

STRATEGIC DEVELOPMENT COMMITTEE

Wednesday, 21 December 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 Helal Uddin, Councillor
Julia Dockerill, Councillor Gulam Robbani and Councillor Shafi Ahmed

Substitutes:

Councillor Amina Ali, Councillor Andrew Cregan, Councillor Muhammad Ansar
Mustaquim, Councillor John Pierce, Councillor Oliur Rahman, Councillor Chris Chapman,
Councillor Andrew Wood, Councillor Md. Maium Miah, Councillor Shah Alam and
Councillor Rabina Khan

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Monday, 19 December 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, 20
December 2016**

Contact for further enquiries:

Zoe Folley, Democratic Services,
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG
Tel: 020 7364 4877
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Web: <http://www.towerhamlets.gov.uk/committee>

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Public Information

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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.

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APOLOGIES FOR ABSENCE

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

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

2. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 5 - 6)

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

Agenda Order: Please note that it is intended that item 4.1 Sainsbury Foodstore, 1 Cambridge Heath Road, London, E1 (PA/15/00837) will be considered before item 3.1 Former Castle Wharf Esso Petrol Station, Leamouth Road, London, E14 0JG (PA/16/01763/A1)

**PAGE
NUMBER**

**WARD(S)
AFFECTED**

3. DEFERRED ITEMS

7 - 8

3.1 Former Castle Wharf Esso Petrol Station, Leamouth Road, London, E14 0JG (PA/16/01763/A1)

9 - 78

Poplar

Proposal:

Redevelopment of the former Service Station site with a residential led mixed use development, comprising residential units, together with 295 sqm of D1 floorspace, 81 sqm of flexible non-residential floorspace (Use Classes A1, A2, A3, B1, D1 and D2), 36 sqm café floorspace (Use Class A3), set across two main buildings including a 24 storey tower with stepped blocks of 20, 17, 11 and 8 storeys, linked by a 2 storey podium at ground level, with a single basement level, landscaping and associated amenities.

Recommendation:

That the Committee resolve to GRANT planning permission subject to any direction by the London Mayor, the prior completion of a legal agreement, conditions and informatives.

4. PLANNING APPLICATIONS FOR DECISION

79 - 80

**4 .1 Sainsbury Foodstore, 1 Cambridge Heath Road,
London, E1 (PA/15/00837)**

81 - 164

**Spitalfields
&
Banglatown**

Proposal:

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

Recommendation:

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

Next Meeting of the Strategic Development Committee

Thursday, 19 January 2017 at 7.00 p.m. to be held in Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

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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:-

Graham White, Acting Corporate Director of Law Probity 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"> • Three minutes for one objector speaking. • Six minutes for two objectors speaking. • Additional three minutes for any Committee and non Committee Councillor speaking in objection.
Members of the public in support	It shall be at the discretion of the applicant to allocate these supporting time slots.

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

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

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

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

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

What can be circulated?

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

How will the applications be considered?

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



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

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

How can I find out about a decision?

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

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

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

Agenda Item 3

Committee: Strategic Development	Date: 21 st December 2016	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Development and Renewal		Title: Deferred Items	
Originating Officer:		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

1.1 This report is submitted to advise the Committee of planning applications that have been considered at previous meetings and currently stand deferred. The following information and advice applies to them.

2. DEFERRED ITEMS

2.1 The following items are in this category:

Date deferred	Reference number	Location	Development	Reason for deferral
29 th November 2016	(PA/16/01763/A1)	Former Castle Wharf Esso Petrol Station, Leamouth Road, London, E14 0JG	Redevelopment of the former Service Station site with a residential-led mixed use development, comprising 338 residential units, together with 376 sqm of flexible non-residential floorspace (Use Classes A1, A2, A3, B1, D1 and D2), 36 sqm café floorspace (Use Class A3), set across two main buildings including a 24 storey tower with stepped blocks of 20, 17, 11 and 8 storeys, linked by a 2 storey podium at ground level, with a single basement level, landscaping and associated amenities	Formal Committee site visit

**LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 6**

Brief Description of background papers:
See Individual reports

Tick if copy supplied for register:
✓

Name and telephone no. of holder:
See Individual reports

3. CONSIDERATION OF DEFERRED ITEMS

- 3.1 The above deferred application is for consideration by the Committee. The original reports along with any update reports are attached.
- 3.2 Deferred applications may also be reported in the Addendum Update Report if they are ready to be reconsidered by the Committee. This report is available in the Council Chamber 30 minutes before the commencement of the meeting.

4. PUBLIC SPEAKING

- 4.1 As public speaking has already occurred when the Committee first considered these deferred items, the Council's Constitution does not allow a further opportunity for public speaking. The only exception to this is where a fresh report has been prepared and presented in the "Planning Applications for Decision" part of the agenda. This is generally where substantial new material is being reported to Committee and the recommendation is significantly altered.

5. RECOMMENDATION

- 5.1 That the Committee note the position relating to deferred items and to take any decisions recommended in the attached reports.

Agenda Item 3.1

Committee: Strategic Development Committee	Date: 21 st December 2016	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director of Development & Renewal		Title: Planning Application for Decision	
Case Officer: Zarndra Piper		Ref No: PA/16/01763	
		Ward: Poplar	

1. APPLICATION DETAILS

Location: Former Castle Wharf Esso Petrol Station, Leamouth Road, London, E14 0JG

Existing Use: Vacant

Proposal: Redevelopment of the former Service Station site with a residential led mixed use development, comprising residential units, together with 295 sqm of D1 floorspace, 81 sqm of flexible non-residential floorspace (Use Classes A1, A2, A3, B1, D1 and D2), 36 sqm café floorspace (Use Class A3), set across two main buildings including a 24 storey tower with stepped blocks of 20, 17, 11 and 8 storeys, linked by a 2 storey podium at ground level, with a single basement level, landscaping and associated amenities.

Amended plans: 101 A, 112 C, 108 C, 113 A, 109 C, 114 A, 110 C, 100 C, 111 C

2. BACKGROUND

2.1 This application for planning permission was considered by the Strategic Development Committee on 29 November 2016. A copy of the original report is appended.

2.2 Members resolved to DEFER the application to the next committee to enable Members to carry out a detailed site visit.

2.3 The Committee also asked for further information regarding:

- Primary schools and health care provision in the area
- Developments with child play space on the roof top

2.4 A site visit was conducted on 09 December 2016.

2.5 Following on from the committee meeting LBTH Public Health, and Education Services have been consulted for their views in relation to social infrastructure. The Greater London Authority have been asked for further information relating to infrastructure provision in the Isle of Dogs and South Poplar OAPF area.

2.6 The Applicant has also conducted a local infrastructure study, to identify the locations and capacity of community infrastructure, including schools and health care facilities. Additionally, the Applicant has submitted amended plans that relocate all child play space to the ground floor level and allocated 295 sqm of the

non-residential floor space located within unit 1, to a Class D1 use. The description of the proposed development has been amended accordingly.

3. CONSULTATION UPDATE

LBTH Education Development

- 3.1 The projections of need for more primary school places take account of anticipated development sites. The nearest schools to this site have already been expanded to provide more places (Culloden and Woolmore Schools). There is a proposal for a new primary school at the former Bromley Hall School site (Ailsa Street) although this does not have a proposed opening date. A new primary school at Wood Wharf is programmed for 2021.
- 3.2 In the short to medium term there is excess capacity in primary schools due to fluctuations in the birth rate.

LBTH Public Health

- 3.3 The nearest current practice is the Aberfeldy practice. Currently this has no spare capacity, however permission was recently granted to use temporary 'porta cabin' accommodation on the current site to provide additional short term capacity.
- 3.4 In the medium term a new practice is planned for the Aberfeldy estate as part of the estate re-development. This is currently anticipated to open in 2019 and have capacity to serve a list size of about 15-16000 compared to the existing list size of about 6600, representing a significant increase in capacity.

GLA

- 3.5 A Development Infrastructure Funding Study (DIF) has been commissioned, however will not be returning findings until March/April.

4. LOCAL INFRASTRUCTURE STUDY

- 4.1 The applicant has provided a local infrastructure study, to identify the locations and, wherever possible, capacity of community infrastructure facilities that future residents of the proposed development might use.

5. POPULATION & AGE STRUCTURE

- 5.1 Figures from the 2011 Census found that LB Tower Hamlets has a population of 254,096. Table 2.2 below, summarises the age profile at Borough, Regional and National Levels.
- 5.2 LB Tower Hamlets has a significantly higher proportion of people aged between 16 and 44 than the wider London area and England as a whole. The mean age in the borough is 30.9, compared to 35.6 for London and 39.3 for England.

Age	Tower Hamlets	London	England
0-15	50,143 (19.7%)	1,624,768 (19.9%)	10,022,836 (18.9%)
16-24	42,781 (16.8%)	1,008,032 (12.3%)	6,284,760 (11.9%)
25-44	110,402 (43.4%)	2,903,920 (35.5%)	14,595,152 (27.5%)
45-64	35,200 (13.8%)	1,732,472 (21.2%)	13,449,179 (25.4%)
65+	15,570 (5.1%)	904,749 (11.1%)	8,660,529 (16.3%)
Total	254,096	8,173,941	53,012,456

Table 2.2 Population Age Structure

5.3 The population and child yield of the proposed development is important to consider as it has the potential to impact upon the local economy and the provision of key services, such as schools and health care.

5.4 The accommodation mix for the proposed development will accommodate an estimated population of 624 people.

Accommodation Type	Social Rent	Intermediate	Private	Total
Studio	0	0	0	0
1 Bed Flat	23.75	34.8	261.66	320.21
2 Bed Flat	19.36	24.78	72.96	117.1
3 Bed Flat	63.84	0	54.2	118.04
4 Bed Flat	68.64	0	0	68.64
Total	175.59	59.58	388.82	623.99

Table 2.3 Population Yield of the Proposed Development

5.5 It is generally accepted that new developments attract young families and generate a greater proportion of young children compared to average statistics for existing, established households. The number of children generated from a new development has the potential to impact upon areas such as education provision and play space within the local area, and as such, it is important that the child yield of any new development is considered in the context of the current capacity of the local area.

5.6 Using the multipliers as outlined in the GLA SPG, the total projected Child Yield of the proposed development is 106 Children, as shown in Table 2.4.

Results	Social rented/Affordable	Intermediate	Private	Total
Child 0-4	26	1	7	34
Child 5-10	32	0	3	35
Child 11-15	26	0	1	27
Child 16-18	8	0	2	10
Total	93	2	12	106

Source: GLA SPG Play Space Requirement Calculator Tool

Table 2.4 Projected Child Yield of Proposed Development

6. LOCAL COMMUNITY INFRASTRUCTURE

Primary Health Care Facilities - GPs

- 6.1 NHS Choices is the national database for primary healthcare services. In March 2015, the database stated that the National average number of Full Time Equivalent (FTE) GPs per 1,000 patients was 0.58. Using the NHS Choices database, 27 GP practices have been identified within a 1.5 mile radius of the application site.
- 6.2 Of the 27 GP Practices identified, 15 are currently operating at a capacity in line with or above the national average of 0.58 GPs per 1,000 patients. In addition to this, 26 out of 27 identified GP practices currently have capacity and are accepting new patients.
- 6.3 Eight practices are within one mile of the site, all have GP to patient ratios exceeding the national average and all are accepting new patients.

Hospitals & Urgent Care Units

- 6.4 The NHS Choices database has identified 13 hospitals and urgent care units within a 3 mile radius of the application site. One of these facilities also includes an A&E.

Dentist Surgeries

- 6.5 The NHS Choices database identifies 17 dental practices within 1.5 miles of the proposed development. Capacity data was not available for all the surgeries identified. 12 of the identified surgeries are confirmed to be accepting new NHS fee paying patients, and 16 are accepting new charge-exempt patients. Of these six would be within one mile of the site and all are accepting charge-free patients, half are accepting NHS fee paying patients.

Conclusion

- 6.6 The current provision of primary health care facilities within the local area is sustaining the demand from the current population. Further to this, it is considered that there is the capacity to sustain the potential projected population of the proposed development, including the scenario of the GLA SPG projected Yield of 106 children.

7. EDUCATION FACILITIES

- 7.1 The Department for Education (DFE) 2014 New Home to School Travel & Transport Guidance, states the statutory walking distances to school for children are; 2 miles for children under the age of 8; and 3 miles for children over the age of 8.
- 7.2 The assessment has considered Crèches and Nurseries, and Primary Schools within 1.5 miles of the proposed development, which is in greater proximity than the statutory walking distance, as well as Secondary Schools within 3 miles. Where a high number of facilities were identified only the capacity of facilities within a smaller radius was investigated in more detail.

Crèches & Nurseries

- 7.3 Using the national online childcare database, Childcare.co.uk, 14 crèches and nurseries have been identified within a 1.5 mile radius of the application site.
- 7.4 Due to the high number of crèches and nurseries within a 1.5 mile radius, the report investigates the capacity facilities within a 1 mile radius of the site. Since no capacity data was available, data was collected in a short telephone interview with the individual nurseries carried out on 8th December 2016. 5 of the nurseries in the 1 mile radius had a total of 45 vacancies, which exceeds the projected child yield of 34 children of nursery age.
- 7.5 Therefore, it is evident that the provision of crèches and nurseries is currently sustaining the local demand, and there is available capacity to accommodate more than the GLA SPG Child Yield.

Primary Schools

- 7.6 The Directgov School Finder online database has identified 42 schools accepting children of Primary School age (Range 5-11 years) within a 1.5 mile radius of the application site.
- 7.7 The Education Funding Agency (EFA), reports on capacity data for schools across England. The latest data release was for the academic year of 2014 to 2015. Using this dataset, 39 Primary Schools had recorded capacity data, of which 20 were above the government recommended 5% surplus capacity target.
- 7.8 There were 7 Primary Schools recorded to have a capacity of 0%, or oversubscribed.
- 7.9 Four Primary Schools were either private/independent, special or pupil referral schools and therefore did not have capacity data recorded within the dataset.

Secondary Schools

- 7.10 The provision of Secondary Schools within a 3 mile radius of the proposed development has been considered as this is deemed a reasonable distance for Secondary School pupils to travel to school.
- 7.11 The Directgov School Finder online database has identified 21 schools accepting children of Secondary School age (Range 11-16 years) within a 3-mile radius of the application site. It should be noted that some of the schools also accept children below and above this age range. These schools include state funded secondary schools, academies and free schools plus private schools.
- 7.12 The Education Funding Agency (EFA), reports on capacity data for schools across England. The latest data release was for the academic year of 2014 to 2015. Using this dataset, 14 Secondary Schools had capacity; 11 schools were above the government recommended 5% surplus capacity target and 5 were below.
- 7.13 There were 3 Secondary Schools recorded to have a capacity of 0%, or oversubscribed. 4 Secondary Schools were either private/independent, special or pupil referral schools and therefore did not have capacity data recorded within the dataset. Planning permission has been granted for a new secondary school at Westferry Print Works in line with the current Local Plan site allocation.

- 7.14 The applicant has provided additional survey information on the availability of adult education provision, community centres and places of worship.
- 7.15 The baseline research review, has identified 6 adult education learning centres within a 2 mile radius of the application site. In addition to this, there are numerous 'Idea stores', libraries that also offer a wide range of educational courses and other community activities.

Conclusion

- 7.16 The baseline assessment has identified the current provision of education facilities within the local area is sustaining the demand from the current population. Further to this, it is considered that there is the capacity to sustain the potential projected population of the proposed development, including the scenario of the GLA SPG predicted Child Yield of 106 children.

8. CHILD PLAY SPACE

- 8.1 Previously, members raised concerns regarding the location of child play space on the roof top. Subsequently, all of the communal open space has been removed from ground level and relocated to roof level. This allows all of the child play space to be designated at ground floor level. In total, 1082 sqm of child play space would be provided, which exceeds GLA's requirement of 1,064 sqm.
- 8.2 The space would comprise of a range of different play facilities to meet the needs of different age groups, including a pavilion/viewing platform which provides shelter, social meeting space, and a view over the river to the ecology park and City Island beyond. Specific areas within the play space would be allocated for different age groups. The detailed design of the play spaces would be secured through a planning condition.
- 8.3 A total of 673 sqm of communal open space would be provided which also exceeds the GLA's requirement of 378sqm.
- 8.4 The roof gardens would be sheltered by a high, visually permeable parapet and overhead shrubs to provide shade and wind protection. The arrangement of spaces would optimise key views toward the river, ecology park and City Island and to the south toward the O2 and Greenwich Peninsula.

9. ON-SITE COMMUNITY USE

In order to provide an additional community use to support the local area, the applicant has revised the scheme, allocating 295 sqm of the non-residential floor space located within unit 1, to a Class D1 use class (this includes health, community and education uses).

10. RECOMMENDATION

- 10.1 Officers' original recommendation to **GRANT** planning permission remains unchanged.

Committee: Strategic Development Committee	Date: 29 November 2016	Classification: Unrestricted
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Zarndra Piper	Ref No: PA/16/01763/A1
	Ward: Poplar

1.0 APPLICATION DETAILS

Location: Former Castle Wharf Esso Petrol Station, Leamouth Road, London, E14 0JG

Existing Use: Vacant

Proposal: Redevelopment of the former Service Station site with a residential-led mixed use development, comprising 338 residential units, together with 376 sqm of flexible non-residential floorspace (Use Classes A1, A2, A3, B1, D1 and D2), 36 sqm café floorspace (Use Class A3), set across two main buildings including a 24 storey tower with stepped blocks of 20, 17, 11 and 8 storeys, linked by a 2 storey podium at ground level, with a single basement level, landscaping and associated amenities

Drawings: PL099 A, PL100 A, PL101 A1, PL102 C, PL103 C, PL104 C, PL105 C, PL106 C, PL107 C, PL108 B, PL109 B, PL110 B, PL111 B, PL112 B, PL113, PL114, PL120, PL001, PL002, PL150, PL151, PL152, PL153, PL154, PL200, PL201 B, PL202 B, PL203 B, PL204 B, PL205 B, PL210 A, PL211 A, PL212 A, PL213 A, PL301, PL302, PL303, PL304, PL305, PL306, PL307, PL308, PL309.

Documents:

- Design & Access Statement (including refuse and lighting strategy) prepared by BUJ Architects
- Statement of Community Involvement, prepared by Four Communications
- Townscape, Heritage & Visual Impact Assessment prepared by Heritage Architecture
- Daylight & Sunlight Assessment prepared by GVA Schatunwski Brooks
- Landscape Design Report, prepared by Outerspace
- Transport Assessment and Travel Plan, prepared by Cole Easdon
- Energy Statement, prepared by Metropolis Green
- Sustainability Statement, prepared by Metropolis Green

- Air Quality Assessment, prepared by Air Quality Consultants
- Dust Assessment, prepared by Air Quality Consultants
- Ecology Report, prepared by ACD Ecology
- Flood Risk Assessment, prepared by Cole Easdon
- Land Contamination Report, prepared by Parsons Brinckerhoff
- Archaeological Desk Based Assessment, prepared by CgMs
- Wind Assessment, prepared by BMT Fluid Mechanics
- Acoustic Report, prepared by Bickerdiike Allen Partners
- Aeronautical Safeguarding Assessment, prepared by Eddowes Aviation Safety
- Construction Logistics plan, prepared by O'Shea
- Arboricultural Assessment, prepared by Landmark Trees
- Infrastructure Services Report, prepared by Cole Easdon
- Financial Viability Report, prepared by James R Brown

Applicant: Galliard Homes Ltd

Freeholder: GLA Land and Property Ltd

Historic Assets: Site is partially located on:

- The Grade II Listed Entrance Gateway to the former Blackwall Goods Yard

2.0 EXECUTIVE SUMMARY

- 2.1 The proposal seeks a comprehensive redevelopment of the site including a change of use from former sui generis (Petrol filling station) to C3 Residential. The redevelopment is proposed as a high-density residential-led scheme.
- 2.2 The application proposes 338 residential units, of which 35.4% is affordable housing by habitable room. A total of 376sqm of flexible, commercial floor space (within use class A1, A2, A3, B1, D1, and D2) is proposed at ground floor, as well as 36sqm of café floorspace (Use Class A3) set across two main buildings including a 24 storey tower and a stepped building from 8 to 20 storeys, linked by a 2 storey podium at ground level, with landscaping and associated amenities.
- 2.3 The proposed development will also be supported by 472 secure bicycle parking spaces, 33 x blue badge parking spaces, 2 x zip car parking spaces, a new basement for parking and plant, a new landscaped courtyard space and communal roof terraces at levels 9, 12, 15 and 18.
- 2.4 In the immediate vicinity of the site, there is currently considerable investment being made from new developments that are contributing to the regeneration of this area. The proposed development will positively contribute to this process through the delivery of a significant numbers of new homes, together with new employment opportunities and environmental improvements through new green spaces.

- 2.5 Whilst the previous lawful use as a petrol filling station (sui generis) was an employment generating use, the site was underutilised in its previous use and is now currently vacant.
- 2.6 The site falls within the Lower Lea Valley and Isle of Dogs Opportunity Areas, with the latter identifying a minimum of 10,000 new homes and 110,000 jobs over the London Plan period to 2036. The site is also within the Poplar Riverside Housing Zone which seeks to accelerate the delivery of 6,404 new homes.
- 2.7 The replacement with a high quality mixed use residential led development, within the housing zone is considered to optimise the use of the land and as such, to be in accordance with the aspirations of the development plan policies.
- 2.8 The development would provide a suitable mix of housing types and tenure including an acceptable provision of affordable housing (35.4% affordable housing of which 33% is shared ownership and 67% rented accommodation based on habitable rooms. Taking into account the viability of the site the development is maximising the affordable housing potential of the scheme.
- 2.9 The residential quality of the scheme would be high. Out of the 59 affordable rented units 54% would be of a size suitable for families. All of the proposed affordable units would meet or exceed the floorspace and layout standards with family sized units being more spacious. All of the dwellings would meet the Building Regulations 2010 (as amended) optional requirement M4(2) 'accessible and adaptable' and 10% would be provided as wheelchair accessible.
- 2.10 In terms of design, through a series of amendments negotiated by the Local Planning Authority and the GLA, the scheme is now considered to sit comfortably within the townscape. Internal and external amenity is considered to be of an acceptable standard and the development delivers a high quality public realm.
- 2.11 By virtue of the site's location in relation to commercial uses, and separation distances to nearest residential uses, the proposed development is not considered to have any unduly detrimental impacts on the amenity of surrounding uses.
- 2.12 The report explains that the proposals would be acceptable in terms of height, scale, design and appearance, would deliver good quality homes in a sustainable location and would enhance the setting of the Grade II listed Entrance Gateway. The proposed flats would all be served by private balconies and terraces that meet or exceed minimum London Plan SPG space requirements.
- 2.13 The proposal would be acceptable with regard to highway and transportation matters including parking, access and servicing.
- 2.14 The scheme would meet the full financial and non-financial contributions, in the line with the Councils adopted Planning Obligations SPD.
- 2.15 Subject to the recommended conditions and obligations, the proposal would constitute sustainable development in accordance with the National Planning Policy Framework. The application is in accordance with the provisions of the Development Plan and there are no other material considerations which would indicate that it should be refused.

3.0 RECOMMENDATION

- 3.1 That the Committee resolve to GRANT planning permission subject to:
- a) Any direction by the London Mayor
 - b) The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following planning obligations:
- 3.2 Financial Obligations:
- a) A contribution of £98,596 towards employment, skills, training for construction job opportunities
 - b) A contribution of £11,220 towards employment, skills, training for unemployed residents
 - c) A Carbon offsetting contribution of £37,440.00
 - d) £2500 towards monitoring fee (£500 per s106 HoT's)
- Total £149,756**
- 3.3 Non-financial Obligations:
- a) Affordable housing 35.4% by habitable room (303 habitable rooms)
 - 67% Affordable Rent at Borough affordable rental levels (59 units)
 - 33% Intermediate Shared Ownership (43 units)
 - b) Affordable housing review mechanism if the development does not commence within 2 years.
 - c) Access to employment
 - 20% Local Procurement
 - 20% Local Labour in Construction
 - 14 apprenticeship
 - d) Car free agreement
 - e) S278 agreement to the surrounding highway including public realm works
 - f) Residential travel plan
 - g) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal
- 3.4 That the Corporate Director, Development & Renewal is delegated authority to negotiate and approve the legal agreement indicated above.
- 3.5 That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:
- 3.6 **Conditions:**
- Compliance
- 1. Compliance with approved plans
 - 2. 3 year time limit for implementation
 - 3. Car and cycle parking facilities to be retained for the lifetime of the development

Pre-commencement

4. Archaeology - written scheme of investigation
5. Land contamination

Pre-commencement (other than demolition of the remaining substructure, backfilling and construction of a below grade guide wall, capping beam and excavation of service trenches)

6. Construction Management Plan including working hours, control of dust, air pollution and noise pollution, measures to minimise impact on adjoining residential and commercial occupiers.
7. Crane operation plan
8. Detailed drawings and samples of all external materials including 1:1 mock-up of typical section of elevation
9. Landscaping and public realm (including the following):
 - a) Soft landscaping
 - b) Biodiversity improvement measures
 - c) Hard landscaping
 - d) Street furniture
 - e) Play equipment
 - f) Signage
 - g) Lighting to public realm including lighting spill drawings
 - h) CCTV and security measures
 - i) Visitor cycle parking
 - j) Wind mitigation measures
 - k) Ground levels & thresholds – inclusive access
10. Details of communal areas & roof gardens:
 - a) Access routes
 - b) Play equipment
 - c) Finishes and surfaces
 - d) Planting
 - e) Lighting
11. Security & access control measures
12. Details of surface water drainage & SUDs
13. Details of internal cycle parking
14. Details of wheelchair accessible and adaptable units
15. Details of all mechanical equipment including ventilation to residential units and details of noise insulation to residential units
16. Details of wintergardens
17. Details of lighting
18. Water supply infrastructure capacity study
19. Secured by Design
20. Jersey Cudweed – Precautionary site survey
22. 33 blue badge parking spaces for the 10% wheelchair accessible housing

Pre-occupation

24. Parking Management Plan
25. Energy efficiency measures (blinds, air-conditioning controls, resident guidance)
26. Waste Management Plan and Delivery & Servicing Plan
27. Travel Plan
28. Scheme to maximise active shopfronts details of signage
29. Details of opening hours for any commercial units
30. Energy strategy to deliver 40% reductions in CO2 emissions and CHP system
31. 2 x zip car spaces
32. Electric vehicle charging points

Informatives

1. Thames Water
 2. Environmental Health – Noise & Vibration
 3. Subject to a S106 agreement
 4. CIL
 5. Subject to a S278 agreement (Highways improvements)
 6. Infrastructure protection agreement
- 3.7 Any other conditions considered necessary by the Corporate Director Development & Renewal.

4.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1 The site (0.36Ha) was a former petrol filling station that was recently demolished (late 2015/early 2016). The site is bounded by Leamouth Road to the west, Leamouth Road roundabout to the south and by Silvocea Way to the east. Silvocea Way provides direct access to a LBTH owned vehicle depot and MOT station, which is located directly to the north of the site. This site is used to store refuse and recycling vehicles and some school buses.
- 4.2 Beyond Silvocea Way are the River Lea and the Bow Creek Ecology Park. Silvocea Way and Leamouth Road are connected by a strip of land that acts as a private road, which runs along the northern boundary of the site, however this land is owned by LBTH and is contained within the boundary of the vehicle depot station.
- 4.3 The site is located immediately adjacent to the Leamouth Roundabout to the south, which forms a junction between the A1261 Aspen Way, the Lower Lea Crossing and the A1020 Leamouth Road. The A1261 to the south west of the site and the A13 East India Dock Road to the north both form part of the Transport for London Road Network (TLRN), and are accessed by the roundabout.
- 4.4 The following aerial shows the application site (with the former petrol station) and surrounding locality. Not shown is the recently completed data centre to the west of the site.



Figure 1 – Site location plan

- 4.5 The East India Docklands Railway (DLR) station is located approximately 450m to the south west of the site, which provides links to Tower Gateway and Bank station to the west, Canning Town, London City Airport and Beckton to the east. The nearby bus stops are located on East India Dock Road and Saffron Avenue and these stops are served by buses on routes D3, 115, N15, N550 and N551.
- 4.6 The site is also served by the Mayors Cycle Hire Scheme with the nearest docking station located at East India DLR approximately 450m south of the site providing 51 spaces. Cycle super highway route 3 (CS3) between Barking and Tower Gateway also passes along the A13 and Leamouth Road within close proximity to the site. The following plan shows the site in relation to these transport nodes.



Figure 2 – The site in proximity to public transport

- 4.7 As such, it has been estimated that the site has good Public Transport Accessibility Level (PTAL) of 4, on a scale of 1 to 6, where 1 is very poor. The walking distance between the site and Canning Town Station (DLR/Jubilee Line) has been improved

following the opening of the footbridge currently being delivered as part of the London City Island (Leamouth North) development on Leamouth Peninsula.

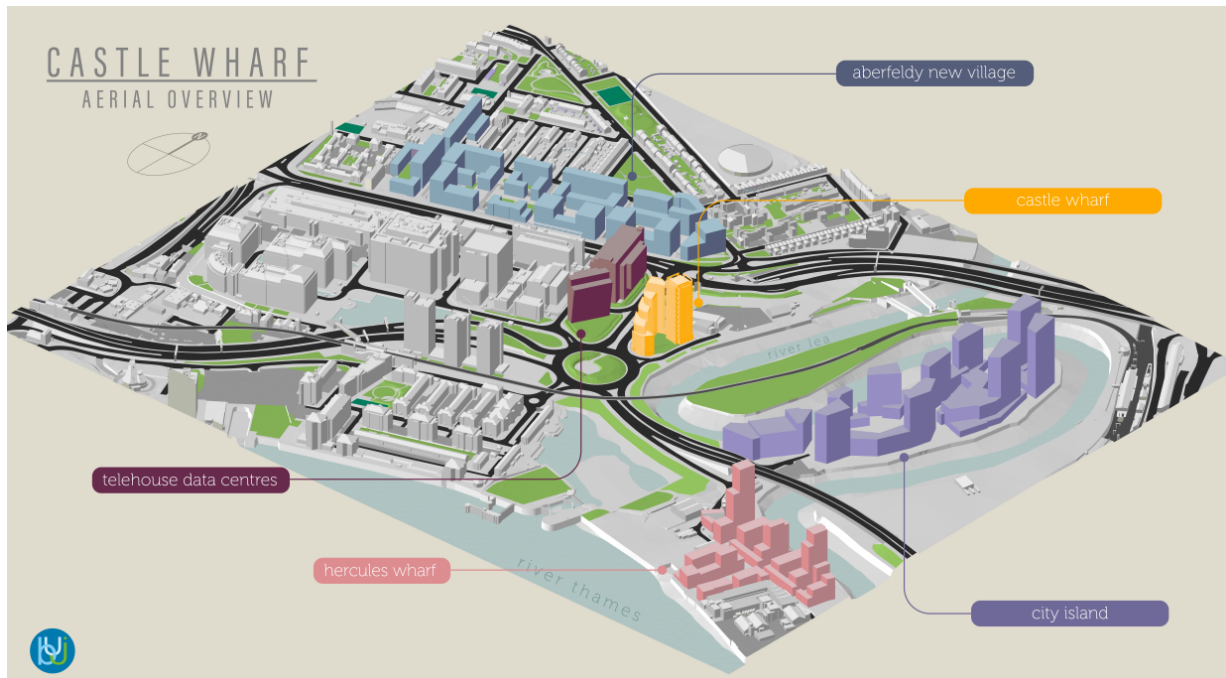
- 4.8 The Grade II Listed entrance Gateway to the former Blackwall Goods Yard is a notable heritage feature of the area. The entrance gateway is early Egyptian revival style and was moved some 12 feet to the east of its original position to allow for the widening of Leamouth Road in 1993. To the west of the site, in the central reservation of Leamouth Road, is the Grade II Listed East India Dock Wall and Gateway.
- 4.9 The site falls within the Lower Lea Valley and Isle of Dogs Opportunity Areas, with the latter identifying a minimum of 10,000 new homes and 110,000 jobs over the London Plan period to 2036. The site is also within the Poplar Riverside Housing Zone which seeks to accelerate the delivery of 6,404 new homes through £78m worth of funding from the GLA to be delivered in two phases.
- 4.10 £52m has been earmarked through an Overarching Borough Agreement with the GLA for phase one which will be drawn down in the next three years and will deliver funding for 10 identified sites. This proposal does not form part of this phase, but rather is in phase two which sees £26m as an outline commitment not yet funded in the GLA's programme. It is proposed to deliver 1300 affordable homes within Phase 2 without GLA grant through the use of planning powers and other resources available to the borough such as Right to Buy receipts.
- 4.11 The application site is also subject to the following designations:
- Flood zones 2 and 3
 - Aviation safeguarding areas
 - Railway safeguarding (within 200m of East West Crossrail)
 - Archaeological priority zone
 - Potentially contaminated land
 - CIL residential zone 2.

Background and Planning History

- 4.12 PA/16/00184 - Request for Screening Opinion as to whether an EIA is required in respect of an application for 2 blocks, generally arranged around the northern and western (Leamouth Road) boundaries of the site. The applicant was advised the development did not fall within the scope of an Environmental Impact Assessment application 29/01/2016.
- 4.13 The immediate area surrounding the site is undergoing significant redevelopment. There are several notable planning applications that are relevant to the site and surrounding context.
- A) A planning application at Telehouse far East, Sites 6 to 8, Oregon Drive, was granted in October 2014 for the erection of a new 10 storey (66m in height) data centre building comprising approximately 24,370 sqm of floor space and associated works; together with the erection of a new 12 storey office development (65m in height) comprising approximately 13,280 sqm of floorspace and other associated works (Ref: PA/14/00074).
 - B) To the east of the site is Leamouth Peninsula, which was granted outline planning permission for a residential led masterplan for up to 1,706 units in various buildings ranging in height from 3 to 27 storeys (PA/10/01864).

- C) To the north west of the site, planning permission was granted for a development of up to 1,176 units for 'Aberfeldy New Village' in various buildings up to 10 storeys in height (Ref: PA/11/02716).

4.14 The following image has been provided by the applicant to show the proposal and its proximity to consented and implemented schemes.



Proposal

4.15 The proposal seeks planning permission for the construction of a residential-led mixed use development comprising:

- 2 main buildings, a 24 storey tower and stepped blocks of 8, 11, 17 and 20 storeys linked by a two storey podium at ground level.
- 338 residential units
- 376sqm of flexible, non-residential floorspace (Use Class A1, A2, A3, B1, D1, and D2)
- 36 sqm café floorspace (Use Class A3)
- 472 secure bicycle parking spaces
- 33 car parking spaces
- 2 ZipCar parking spaces
- A new basement for parking and plant
- A new landscaped courtyard and amenity space
- Communal roof terrace at levels 9, 12, 15 and 18.



Looking North-East

CGI – View looking north-east

4.16 The following mix of units would be provided:

Tenure	1 Bed	2 Bed	3 Bed	4 Bed+	Total
Market (Private)	178	38	20	0	236
Intermediate	29	14	0	0	43
Affordable Rented	19	8	19	13	59
Total	226	60	39	13	338

4.17 The proposed development includes 35.4% affordable housing on a habitable room basis.

5.0 POLICY FRAMEWORK

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.

5.1 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:

5.2 Government Planning Policy

National Planning Policy Framework 2012
National Planning Policy Guidance

5.3 London Plan 2016

- 2.9 - Inner London
- 2.14 - Areas for regeneration
- 2.18 - Green infrastructure: the network of open and green spaces
- 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
- 3.13 - Affordable housing thresholds
- 4.12 - Improving opportunities for all
- 5.1 - Climate change mitigation
- 5.2 - Minimising carbon dioxide emissions
- 5.3 - Sustainable design and construction
- 5.5 - Decentralised energy networks
- 5.6 - Decentralised energy in development proposals
- 5.7 - Renewable energy
- 5.8 - Innovative energy technologies
- 5.9 - Overheating and cooling
- 5.10 - Urban greening
- 5.11 - Green roofs and development site environs
- 5.12 - Flood risk management
- 5.13 - Sustainable drainage
- 5.14 - Water quality and wastewater infrastructure
- 5.15 - Water use and supplies
- 5.18 - Construction, excavation and demolition waste
- 5.21 - Contaminated land
- 6.3 - Assessing effects of development on transport capacity
- 6.9 - Cycling
- 6.10 - Walking
- 6.13 - Parking
- 7.1 - Building London's neighbourhoods and communities
- 7.2 - An inclusive environment
- 7.3 - Designing out crime
- 7.4 - Local character
- 7.5 - Public realm
- 7.6 - Architecture
- 7.7 - Location and design of tall and large buildings
- 7.8 - Heritage assets and archaeology
- 7.13 - 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

5.4 **Core Strategy 2010**

- SP01 - Town Centre Activity
- SP02 - Urban living for everyone
- SP03 - Creating healthy and liveable neighbourhoods
- SP04 - Creating a green and blue grid
- SP05 - Dealing with waste
- 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**

- 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 environments
- DM29 - Achieving a zero-carbon borough and addressing climate change
- DM30 - Contaminated Land

5.6 **Supplementary Planning Guidance/Documents and Other Documents**

- Planning Obligations SPD (LBTH 2016)
- Tall Building Advice Note (Historic England 2015)
- The Setting of Heritage Assets Good Practice Advice (Historic England 2015)
- Use of Planning Obligations in the Funding of Crossrail SPG (GLA 2013)
- Town Centres SPG (GLA 2014)
- Control of Dust and Emissions during Construction and Demolition SPG (GLA 2014)
- Accessible London: Achieving an Inclusive Environment SPG (GLA 2014)
- Sustainable Design and Construction SPG (GLA 2013)
- Housing SPG (GLA 2016)
- Shaping neighbourhoods: character and context SPG (GLA 2014)
- Shaping neighbourhoods: play and informal recreation (GLA 2012)
- London View Management Framework (GLA 2012)
- Site Layout Planning for Daylight and Sunlight (BRE 2011)
- Consultation on proposed changes to national planning policy (DCLG 2015)

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. The responses are summarised below.

LBTH Environmental Health – Contamination

- 6.3 Development of the site shall not begin until a scheme has been submitted to the local planning authority and written approval has been granted for the scheme. The scheme will identify the extent of the contamination and the measures to be taken to avoid risk to the public, buildings and environment when the site is developed.

[Officer comment: The requested condition has been included.]

LBTH Environmental Health – Air quality

- 6.4 The Air Quality Assessment shows that the annual NO₂ objective may be exceeded in parts of the development in the opening year. Mitigation must be provided to all facades shown to be nearing or exceeding the objective. This should be included as a condition.

- 6.5 The construction assessment shows that the development is a medium risk site in regards to dust emissions. Appropriate mitigation for such a site must be included in a CEPM to be submitted to the council prior to commencement.

[Officer comment: The requested condition has been included.]

LBTH Transportation & Highways

- 6.6 CAR PARKING: Transport and Highways welcome the proposal to make it car and permit free development. Therefore, Transport and Highways require a section 106 'car and permit' free agreement for this development.

- 6.7 Transport and Highways welcome the proposal to provide of 33 disabled parking bays within the site. The disabled bays shall be retained and maintained for this purpose for the life of the development. This should be ensured by way of a condition.

- 6.8 Transport and Highways require a car parking management plan to ensure only the residents use disabled bays.

- 6.9 CYCLE SPACES: The applicant is required to provide design specification of the cycle stands and the dimension of the cycle stores.

- 6.10 TRIP GENERATION: Transport and Highways agree with the applicant that proposed development will attract fewer vehicular trips to and from the site.

- 6.11 CONSTRUCTION MANAGEMENT PLAN: The applicant has submitted a construction management plan along with the full planning application. Transport and Highways welcome the approach; however, Transport and Highways require that the CMP is secured through a condition.

- 6.12 TRAVEL PLAN: The applicant is required to submit a detailed Travel Plan, this should be secured by condition.

- 6.13 HIGHWAYS IMPROVEMENT WORK: Transport and Highways require that a condition is attached to any permission that no development should start until Highways has approved in writing the scheme of highway improvements necessary to serve this development.

[Officer comment: The requested conditions, S106 agreement and S278 highways improvements have been included.]

LBTH Open space & Tree Officer

- 6.14 The removal of the Horse Chestnut trees in the car park to the north of the site is regrettable, these trees have suffered both impact damage and soil compaction from the use of the site as a car park. Replacement planting can provide effective mitigation. A condition is recommended requiring the approval of a detailed planting scheme.

[Officer comment: The requested condition has been included.]

LBTH Biodiversity

- 6.15 The site is of little biodiversity value, however the submitted Biodiversity Report does not identify Jersey Cudweed, a plant protected under Schedule 8 of the Wildlife & Countryside Act. There is a large colony of this species close to the application site, along the verge of Silvocea Way, and it could spread onto the application site. As this is an annual plant, which could colonise the site at any time, it is appropriate to deal with this via a condition for a precautionary survey prior to commencement of work.
- 6.16 The proposals include two areas of biodiverse roof, extensive use of nectar-rich flowers which will benefit bumblebees and other pollinators, bird and bat boxes and log piles, all of which will contribute to LBAP objectives. It is recommended that full details are submitted for approval.

[Officer comment: The requested conditions have been included.]

LBTH Energy & Sustainability

- 6.17 The current proposals have sought to implement energy efficiency measures and renewable energy technologies to deliver a 40% reduction CO2 emission reductions.
- 6.18 Whilst this the CO2 emission reduction on-site fall short of the LBTH target, should the shortfall be met through a carbon offsetting contribution, the proposals would be considered in accordance with adopted policies for emission reductions.
- 6.19 It is recommended that the proposals are secured through appropriate conditions and planning contributions to deliver:
- Energy strategy to deliver 40% reductions in CO2 emissions and CHP system
 - Carbon offsetting contribution secured through S106 contribution (£37,440)
 - Delivery of BREEAM Very Good Development

[Officer comment: The requested conditions and S106 contribution has been included.]

LBTH Employment/Enterprise

- 6.20 20% of the construction phase workforce will be local residents of Tower Hamlets.

- 6.21 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets.
- 6.22 A financial contribution of £98,596 is required to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development.
- 6.23 A monetary contribution of £11,220 is required towards the training and development of unemployed residents in Tower Hamlets to access either:
 i) jobs within the uses A1, A2, A3, B1, D1 and D2 of the development
 ii) jobs or training within employment sectors relating to the final development
- 6.24 Existing jobs
 There are no existing jobs as the site is vacant. However, it is understood that the proposed employment floorspace outweighs the employment yield generated from previous uses at the site.

[Officer comment: The requested S106 financial contributions and obligations have been included.]

Greater London Authority (inc Transport for London)

Land Use

- 6.25 The proposed development for residential-led mixed-use within the Isle of Dogs Opportunity Area is supported, in line with London Plan policies 2.13 and 3.3.

Housing

- 6.26 The proposed new housing is welcomed in line with London Plan policy 3.3. The application currently proposes 35.4% affordable housing (by habitable room). Further information is required to ensure the maximum reasonable amount of affordable housing is being provided in line with London Plan policy 3.12. Further details and amendments to the scheme will be required in relation to housing quality and child play space provision to ensure the development meets London Plan policies 3.4, 3.5 and 3.6.

Urban design

- 6.27 The broad urban design principles are supported, and the applicant has sought to activate the ground floor frontages. In line with the comments, the size of the proposed café on the southern point is questioned.

Inclusive access

- 6.28 The broad approach to access and inclusion is supported and the scheme should comply with London Plan policies 3.8 and 7.2, with suitable conditions.

Climate Change

- 6.29 Whilst the proposed energy strategy would meet London Plan Policy 5.2 comments are made on the approach and further details are requested which should be provided ahead of Stage 2 to verify the proposed strategy. London Plan policies 5.12 and 5.13 on flood risk are complied with, subject to securing conditions.

Air Quality

- 6.30 Further information on air quality is required, notably the impacts of the adjacent vehicle testing centre to the north and mitigation measures to ensure London Plan policy 7.14 is met.

- Blue Ribbon Network and Biodiversity
- 6.31 In order to meet London Plan policy 7.19, the enhancement measures within the ecology report should be secured by condition. Planting should maximise foraging opportunities for pollinators.
- Noise and safeguarded wharves
- 6.32 The application site is located in close proximity to a number of safeguarded wharves - Orchard Wharf, Priors Wharf and Mayer Parry Wharf however no noise assessment data is included within the acoustic assessment.
- Transport
- 6.33 In order to comply with the transport policies of the London Plan the following is sought: Car parking management plan, Blue Badge and EVCP, delivery and servicing plan and construction logistics plan should be secured via condition; the applicant is advised that the number of cycle spaces should be increased marginally to comply with the London Plan (2016).
- 6.34 Following the issue of Stage 1 response, the applicant provided clarifications and amended plans to address GLA's concerns.
- 6.35 The Applicant has added 130m² of child play space to the communal roof terrace on level 17 and submitted an accommodation schedule, to demonstrate compliance with the Housing SPG standards. Cycle parking has increased to 480 to comply with the London Plan (2016). Outstanding energy, air quality and noise and safeguarded wharf concerns have been addressed as explained further in this report. The GLA have advised that issues originally raised will be covered in their stage 2 response.

Thames Water (TW)

- 6.36 On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, Thames Water would not have any objection to the above planning application. However, an informative is recommended requiring the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer.

Environment Agency (EA)

- 6.37 The site it is located within Flood Zone 3 and protected to a very high standard by the Thames Tidal flood defences up to a 1 in 1000 (0.1%) chance event in any year.
- 6.38 The EA have advised to improve flood resilience of the proposed development, it is recommended that finished floor levels are set above the 1:100 year + 20 % climate change flood level plus 300mm freeboard which is 5.13m AOD. A condition has been recommended to secure this.

London City Airport

- 6.39 No safeguarding objection subject to condition included to manage the height of cranes.

Greater London Archaeological Advisory Service

- 6.40 Conditions are recommended to require a two-stage process of archaeological investigation comprising evaluation of the nature and extent of surviving remains followed, if necessary, by a full archaeological investigation.

Port of London Authority

- 6.41 PLA's original response requested clarification of why use of River Lea/Bow Creek was dismissed, as road freight is a major contributor to CO2 and to congestion.
- 6.42 Due to the sites close proximity to the Safeguarded Orchard Wharf, the applicant was asked to consider the cumulative impact of traffic associated with the proposed development and Wharf itself (once in use).
- 6.43 It was recommended that a condition secures the provision of riparian life-saving equipment (such as grab chains, access ladders and life buoys) along the river edge to a standard recommended in the 1991 Hayes Report on the Inquiry into River Safety.
- 6.44 Following PLA's request, the applicant has provided additional information with respect to the above, and PLA are satisfied adequate consideration has been given.

Metropolitan Police

- 6.1 A planning condition is recommended to ensure the development achieves Secured by Design accreditation.

NATS

- 6.2 No safeguarding objection to the proposal.
- 6.1 The following consultees did not provide representations:

London Borough Newham Council

7.0 LOCAL REPRESENTATION

- 7.1 Public consultation took place in accordance with statutory requirements. This included a total of 417 letters sent to neighbours, a press advert published in East End Life and site notice displayed outside the application site. The number of representation received in response to notification and publicity of the proposal are as follows:

No of individual responses: Objecting: 5 Neutral: 0 Supporting: 0

Summary of issues raised:

- 7.2 The following issues were raised in objection to the proposal:
- Overcrowding on public transport/insufficient local infrastructure to cope
 - Loss of daylight/sunlight
 - Construction noise/pollution
 - Wind tunnel effect
 - Not enough businesses to support this amount of flats being built in this area. More space needs to be allocated for shops / takeaways / coffee shops / public gyms / pubs etc
 - Additional noise
 - Parking stress

- The pedestrian walkway next to the flats in question and the River Lea is unsafe due to lack of lighting and secluded.
- The proposed structures are much higher than surrounding buildings and would be incongruous in the immediate area.
- Privacy intrusion
- Height and density will obscure views.

Applicant's Consultation

- 7.3 A Statement of Community Involvement has been submitted with the application.
- 7.4 Consultation activities for this application commenced in February 2016, which included a public exhibition held on 8 and 11 March 2016. Additionally, 1200 newsletters were delivered to locals and local groups were offered briefings. Throughout the consultation process, a dedicated telephone number, email and freepost address were supplied and managed by Four Communications to provide further information to residents and stakeholders.
- 7.5 The public exhibition showed no principle objection to the redevelopment of the site. Some residents were disappointed about the loss of the petrol station, however Esso have specified alternative filling stations. Residents voiced a desire for new amenities in the area and public realm enhancements.

8.0 MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the Committee must consider are:
- Land Use
 - Design, Heritage and Townscape
 - Housing
 - Amenity
 - Transport, Access and Servicing
 - Sustainability and Environmental Considerations
 - Planning Obligations
- 8.2 Other material issues addressed within the report include biodiversity as well as financial, health, human rights and equalities considerations.

Land Use

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

- 8.4 These economic, social and environmental goals should be sought jointly and simultaneously.
- 8.5 Paragraph 9 of the NPPF highlights that the pursuit of sustainable development includes widening the choice of high quality homes, improving the conditions in which people live and take leisure, and replacing poor design with better design. Furthermore, paragraph 17 states that it is a core planning principle to efficiently reuse land that has previously been developed and to drive and support sustainable economic development through meeting the housing needs of an area.
- 8.6 The London Plan identifies Opportunity Areas within London which are capable of significant regeneration, accommodating new jobs and homes and recognises that the potential of these areas should be maximised.
- 8.7 Policy 2.9 of the London Plan identifies the unique challenges and potential of inner London and specifies that boroughs should work to sustain its economic and demographic growth while addressing concentrations of deprivation and improving the quality of life and health for those living there.
- 8.8 The LBTH adopted Policies Map show the site to have no specific land use designations, however it is within an Archaeological Priority Area and within a Flood Risk Area (Level 3). Immediately to the east of the site is a Green Grid route and a Site of Importance for Nature Conservation.
- 8.9 The site is located within the London Plan Lower Lea Valley Opportunity Area. The Opportunity Area Planning Framework sets out that the area should contain a significant new residential community by providing at least 32,000 new homes and potentially up to 40,000 by 2031.
- 8.10 The site also falls within the Isle of Dogs and South Poplar Opportunity Area, which identifies a minimum of 10,000 new homes and 110,000 jobs over the London Plan period to 2036.
- 8.11 The Opportunity Area Planning Framework for the Isle of Dogs and South Poplar is currently being drafted by the GLA for consultation in mid to late 2016, and when adopted will replace the Lower Lea Valley OAPF where the two Opportunity Areas overlap.
- 8.12 Figure 1 below, shows the surrounding land uses:



Figure 1 – Existing land uses surrounding the site

- 8.13 The proposed development comprises of a residential led scheme providing 338 units. Alongside the residential accommodation, 376 sqm of flexible non-residential floorspace is proposed. Permission is sought for a flexible approach to the use of this floorspace, to include retail (A1), financial and professional services (A2), food and drink (A3), office and flexible workspaces (B1), community and cultural uses (D1) and assembly and leisure uses (D2). This floorspace will be provided at ground and first floor levels along the northern frontage of the proposal.
- 8.14 Together with the flexible non-residential floorspace, a 36 sqm café (A3) is proposed at ground floor within the southern element.
- 8.15 Whilst the previous use of the site as a petrol filling station and associated car parking (sui generis) is an employment generating use, the site is currently vacant at present and the previous use would have offered a significantly lower density of employment.
- 8.16 Additionally, given that the site has been excluded from the Preferred Office Location designation and that an appropriate scale and quantum of ground floor commercial uses within use classes A1-A3, B1, D1 and D2 would be provided, it is considered that the development would be acceptable with regard to the aforementioned land use policies.
- 8.17 The immediate context is therefore undergoing significant regeneration, including a number of residential led developments or commercial led developments. Pockets of retail uses are found around emerging residential development. These new developments, namely Aberfeldy Village and Leamouth Peninsula North, are creating a new area of residential activity and providing additional services to serve this new population.
- 8.18 Given the character of the emerging area, it is considered that the proposed flexible commercial uses would support the new residents.

Principle of residential use and compatibility with existing uses

- 8.19 Delivering new housing is a key priority both locally and nationally. Through policy 3.3, the London Plan (2016) seeks to alleviate the current and projected housing shortage within London through the provision of an annual average of 42,000 net new homes. The minimum ten year target for Tower Hamlets, for years 2015-2025 is set at 39,314 with an annual monitoring target of 3,931. The need to address the pressing demand for new residential accommodation is addressed by the Council's strategic objectives SO7 and SO8 and policy SP02 of the Core Strategy. These policies and objectives place particular focus on delivering more affordable homes throughout the borough.
- 8.20 The site is located within the London Plan Lower Lea Valley Opportunity Area. The Opportunity Area Planning Framework sets out that the area should contain a significant new residential community by providing at least 32,000 new homes and potentially up to 40,000 by 2031.
- 8.21 The site also falls within the Isle of Dogs and South Poplar Opportunity Area, which identifies a minimum of 10,000 new homes and 110,000 jobs over the London Plan period to 2036.
- 8.22 The proposal is for 338 units, which is equivalent to around 8.5% of Tower Hamlet's borough wide annual monitoring housing target as defined by the London Plan. The proposed delivery of these new homes is strongly supported in accordance with London Plan Policy 3.3.
- 8.23 The principle of residential use at this site is acceptable in line with SP02 (1a) which focuses new housing in the eastern part of the borough including the Poplar.
- 8.24 Given the above and the emerging residential character of surrounding area, the principle of intensification of housing use on this brownfield site is supported in policy terms.
- 8.25 LBTH owns the freehold land to the north of the application site – it is currently used as the main highways depot and will continue to be held for this use for the foreseeable future. The site also holds school buses, a salt barn with associated winter vehicles; and is used to service all Council vehicles, including cleaning with high pressure washers.
- 8.26 Notwithstanding the site's location within the Housing Zone, the scheme has been designed to both respond to the existing urban environment and accommodate any future mixed used development on the depot site. Full consideration has been given to protecting the amenity of future resident's through careful design of the communal and private amenity spaces, and providing high quality accommodation that meets the required design standards.
- 8.27 With regards to increasing activity at the depot, the proposed residential development will significantly reduce vehicle activity on the site when compared to the lawful petrol filling station use and therefore will not compromise vehicle activity from the depot along Silvocea Way.
- 8.28 The proposed development has also been designed with triple glazing and a combination of wintergardens which along with separation distances involved ensure the proposed use will be compatible to the depot to the north.

Proposed flexible commercial space

- 8.29 The NPPF classifies a retail use as a main town centre use and requires applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. Development Managing Document Policy DM2 (Local Shops) states development for local shops outside of town centres will only be supported where: there is demonstrable local need that cannot be met within an existing town centre they are of an appropriate scale for their locality, they do not affect amenity or detract from the character of the area; and they do not form part of, or encourage, a concentration of uses that would undermine nearby town centres.
- 8.30 Paragraph 69 of the NPPF encourages mixed use developments, acknowledging the important role they can have in facilitating social interaction and creating healthy, inclusive communities. Planning policies and decision should promote opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity.
- 8.31 At London Plan Policy 4.3, the Mayor supports mixed use development. The policy acknowledges that beyond CAZ and the north of the Isle of Dogs, mixed use redevelopment can play an important role in promoting the delivery of other uses, including housing.
- 8.32 Core Strategy Policy SP01 promotes mixed used development outside of town centres which comprise primarily of residential, together with other supporting uses that are local in nature and scale
- 8.33 The proposed development will provide 376 sqm of flexible non-residential floorspace which could comprise a range uses including:
- Retail (A1), financial and professional services (A2) and food and drink uses (A3);
 - Business and flexible workspace (B1);
 - Community and cultural (D1); and
 - Assembly and leisure uses (D2).
- 8.34 Together with the flexible non-residential floorspace, a 36 sqm café (A3) is proposed at ground floor within the southern element of the proposed development.
- 8.35 The non-residential uses have been positioned in order that particular elements of the proposed development will benefit from optimum pedestrian activity and active frontages.
- 8.36 The proposed non-residential uses will contribute towards creating a viable and vibrant place, and one that is able to contribute to and support the living and working population, particularly as the area changes through future regeneration.
- 8.37 The proposed café use will be provided at ground level on the southern frontage to create an active frontage and to animate space alongside the proposed indoor play area.

- 8.38 The proposed development would result in the creation of 338 residential units and the nearest Tower Hamlets neighbourhood centre is Aberfeldy Street Local Shopping Parade which is situated 450m away. The creation of 376 sqm of flexible non-residential floor space would result in a hub of activity that is of appropriate scale for the locality. The introduction of active frontages in the form of shop fronts would allow for the activation of space and enhance the character of the area. The proposal would not result in a concentration of uses in this location that would not undermine any existing Tower Hamlets town centre.

Density

- 8.39 The NPPF requires Local Planning Authorities (“LPAs”) to set out their “own approach to housing density to reflect local circumstances” (para 47). The NPPF recognises the link between design and development density and requires that, amongst other things, policies should ensure that new developments optimise the potential of the site to accommodate development including a mix of uses (para 58).
- 8.40 London Plan policy 3.4 requires development to optimise residential densities. London Plan policy 3.12 emphasises the need for optimised densities in Opportunity Areas and development that contributes significantly towards the borough’s housing and employment targets.
- 8.41 Policy SP02 of the Core Strategy specifies that high development densities, consistent with other Plan policies, will be sought throughout the Borough. Policy SP02 of the Core Strategy also requires new development to 'optimise' the use of land and achieve density levels which accord with public transport accessibility levels and the wider accessibility of that location.
- 8.42 London Plan Policy 3.4 requires development to optimise housing output for different locations taking into account the local context and character, design principles set out in the London Plan Chapter 7 and public transport capacity. Table 3.2 provides the density matrix in support of this policy. For a central setting with a PTAL rating of 4, the density matrix suggests a residential density in the region of 650 – 1100 habitable rooms per hectare.
- 8.43 The proposed development would generate a density of 2,377 hrph or 939 uph. Whilst this is in excess of the density ranges for an ‘Central’ location set out within table 3.2 of the London Plan, the intent of the London Plan and the Council’s Development Management DPD is to optimise the intensive use of sites compatible with local context, good design principles and public transport capacity.
- 8.44 However, the London Plan and the Housing SPG 2016 confirm that it is not appropriate to apply Table 3.2 mechanistically and advise that the density ranges should be considered as a starting point rather than an absolute rule when determining the optimum housing potential of a particular site.
- 8.45 In appropriate circumstances, it may be acceptable for a particular scheme to exceed the ranges in the density matrix, providing important qualitative concerns are suitably addressed. Where these considerations are satisfactorily addressed, the London Plan and the Housing SPG 2016 provides sufficient flexibility for such higher density schemes to be supported. However, to be supported, schemes which exceed the ranges in the matrix must be of a high design quality and should be tested against the following considerations:

- the factors outlined in Policy 3.4, including local context and character, public transport capacity and the design principles set out in Chapter 7 of the London Plan; the location of a site in relation to existing and planned public transport connectivity (PTAL), social infrastructure provision and other local amenities and services;
- the need for development to achieve high quality design in terms of liveability,
- public realm, residential and environmental quality, and, in particular, accord with
- the housing quality standards set out in Part 2 of this SPG;
- a scheme's overall contribution to local 'place making', including where appropriate the need for 'place shielding';
- depending on their particular characteristics, the potential for large sites to define their own setting and accommodate higher densities;
- the residential mix and dwelling types proposed in a scheme, taking into account factors such as children's play space provision, school capacity and location;
- the need for the appropriate management and design of refuse/food waste/ recycling and cycle parking facilities; and
- whether proposals are in the types of accessible locations the London Plan considers appropriate for higher density development (eg. town centres, opportunity areas, intensification areas, surplus industrial land, and other large sites).

8.46 It is essential, when coming to a view on the appropriate density for a development, that proper weight is given to the range of relevant qualitative concerns set out in Policy 3.5 and relevant policies in chapter 7 of the London Plan, so an informed judgement can be made about the point at which a development proposal falls within the wide density range for a particular type of setting/location. The maximum of the range should not be taken as a 'given', much less a minimum expectation.

8.47 Conversely, greater weight should not be given to local context over location or public transport accessibility unless this can be clearly and robustly justified. It usually results in densities which do not reflect scope for more sustainable forms of development which take best advantage of good public transport accessibility in a particular location.

8.48 As discussed above, the London Plan provides a benchmark not a development maximum. The proposed development is reflective of the existing and emerging higher densities within this area, and is considered to be appropriate given the site's location within a housing zone, the Council's proposed housing targets in this area; improved pedestrian and transport connections delivered through London City Island and the general changing nature of this area in particular along the river.

8.49 The proposed development is in keeping with LBTH's high growth agenda set out in the Core Strategy to deliver 43,275 new homes up to 2025 with over 4,000 proposed in the Blackwall and Leamouth "places". The resultant residential density is considered appropriate for the site and reflective of the optimum development capacity of the site, consistent with the site's location.

8.50 A high residential density does not, in itself, make a scheme undesirable in planning terms and it is not uncommon for development schemes in the northern part of the Isle of Dogs or within the City Fringe to significantly exceed the density range suggested by the matrix. All of the above aspects of the development have been rigorously assessed elsewhere within this report and found to be acceptable. The

proposed development does not exhibit symptoms of overdevelopment and is considered to appropriately optimise the development potential of the site, in line with policy requirements.

8.51 In conclusion, the main arguments as to why the site is considered to be particularly suitable to be developed at density in excess of that suggested by the matrix are as follows:

- a) The site is located within the Isle of Dogs Opportunity Area as designated on London Plan Map 2.4 and Annex 1 with an indicative capacity of 110,000 new jobs and a minimum of 10,000 new homes over the plan period to 2035.
- b) The site is located within an area with good public transport accessibility, with a rating of 4 (PTAL) and, as such would be a sustainable location for a high quantum of new residential units.
- c) The proposed buildings would enjoy particularly generous breathing space. The distances to other buildings and in particular other mid to high-rise buildings would be significant. Significant public realm works have been included as part of the proposal, maximising the public benefits.
- d) In urban design terms the site is highly suitable for a tall building. The tower would be of a high architectural quality. The distinctive design would provide visual interest.
- e) Opportunity Areas are expected to make a particularly strong contribution towards meeting London's housing needs. The development would provide a significant contribution towards the Council's housing targets, including through provision of a significant quantum of affordable housing.
- f) The residential quality of the development would be high, in many instances exceeding the baseline requirements of the Housing SPG. Communal amenity, including play space, would be of a high quality.
- g) The heritage impacts of the proposal would be minor, but positive by enhancing some views and additionally creating an improved public realm, especially in the context of the Grade II listed East India Dock gateway. Furthermore, the gateway has inspired the proportions and scale of the proposed facades and the lower levels of the proposed buildings.
- h) The overall regenerative benefits of the proposal would be substantial.

Conclusion

8.52 This brownfield site provides an opportunity to make a significant contribution to the provision of new residential accommodation within the borough, including that of affordable housing. The proposal would not result in the loss of an active and viable employment use. The proposed uses would also be complementary to the role of the Lower Lea Valley Opportunity Area, the Isle of Dogs Opportunity Area and the Poplar Riverside Housing Zone.

Heritage, Design & Townscape

8.53 The National Planning Policy Framework attaches great importance to the design of the built environment.

8.54 In accordance with paragraph 58 of the NPPF, new developments should:

- function well and add to the overall quality of the area,
- establish a strong sense of place, creating attractive and comfortable places to live,
- respond to local character and history, and reflect the identity of local surroundings and materials,

- create safe and accessible environments, and
 - be visually attractive as a result of good architecture and appropriate landscaping.
- 8.55 Chapter 7 of the London Plan places an emphasis on robust design in new development.
- 8.56 The Council's policy SP10 sets out the broad design requirements for new development to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds. Further guidance is provided through policy DM24 of the Managing Development Document. Policy DM26 gives detailed guidance on tall buildings and specifies that building heights should be considered in accordance with the town centre hierarchy, and generally respond to predominant local context. Policies SP09 and DM23 seek to deliver a high-quality public realm consisting of streets and spaces that are safe, attractive and integrated with buildings that respond to and overlook public spaces.
- 8.57 The placemaking policy SP12 seeks to improve, enhance and develop a network of sustainable, connected and well-designed neighbourhoods across the borough through retaining and respecting features that contribute to each neighbourhood's heritage, character and local distinctiveness.
- 8.58 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 8.59 CABE's guidance "By Design (Urban Design in the Planning System: Towards Better Practice) (2000)" lists seven criteria by which to assess urban design principles (character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability and diversity).
- 8.60 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and to optimise the potential of the site.
- 8.61 Core Strategy Policy SP10 and Policies DM23 and DM24 of the MDD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high quality, sustainable, accessible, attractive, durable and well integrated with their surrounds.
- 8.62 Policy DM26 of the MDD requires that building heights be considered in accordance with the town centre hierarchy. The policy seeks to guide tall buildings towards Aldgate and Canary Wharf Preferred Office Locations.

Site layout

- 8.63 London Plan Policy 7.15 (Reducing managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes) states development proposals should manage the impact of noise by "separating new noise sensitive development from major noise sources (such as road, rail, air transport and some types of industrial development) through the use of distance, screening or internal layout – in preference to sole reliance on sound insulation."

- 8.64 The supporting text to policy 7.15 states at paragraph “it is important that noise management is considered as early as possible in the planning process, and as an integral part of development proposals. In certain circumstances it can also mean preventing unacceptable adverse effects from occurring”
- 8.65 Throughout the pre-application discussions, it was recognised that the site sat within a ‘challenging’ environment, with the constraints of the Leamouth Road and the Grade II Listed East India Dock Wall to the west, the roundabout to the south, the MOT centre to the north and the softer environs of Bow Creek and the Peninsula Park to the east.
- 8.66 In response, the proposal seeks to activate all the frontages. The proposed development would be arranged with built form positioned along the northern, southern and western boundaries of the site. This configuration creates a barrier against Leamouth Road and roundabout to the south west and encloses an area of open space in the centre of the site that is open to the east. This approach is considered to be positive in that it shields amenity space from the road and allows a visual link between the landscaped centre of the site and the adjacent riverside walkway along Silvocea Way.
- 8.67 The proposal seeks to provide duplex/townhouse units, with individual doors and set behind areas of defensible space, along the western boundary of the site, which would assist to create a degree of activity, passive surveillance and visual interest along this stretch of Leamouth Road. It is proposed that a raised terrace would provide private amenity space for the dwellings, while the rest of the defensible space would be a buffer that would be managed as part of the estate. This approach would help to strike a balance between providing amenity space that contributes to passive surveillance and visual interest, as well as ensuring the public face of the building is well maintained and remains attractive. This is shown in the following image.



CGI – View from west, along Leamouth Road, showing cascading block

- 8.68 Additionally, Leamouth Road will receive landscaping improvements in the form of new tree planting to defend residents and pedestrians from traffic.
- 8.69 The tallest elements are located to the north of the site and towards the southern end of the proposals, the reduced mass relates to local, smaller buildings at the southern end, and opens amenity and views to the south and the River Thames.

- 8.70 The northern boundary faces toward the Council's Vehicle Depot and is set back approximately 1m from the edge of this property where cars are currently parked.
- 8.71 At ground floor level there would be two areas of 'flexible non-residential' space which would provide some active frontage to the walkway/road connecting Leamouth Road and Silvocea Way. A small café (36 sq.m) is proposed at the southern tip of the site, to activate the frontage and provide passive surveillance towards the child play space. It is recommended that a condition is secured which requires further details of the proposed shopfront and signage.
- 8.72 The eastern boundary of the site has been designed so that there is a visual connection between the central landscaped amenity space and the riverside footpath along Silvocea Way. It is recognised that public access to the site will not be provided. However, the amenity space, and importantly, the activity that takes place within, would make a visual contribution to the character and quality of the riverside walkway. The internal element of the proposal, opens up the accommodation to its riverside location, increasing the glazing and perforation, to soften the edge and provide occupants with a pleasant outlook.



CGI showing the view from internal courtyard/communal open space

- 8.73 In principle, the proposed site layout is considered to be an acceptable, improving the public realm conditions along Leamouth Road, activating street based environments to the west and north with modulated built forms, and opening up the east with a communal garden providing the opportunity to visually connect with the riverside environment.

Height

- 8.74 A tall building is described as one which is significantly taller than their surroundings and /or having a significant impact on the skyline. Policy 7.7 of the London Plan (2016) deals with tall and large buildings, setting out criteria including appropriate locations such as areas of intensification or town centres, that such buildings do not affect the surrounding area in terms of its scale, mass or bulk; relates to the urban grain of the surrounding area; improves the legibility of the area; incorporates the highest standards of architecture and materials; have ground floor uses that provide a positive experience to the surrounding streets; and makes a significant contribution to local regeneration.

- 8.75 SP10 of the Core Strategy also provides guidance on the appropriate location for tall buildings requiring them to relate well to design and context, environment, socio-economic factors, access and transport and aviation requirements. Policy DM26 of the Managing Development Document reinforces the Core Strategy and states that for buildings outside of the areas identified for tall buildings, building heights will be considered in accordance with the town centre hierarchy and will be of a height and scale that is proportionate to its location within it, whilst also being sensitive to the context of its surroundings.
- 8.76 Whilst the site does not fall within an identified area for tall buildings, as defined by Policy DM26, the area is currently undergoing significant regeneration through a number of high density developments that incorporate well designed and appropriately located taller buildings.
- 8.77 The proposed development comprises of two main buildings, the first being a 24 storey tower located in the north east corner of the site and the second being a stepped building which runs along the Leamouth Road frontage. The building that fronts Leamouth Road steps down from the north to the south of the site and includes heights from 8, 11, 17 and 20 storeys. The two main building are linked by a two storey podium at ground level which fronts on to the northern boundary of the site.
- 8.78 The proposed development has responded to the various building heights in the immediate surrounding area. The tower element of the scheme, which comprises 24 storeys, does not surpass the Elektron Towers in height and the cascade block decreases in height along the western boundary towards the southern boundary finishing with a height of 8 storeys. The lower elements of the scheme relate in height to the lower developments of the area, including Virginia Quay to the south.

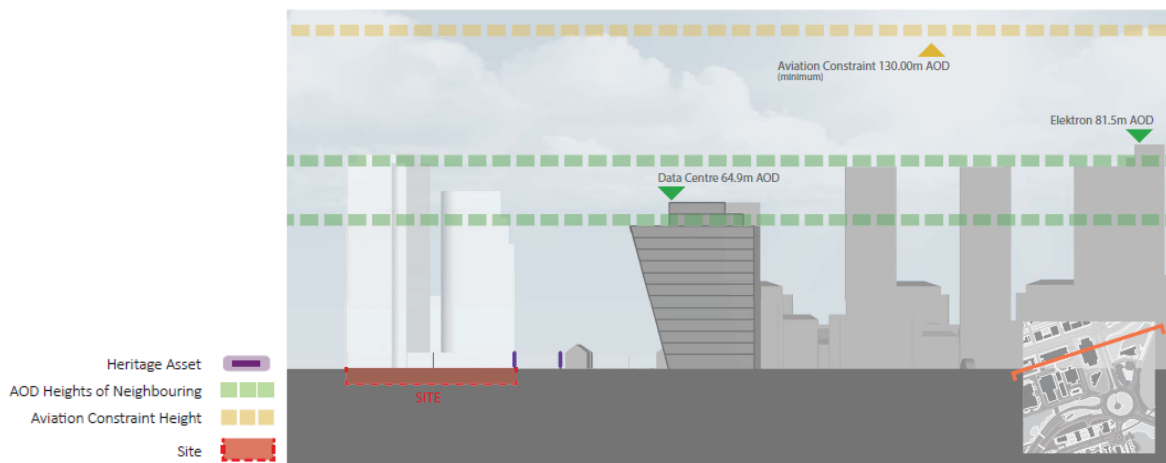


Figure 1: View south



Figure 2: View west

- 8.79 Overall, it is considered the proposal would sit comfortably with the local existing context of the Elektron Tower and the consented Data Centre office building.
- 8.80 Whilst the proposals will relate in scale to these neighbouring buildings, they will also create visual interest through the introduction of windows and balconies, in contrast to the adjacent Data Centre.
- 8.81 The form diminishes to the south to relate to the lower buildings along Saffron Avenue and Virginia Quay development to the south, allowing the open nature of the existing townscape to be maintained.
- 8.82 Looking south, the scheme would sit in a context of local developments such as 'The Helix', Leamouth Peninsula and New Providence. Developments to the west include several tall elements which stand out on their own. The tallest elements of the proposal can be seen here to be of a comparable scale to buildings in its immediate context.
- 8.83 Looking from the East towards the west, the scheme is nestled behind the Leamouth Peninsula development in a long range view. While the proposal is obscured from this point, there is an indication of its massing diminishing to the south, similar to the Leamouth Peninsula development.
- 8.84 The Applicant has provided a series of 'Townscape Views' to illustrate the proposal within key locations to analyse the visual impact.
- 8.85 The image shown below was taken from the pedestrian bridge over East India Dock Road/Aspen Way and accessing the East India DLR. The Elektron Tower is seen to the right whilst the Data Centres along Saffron Way are seen on the left. These buildings demonstrate the urban character of the area surrounding the viewer. This view will be experienced by people accessing the DLR station in addition to vehicular traffic moving along East India Dock Road/Aspen Way.



Figure 3: Existing photo from pedestrian bridge over East India Dock Road/Aspen Way



Figure 4: Proposed view from pedestrian bridge over East India Dock Road/Aspen Way

- 8.86 The proposed development, is seen above the tunnel entrance terminating the road. Although it cannot be read as two separate buildings from this viewpoint, the tower behind the block which cascades down along the western and southern boundary of the site makes the proposed development appear smaller. It also relates in height to the neighbouring Data Centre and the distant City Island Development within this view. The treatment of the cascade block will create visual interest on the skyline, which is largely occupied by windowless data centres.
- 8.87 The buildings to the west of the site are relatively bulky, presenting a broad mass of built form to a number of views, particularly from the east and west. The division of the building into five stepped sections and its curved plan form help to alleviate the impact of this mass. The proposed materials and architectural detailing on the external facades would provide a degree of detail and interest that would also help to alleviate the mass and the internal facades would have a more lightweight appearance. Provided a sufficient level of architectural quality is maintained throughout, the massing is considered acceptable in townscape terms.
- 8.88 Additionally, the proposed scale and height of buildings are considered acceptable, given the context of recent residential development within the vicinity of the site and the relatively spacious setting afforded by the river, Ecology Park, wide road and roundabout.
- 8.89 In line with Core Strategy policy SP02 and MDD policies DM1, DM24 and DM26, the design strategy for the proposed development reflects the transitional location of the site and responds to the immediate context; the existing and emerging urban design and townscape to the west and the surrounding existing built environment to the north, south and east.

Materials and elevation treatments

- 8.90 The building façades are proposed to be clad predominantly in brickwork, with aluminium window frames and zinc cladding on the inner shell of the 'protective edge' facing the central amenity space. The brick choice of 'Ivanhoe Mellow Red' emulates the local context of the existing dock walls and will be complemented by a contrasting window frame and cladding colour of RAL 7021 which is also suggestive of an industrial aesthetic. This approach is generally supported.
- 8.91 The outward facing facades would also have a degree of depth provided by recessed windows and panels, texture provided by the brickwork and variety provided by the

different window shapes and sizes. These details would help to create interest to the elevations. The glazed inward facing facades would help to create a softer and lighter face toward the amenity space and river walkway.

- 8.92 The base of the development would feature a plinth that would respond to the scale of the adjacent section of Grade II listed wall. Again this approach is supported as it helps to relate the lower parts of the scheme to the fragment of historic fabric and create a readable scale for pedestrians along the lower floors of the proposed duplex units. A condition is recommended to be secured, requiring all external materials to be submitted to ensure the proposed development is of the highest quality and finish.

Heritage

- 8.93 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”.
- 8.94 Policy 7.8 of the London Plan 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 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.
- 8.95 LBTH Core Strategy Policy SO22 seeks to “protect, celebrate and improve access to our historical and heritage assets by placing these at the heart of reinventing the hamlets to enhance local distinctiveness, character and townscape views”. Core Strategy 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.
- 8.96 MDD policy DM27 also relates to heritage and the historic environment and seeks 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’.
- 8.97 The site does not fall within the boundary of a conservation area, however, the Grade II East India Dock Gateway is on the eastern boundary of the site. Furthermore, the site is within the setting of the Grade II listed East India Dock boundary wall, which runs down the middle of Leamouth Road.
- 8.98 The Grade II Entrance Gateway is partially located on the application site. The Egyptian revival style entrance is flanked by two broad, slightly tapering pylons of rendered brickwork standing on Portland stone plinths rising to a height of 22ft. Each pylon is decorated with a caduceus, the symbol of Mercury, patron deity of merchants and travellers. (The original Coadestone caducei was hacked off by thieves in 1990, and have been replaced by replicas in carved Portland stone.)



Image showing Grade II listed Entrance Gateway

- 8.99 Evidence shows that the gateway has been heavily altered in its long history. The gateway had to be restored in the early 1990s. Furthermore, the gate keeper's lodge on its southern end no longer remains. The gateway is no longer associated with its original use, however its association with the East India Docks and Company gives it significant historical value.
- 8.100 It is proposed to retain the Grade II listed East India Dock Gateway and Grade II listed East India Dock boundary wall, which makes a positive contribution to the area. However, Officers consider that the site possesses little or no historic interests and provides a poor setting to the listed structures. The proposed development, therefore, has the potential to enhance the setting of the listed structure through the erection of a high quality building and the implementation of an improved public realm scheme.
- 8.101 It is considered that a new, sensitively designed development as contemplated by this application will sustain and enhance the significance of these heritage assets. Furthermore, the proposed improvements to the public realm will create an enhanced setting for the heritage asset. The ability to understand and appreciate the structure will be improved.
- 8.102 A significant number of local and more distant views have been tested as part of the submitted in the Heritage, Townscape and Visual Impact Assessment. Overall, it is considered that the visual effect of the proposed development will have a minor and beneficial impact on the identified heritage assets and the surrounding townscape.
- 8.103 Lastly, Historic England do not raise any objections.
- 8.104 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 Grade II listed East India Dock Gateway and Grade II listed East India Dock boundary wall. As such, the proposals accord with Policy 7.8 of the London Plan, Policies SO22 and SP10(2) of the Council's adopted Core Strategy, Policy DM27 of the MDD and government guidance set out in Section 12 of the National Planning Policy Framework.

Secure by Design

- 8.105 Policy 7.3 of the London Plan and policy DM23 of the MDD seeks to ensure that developments are safe and secure.
- 8.106 The proposed development would have the potential to result anti-social behaviour and other crime generators issues. A safeguarding condition would therefore be attached to any approval, to ensure that the development would comply with Secure by Design Principles.
- 8.107 Subject to safeguarding conditions, it is considered that the proposed development as a consequence would provide a safe and secure environment in accordance with policy 7.3 of the London Plan and policy DM23 of the MDD.

Archaeology

- 8.108 The National Planning Policy Framework (Section 12) and the London Plan Policy 7.8 emphasise that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF says that applicants should be required to submit appropriate desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development.
- 8.109 The planning application lies in an area of archaeological interest.
- 8.110 Historic England Archaeology officer (GLAAS) advised that there is a need for field evaluation to determine appropriate mitigation. A safeguarding condition would therefore secure a two stage process of archaeological investigation comprising; first, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation.
- 8.111 Subject to this condition, the impact of the development with regards to archaeology is considered acceptable in accordance with the NPPF and London Plan Policy 7.8.

Public realm

- 8.112 As an island site, the proposal must respond positively to the public realm on all sides of the development.
- 8.113 Silvocea Way is already earmarked to benefit from Lea River Park improvements commissioned by the LLDC, and the proposals seek to act as a continuation of this. Leamouth Road and the riverside will both benefit from the improvement as a result of the application.
- 8.114 Some of the proposed works lie outside the boundary, which include:
- Leamouth Road: Tree planting
 - Silvocea Way: Pedestrian friendly treatments.
 - Northern link: Incorporation of the pedestrian route into the landscaping treatment including resurfacing to match the surrounding pedestrian finish.
- 8.115 Leamouth Road will receive landscaping improvements in the form of new tree planting to defend residents and pedestrians from traffic.

- 8.116 A formal division between public and private will be created, which runs in line with Leamouth Road Gateway, to defend private amenity space at the ground level.
- 8.117 The aims for Silvocea Way are to improve the existing public realm and create a sense of connection between the generous communal gardens, the River Lee and Ecology Park beyond.
- 8.118 These public realm enhancements are to be secured as part of the S106 agreement.

Design Conclusions

- 8.119 The proposed development reflects the transitional location of the site and responds to the immediate context; the existing and emerging urban design and townscape to the west and the surrounding existing built environment to the north, south and east.
- 8.120 The proposed scheme is sympathetic to the scale, mass, height and aesthetic attributes of the surrounding buildings and to the area as a whole. The Grade II listed East India Dock Gateway will be unharmed in the proposals, however the proposal would be successful in contributing to a high quality public realm and in establishing a more sympathetic relationship to the adjoining heritage assets.
- 8.121 The proposed development designed with a variation in heights would provide interest and variety to the skyline with its architecture and domestic scale elements. The introduction of duplex/townhouse units and commercial uses on the site would provide active frontages and enhance levels of activity.
- 8.122 Following the consideration of relevant London Plan and local plan policies, national guidance and other material considerations officers conclude that the proposals are well designed, sensitive to the heritage assets and offer public realm enhancements.

Housing

Affordable housing and housing mix

- 8.123 In line with section 6 of the NPPF, the London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.8 seeks provision of a genuine choice of housing, including affordable family housing. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and specifies that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period. Policy 3.13 states that the maximum reasonable amount of affordable housing should be secured.
- 8.124 The LBTH Community Plan identifies the delivery of affordable homes for local people as one of the main priorities in the Borough and Policy SP02 of the Core Strategy 2010 sets a strategic target of 35-50% affordable homes on sites providing 10 new residential units or more (subject to viability).
- 8.125 Core Strategy Policy SP02 and Policy DM3 of the MDD set out the housing target for the Borough, with a target of 50% overall. Development will be required to maximise affordable housing in accordance with the Council's tenure split (70% Social/Affordable Rent and 30% Intermediate) as set out in the Core Strategy. Affordable housing should be built to the same standards and should share the same level of amenities as private housing.

- 8.126 The supporting text to the policy encourages developers to engage with an affordable housing provider to progress a scheme. Boroughs should take a reasonable and flexible approach to affordable housing delivery as overall, residential development should be encouraged rather than restrained.
- 8.127 The Local Plan seeks 35%-50% affordable housing by habitable room to be provided, but subject to viability as set out in part 3a of the Core Strategy. The London Plan and NPPF also emphasise that development should not be constrained by planning obligations. Paragraph 173 of the NPPF states that: “the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.” Policy 3.12 of the London Plan is clear that viability is a consideration when negotiating affordable housing “negotiations on sites should take account of their individual circumstances including development viability” and the need to encourage rather than restrain development.
- 8.128 Core Strategy Policy SP02 (3) set an overall strategic target for affordable homes of 50% until 2025. This will be achieved by requiring 35%-50% affordable homes on sites providing 10 new residential units or more (subject to viability). The preamble in 4.4 states that “given the extent of housing need, Tower Hamlets has set an affordable housing target of up to 50%. This will be delivered through negotiations as a part of private residential schemes, as well as through a range of public initiatives and effective use of grant funding. In some instances exceptional circumstances may arise where the affordable housing requirements need to be varied. In these circumstances detailed and robust financial statements must be provided which demonstrate conclusively why planning policies cannot be met. Even then, there should be no presumption that such circumstances will be accepted, if other benefits do not outweigh the failure of a site to contribute towards affordable housing provision”.
- 8.129 It is noted that the scheme proposes 338 residential units with 856 habitable rooms. This scheme proposes to provide 35.4% affordable housing by habitable rooms, which will be split as a 67% affordable rent and 33% intermediate (on a habitable room basis). This quantum of affordable meets with the Boroughs minimum requirement of affordable within new developments. All of the rented units will be delivered in block B which also includes 23 intermediate units.
- 8.130 The applicant submitted a viability appraisal which was independently assessed on behalf of the Council. This would be provided in the following mix:

Tenure	1 Bed	2 Bed	3 Bed	4 Bed+	Total
Market (Private)	178	38	20	0	236
Intermediate	29	14	0	0	43
Social Rented	19	8	19	13	59
Total	226	60	39	13	338

Table 1: Affordable Housing Provision.

- 8.131 In line with section 6 of the National Planning Policy Framework and London Plan policy 3.8, the Council’s Core Strategy policy SP02 and policy DM3 of the Managing Development Document require development to provide a mix of unit sizes in accordance with the most up-to-date housing needs assessment. The relevant

targets and the breakdown of the proposed accommodation are shown in the tables below.

Affordable housing	Provided %	LBTH Target
1 bed units	32.2	30
2 bed units	13.6	25
3 bed units	32.2	30
4 bed units	22.0	15

8.132 As outlined in the tables above, in terms of the affordable/social rented units, the proposed development offers 32% of one bed units against the Core Strategy target of 30%, 14% of two bed units against the target of 25%, 32% of three bed units against the target of 30% and lastly, 22% of four bed units against the target of 15%.

8.133 Policy DM3 of the MDD requires that 45% of the rented homes are provided as 3 or more bedroom family accommodation. The applicant proposes the provision of 54% of the affordable rented units as family homes (3 and 4 bedroom units), which is supported.

8.134 The applicant has removed the provision of 3 bedroom intermediate units and replaced these with 1 bedroom units. Whilst the provision of 2 bedroom units falls below Council's recommended 50% provision, due to internal layouts and the building configuration, it has not been possible to provide an additional 2 bedroom units without compromising the quality of the proposed units.

8.135 It is therefore considered that the mix of intermediate homes is appropriate, ensuring affordability both locally and borough wide, taking into account the household incomes required to own or rent privately in Poplar and the borough.

8.136 Separate access cores would be provided for affordable and private tenures and these have been designed to ensure the rented units are not accessed from 'secondary entrances'.

8.137 As discussed above, the viability appraisal has been independently reviewed by the Council's financial viability consultants. The review of the appraisal concluded that the proposed offer maximises the affordable housing that can viably be achieved. A review mechanism will be secured as a planning obligation, to take account of changing market circumstances if the scheme does not commence within 2 years of the grant of planning permission. Officers are satisfied that the offer is the maximum that could be achieved without making the development undeliverable.

8.138 The following table shows the affordable housing rent levels:

	Borough Framework (Service charge included)
1 bed	£204 p.w
2 bed	£214 p.w
3 bed	£227 p.w
4 bed	£267 p.w

8.139 Overall, the proposed affordable housing offer maximises the provision of affordable housing without prejudicing the objectives of creating mixed and balanced communities. It is considered that the proposal will deliver a range of housing types, sizes and tenures, together with a sustainable mix of complementary and supporting

non-residential uses and facilities. The proposal is in accordance with the London Plan policy 3.9, Core Strategy policies SO8 and the NPPF paragraph 50 which requires the delivery of socially mixed and balanced communities.

Residential space standards

- 8.140 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document seek to ensure that all new housing is appropriately sized, high-quality and well-designed. Specific standards are provided by the Mayor of London Housing SPG to ensure that the new units would be fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the needs of occupants throughout their lifetime. Additionally, policy DM3 requires that affordable housing should be built to the same standards and should share the same level of amenities as private housing.
- 8.141 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require adequate provision of private amenity space for all new homes. Policy DM25 requires a good level of amenity for the future occupiers including through provision of adequate daylight and sunlight, outlook and privacy.
- 8.142 The 'National Space Standard' was introduced by the Government from 1st October 2015. The requirements of the standard are consistent with those of the London Plan and Managing Development Document with respect of gross internal area.
- 8.143 Overall the proposed residential quality is considered to be good, with no more than 8 units per core and a high quantity of dual aspect units. The internal areas of the proposed flats would be generous, with all of the flats meeting and exceeding the minimum floorspace standards.
- 8.144 The submitted floor plans demonstrate that all necessary furniture and storage can be comfortably accommodated within the proposed layouts. Generous 2.8m high floor to ceiling heights would be provided at all floor levels, providing housing quality in excess of the baseline Housing SPG standards.
- 8.145 Private amenity space is proposed in the form of balconies, terraces and private gardens for all of the dwellings. A total of 2,856m sqm of private amenity space is provided within the proposed development.
- 8.146 Wintergardens have been introduced in particular to units along Leamouth Road to minimise the impact of potential environmental and noise pollution. The proposed winter gardens would be designed with a thermal and physical barrier between the internal floor space and amenity provision. The use of wintergardens would appropriately maximise the usability of the private amenity space in winter and during windier months, which is considered positive, and in line with the approach taken at Aberfeldy further north of the site.

Internal daylight/sunlight

- 8.147 DM25 of the MDD seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments. The Building Research Establishment (BRE) Handbook 'Site Layout Planning for Daylight and Sunlight 2011: A Guide to Good Practice' (hereinafter called the 'BRE Handbook') provides guidance on the daylight and sunlight matters. It is important to note, however, that this document is a guide whose stated aim "is to help rather than constrain the designer". The document

provides advice, but also clearly states that it “is not mandatory and this document should not be seen as an instrument of planning policy.

- 8.148 Where the assessment considers neighbouring properties yet to be built then Average Daylight Factor (ADF) may be an appropriate method to supplement Vertical Sky Component (VSC) and No Sky Line (NSL). British Standard 8206 recommends Average Daylight Factor (ADF) values for new residential dwellings, these being:
- >2% for kitchens;
 - >1.5% for living rooms; and
 - >1% for bedrooms.
- 8.149 For calculating sunlight the BRE guidelines state that sunlight tests should be applied to all main habitable rooms which have a window which faces within 90 degrees of due south.
- 8.150 In relation to sunlight, the annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each given window which faces within 90° of due south. If the window reference point can receive more than one quarter (25%) of APSH and at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should still receive enough sunlight. The baseline scenario has been presented in the ES Sunlight and Daylight Report by assessing the internal daylight to the lowest three floors of residential accommodation within each block. Where the levels of daylight were below the suggested BRE guidelines, rooms directly above were assessed up the building until the rooms showed compliance.
- 8.151 Within the western block from ground to second floor, of the 44 rooms tested, 40 will achieve the 1.5% for living/dining space or 1% bedrooms. This equates to 91% compliance with the BRE/BS target values. However, it is noted that this percentage increases for every additional storey tested and on this basis, the results confirm a high percentage of APSH sunlight test.
- 8.152 With respect to the north-east block, the south facing windows which view towards the internal courtyard have been tested, as these will have the most obstructed view. The eight rooms tested over the second and third floors indicate that only one room will fall just short of the 1% ADF value for bedrooms with 0.84%. However, bedrooms are considered less important by the BRE guidelines and it would meet the criteria as part of the 20+ floors above. The APSH sunlight results demonstrate that almost all rooms, with the exception of bedroom, will contain at least one window that will satisfy the annual guideline values.

Privacy and outlook

- 8.153 The proposed development has involved various design iterations, as the key concerns have been the suitability of the residential land use, as a result of the harsh, traffic exposed site.
- 8.154 The proposals open up the east, creating the opportunity to visually connect with the riverside and across to the Ecology Park. The cascading western block seeks to protect the landscape of the riverside edge from the harsher, traffic exposed environments. The diminishing massing relates to the local, smaller buildings at the southern end, and opens amenity and views to the south and River Thames.

- 8.155 The dimensions and arrangement of the plans, allow for maximising dual aspects within the accommodation. As a result, each unit would benefit from a pleasant outlook.
- 8.156 With regards to privacy, Officers initially raised concerns with respect to overlooking from balconies. As a result, the applicant's design team have included privacy measures or re-located the balconies to the identified units in order to ensure all future occupants maintain a reasonable level of visual privacy, details of privacy screens will be secured by condition

Communal amenity space and play space

- 8.157 Play space for children is required for all major developments. The quantum of which is determined by the child yield of the development with 10sqm of play space required per child. The London Mayor's guidance on the subject requires, inter alia, that it will be provided across the development for the convenience of residents and for younger children in particular where there is natural surveillance for parents.
- 8.158 In addition, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require provision of dedicated play space within new residential developments, this is in addition to communal amenity space required by London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document at a ratio of 50sqm for the first 10 units plus 1sqm for every additional unit.
- 8.159 Applying the methodology within the Mayor's Play and Informal Recreation SPG (2012), the scheme could generate a child yield of 106 requiring a total of 1,064 sq.m of play space (the Planning Obligations SPG adopted on September 2016 advocates the use of GLA yields). The following is a breakdown of the expected number of children per age group:

	Number of children	%
Under 5	34	32
5 to 11	40	38
12+	32	30
Total	106	100

Table 1 – Proportion of children using GLA yields

- 8.160 Play space provision to meet the planning policy requirements would be provided on site. Following GLA's initial concern with regards to the proposal not achieving the minimum requirement, an additional 130m2 of child play space has been provided to the communal roof terrace on level 17, which would be accessible to all of the occupants of the development using a fob system.
- 8.161 As a result, 1066 sqm of play space is proposed, which meets the Mayor's Play and Informal Recreation SPG (2012), and how this is broken down is illustrated in the table below:

Age	Child Yield	Requirement	Provided
0-3	31	312 sqm	343 sqm
4-10	39	391 sqm	391 sqm
11-15	20	202 sqm	202 sqm
TOTAL	90	906 sqm	960 sqm

*Excluding 130sqm of additional child play space added to roof

- 8.162 It is proposed to allocate specific play spaces for different age groups and use separate space for communal amenity. Circulation space has not been counted as play; however it does offer additional informal play opportunities. Additionally, the proposed pavilion has not been counted as play space, and instead is included as communal amenity space. In total 250sqm of child play space is provided at roof level.
- 8.163 The landscape design creates play space which weave around a central pathway, and flow into indoor/outdoor play areas to the north and south, providing weather-protected space for children. A range of play elements would be used, which include:
- Natural play features such as stepping logs, timber and rope climbing features.
 - More challenging adventurous play volumes (within the indoor and outdoor place space) with multiple play stations including climbing elements, roped elements and rubberised floor patterns.
- 8.164 These would provide places for play, discovery, socialisation, relaxation and personal reflection. It would be designed to visually integrate with, and create character links to the surrounding public realm.
- 8.165 Seating would be provided for parents to watch their children. The courtyard garden would be gated and secure from the public realm. The lawn offers more relaxed, unstructured play for 0-3 years.
- 8.166 Play spaces would be integrated alongside communal amenity space physically yet will be spatially defined and has not been double counted.
- 8.167 Communal open space is calculated by the number of dwellings within a proposed development. 50sqm is required for the first 10 units with an additional 1sqm required for each additional unit. Therefore, the required amount of communal amenity space for the development would be 378sqm. The applicant is providing a total of 505sqm, provided at ground level within the pavilion and at roof level in the form of gardens and terraces.



Figure 1: Image illustrates the central courtyard

- 8.168 The central courtyard garden would be inaccessible to the general public and contain a communal pavilion providing rest and socialisation, work space and shelter for all ages.
- 8.169 The cascading form of the building has allowed for the creation of roof gardens at the setbacks. These are communal spaces with level access, which maximises the south-facing, open aspect of the site.
- 8.170 The proposed communal open space and children's play space included within the development provides a high quality amenity space for future residents of all ages. The level of provision will meet policy requirements and deliver opportunities for play and recreation within the site and contribute towards amenity.
- 8.171 A condition has been included to require the Council's approval of full details of the proposed spaces, including finishes and quality of access routes, play equipment, all finishes and surfaces, toilet facilities, planting, lighting, security and access control measures.
- 8.172 Additionally, in order to ensure that the landscaping scheme contributes to the character and appearance of the area and to mitigate for tree losses, Council's Open Space & Landscaping Officer has recommended a condition requiring the approval of detailed drawings of a planting scheme.

Inclusive design & access

- 8.173 As of 1 October 2015 the Government's technical housing standards came into effect. These standards require that 90% of homes to be built to meet building regulations M4 (2) 'accessible and adaptable dwellings' and 10% to be designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users to meet building regulation M4 (3) 'wheelchair user dwellings'. As a consequence Policy 3.8 of the London Plan has been updated accordingly (March 2016).

- 8.174 10% of the overall development has been designed as Part M(3) compliant homes for wheelchair access. This includes 10% across each tenure type. The units are spread throughout the development to ensure different types and aspects are provided.
- 8.175 However, it is noted that 7 duplex units do not benefit from level access from the main entrance. Part M regulations, state that 'where it is not reasonable to achieve step-free access, an alternative step-free route should be provided.
- 8.176 The applicant has considered alternative design options, including the provision of a ramp element, however it was considered that this would have a significant detrimental impact on the overall design of the scheme presented to Leamouth Road. Furthermore, providing a ramp in this position would also mean that the front garden space is not accessible. Given that the proposed duplex units are not included within the proposed 10% wheelchair accessible units, and the fact that the duplex units will have level access via the private rear gardens, together with the need to create a quality frontage and meet flood risk requirements, Officers are satisfied that the units are acceptable in this instance.
- 8.177 Each unit has a designated parking space in the basement, from which units can be accessed via a secure communal core.
- 8.178 The detailed floor layouts and locations within the site for the wheelchair accessible units are recommended to be secured by condition.

Neighbours amenity

Overlooking and privacy

- 8.179 Policy DM25 of the Managing Development Document requires new developments to be designed to ensure that there is sufficient privacy and that they do not enable an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. The degree of overlooking depends on the distance and the horizontal and vertical angles of view. The policy specifies that in most instances, a distance of approximately 18 metres between windows of habitable rooms would reduce inter-visibility to a degree acceptable to most people. Within an urban setting, it is accepted that overlooking distances will sometimes be less than the target 18 metres reflecting the existing urban grain and constrained nature of urban sites such as this.
- 8.180 The property closest to the application site, to the north is a Council owned vehicle depot and MOT station, used to store refuse and recycling vehicles. The immediate area surrounding the site is subject to numerous new developments and is still undergoing significant regeneration through a range of residential and commercial led development. To the west of the site are several new mixed use development including, the Data Centre on Oregon Drive and Aberfeldy New Village. To the south-west of the site is the established Barratt Homes residential development on the former Elektron Building site, consisting of high rise development of between 22 and 25 storeys. To the east of the site across the River Lee and Bow Creek Ecological Park is London City Island. All surrounding residential properties are located in excess of 18m separation distance and as a result the proposal will not give rise to excessive overlooking opportunities.

Outlook and sense of enclosure

- 8.181 Given that the site occupies an island site, it benefits from maintaining a distance from neighbouring buildings, especially residential uses. The townscape around the site is open to the east and south east. The proposed massing generally would not result in an overbearing appearance, sense of enclosure or unreasonable impacts on outlook.

Daylight, Sunlight and Overshadowing

- 8.182 Guidance on assessment of daylight and sunlight is set out in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. The primary method of assessment is through calculating the vertical sky component (VSC). BRE guidance specifies that reductions in daylighting materially affect the living standard of adjoining occupiers when, as a result of development, the VSC figure falls below 27 and is less than 0.8 times its former value. The BRE guide states that sunlight availability would be adversely affected if the centre of a window receives less than 25% of annual probably sunlight hours or less than 5% between 21 September and 21 March and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight over the whole year of over 4%. For overshadowing, the BRE guide recommends that at least 50% of the area of each amenity space should receive at least two hours of sunlight on 21st March with ratio of 0.8 times the former value being noticeably adverse.
- 8.183 With regards to daylight and sunlight amenity to the neighbouring residential properties, there are no neighbouring receptors with a direct view or within sufficient distance of the proposed development to be materially affected.
- 8.184 Therefore, the proposed development will not result in any negative daylight and sunlight impacts upon any neighbouring residential properties.

Noise and Vibration

- 8.185 Policy 7.15 of the London Plan (2015), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013) seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 8.186 Noise is a material consideration to be taken into account in planning decisions. A full assessment of the noise considerations has been undertaken and is set out in the supporting Acoustic Report.
- 8.187 The report sets out the acoustic strategy required to ensure that the proposed development will result in compliance with national and regional guidelines and LBTH requirements.
- 8.188 The application site is located in close proximity to noise generating activities including the DLR, London City Airport and a number of safeguarded wharves – Orchard Wharf, Priors Wharf and Mayer Parry Wharf.
- 8.189 Additionally, LBTH owns the freehold land to the north of the application site – it is currently used as the main highways depot and will continue to be held for this use for the foreseeable future. The site also holds school buses, a salt barn with

associated winter vehicles; and is used to service all Council vehicles, including cleaning with high pressure washers.

- 8.190 The strip of land between the where the depot site activities begin and the application site is Council owned land and is used as ad hoc car parking in association with the depot. There is an established public right of way on foot only running through it which is used by depot workers and also members of the public as a thoroughfare. Cars parked on this strip of land enter and exit through Silvocea Way. It is not possible to exit onto Leamouth Road given the narrow width of the Grade II listed entrance gate. Vehicles using the depot site enter via Silvocea Way and exit on Leamouth Road.
- 8.191 To minimise risk of noise nuisance to the surrounding area during the operation of the proposed development, an assessment has been undertaken and noise emission limits derived to ensure compliance with recommended external noise criteria.
- 8.192 Appropriate noise mitigation measures have been recommended for the proposed residences which will ensure that internal and external noise levels will meet the recommended acoustic criteria based on the guidelines set out in BS 8233: 2014. These measures are recommended to be secured by condition.
- 8.193 Noise intrusion to the proposed development will be controlled to acceptable levels by ensuring the facade and internal building elements satisfy the specified minimum sound insulation performance requirements. It is considered that the quality of the build and these appropriate measures would guard against a significant impact on the amenity of the occupants of the proposed development.
- 8.194 The report concludes that noise issues can be adequately addressed in the design of the proposed development and therefore it is in accordance with the London Plan policy 7.15, Core Strategy policy SO3, SP03 and SP10, and MDD policy DM25.
- 8.195 In terms of vibration it has been predicted that the levels at the most exposed part of the proposed development will be below the range of “low probability of adverse comment” as stated in BS 6472: 2008. There will therefore be no requirement for any specific vibration control measures for the development.
- 8.196 Noise assessments have been undertaken; however the acoustic assessment contains no reference to the safeguarded wharves. The operation of the wharves is safeguarded by the Secretary of State through an Article 10 (3) Direction and the applicant should demonstrate that the proposed development would not harm the operations of these wharves, prior to Stage 2 referral. Any required mitigation and conditions should be agreed with the Port of London Authority (PLA).
- 8.197 Concern was raised by GLA that the introduction of the proposed residential units may harm the operations of the wharves, specifically Orchard Wharf, Priors Wharf and Mayer Parry Wharf, due to the noise they make. The applicant submitted additional information which considered the noise implications for the development, carrying out both an attended noise survey, and a 7 day unattended survey, on the site. During the attended survey no noise from operations from these wharves was audible, and nothing was identified from the unattended noise survey.
- 8.198 The distance between the site and the nearest wharf is approximately 300 metres which will result in significant noise attenuation from activities there. Furthermore, between the site and Priors Wharf and Mayer Parry Wharf lies the A13 which dominates noise from the north. Between the site and Orchard Wharf is the A1020

overpass, roundabout and the DLR which will dominate noise levels from the south east. Due to the transportation noise from these sources the design of the Orchard Wharf development will incorporate significant noise reduction measures.

- 8.199 With respect to potential noise generated by the proposed flexible commercial units, a condition is recommended to be secured which requires the opening hours to be submitted to ensure the hours of operation for the flexible commercial use is controlled appropriately.
- 8.200 Overall, subject to conditions any adverse impacts on noise and vibration are suitably controlled and are acceptable.

Construction Impacts

- 8.201 Noise, vibration and air quality impacts would be mitigated through submission of a Construction Management Plan. The plan, to cover both demolition and construction works, would be required to be prepared in accordance with the Council's Code of Construction Practice and limit the construction hours to the Council's standard construction hours of 8am – 6pm Monday to Friday, 8am – 1pm on Saturdays, with no works on Sundays and Bank Holidays.

Wind

- 8.202 The supporting Wind Assessment assesses the likely effects of the proposed development on the local wind microclimate. In particular, it considers the potential effects of wind on pedestrian comfort and safety around the proposed development and summarises the findings of a wind tunnel test of the proposed development.
- 8.203 The pedestrian environment and open spaces have been designed to ensure wind conditions are suitable for the intended use, with reference to the Lawson's comfort criteria. Where required, windiness shall be mitigated through landscape design, location and recessing of entrances and screening.
- 8.204 The assessment concludes that with the incorporation of such mitigation measures, the open spaces within the proposed development will generally be suitable for use during the windiest season.
- 8.205 The proposed development is therefore in accordance with London Plan policy 7.6 and 7.7 and MDD policy DM25.

Light pollution

- 8.206 A condition has been included to require submission of full details of proposed lighting, in order to minimise any impact on the amenity of adjoining occupiers.

Conclusion

- 8.207 Overall, the proposal would give rise to no unacceptable impacts on the amenity of the adjoining residents and occupiers and as such the proposed scheme is considered to comply with the abovementioned policies. Appropriate conditions have been included to mitigate any impacts and safeguard the amenity of these residents.

Highways, transportation and servicing

- 8.208 The National Planning Policy Framework emphasizes the role transport policies have to play in achieving sustainable development and stipulates that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities.
- 8.209 The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. Strategic Objective SO20 of the Core Strategy states that the Council seeks to: “Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle.” Policy SP09 provides detail on how the objective is to be met.
- 8.210 Policy DM20 of the Council’s Managing Development Document reinforces the need to demonstrate that developments would be properly integrated with the transport network and would have no unacceptable impacts on the capacity and safety of that network. It highlights the need to minimise car travel and prioritise movement by walking, cycling and public transport. The policy requires development proposals to be supported by transport assessments and a travel plan.
- 8.211 The application is accompanied by a Transport Assessment.
- 8.212 The site is bounded by A1020 Leamouth Road to the West, Leamouth Road roundabout to the South, Silvocea Way, an access only route and the River Lea to the East and a Council Depot to the North. The nearest section of the Transport for London Road Network (TLRN) is approximately 100metres to the North of the site at A1020 Leamouth Road, whilst the closest section of the Strategic Road Network (SRN) is approximately 980 metres to the East at Silvertown Way.
- 8.213 East India DLR station is located 450 metres to the South of the site and serves the Bank, Woolwich Arsenal, Tower Gateway and Beckton lines. Canning Town Underground Station is approximately 870 metres west of the site and serves the Jubilee line.
- 8.214 The site is supported by bus routes, D3, 115, N15, N550 and N551 within a reasonable walking distance. The closest bus stop is Abbott Road which is approximately 2 minute walking distance.
- 8.215 The above results in the site recording a Public Transport Accessibility Level (PTAL) of 4 on a scale of 1 to 6b, where 6b is excellent. This equates to a good level of accessibility to public transport. This may be improved in the future with the opening of the bridge link from Leamouth North to Canning Town interchange.



Figure 1: Local Transport Infrastructure

- 8.216 The site is also served by the Mayor's Cycle Hire Scheme with the nearest docking stations located at East India DLR approximately 450m south of the site providing 51 spaces.
- 8.217 Neither TfL nor LBTH Highways & Transportation object to the principle of the proposed development in this highly sustainable location.

Cycle Parking

- 8.218 The applicant proposes 480 long-stay cycle basement cycle spaces for the residential element of the development, which is in line with London Plan policy 6.9. The applicant has specified that they will be Josta 2-tier High Capacity Racks. The majority of the residential cycle spaces will be accommodated within the basement car park.
- 8.219 The applicant proposes cycle access to the scheme via a cycle lift to the basement. Further details are required regarding cycle parking access, including reference to the London Cycling Design Standards.
- 8.220 The applicant proposes 12 visitor cycle spaces in Sheffield stands at street level; which meets the requirement.
- 8.221 With regards to commercial cycle parking, two of the non-residential units (Unit 2 & 3) will be less than 100sqm. Unit 3 is designated as an A1 café and would therefore not trigger a requirement. Unit 2, due to its size will also most likely attract an A1 user, and would therefore not trigger the requirement.
- 8.222 Whilst Unit 1 is larger at 295sqm, it has a proposed flexible use class and therefore it is not possible to accurately calculate the required cycle parking as per the London Plan guidance. Based on the potential users, the use would only be likely to generate the requirement for 1-2 spaces maximum. It is recommended that a condition is attached to address this once the end user is known.

- 8.223 A condition would require submission of full details of the proposed cycle storage arrangements including measures to ensure ease of use and accessibility.

Car Parking

- 8.224 Policy DM22 sets out the Council's parking standards in new developments.
- 8.225 Given the high PTAL rating of 4, the development would be subject to a 'car free' S106 agreement restricting all future occupiers from obtaining residential on-street car parking permits, with the exception of disabled occupants or beneficiaries of the Council's permit transfer scheme.
- 8.226 The development includes 33 Blue Badge spaces located within the basement, 6 of which will be active electrical vehicle charging points (EVCP), whilst an additional 7 will be passive ECVPs. Council's Highway's Officer and TfL both support this quantum as it is in line with London plan standards. The provision of EVCPs is recommended to be secured by condition. Furthermore, the disabled bays shall be retained and maintained for this purpose for the life of the development.
- 8.227 It is also recommended that a car parking management plan is secured by condition to ensure only the residents use disabled bays and to clarify which parking spaces in the basement will be allocated for car clubs.

Servicing and Refuse Storage

- 8.228 Further to policy SP05 of the Core Strategy which requires provision of adequate waste storage facilities in all new development, policy DM14 of the Managing Development Document sets out the Council's general waste and recycling storage standards. The proposed capacity of the waste storage is in accordance with current waste policy.
- 8.229 All residents will have a communal bin store within 30m (horizontal travel distance) of their homes at either ground or basement level. The bin stores have been designed to segregate refuse from dry recyclables and food waste.
- 8.230 There would be a separate commercial bin store ensuring residential and commercial waste is segregated.
- 8.231 Originally, LBTH objected to the refuse collection strategy of the site as it was considered that the turning manoeuvre utilising the site access was unacceptable. However, Council's Highway's Officer has confirmed that due to the low frequency of the manoeuvre (2 times per week maximum) and the fact that the LBTH depot is at the end of Silvocea Way, that refuse servicing from Silvocea Way is an acceptable solution. This conclusion came as a result of the lack of options to take the refuse vehicle on site without compromising the ability of the site to deliver on other commitments such as disabled parking, public open space and play space.
- 8.232 Day to day servicing such as supermarket and courier deliveries, will be undertaken from the basement area. A swept path analysis has been submitted to demonstrate that a 7.5T box van can access and exit the basement in a forward gear. Similarly, 3.5T vans will also be able to service the site from the basement, allowing for day to day servicing such as supermarket home deliveries.

- 8.233 A condition is recommended to request submission of a Delivery and Servicing Management Plan.

Traffic generation and public transport impacts

- 8.234 A Transport Assessment has been submitted as part of the supporting documentation. The assessment has been reviewed by both TfL and the Council's Highways & Transportation Officers.
- 8.235 Given the former use of the site as a petrol filling station and the 'car free' nature of the proposal, TfL and Council's Highways Officer acknowledge that vehicular use will be low and road traffic generation would be reduced as a result of the proposal. The great majority of trips generated by the development would take place on foot, by cycle or by public transport.
- 8.236 The biggest impact on public transport will be on the DLR/underground services, where some 65 additional trips are predicted in the AM peak (13 arrivals and 52 departures) and 79 (52 arrivals and 27 departures) in the PM peak. In order to assess the impact on these trips, officers have relied upon 2011 census travel to work data for Tower Hamlets.
- 8.237 The data demonstrates that the greatest impact will be on the Jubilee line from Canning Town, especially towards and from Stanmore. In the AM peak some 31 additional departures and 8 arrivals are predicted. During the PM peak some 17 departures and 31 arrivals are predicted.
- 8.238 During the AM peak some 24 Jubilee line trains depart Canning Town westbound meaning an additional $\frac{1}{2}$ passenger per train. During this same time period approximately 23 services arrive at Canning Town from the west meaning one additional passenger every 2/3 trains. During the PM peak approximately 24 services depart from and arrive at Canning Town from/to the west meaning an additional $\frac{1}{2}$ passenger per train arriving and less than one additional passenger per train departing, on average.
- 8.239 The proposed development is predicted to generate only 7 two-way bus trips in the morning peak and 9 two-way trips in the evening. Approximately 48 services depart the bus stops identified within easy walking distance of the site meaning approximately 1 additional person every 6 buses during the peak hours.

Conclusion

- 8.240 Overall, subject to conditions and the planning obligations, the proposal would not give rise to any unacceptable highway, transportation or servicing impacts. It is noted that neither the Council's Highways & Transportation Officer nor TfL raise an objection to the proposal.

Biodiversity

- 8.241 Policy 7.19 of the London Plan, policy SP04 of the Core Strategy and policy DM11 of the Managing Development Document seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve an overall increase in biodiversity.

- 8.242 The Ecology Report concludes that the site is of little biodiversity value. The report however, fails to mention Jersey Cudweed, a plant protected under Schedule 8 of the Wildlife & Countryside Act. There is a large colony of this species very close to the application site, along the verge of Silvocea Way, and it could easily spread onto the application site, which has small areas of ruderal vegetation around the edges. If Jersey Cudweed was present on the site, Natural England would issue a licence for a suitable mitigation scheme, so it would not be a barrier to development of the site. A condition is recommended to be secured which requires a precautionary survey prior to commencement of work.
- 8.243 Policy DM11 requires biodiversity enhancements in line with the Local Biodiversity Action Plan (LBAP), and elements of a living building. The proposals include two areas of biodiverse roof, extensive use of nectar-rich flowers which will benefit bumblebees and other pollinators, bird and bat boxes and log piles, all of which will contribute to LBAP objectives.
- 8.244 The proposals for lighting, especially uplighting of trees in the communal garden, are not acceptable. Bats are known to use Bow Creek for foraging and commuting, and the landscaping of this development could add to their potential foraging habitat. Lighting should be restricted to lighting paths, and should not be directed upwards or towards the river. Therefore, a condition is recommended to be secured which requires full details to be submitted which detail biodiversity mitigation and enhancement measures.
- 8.245 Accordingly, the proposal would not result in undue biodiversity impacts. Subject to conditions, the proposal would deliver net biodiversity improvements, in accordance with the relevant policies.

Energy Efficiency and Sustainability

- 8.246 At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2015, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.247 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).
- 8.248 The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO₂ emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. From April 2014 the London Borough of Tower Hamlets have applied a 45 per cent 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.
- 8.249 The submitted Energy Strategy has followed the principles of the Mayor's energy hierarchy, and seeks to focus on reducing energy demand, utilising a CHP system

and integration of renewable energy technologies. The current proposals are anticipated to achieve CO2 emission reductions of 10.5% through Be Lean measures, 25.6% through a CHP (35kWe) site wide heat network and 3.8% from a photovoltaic array (33.97kWp). The cumulative CO2 savings from these measures are proposed to be in accordance with policy London Plan requirements at 40%. However, the proposals fall short of the LBTH policy requirements to achieve a 45% reduction in CO2 emissions.

8.250 The CO2 emissions are:

- Baseline – 411.5 Tonnes/CO2/yr
- Proposed design – 247.1 Tonnes/CO2/yr
- LBTH policy requirement – 226.3 Tonnes/CO2/yr
- Annual Shortfall – 20.8 Tonnes/CO2/yr

Carbon Offsetting

8.251 In order for the scheme to be supported by the sustainable development it is recommended that the shortfall in CO2 emission reduction is met through a carbon offsetting payment. The planning obligations SPD contains the mechanism for any shortfall to be met through a carbon offsetting contribution, in the absence of the CO2 emission reduction not being delivered on site. In addition, the council has an adopted carbon offsetting solutions study (adopted at Cabinet in January 2016) to enable the delivery of carbon offsetting projects. Based on the current energy strategy a carbon offsetting contribution of £37,440 would be appropriate for carbon offset projects. The calculation for this figure is as follows:

8.252 Shortfall to meet DM29 requirements = 20.8 tonnes/CO2 x £1,800 = £37,440 offset payment to meet current policy requirements.

8.253 This is recommended to be secured by condition and a S106 agreement for £37,440 to be payable prior to commencement of development.

8.254 The energy strategy is clear in identifying that the proposed carbon savings are based on the integration of a CHP system, that will require further consideration at the detailed design stage. Should a CHP not be feasible then the CO2 savings would be significantly reduced and the carbon offsetting payment increased to £212,700 (the CO2 shortfall would be circa 118 tonnes).

8.255 It is recommended that the submitted energy strategy, incorporating a CHP be secured via Condition and any subsequent change would require approval and variation of the S106 to take into account anticipated emission reductions.

Sustainability

8.256 Policy DM29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all non-residential to achieve BREEAM Excellent. The applicant has submitted a BREEAM pre-assessment which shows the scheme is designed to achieve a BREEAM Very Good rating with a score of 63. Given the size of the non-residential area is only 400m² and this is split into smaller units, the proposed sustainability measures are appropriate and proportionate to the scale of development. It is recommended that the

submission of the final certificate to demonstrate it has been delivered should be secured via condition.

Conclusion

- 8.257 The current proposals have sought to implement energy efficiency measures and renewable energy technologies to deliver a 40% reduction CO2 emission reductions.
- 8.258 Whilst this the CO2 emission reduction on-site fall short of the LBTH target, should the shortfall be met through a carbon offsetting contribution the proposals would be considered in accordance with adopted policies for emission reductions.
- 8.259 It is recommended that the proposals are secured through appropriate conditions and planning contributions to deliver:
- Energy strategy to deliver 40% reductions in CO2 emissions and CHP system
 - Carbon offsetting contribution secured through S106 contribution (£37,440)
 - Delivery of BREEAM Very Good Development

Land Contamination

- 8.260 The site has been identified as having potential historic contamination. In accordance with the Environmental Health Contaminated Land Officer's comments a condition will be attached which will ensure the developer carries out a site investigation to investigate and identify potential contamination.

Air quality

- 8.261 Air quality is a material consideration to be taken into account in planning decisions (NPPF, London Plan Policy 5.3 and MDD policy DM9). The supporting Air Quality Assessment has assessed the likely air quality impacts associated with the construction and operation of the proposed development.
- 8.262 The construction works will give rise to a 'medium risk' of dust impacts for on-site activities and a 'low risk' of dust impacts for trackout. It will therefore be necessary to apply a package of mitigation measures to minimise dust emissions. With these mitigation measures in place, the overall impacts during construction will be 'not significant'.
- 8.263 The additional traffic generated by the proposed development will be minimal and falls beneath a recognised threshold (100 vehicles per day), below which air quality impacts are highly unlikely. Increases in pollutant concentrations at sensitive locations resulting from emissions from these additional traffic movements will have a negligible impact on air quality.
- 8.264 Emissions from the proposed boiler and CHP Plant within the proposed development will lead to an increase in nitrogen dioxide concentrations at nearby existing properties. The Air Quality Assessment has demonstrated that increases in both 1-hour and annual mean concentrations of nitrogen dioxide at existing properties will be insignificant.
- 8.265 Air quality conditions for new residents within the proposed development have also been considered. Annual mean nitrogen dioxide concentrations are predicted to be above the air quality objectives for the proposed residential units on the ground and

first-floor levels on the western boundary, however mitigation measures will ensure that conditions are suitable for residential occupation.

- 8.266 To reduce exposure of future residents to outdoor air that exceeds concentration limits specified in the government's air quality objectives, it is recognised that it is preferential to consider the position of buildings on site and to then review the internal layout of these buildings and the positioning of opening doors and windows. In this case, the scheme architects have explored a wide range of options, the merits of which have been considered with respect to a range of design and environmental constraints. It is understood that the arrangement and location of buildings was determined through an in-depth development with LBTH and the result was supported by GLA design officers. For example, the internal layout of the blocks maximise dual aspect accommodation, minimise any north facing dwellings and are arranged to ensure adequate levels of daylight & sunlight reach every dwelling.
- 8.267 All of the car parking associated with the site is for the residential elements, with no provision for the non-residential elements. It is therefore reasonable to assume that no vehicular trips would be generated by the non-residential element. In the Transport Assessment, it was stated that "It is important to note that the 412m² of flexible non-residential floor space on site has been considered to be ancillary to the residential uses on site and will not generate a significant number of trips itself. No formal trip generation exercise has therefore been undertaken for this element of the development."
- 8.268 A traffic count was carried out on the access road to the Tower Hamlets Council depot (including the MOT test centre) and the results presented in the Dust Assessment submitted with the application (J2532/2/F1, 10th June 2016). This indicates that traffic flows on the access road are approximately 56 vehicles per hour (10:00 – 11:00), around 8 of which are HGV. This is likely to equate to less than 1,000 vehicles per day accessing the site. Emissions from vehicles on this access road are insignificant when compared with flows on 20,000 to 113,000 on other roads in the area, and thus were not included in the model.
- 8.269 The MOT test centre is located to the north of the proposed development site. It appears to have 8 test bays and opening hours are 9am to 3pm, Monday to Friday. The proposed residential blocks are at least 20m from the building where MOT testing is carried out. However, this is the distance to the rear of the building. At the closest point, the proposed block is 35m from the access doors. The test centre would only be a source of emissions when engines are being run to test emissions. Therefore as a maximum, emissions from the test centre would equate to that of 8 vehicles (there are 8 test bays), at any one time. These emissions will be insignificant when compared with emissions from vehicles on local roads, and thus will not have a significant impact upon the proposed development.
- 8.270 The Air Quality Assessment shows that the annual NO₂ objective may be exceeded in parts of the development in the opening year. Mitigation must be provided to all facades shown to be nearing or exceeding the objective.
- 8.271 The construction assessment shows that the development is a medium risk site in regards to dust emissions. Appropriate mitigation for such a site must be included in a CEPM to be submitted to the council prior to commencement by way of condition.
- 8.272 All Non Road Mobile Machinery used in the construction and demolition must meet the GLA's NRMM emission limits as part of this condition.

- 8.273 As the energy centre plant has not been fully decided yet can it be included as a condition, should the development be approved, that any plant utilised for energy & heat production must meet the emission limits specified in the GLA's 'Sustainable Design and Construction' SPG.
- 8.274 Overall, the proposed development is considered to be in accordance with planning policy, in particular the NPPF; London Plan Policy 5.3 and Policy DM9.

Flood Risk

- 8.275 The NPPF, London Plan policy 5.12 and Core Strategy policy SP04 make clear that there is a need to consider flood risk at all stages in the planning process.
- 8.276 The development falls within Flood Risk Zone 3. The application is supported by a flood risk assessment.
- 8.277 The FRA states that in the event of a breach or overtopping of the flood defences the occupants of the building should remain within the building (due to the potential for the surrounding areas to be flooded) and the following measures will be used to mitigate flood risk:
- Finished floor levels to be set at a minimum of 5.13m AOD;
 - No sleeping accommodation below 5.59m AOD;
 - No self-contained basement dwellings;
 - Dry pedestrian access to be provided to areas at 5.59m AOD and higher, from all residential areas, non-residential space and the basement;
 - Car park flood sensor and barrier to prevent the removal of vehicles during a breach event;
 - Flood resilient/resistant construction methods;
 - End users to sign up to the EA flood warning system.
- 8.278 The listed measures are acceptable and the applicant is advised to ensure that the flood resistant construction methods include the provision to protect building utility services from flooding, to ensure that in the unlikely event of flooding, occupants will be able to remain in the building in relative comfort.
- 8.279 The Environment Agency and Thames Water have raised no in principle objections to the proposal, subject to the imposition of suitable conditions which would be attached if planning permission was granted. Subject to these conditions, the proposal complies with the NPPF, London Plan policy 5.12 and Core Strategy Policy SP04.
- 8.280 In terms of sustainable drainage, the FRA states that the development will be designed to reduce surface water run-off from the site up to the 1 in 100 year storm by at least 50%. The FRA goes on to state that this requirement will be met without the inclusion of the extensive green roofs into the calculations, and that therefore the actual reduction will be in excess of 50%. The proposed destination of the discharge is to the nearby River Lea. This is welcomed and considered to be the most sustainable destination for the residual surface water. Given the nature and location of the proposals this approach is considered to be an acceptable approach to London Plan policy 5.13.

Aviation

- 8.281 An Aviation Assessment has been submitted with the application. NATS and City Airport do not object to the proposal subject to a condition requiring the submission of a construction crane methodology plan.
- 8.282 The proposed height would not affect the safety or the operation of the City Airport flight paths.
- 8.283 Subject to conditions, the proposal would result in no unacceptable aviation impacts.

Health Considerations

- 8.284 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough while the Council's policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 8.285 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- Working with NHS Tower Hamlets to improve healthy and active lifestyles.
 - Providing high-quality walking and cycling routes.
 - Providing excellent access to leisure and recreation facilities.
 - Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
 - Promoting and supporting local food-growing and urban agriculture.
- 8.286 The application proposal would result in the delivery of much need affordable housing. A proportion of housing on site would also be provided as wheelchair accessible or capable of easy adaptation.

Planning Obligations and CIL

- 8.287 Planning Obligations Section 106 Head of Terms for the proposed development are based on the priorities set out in the adopted Tower Hamlets Planning Obligations SPD (January 2012).
- 8.288 The NPPF requires that planning obligations must be:
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
- 8.289 Regulation 122 of CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.
- 8.290 Securing appropriate planning contributions is supported by policy SP13 of the Core Strategy which seeks to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate impacts of the development.

8.291 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides further guidance on the planning obligations policy SP13.

8.292 The SPG also sets out the Borough's key priorities:

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

The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

8.293 The proposed heads of terms are:

8.294 Financial Obligations:

- a) A contribution of £98,596 towards employment, skills, training for construction job opportunities
- b) A contribution of £11,220 towards employment, skills, training for unemployed residents
- c) A Carbon offsetting contribution of £37,440.00
- d) £2500 towards monitoring fee (£500 per s106 HoT's)

Total £149,756

8.295 Non-financial Obligations:

- a) Affordable housing 35.4% by habitable room (303 habitable rooms)
 - 67% Affordable Rent at Borough affordable rental levels (59 units)
 - 33% Intermediate Shared Ownership (43 units)
- b) Affordable housing review mechanism if the development does not commence within 2 years.
- c) Access to employment
 - 20% Local Procurement
 - 20% Local Labour in Construction
 - 14 apprenticeship
- d) Car free agreement
- e) S278 agreement to the surrounding highway including public realm works
- f) Residential travel plan
- g) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

- 8.296 That the Corporate Director, Development & Renewal is delegated authority to negotiate and approve the legal agreement indicated above.
- 8.297 It is considered that the level of contributions would mitigate against the impacts of the development by providing contributions to key priorities. Finally, it is considered that the S106 pot should be pooled in accordance with normal council practice.

Local Finance Considerations

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

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

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

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

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

- 8.300 It is considered that the level of contributions would mitigate against the impacts of the development by providing contributions to all key priorities and other areas. Finally, it is considered that the S106 pot should be pooled in accordance with normal council practice.

- 8.301 Members are reminded that that the London Mayoral CIL became operational from 1 April 2012 and would normally be payable. However, officers have determined that due to estimated amount of the affordable housing relief and the amount of the existing occupied floorspace on site, it is likely that a percentage of the proposal would not be liable for any CIL payments.

- 8.302 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.

- 8.303 Using the DCLG's New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £518,642 in the first year and a total payment £3,11,853 over 6 years.

Human Rights Considerations

- 8.304 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:
- 8.305 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
 - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
 - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court of Human Rights has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".
- 8.306 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.
- 8.307 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.308 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.
- 8.309 The balance to be struck between individual rights and the wider public interest has been carefully considered. Having taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement, officers consider that any interference with Convention rights is justified.

Equalities Act Considerations

- 8.310 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:

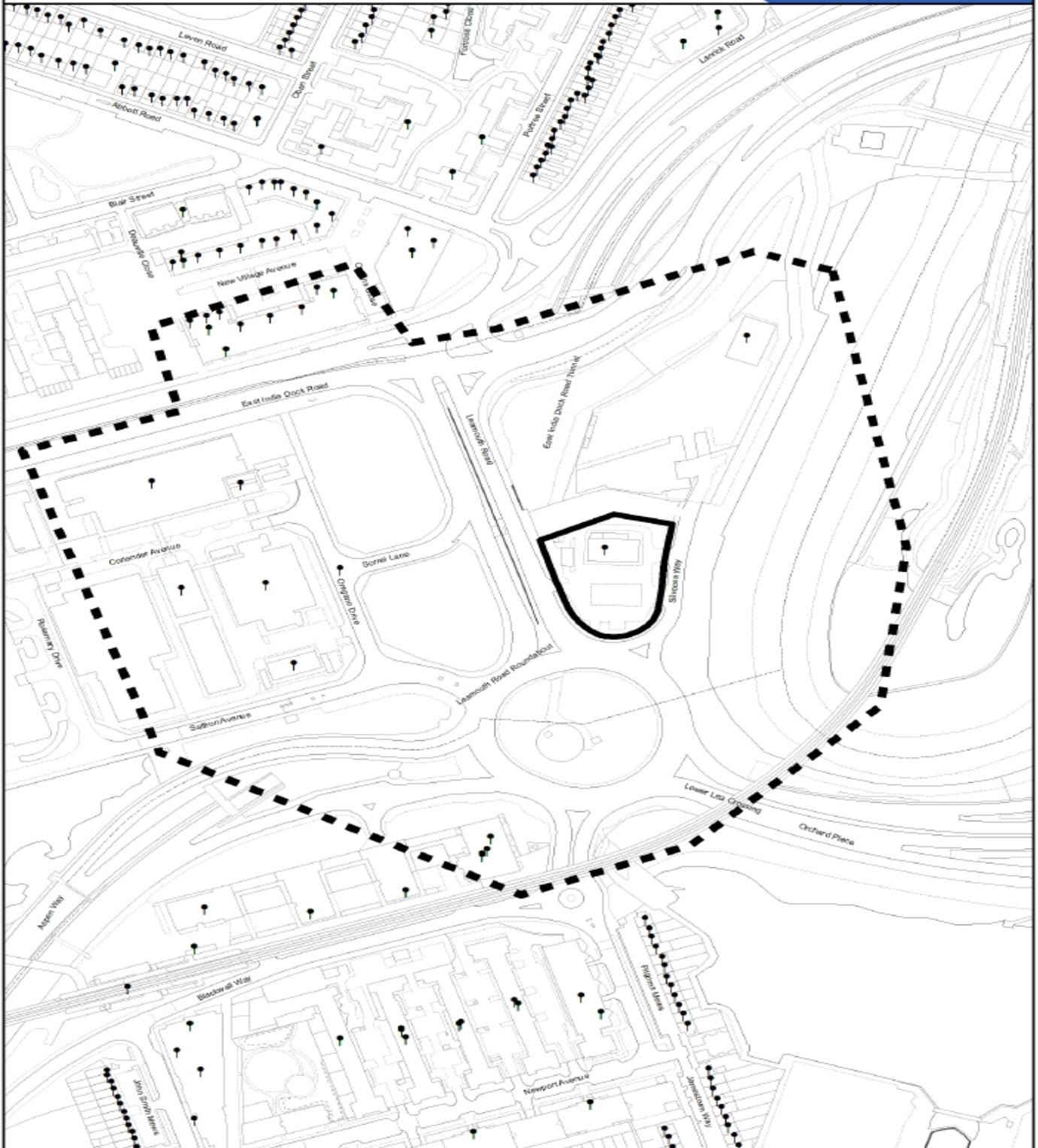
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a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







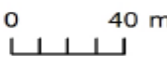
8.311 The proposed contributions towards, commitments to use local labour and services during construction, apprenticeships and employment training schemes, provision of a substantial quantum of high quality affordable housing, wheelchair accessible/adaptable housing and improvements to permeability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

9.0 CONCLUSION

9.1 All other relevant policies and considerations have been taken into account. Planning permission should be GRANTED for the reasons set out in the EXECUTIVE SUMMARY and MATERIAL PLANNING CONSIDERATIONS sections and the details of the decision are set out in the RECOMMENDATION at the beginning of this report

Planning Application Site Map
PA/16/01763



 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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LONDON BOROUGH OF TOWER HAMLETS

STRATEGIC DEVELOPMENT COMMITTEE

29th November 2016

UPDATE REPORT OF HEAD OF PLANNING AND BUILDING CONTROL

Agenda item no	Reference no	Location	Proposal / Title
5.2	PA/16/01763	Former Castle Wharf Esso Petrol Station, Leamouth Road, E14	Redevelopment of the former Service Station site with a residential-led mixed use development, comprising 338 residential units, together with 376 sqm of flexible non-residential floorspace (Use Classes A1, A2, A3, B1, D1 and D2), 36 sqm café floorspace (Use Class A3), set across two main buildings including a 24 storey tower with stepped blocks of 20, 17, 11 and 8 storeys, linked by a 2 storey podium at ground level, with a single basement level, landscaping and associated amenities

1.0 ADDITIONAL REPRESENTATIONS

1.1 Applicants representation:

The Applicant has advised that the site is owned by Esso UK Limited.

1.2 Local representations:

One additional representation has been received from a neighbouring resident, on the grounds that the proposal would have a negative impact on the value of their property. The Committee is advised that impact of development proposals on property values is not a material planning consideration.

1.3 Consultation responses:

Further to the publication of the report, additional comments have been received from TfL who have requested a further condition relating to an infrastructure protection agreement (IPA). The proposed basement is within the tunnel zone of influence of the A13 East India Dock Road. The developer would have to satisfy the requirements in the "A13 Thames Gateway DBFO – Criteria for Foundations of Future Development" document. Officers' consider it reasonable to include this as a pre-commencement condition.

2.0 FINANCIAL CONSIDERATIONS - CIL

2.1 Since the publication of the original committee report, the CIL liability is estimated as follows:

Total: £2,019,608.25 (Mayoral CIL £787,850.47 and Tower Hamlets CIL £1,231,757.78).

3.0 CHILD PLAY SPACE

3.1 During the course of the application, the Councils Planning Obligations SPD was adopted. This resulted in a shift to using GLA child yields instead of LBTH yields. Applying the methodology within the Mayor's Play and Informal Recreation SPG (2012), the scheme is expected to generate a child yield of 106 requiring a total of 1,060 sq.m of play space. A breakdown of the expected number of children per age group is shown in the table below.

3.2 Play space provision to meet the planning policy requirements would be provided on site. Following GLA's initial concern with regards to the proposal not achieving the minimum requirement, an additional 130m² of child play space has been provided to the communal roof terrace on level 17, which would be accessible to all of the occupants of the development using a fob system.

3.3 As a result, 1066 sqm of play space is proposed, which meets the Mayor's Play and Informal Recreation SPG (2012), and how this is broken down is illustrated in the table below:

Age	Child Yield	Requirement	Provided
Under 5	34	340 sqm	343 sqm
5 to 11	40	400sqm	391 sqm
12+	32	320 sqm	202 sqm
Additional on level 17 roof		-	130 sqm
Total	-	1060 sqm	1066 sqm

3.4 Overall, Officers consider the development would meet the minimum requirement.

3.5 A condition is included which requires full details of child play space to be submitted for approval, allowing the age yields to be adjusted to meet the Mayor's Play and Informal Recreation SPG (2012).

3.6 For the avoidance of doubt 505sqm of communal amenity is provided. This meets the policy requirement of 378sqm.

4. RECOMMENDATION

3.7 Officers' original recommendation to **GRANT** planning permission remains unchanged, subject to the addition of the infrastructure protection agreement condition requested by TfL.

Agenda Item 4

Committee: Strategic Development	Date: 21 December 2016	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

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

2. FURTHER INFORMATION

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

3. 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 the previous Agenda Item .

5. RECOMMENDATION

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

Agenda Item 4.1

Committee: Strategic	Date: 21 st December 2016	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning
Case Officer: Gareth Gwynne	Ref No: PA/15/00837
	Ward/s: Spitalfield and Banglatown Ward and St Peter's Ward

1.0 APPLICATION DETAILS

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

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

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

Drawings & Documents: See Appendix 2

Applicant: Sainsburys Supermarkets Ltd

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

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

Historic Building: None on site

2.0 EXECUTIVE SUMMARY

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

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

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

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

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

3.0 RECOMMENDATION

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

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

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

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

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

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

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

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

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

4 PROPOSAL SITE AND SURROUNDINGS

Proposal

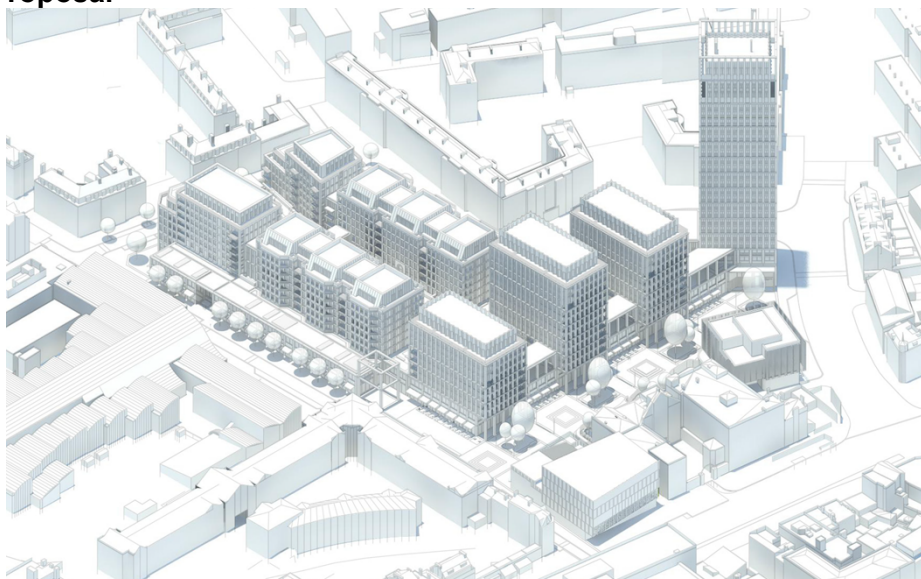


Figure 1: Massing Overview

- 4.1 The proposed scheme includes the:

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

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

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



Figure 2: Proposed layout at podium level

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

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

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

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

Site and Surroundings



Figure 3: Aerial photograph of site

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

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

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

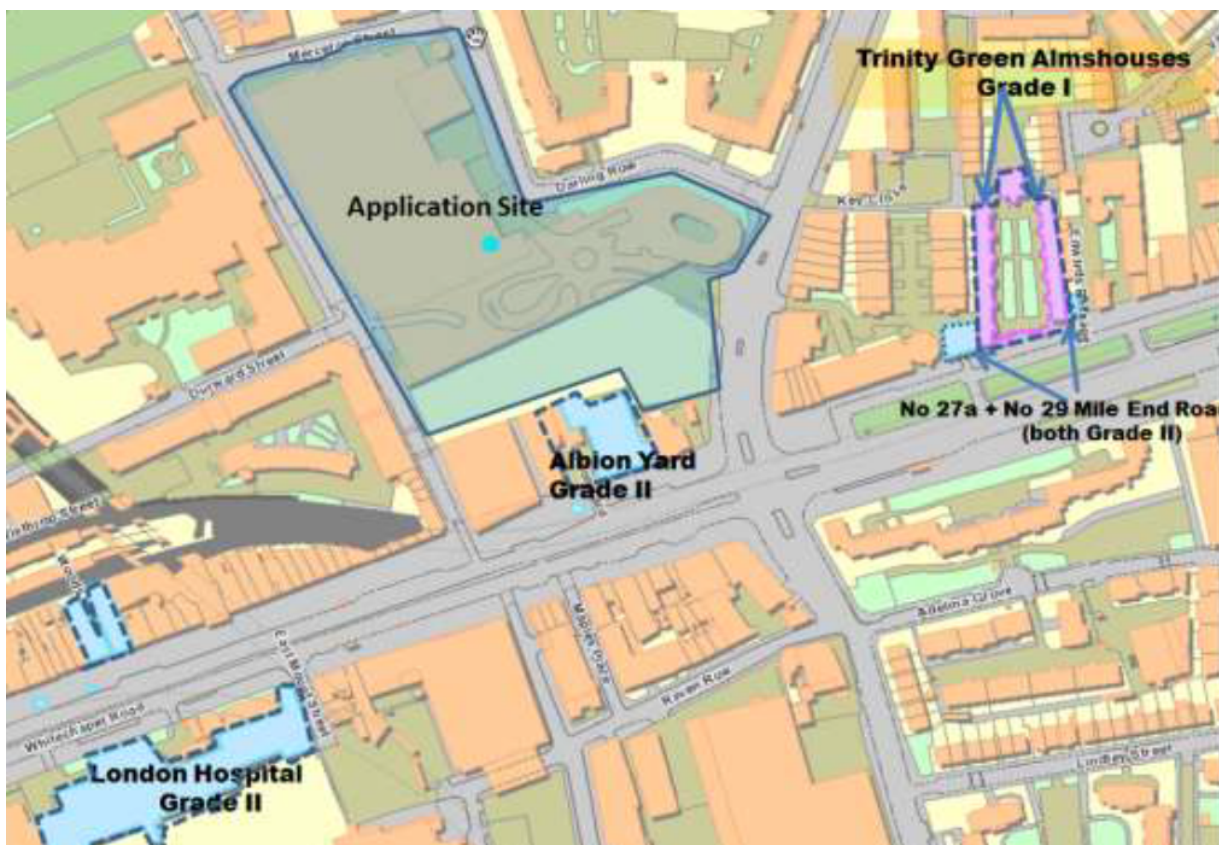


Figure 4: Neighbouring Statutory Listed Buildings

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

5.0 RELEVANT PLANNING HISTORY

On Site

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

Off Site

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

- 5.6 **PA/15/01789** Demolition of existing buildings and erection of three buildings ranging from 4 to 25 storeys (91.70m AOD) in height including the provision of 564 residential units, 3505sq.m of B1, D2 and A3 floorspace and 70 off-street car parking spaces. Approved at Strategic Development Committee on 8th August 2016 subject to completion of Section 106.

100-136 Cavell Street

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

Whitechapel Estate - Site between Varden Street and Ashfield Street

- 5.8 **PA/15/02959** Demolition of all existing buildings and redevelopment to provide 12 buildings ranging from ground plus 2 - 23 storeys (a maximum 94m AOD height), comprising 343 residential dwellings (class C3), 168 specialist accommodation units (Class C2), office floorspace (class B1), flexible office and non-residential institution floorspace (Class B1/D1), retail floorspace (class A1 - A3), car parking, cycle parking, hard and soft landscaping and other associated works. Refused 17th October 2016.

6.0 POLICY FRAMEWORK

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

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

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

6.3 Core Strategy Development Plan Document (CS)

- Policies:
- SP01 Refocusing our town centres
 - SP02 Urban living for everyone
 - SP03 Creating healthy and liveable neighbourhoods
 - SP04 Creating a green and blue grid
 - SP05 Dealing with waste
 - SP06 Delivering successful employment hubs
 - SP07 Improving education and skills
 - SP08 Making connected places
 - SP09 Creating attractive and safe streets and spaces
 - SP10 Creating distinct and durable places
 - SP11 Working towards a zero-carbon borough
 - SP12 Delivering Placemaking
 - SP13 Planning Obligations

6.4 Managing Development Document (MDD)

- Policies:
- DM0 Delivering Sustainable Development
 - DM1 Development within the town centre hierarchy
 - DM2 Protection local shops
 - DM3 Delivering Homes
 - DM4 Housing Standards and amenity space
 - DM8 Community Infrastructure
 - DM9 Improving Air Quality
 - DM10 Delivering Open space
 - DM11 Living Buildings and Biodiversity
 - DM12 Water spaces
 - DM13 Sustainable Drainage
 - DM14 Managing Waste
 - DM15 Local Job Creation and Investment
 - DM20 Supporting a Sustainable Transport Network
 - DM21 Sustainable Transport of Freight

- DM22 Parking
- DM23 Streets and Public Realm
- DM24 Place Sensitive Design
- DM25 Amenity
- DM26 Building Heights
- DM27 Heritage and Historic Environment
- DM28 World Heritage Sites
- DM29 Zero-Carbon & Climate Change
- DM30 Contaminated Land

6.5 **LBTH Supplementary Planning Guidance/Documents**

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

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

- 1.1 Delivering Strategic vision and objectives
- 2.1 London Global European and UK Context
- 2.5 Sub-regions
- 2.9 Inner London
- 2.13 Opportunity Areas and Intensification Areas
- 2.14 Areas for Regeneration
- 2.15 Town Centres
- 2.18 Green infrastructure
- 3.1 Ensuring Equal Life Chances for All
- 3.2 Improving Health and Addressing Health Inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing Potential
- 3.5 Quality and Design of Housing Developments
- 3.6 Children and Young People's Play and Informal Recreation Facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and Balanced Communities

- 3.10 Definition of Affordable Housing
- 3.11 Affordable Housing Targets
- 3.12 Negotiating Affordable Housing on Individual Private Residential and Mixed Use Schemes
- 3.13 Affordable Housing Thresholds
- 3.14 Existing Housing
- 3.16 Protection and Enhancement of Social Infrastructure
- 3.17 Health and education facilities
- 4.1 Developing London's Economy
- 4.7 Retail and town centre development
- 4.8 Supporting a successful and diverse retail sector
- 4.9 Small shops
- 4.11 Encouraging a connected economy
- 4.12 Improving Opportunities for All
- 5.1 Climate Change Mitigation
- 5.2 Minimising Carbon Dioxide Emissions
- 5.3 Sustainable Design and Construction
- 5.5 Decentralised Energy Networks
- 5.6 Decentralised Energy in Development Proposals
- 5.7 Renewable Energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and Cooling
- 5.10 Urban Greening
- 5.11 Green Roofs and Development Site Environs
- 5.12 Flood Risk Management
- 5.13 Sustainable Drainage
- 5.14 Water Quality and Wastewater Infrastructure
- 5.15 Water Use and Supplies
- 5.16 Waste Capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated Land
- 6.1 Strategic Approach to Integrating Transport and Development
- 6.3 Assessing the Effects of Development on Transport Capacity
- 6.5 Funding Crossrail
- 6.9 Cycling
- 6.10 Walking
- 6.11 Congestion and traffic flow
- 6.12 Road Network Capacity
- 6.13 Parking
- 7.1 Building London's Neighbourhoods and Communities
- 7.2 An Inclusive Environment
- 7.3 Designing Out Crime
- 7.4 Local Character
- 7.5 Public Realm
- 7.6 Architecture
- 7.7 Location and Design of Tall and Large Buildings
- 7.8 Heritage Assets and archaeology
- 7.9 Access to Nature and Biodiversity
- 7.10 Worlds Heritage Site
- 7.11 London View Management Framework (LVMF)
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving Air Quality
- 7.15 Reducing Noise and Enhancing Soundscapes
- 7.18 Open space
- 7.19 Biodiversity and Access to Nature

- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy

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

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

6.8 **Government Planning Policy Guidance/Statements**

- The National Planning Policy Framework 2012 (NPPF)
- National Planning Practice Guidance
- National Housing Standards (October 2015)

6.9 **Other relevant documents**

- Tower Hamlets Local Biodiversity Action Plan
- Managing Significance in Decision-Taking in the Historic Environment Historic England Good Practice Planning Advice Note 2 (2015)
- The Setting of Heritage Asset, Historic Environment Good Practice Advice in Planning Note 3 (2015)
- Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment, English Heritage (2008)
- Conservation Area Designation, Appraisal and Management – Historic England Advice Note 1 (2016)
- Tall Buildings – Historic England Advice Note 4 (2015)
- London Borough of Tower Hamlets Strategic Housing Market & Needs Assessment, DCA (2009)
- Building Research Establishment (BRE) "Site layout planning for daylight and sunlight: a guide to good practice" (2011)
- The Town and Country Planning (Environmental Impact Assessment (Amendment) (England) Regulations 2011 SI 2011 No. 1824
- London Development Agency London's Retail Street Markets (June 2010)

7.0 **CONSULTATION RESPONSES**

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

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

External

Historic England (HE)

Summary of Historic England's concluding remarks

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

Significance of the Almshouses and their setting

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

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

Summary of HE assessment of proposal

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

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

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

Greater London Authority including Transport for London

Principle of Land Use

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

Retail

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

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

Housing

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

Urban Design

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

Heritage

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

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

7.27 Transportation

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

Conclusion

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

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

Air Ambulance Service

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

Collingwood Estate Tenants and Residents Association

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

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

7.33 Insufficient affordable housing is proposed within scheme.

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

Corporation of London

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

Crossrail

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

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

East End Preservation Society

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

Environment Agency

- 7.44 Have no comments to make on the application.

Georgian Society

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

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

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

Greater London Archaeology Advisory Service

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

Greenwich World Heritage Society

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

Historic Royal Palaces

7.50 No objection.

London City Airport

7.51 No objection.

London Borough of Hackney

7.52 No comments received.

London Borough of Southwark

7.53 No objection.

Royal Borough of Greenwich

7.54 No comments received.

London Underground Infrastructure

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

London Fire and Emergency Planning Authority

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

Metropolitan Police Crime Prevention Design Advisor

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

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

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

NATS

7.60 No objection.

National Grid

7.61 No Objection.

Skyline Campaign

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

Society Protection of Ancient Buildings

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

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

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

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

Spitalfields Trust

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

Temple Trust

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

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

- 7.70 *Section 66 of the Listed Buildings Act 1990 in effect requires the Council to show special regard to the desirability of preserving the setting of the listed buildings affected by the proposed development. The designation for the Almshouses at Trinity Green is the highest. The importance of the preservation and enhancement of Trinity Green has been properly recognized by the LPA when considering applications for neighbouring development since 1990. In particular, the development of the Chronos Building was not permitted to extend above the roofline of Trinity Green as viewed from the east side.*
- 7.71 *The developers have incorrectly identified Trinity Green as a private space. The almshouse courtyard green is described as a "shared private amenity space for the use of the residents only." The courtyard is open to the public during the day to enjoy and with the street frontage of the green are owned by the Council and maintained at public expense. The green is open to the public to enjoy and is accessible to the public during the day. The visual assessment states that "Public views are generally attributed greater value than views from private property because they are experienced by a greater number of people and can be more accurately assessed through the use of surveyed viewing points." As the viewpoints within the courtyard are public and not private views the factual premise on which the judgments have been made within the visual assessment is flawed.*
- 7.72 *In our opinion the reduction of the "landmark tower" by five stories does not lessen the substantial adverse impact of the proposal on the significance of heritage assets. There is no evidence that an alternative position for the "landmark tower" has been considered. An alternative position of the "landmark tower" to the west of the current proposed position would clearly have less impact on the setting of the Grade II listed Albion Brewery and Grade I listed buildings at Trinity Green.*
- 7.73 *The developers have not considered alternative positions of the tower that would avoid or reduce harm to designated heritage assets or, in effect, any alternative designs that show how environmental considerations have influenced the design so as to lessen the impact on heritage. Unless the above is properly addressed it will be impossible for the LPA to lawfully approve the application. When viewed in proper context this is not sustainable development within the NPPF and should be refused."*

Thames Water

- 7.74 No objection subject to planning conditions to provide:-
- Submission of a detailed drainage strategy given existing waste water infrastructure lacks spare capacity for the development.
 - Installation of non-return valve or other suitable device to avoid the risk of waste backflow.

Twentieth Century Society

- 7.75 No comments received

Victorian Society

- 7.76 *"We strongly object to the application which would cause would substantial harm to the Albion Brewery, the former Engineer's Residence to the Albion Brewery, the Blind Beggar Pub and the Stepney Green Conservation Area. We recommend that the application is refused. The character and scale of the listed buildings and the Stepney Green Conservation Area should be taken as the basis for this development.*
- 7.77 *During the eighteenth and nineteenth centuries, several large breweries were established in Whitechapel, the Albion Brewery being one such site. Although a*

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

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

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

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

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

Internal Consultees

Biodiversity Officer

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

Environmental Health (EH)

EH Contaminated Land Team:

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

EH Noise and Vibration Team:

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

Air Quality Team:

Construction phase:

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

Operational:

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

Energy Officer

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

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

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

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

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

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

Employment & Enterprise Team

7.96 The developer should exercise reasonable endeavours to ensure that 20% of the construction and end phase workforce will be local residents of Tower Hamlets and 20% of goods/services procured during the construction phase should be through businesses in Tower Hamlets. Subject to further clarification on the apportionment of the total GIA by proposed land use, and in line with the Planning Obligation SPD compliant, in respect of skills and training and apprenticeship places the following contributions are sought in the scheme's construction phase and end user phase.

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

Transportation & Highways Team

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

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

7.99 Parking Services

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

Flood and Drainage Officer

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

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

Tree Officer

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

Waste Management Team

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

8.0 LOCAL REPRESENTATION

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

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

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

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

9.0 ASSESSMENT OF APPLICATION

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

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

Other Considerations including

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

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

10.0 Principle of Development

Proposed Mix of Uses

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

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

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

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

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

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

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

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

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

Retail Provision

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

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

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

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

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

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

Concluding remarks on retail land use

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

11.0 Urban Design

Policy Context for Urban Design

NPPF

- 11.01 The NPPF is the key policy document at national level relevant to the assessment of individual planning applications. The parts relevant to design / appearance and heritage are Chapter 7 'Requiring good design' and Chapter 12 'Conserving and Enhancing the Historic Environment.' The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites whilst responding to local character. Matters of overall scale, massing, height and materials are legitimate concerns for local planning authorities (NPPF - paragraph 59).
- 11.03 Chapter 7 of the NPPF explains that the Government attaches great importance to the design of the built environment. It advises that it is important to plan for high quality and inclusive design. Planning decisions should not seek to impose architectural styles, stifle innovation or originality, but it is proper to promote or reinforce local distinctiveness.
- 11.04 The National Planning Practice Guidance (NPPG) supplements the NPPF and sets out a list of criteria of "*What a well design place is?*" The guidance states:-

"Well designed places are successful and valued. They exhibit qualities that benefit users and the wider area. Well-designed new or changing places should:

- *be functional;*
- *support mixed uses and tenures;*
- *include successful public spaces;*
- *be adaptable and resilient;*
- *have a distinctive character;*
- *be attractive; and*
- *encourage ease of movement"*

The London Plan

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

Local Plan

- 11.06 The Borough Core Strategy Policy SP10 and Policy DM23 and DM24 of the MDD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.

Tall Buildings

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

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

Whitechapel Vision Masterplan

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



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

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

Overview of scheme's proposed design

Site Layout

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

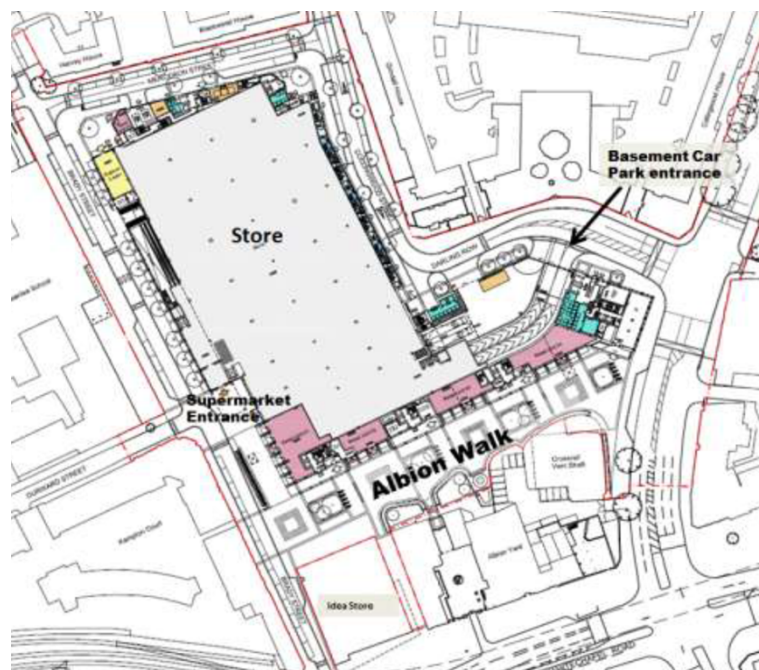


Figure 6: Annotated proposed ground floor layout plan

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



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

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

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



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

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



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

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

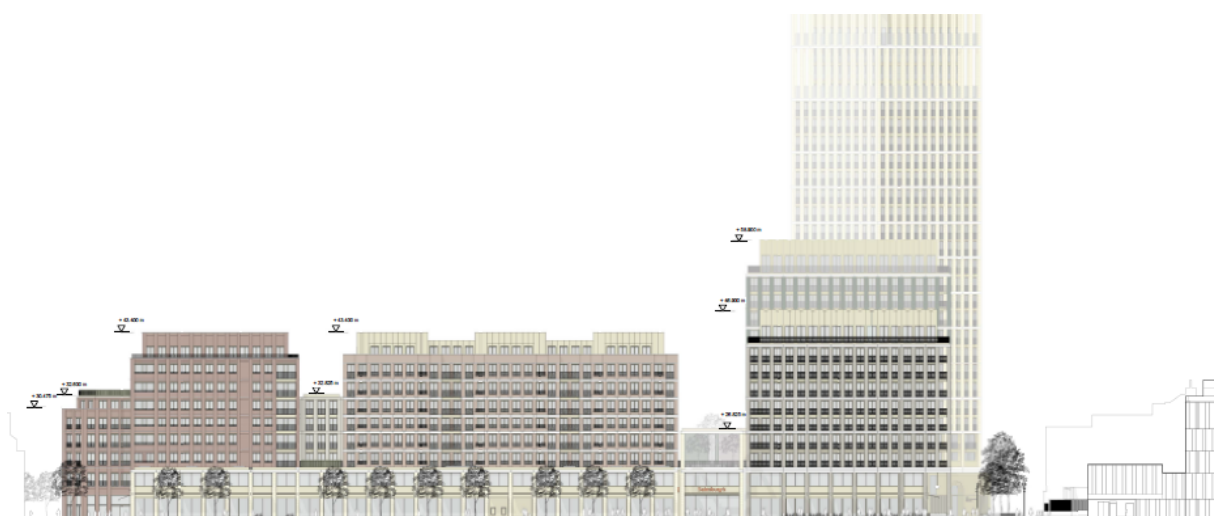


Figure 10: West facing elevation of scheme (Brady Street)

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

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



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

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



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

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

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

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

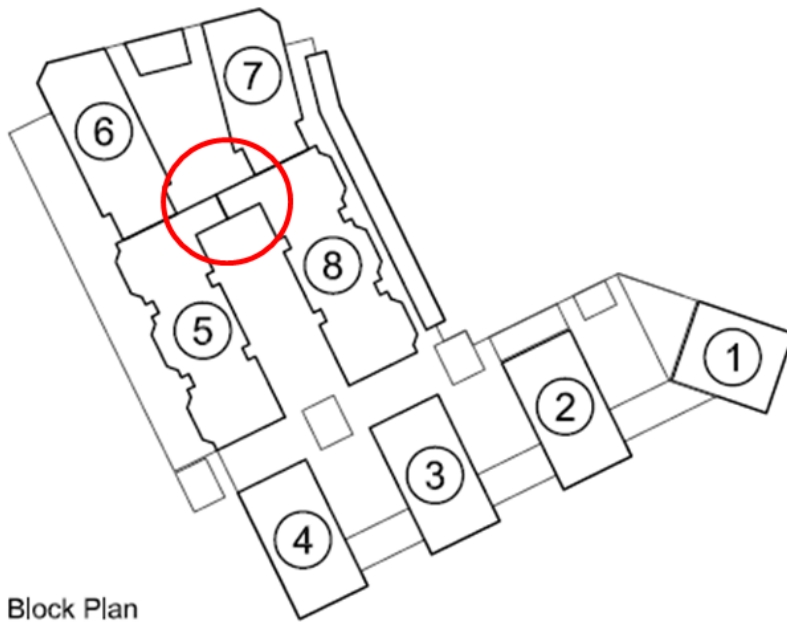


Figure 13: Awkward layout between Blocks 6 and 7 and blocks to south

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

12.0 Heritage

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

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

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

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

Impact on statutory listed buildings

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

Impact of proposed development on the Trinity House Almshouses

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

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

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



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

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

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

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

Albion Yard Brewery



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

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

Impact on Conservation Areas

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

13.0 Housing & Density

- 13.1 Increased housing supply is a fundamental policy objective at national, regional and local levels, including the provision of affordable housing.
- 13.2 NPPF Paragraph 7 advises that a dimension of achieving sustainable development is a “social role” supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations. Paragraph 9 advises that pursuing sustainable development includes widening the choice of high quality homes.

- 13.3 NPPF Section 6 advises local planning authorities on *'Delivering a wide choice of high quality homes.'* Paragraph 47 requires local plans to meet the full objectively assessed need for market and affordable housing and to identify and update annually a supply of specific deliverable sites sufficient to provide five years housing supply with an additional buffer of 5%.
- 13.4 London Plan Policy 3.3 *'Increasing housing supply'* refers to the pressing need for more homes in London and makes clear that boroughs should seek to achieve and exceed their relevant minimum targets. The London Plan annual housing monitoring target for Tower Hamlets is 3,931 new homes between years 2015 to 2025.
- 13.6 London Plan Policy 3.8 *'Housing choice'* requires borough's local plans to address the provision of affordable housing as a strategic priority. Policy 3.9 *'Mixed and balanced communities'* requires communities mixed and balanced by tenure and household income to be promoted including in larger scale developments.
- 13.7 London Plan Policy 3.11 *'Affordable housing targets'* requires boroughs to maximise affordable housing provision and to set an overall target for the amount of affordable housing needed in their areas. Matters to be taken into consideration include the priority for family accommodation, the need to promote mixed and balanced communities and the viability of future developments.
- 13.8 London Plan Policy 3.12 *'Negotiating affordable housing'* requires that the maximum reasonable amount of affordable housing be sought. This should have regard to affordable housing targets, the need to encourage rather than restrain residential development, the size and type of affordable units needed to meet local needs, and site specific circumstances including development viability, any public subsidy and phased development including provisions for re-appraising viability prior to implementation. Affordable housing should normally be provided on site.
- 13.9 Tower Hamlets Core Strategy Policy SP02 (1) supports the delivery of new homes in line with the Mayor's London Plan housing targets. Policy SP02 (3) sets an overall strategic target for affordable homes of 50% until 2025. This is to be achieved by requiring 35%-50% affordable homes on sites providing 10 new residential units or more (subject to viability). Paragraph 4.4 explains:
- "Given the extent of housing need, Tower Hamlets has set an affordable housing target of up to 50%. This will be delivered through negotiations as a part of private residential schemes, as well as through a range of public initiatives and effective use of grant funding. In some instances exceptional circumstances may arise where the affordable housing requirements need to be varied. In these circumstances detailed and robust financial statements must be provided which demonstrate conclusively why planning policies cannot be met. Even then, there should be no presumption that such circumstances will be accepted, if other benefits do not outweigh the failure of a site to contribute towards affordable housing provision".*
- 13.10 Core Strategy Policy SP02 (3) set an overall strategic target for affordable homes of 50% until 2025. This will be achieved by requiring 35%-50% affordable homes on sites providing 10 new residential units or more (subject to viability). The preamble in 4.4 states that *"given the extent of housing need, Tower Hamlets has set an affordable housing target of up to 50%. This will be delivered through negotiations as a part of private residential schemes, as well as through a range of public initiatives and effective use of grant funding. In some instances exceptional circumstances may*

arise where the affordable housing requirements need to be varied. In these circumstances detailed and robust financial statements must be provided which demonstrate conclusively why planning policies cannot be met. Even then, there should be no presumption that such circumstances will be accepted, if other benefits do not outweigh the failure of a site to contribute towards affordable housing provision”.

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

Affordable Housing

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

Table 2: Affordable Housing – Market housing split

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

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

Housing Mix

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

Table 3: Bedroom Mix by Tenure

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

- 13.19 The Local Plan does not target provision of studio units in any tenure. The scheme significantly under provides in 1 bedroom market units against the Borough target. However if studio units are factored in, the 39% mix against 50% mix targeted is less stark. The scheme markedly overprovides in 2 bed market units (54% against 30% target) and conversely significantly underprovides in larger family sized (3 and 4 bedroom) markets units, consisting of 6% of the total markets as opposed to the 25% target. The under provision in larger family sized units is considered on balance acceptable informed by the advice within London Mayor’s Housing SPG in respect of market housing which argues that it is inappropriate to be applied crudely “*housing mix requirements especially in relation to market housing, where, unlike for social housing and most intermediate provision, access to housing in terms of size of accommodation is in relation to ability to pay, rather than housing requirements*”.
- 13.20 The tenure mix within the affordable rented units is 31% of one bed units against Borough policy target of 30%, 26% of two bed units against Borough policy target of

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

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

Housing quality and standards

- 13.22 London Plan Policy 3.5 '*Quality and design of housing developments*' requires new housing to be of the highest quality internally and externally. The Plan explains that the Mayor regards the relative size of all new homes in London to be a key element of this strategic issue. Local Plans are required to incorporate minimum spaces standards that generally conform to Table 3.3 – '*Minimum space standards for new development.*' Designs should provide adequately sized rooms and convenient and efficient room layouts. Guidance on these issues is provided by the Mayor's '*Housing*' SPG 2016.
- 13.23 MDD Policy DM4 '*Housing Standards and Amenity Space*' requires all new developments to meet the internal space standards set out in the Mayor's earlier 2012 SPG.
- 13.24 In March 2015, the Government published '*Technical housing standards – nationally described space standard.*' This document deals with internal space within new dwellings across all tenures. It sets out requirements for the gross Internal (floor) area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home, notably bedrooms, storage and floor to ceiling height. The Minor Alterations to the London Plan 2016 and the Mayor's '*Housing*' SPG 2016 reflect the national guidance.
- 13.25 All of the proposed units exceed the National Housing Standards minimum internal space standards. The scheme provides residential floor plans that are broadly consistent with Mayor of London's Housing SPG baseline standards. Buildings 7 and 8 would contain more than 8 units served per core, per floor contrary to a Mayor's Housing SPG design standard. However were consented granted for the scheme, this design shortcoming could be readily overcome through controlled fob access to the two halves of the internal corridor set either side of the centrally located two lifts and secured by planning condition.
- 13.26 Amended plans have been received that mean 64% of the three bedroom affordable family sized affordable would have a separate kitchen (and benefiting from an external window) which is welcomed as it better meets end occupants general preferences within the Borough.
- 13.26 Over 50% of units would be dual aspect and there would be no single aspect north facing units which is welcomed.

Privacy/Overlooking

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

Inclusive design

- 13.28 From street level there will step free access to the podium spaces and direct to the building cores of Buildings 1-4. Buildings 5, 6, 7 and 8 will be accessed from the podium level. Building 6 and 7 will have their own lobby spaces accessed of Merceron Street. All the residential building cores would benefit from two lifts (including one that is specified for wheelchair accessible) and all residents would benefit from at least two lifts from street level to the external podium space.
- 13.29 London Plan Policy 3.8 'Housing Choice,' the Mayor's Accessible London SPG, and MDD Policy DM4 'Housing standards and amenity space' require 10% of new housing to be wheelchair accessible or easily adaptable for residents who are wheelchair users. London Plan Policy 3.8 'Housing choice' and Core Strategy Policy SP02 (6) require all new housing to be built to Lifetime Home Standards.
- 13.30 On 14th March 2016, Minor Alterations to the London Plan (MALP) were published to bring the London Plan in line with the Government's national housing.
- 13.31 Accordingly the requirement for all new dwellings to meet Lifetime Homes Standards and 10% to be wheelchair accessible or easily adaptable is now be interpreted as requiring 90% of new housing units to meet the Building Regulations optional requirement Part M4 (2) 'accessible and adaptable dwellings'; 10% of new housing within the market sales to meet the optional requirement M4(3)(2)(a) (adaptable); and 10% to meet the optional requirement M4(3)(2)(b) (accessible) within the rented affordable housing. The applicant states, and the floor plans indicate, that the development is capable of meeting the aforementioned new national accessibility standard including the Building Regulation optional required and adopted as policy requirements in MALP.
- 13.32 Were consent granted a minimum 10% of units would be fully wheelchair accessible or readily adaptable across all tenures in line with the aforementioned Building Regulation option requirements.

Internal Daylight and Sunlight

- 13.33 DM25 of the MDD seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments. The Building Research Establishment (BRE) Handbook 'Site Layout Planning for Daylight and Sunlight 2011: A Guide to Good Practice' (hereinafter called the 'BRE Handbook') provides guidance on the daylight and sunlight matters. It is important to note, however, that this document is a guide whose stated aim "is to help rather than constrain the designer". The document provides advice, but also clearly states that it "is not mandatory and this document should not be seen as an instrument of planning policy."
- 13.34 The application is accompanied by a daylight and sunlight assessment report that tested the daylight and sunlight provision to the proposed new dwellings.

Daylight

- 13.35 The daylighting conditions within new homes are normally assessed in terms of the Average Daylight Factor (ADF). The BRE guidelines and British Standard 8206 recommend the following minimum ADF values for new residential dwellings:
- >2% for kitchens;
 - >1.5% for living rooms; and
 - >1% for bedrooms

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

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

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

Sunlight

- 13.44 In relation to sunlight, the annual probable sunlight hours test (APSH) considers the amount of sun available in both the summer and winter for each given window which faces within 90° of due south. If the window reference point can receive more than one quarter (25%) of APSH, including at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should still receive good sunlight assessed against BRE guidance.
- 13.45 In total some 52% of the relevant habitable room rooms would enjoy at least 25% APSH, and 63% of these rooms would enjoy at least 5% in winter months. Considering 7 of the 8 residential buildings orientate broadly on a north south axis and the proposed buildings are set parallel to each other, this result is considered reasonable.

Overshadowing of amenity spaces

- 13.46 The prepared Environment Statement includes an assessment of the impacts of the proposed development on the sunlight levels within existing and proposed public open space and communal amenity spaces in the development. BRE guidance states that gardens or amenity areas will appear adequately sunlit throughout the year provided at least half of a garden or amenity area receives at least two hours of sunlight on 21st March.
- 13.47 The overshadowing analysis shows the largest podium space serving the market and intermediate units would achieve the BRE guidance for 46% of the identified area. 50% of the area would meet the BRE guidance for the podium space serving the affordable rented units and likewise 50% for the podium space set between Building 1 and Building 2.

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

Amenity space

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

Private Amenity Space

- 13.51 Private amenity space requirements are set figures determined by the predicted number of occupants of a dwelling. Policy DM4 of the MDD sets out that a minimum of 5sq.m is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. If in the form of balconies they should have a minimum depth of 1500mm.
- 13.52 The proposal provides private outdoor amenity space to all of the units in the form of private balconies, individual gardens, roof terraces and winter gardens. The Mayor's 'Housing' 2016 SPG states "*In exceptional circumstances, where site constraints make it impossible to provide private open space for all dwellings, a proportion of dwellings may instead be provided with additional internal living space equivalent to the area of the private open space requirement.*" The SPG also states the winter gardens must be set outside the thermal envelope of the individual units and have floor drainage to serve as bona fide winter gardens.
- 13.53 Over 38% of the units are provided with winter gardens as opposed to external open space and without a robust justification (in terms of site context circumstances) to justify such preponderance of winter gardens. The applicant has agreed, were consent granted, that the winter gardens would be set outside the thermal envelope of the units to better accord with the Mayor's Housing design guidance. On balance the preponderance of winter gardens in the scheme is not considered to warrant a separate reason for refusal, however it is a feature that the Borough would look to be redesigned in any amended scheme to achieve a better more policy compliant housing design quality for the site.

Communal Amenity Space

- 13.54 Communal amenity space is calculated by the number of homes within a proposed development. 50sq.m is required for the first 10 units with an additional 1sqm required for each additional unit. Therefore, the required minimum amount of communal amenity space for the development would be 599sq.m.

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

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

Child play space

13.57 The Mayor of London's 'Children and Young People's Play and Informal Recreation' SPG provides guidance on acceptable levels, accessibility and quality of children's play space and advises that where appropriate child play space can have a dual purpose and serve as another form of amenity space. This is particularly apt for very young children's play space as it is unlikely that they would be unaccompanied.

13.58 Play space for children is required for all major developments. The quantum of which is determined by the child yield of the development, with 10sqm of play space per child. The London Mayor's guidance on the subject requires, inter alia, that it will be provided across the development for the convenience of residents and for younger children in particular where there is natural surveillance for parents.

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

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

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

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

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

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

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

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

Secure by Design

- 13.68 Policy 7.3 of the London Plan seeks to ensure that developments are designed so as to reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating. Policy DM23(3) of the Council's adopted Managing Development Document requires development to improve safety and security without compromising good design and inclusive environments. Policy SP10 of the Borough's adopted Core Strategy require development to create distinct and durable places.
- 13.69 The Designing out Crime Officer has reviewed the original submission documentation. The applicant has responded agreeing to introduce security gates to control out of hours access to the supermarket basement car park and also gates to the residential car park and to the alleyway off Albion Walk after dusk. Access to the podium space would be controlled by key fob based on block.

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

Housing Density

- 13.72 Policies 3.4 of the London Plan and SP02 of the Borough's Core Strategy seeks to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.
- 13.73 The proposed development would have a residential density of 1053 habitable rooms per hectare (hr/ha), after taking into account the proportion of vertically mixed non-residential floorspace. The appropriate London Plan density range for sites with a central setting and PTAL of 6a is 650 to 1,100 hr/ha. The proposed density is therefore consistent with the London Plan density matrix. However density ranges should not be applied mechanistically and a density within the London Plan matrix may be unacceptable if the scale of development associated with the residential density exhibits symptoms of overdevelopment in terms of adverse impacts on the amenity of future residential occupiers, imposes adverse amenity impacts to neighbouring occupiers, gives rise to poor quality of urban design, fails to contribute positively to local character place-making or results in adverse impacts upon the local townscape and heritage assets.

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

14.0 Neighbours Amenity

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

- 14.2 Policy DM25 also requires new development to not create unacceptable levels of noise, vibration, light pollution or reductions in air quality during construction or operational phase of the development.
- 14.3 With regard to an assessment of sense of enclosure or the impact upon outlook of a development, this is not a readily definable measure and the impact is a matter of judgement. If there are significant failures in daylight and sunlight or infringements of privacy it can be an indicator that the proposal would also be overbearing and create an unacceptable sense of enclosure.

Daylight/sunlight assessment criteria

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

Daylight Analysis

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

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

Albion Yard

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

Blackwood House

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

Collingwood House

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

Grindall House

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

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

1-6 Key Close

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

Kempton Court

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

Swanlea Secondary School

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

Sunlight Analysis

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

Blackwood and Berry Houses

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

Collingwood House

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

Grindall House

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

1-6 Key Close

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

Overshadowing Analysis

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

Concluding remarks on daylight/sunlight

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

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

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

Privacy, outlook and enclosure

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

Noise, vibration and air quality

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

Conclusion

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

15.0 Highways and Transportation

- 15.1 The NPPF and Chapter 6 of the London Plan seeks to promote sustainable modes of transport and accessibility and reduce the need to travel by car, with transport demand generated by new development to be within the relative capacity of the existing highway network.
- 15.2 Policy SP08 and SP09 and Policy DM20 of the adopted Local Plan together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development does not have an adverse impact on safety and road network capacity, requiring the assessment of traffic generation impacts and also seeking to prioritise and encourage improvements to the pedestrian environment. Policy DM22(2) of the Managing Development Document (2013) and Policy SP09 of the Core Strategy seek to ensure that developments located in areas of good public transport accessibility are secured as 'permit free' and have no on-site car parking
- 15.3 London Plan (2016) also promotes 'car free' development in areas with good access to public transport, whilst still providing for disabled people.

Vehicular Access to Site

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

Car Parking Provision and Scheme

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

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

Trip Generation

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

Servicing

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

On Street Parking

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

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

Cycle Parking Provision

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

Pedestrian Connectivity

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

Concluding remarks

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

Crossrail Safeguarded Second Entrance

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

OTHER CONSIDERATIONS

16.0 Environmental Impact Assessment (EIA)

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

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

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

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

b) The ES description of the existing courtyard space

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

c) Alternatives

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

17.0 London View Management Framework (LVMF)

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

Archaeology

- 18.1 Policy SP10(2) of the Council's Core Strategy and Policy DM27 of the Council's adopted Managing Development Document seek to protect and enhance archaeological remains.
- 18.2 Much of the application site lies within an Archaeological Priority Area, derived from a possible route of a roman road. The application is accompanied by a desk based archaeological assessment contained in the ES. The site has potential to contain remains of the Roman Road, a plague pit, a post medieval sewer and remains of the

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

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

19.0 Noise and Vibration

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

Demolition and Construction Phase

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

End Occupation Phase

- 19.5 The submitted assessment details the level of attenuation that will be required in order to ensure that the new homes within the scheme meet residential standard of British Standard BS8233:2014. The supermarket and podium base block in particular will contain a significant amount of plant. However subject to acoustic attenuation for the plant, secured by planning condition, it is considered the relevant British Standard can be achieved. The vibration impacts to the development from the underground trains is considered to be negligible.
- 19.6 The supermarket service yard will be a source of considerable noise. However the ES details provides the outline of design measures to contain and curb this noise to acceptable including internal sound absorption specified full height screens to street.
- 19.7 To conclude, subject to application of appropriate planning conditions, it is considered that the proposed development would adequately protect neighbouring residents and building occupants including future residents within the development from undue noise and vibration disturbance, in accordance with Policy SP10(4) of

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

20.0 Air Quality

- 20.1 Policy SP03 of the Core Strategy suggests air quality improvements will be addressed by continuing to promote the use of public transport and reduce reliance on private motor vehicles and introducing a 'clear zone' in the borough. Policy DM9 of the Managing Development Document (2013) also seeks to improve air quality within the Borough, and outlines that a number of measures would contribute to this, such as reducing vehicles traffic levels, controlling how construction is carried out, reducing carbon emissions and greening the public realm. The application site, as with the entire borough, lies within an Air Quality Management Area.
- 20.2 The ES accompanying the planning application includes an air quality assessment that reviews the scheme's air quality implications at end phase and during the construction and demolition stage. The methodologies deployed in the air quality assessment are accepted by the Council's ES consultants and the Borough's own Air Quality Officer.
- 20.3 Following receipt of revised details in respect of the energy centre the built development subject to receipt of further detail secured by planning condition is capable of being air neutral. With respect to transport emissions associated with the development these would fail to be air neutral, based on the information submitted. Were consent granted a planning condition would be sought to mitigate these impacts.
- 20.4 The submitted assessment concludes that there is medium risk of dust impact during construction phase and mitigation measures would needed to put in place to curb these potential air quality impacts.
- 20.5 In respect of new residential units the assessment shows that proposed receptors would be close to exceeding NO₂ annual objectives on the lower storeys of the development and therefore details of mitigation measures should be secured by planning condition including a mechanical ventilation system to include NO_x filtration where appropriate.
- 20.6 In summary it is considered that the proposed development is acceptable in air quality terms in accordance with Policies SP10 and DM9 of the Local Plan and Policy 7.14 of the London Plan, subject to relevant conditions to secure Construction Environmental Management plan to secure control of dust emissions during construction phase, a condition to secure mechanical ventilation to address high NO₂ levels to the proposed lower storey residential units and a condition to mitigate emissions from transport movements associated with the development.

21.0 Land Contamination

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

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

22.0 Flood Risk & Water Resources

- 22.1 The NPPF, Policy 5.12 of the London Plan, and Policies DM13 and SP04 of the Borough Local Plan relate to the need to consider flood risk at all stages in the planning process. Policy 5.13 of the London Plan seeks the appropriate mitigation of surface water run-off.
- 22.2 A flood risk assessment surface and drainage strategy form part of the ES. The prepared assessment considers the proposed development represents no risk in terms of flooding.
- 22.3 The methodology of the flood risk, water use and drainage strategy in the ES are considered sound as is the scope of the assessments and the conclusion drawn in the ES on these matters.
- 22.4 Subject to relevant conditions the proposal would be acceptable with regard to flood risk, sustainable drainage, sewerage and water supply and use and as such accord with relevant policy and guidance as set out in NPPF, Policies 5.12, 5.13 of the London Plan, Policies SP04 and DM13 of the Borough adopted Local Plan.

23.0 Energy and Sustainability

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

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

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

24.0 Ecology, Biodiversity and Trees

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

Existing Trees

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

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

25.0 Waste and Recycling

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

26.0 Wind

Overview

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

Lawson Comfort Criteria

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

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

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

27.2 The NPPF requires that planning obligations must be:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and,
- (c) Fairly and reasonably related in scale and kind to the development.

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

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

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

27.5 The borough's other priorities include:

- Health
- Sustainable Transport
- Environmental Sustainability

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

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

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

27.8 In the absence of securing terms of an acceptable Section 106 agreement, it is recommended that the application is refused on the basis that the development fails to mitigate its impacts as well as securing training, employment opportunities, affordable rented accommodation for residents of the Borough of Tower Hamlets.

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

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

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

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

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

28.0 Other Local financial considerations

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

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

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

29.0 Human Rights 1998

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

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

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

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

29.4 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

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

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

30.0 Equalities Act 2010

30.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy

and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:

1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

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

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

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

31.0 CONCLUSION

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

32.0 SITE MAP

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

APPENDIX 1: SITE MAP



APPENDIX 2 : DRAWINGS and DOCUMENT SCHEDULE

PLANS:

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

- 0030 105 Rev. P01
- 0030 106 Rev. P02
- 0030 108 Rev. P01
- 0030 109 Rev. P01
- 0030 111 Rev. P02
- 0030 012 deleted
- 0300 100 Rev. P03
- 0300 101 Rev. P02
- 0300 102 Rev. P01
- 0410 100 Rev. P01
- 0410 101
- 0410 102 Rev. P01
- 0410 103
- 0410 104 Rev. P02
- 0410 105
- 0410 106
- 0410 107
- 0410 108
- 2000 001
- 2000 002
- 2000 003
- 2000 004 Rev. P01
- 2000 005
- 2000 006
- 2000 007
- 2000 008
- 2000 010
- 2000 011
- 2000 012
- 2000 013
- 2000 014
- 2000 015 Rev. P01
- 2000 016 Rev. P01
- 2000 017
- 2000 018
- 2000 019 Rev. P01
- 2000 020
- 2000 021
- 2000 022 Rev. P01
- 2000 023 Rev. P02
- 2000 024
- 2000 025
- 2000 026 Rev. P01
- 2000 027
- 9000 100 Rev. P01
- 9030 100
- 9030 001
- 9030 002
- 9030 003
- 9030 004
- 9040 100 Rev. P01
- 9040 101 Rev. P01

- 9040 102 Rev. P01
- 9040 103 Rev. P01
- 9040 104 Rev. P01
- 9040 105 Rev. P01
- 904 201 Rev. P02
- 9070 100 Rev. P01
- 9070 101 Rev. P01
- 141208/A/52
- 003-02 Rev. A (dated 31/9/16)

DOCUMENTS:

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