM11 of the Managing Development Document (2013) seek wherever possible to ensure that development makes a positive contribution to the protection, enhancement, creation and management of biodiversity. Where sites have biodiversity value, this should be protected and development which would cause damage to a Site of Importance to Nature Conservation (SINC) or harm to protected species will not be supported unless the social or economic benefits of the development clearly outweigh the loss of biodiversity.

8.173. The application is accompanied by an Ecology Assessment, which has been reviewed by the LBTH Biodiversity Officer, who notes that the site has no significant existing biodiversity value. In addition, the location is remote from suitable bat foraging habitat and the site would therefore be unlikely to be used by bats. As such, there would not be any significant adverse impacts on biodiversity as a result of the proposed development.

8.174. In terms of biodiversity enhancements, the proposed development would provide 6 swift boxes. The submitted details also indicate that a section of green wall could be provided,

although no details of the green wall are given. The LBTH Biodiversity Officer advises that these represent very limited biodiversity enhancements for a development of this size and has requested that an area of biodiversity green roof be provided, which would be a significant enhancement.

- 8.175. In order to ensure that significant biodiversity enhancements are delivered on-site, it is recommended that a condition be included to secure full details of all biodiversity enhancements, including the green wall, next boxes and biodiverse green roofs.
- 8.176. Subject to this condition, it is considered that the proposed development will make a positive condition to the protection, enhancement, creation and management of biodiversity, in accordance with Policy 7.19 of the London Plan (2015), Policy SP04 of the Core Strategy (2010) and Policy DM11 of the Managing Development Document (2013).

## **ENVIRONMENTAL CONSIDERATIONS**

### *Air Quality*

- 8.177. Policy SP03 of the Core Strategy (2010) suggests air quality improvements will be addressed by continuing to promote the use of public transport and reduce reliance on private motor vehicles and introducing a 'clear zone' in the borough. Policy DM9 of the Managing Development Document (2013) also seeks to improve air quality within the Borough, and outlines that a number of measures would contribute to this, such as reducing vehicles traffic levels, controlling how construction is carried out, reducing carbon emissions and greening the public realm.
- 8.178. The current application is accompanied by an Air Quality Assessment (AQA), prepared by REC. The AQA was reviewed by the LBTH Air Quality Officer, who raised a number of queries on the methodology and results of the assessment. REC responded to these queries in a Technical Note, dated 27<sup>th</sup> June 2016, and the LBTH Air Quality Officer confirms that this additional information adequately addresses their concerns. This additional information includes a revised air quality mitigation strategy, which increases the level of mechanical ventilation, which was originally proposed on the 2<sup>nd</sup> to 4<sup>th</sup> floors only, but is now proposed to be used for all of the serviced apartments.
- 8.179. The LBTH Air Quality Officer requests that a condition be included to secure details of the proposed mechanical ventilation system, the air intake for which must be located as high as possible on the building to ensure that the air is cleaner and thus protect the health of future occupants of the building.
- 8.180. Subject to the above condition, it is considered that the proposed development is acceptable in air quality terms, in accordance with Policy DM9 of the Council's adopted Managing Development Document (2013).

### *Demolition and Construction Noise, Vibration and Dust*

- 8.181. The demolition and construction works associated with the proposed development have the potential to cause dust and noise and vibration disturbance to nearby residents and building occupants. In order to suitably and proportionately mitigate these impacts it is recommended that a condition be included to secure a Construction Environmental Management Plan (CEMP).
- 8.182. The CEMP will be required to include details of the measures to be put in place to minimise and mitigate the noise, vibration and dust impacts arising from the demolition

works. Such measures include siting stationary noise sources away from noise sensitive locations, fitting equipment with silencers, mufflers and acoustic covers, using appropriate piling methods and damping down and covering spoil piles.

- 8.183. Subject to condition, it is considered that the demolition and construction works would not result in unacceptable adverse noise, vibration or dust impacts and would protect neighbouring residential amenity, in accordance with Policy SP10(4) of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013). These policies require development to protect, and where possible improve, the amenity of existing and future residents and building occupants, together with the amenity of the surrounding public realm.

#### Contaminated Land

- 8.184. The policy context is set by the National Planning Policy Framework (2012) and Policy DM30 of the Managing Development Document (2013). Specifically, Policy DM30 requires suitable site investigation and remediation schemes to be secured and agreed for development proposals on contaminated land or potentially contaminated land.
- 8.185. The proposals have been assessed by the LBTH Environmental Health (Contaminated Land) Officer, who raises no objections subject to the inclusion of a condition to secure a scheme to identify the extent of the contamination and detail the measures to be taken to avoid risk to the public, buildings and environment when the site is developed.

#### **IMPACT UPON LOCAL INFRASTRUCTURE / FACILITIES**

- 8.186. Policy SP13 of the Core Strategy (2010) seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's 'Planning Obligations' SPD sets out in more detail how these impacts can be assessed and appropriate mitigation.
- 8.187. The NPPF requires that planning obligations must be:
- (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and,
  - (c) Are fairly and reasonably related in scale and kind to the development.
- 8.188. Regulation 122 of the CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.
- 8.189. Securing appropriate planning contributions is further supported Policy SP13, which seeks to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 8.190. The current Planning Obligations SPD was adopted in 2012. A new version has been formed to better reflect the implementation of CIL and the needs of the borough in respect of planning obligations, which was subject to public consultation in April 2016.
- 8.191. The boroughs four main priorities remain:
- Affordable Housing
  - Employment, Skills, Training and Enterprise
  - Community Facilities
  - Education

8.192. The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

8.193. The applicant has agreed to the full financial contributions as set out in the Planning Obligations SPD in relation to:

- Enterprise and Employment Skills and Training;
- Carbon Offsetting; and,
- Monitoring.

8.194. The financial contributions offered by the applicant are summarised below:

- a) A contribution of £9,705.59 towards construction phase employment, skills, training and enterprise
  - b) A contribution of £33,468.39 towards end user phase employment, skills and training
  - c) A contribution of £23,724 towards carbon offsetting
  - d) A contribution of £137,799 towards Crossrail (off-set against Mayoral CIL)
  - e) £500 per clause towards monitoring
- Total financial contributions (excluding monitoring) = £194,995

8.228. The non-financial contributions offered by the applicant are summarised below:

- a) 20% local employment during the construction and operational phases
- b) 20% of procurement from local business during the construction phase
- c) 4 apprenticeships during construction phase
- d) Car and Permit Free Agreement
- e) Travel Plan
- f) Compliance with the Code of Construction Practice
- g) TV reception surveys and mitigation

8.195. These obligations are considered to meet the tests set out in guidance and the CIL regulations.

## **FINANCIAL CONSIDERATIONS**

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

8.196. Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:

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

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

- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

8.198. These are material planning considerations when determining planning applications or planning appeals.

8.199. As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and would be payable on this scheme. The approximate CIL contribution is estimated to be around £60,760.

8.200. The mechanism for contributions to be made payable towards Crossrail has been set out in the Mayor's Supplementary Planning Guidance (SPG) "Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy" (April 2013). The SPG states that contributions should be sought in respect of uplift in floorspace for A1 retail, B1 office and C1 hotel uses (with an uplift of at least 500sqm). The site lies within the Central London Crossrail charging area.

8.201. This application is also subject to the Borough's Community Infrastructure Levy, which came into force for application determined from 1st April 2015. This is a standard charge, based on the net floor space of the proposed development, the level of which is set in accordance with the Council's adopted CIL charging schedule. The estimated Borough CIL contribution for this development is approximately £410,605.

## **HUMAN RIGHTS CONSIDERATIONS**

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

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

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

- 8.204. This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 8.205. Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified.
- 8.206. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 8.207. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.208. As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 8.209. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

#### **EQUALITIES ACT CONSIDERATIONS**

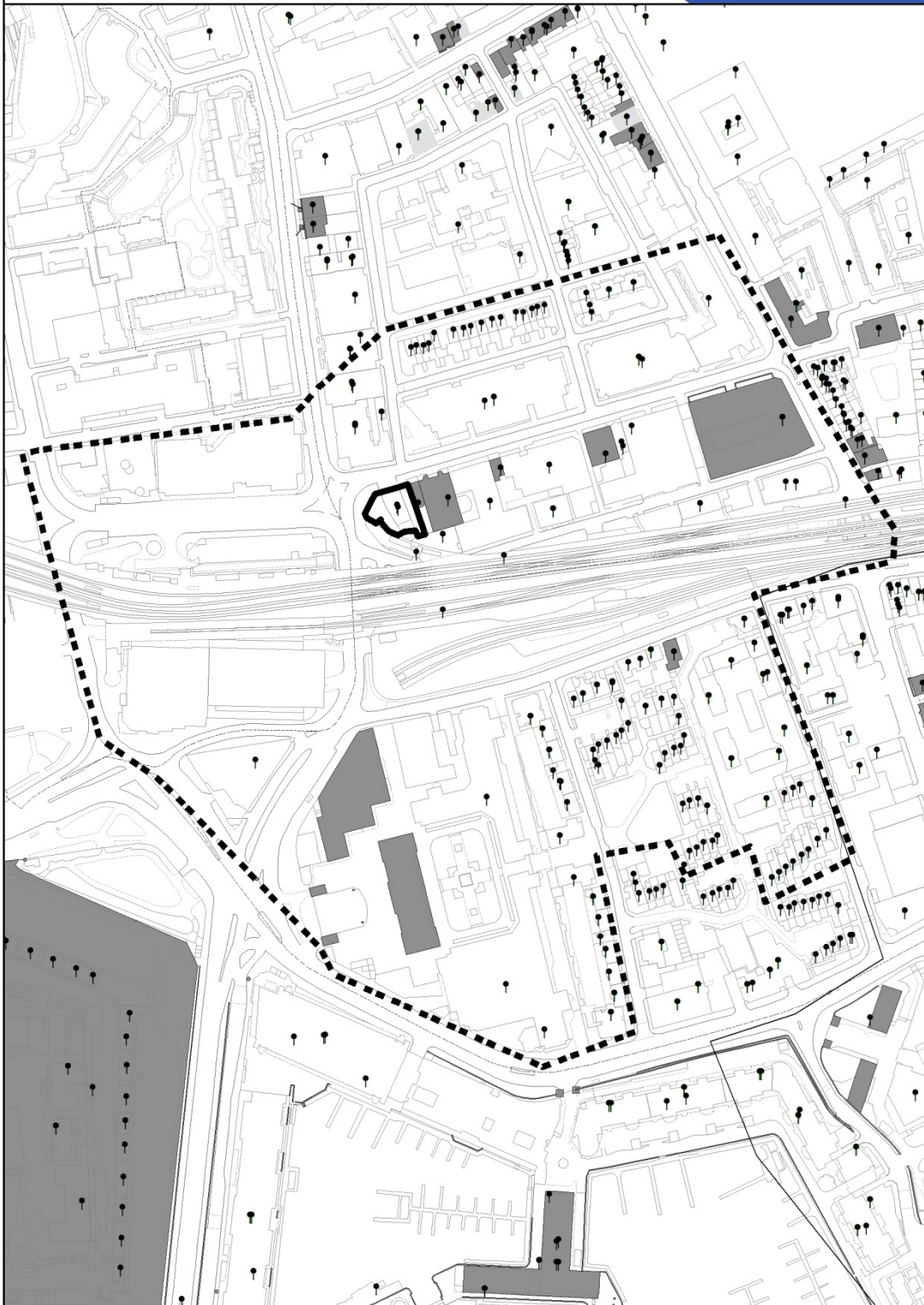
- 8.210. The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty, inter alia, when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
  3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.211. The requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 8.212. The proposed development allows for an inclusive and accessible development for less-able and able employees, visitors and workers. Conditions secure, inter alia, wheelchair accessible serviced apartments.

#### **9. Conclusion**

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



Planning Application Site Map  
PA/16/00757



Planning Application Site Boundary



Locally Listed Buildings



Land Parcel Address



Consultation Area



Statutory Listed Buildings

0 40 m



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