

STRATEGIC DEVELOPMENT COMMITTEE

Thursday, 15 February 2018 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 David Edgar
Councillor Sirajul Islam, Councillor Asma Begum, Councillor Md. Maium Miah, Councillor
Gulam Robbani, Councillor Shafi Ahmed and Councillor Julia Dockerill

Substitutes:

Councillor Danny Hassell, Councillor Denise Jones, Councillor John Pierce, Councillor
Muhammad Ansar Mustaqim, Councillor Oliur Rahman, Councillor Chris Chapman,
Councillor Shah Alam, Councillor Peter Golds and Councillor Abdul Asad

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Tuesday, 13 February 2018**
Please contact the Officer below to register. The speaking procedures are attached
The deadline for submitting material for the update report is **Noon Wednesday, 14
February 2018**

Contact for further enquiries:

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

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APOLOGIES FOR ABSENCE

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS (Pages 7 - 10)

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

2. MINUTES OF THE PREVIOUS MEETING(S) (Pages 11 - 20)

To confirm as a correct record the minutes of the meeting of the Strategic Development Committee held on 11th January 2018

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 21 - 22)

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 Place 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 Place 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.

| PAGE NUMBER | WARD(S) AFFECTED |
|------------------------|-----------------------------|
|------------------------|-----------------------------|

4. DEFERRED ITEMS

None

5. PLANNING APPLICATIONS FOR DECISION

23 - 24

**5.1 Chrisp Street Market, Chrisp Street, London
(PA/16/01612)**

25 - 126

Lansbury

Proposal:

Comprehensive redevelopment of the site (including existing car park) comprising the demolition of existing buildings with the exception of the Festival of Britain buildings, Clock Tower and Idea Store; erection of 19 new buildings ranging from 3 to 25 storeys (up to a maximum AOD height of 88m) providing 649 residential units (C3 Use Class) (including re-provision of the 124 existing affordable residential units); existing market enhancement, including new canopy and service building; refurbishment of retained Festival of Britain buildings; reconfiguration and replacement of existing and provision of new commercial uses including new cinema (D2 Use Class); alterations and additions to existing Idea Store for flexible community/affordable office space use (D1/B1 Use Class); office space (B1 use class); retail, financial and professional services and café/ restaurant floor space (A1 - A3 Use Class), including A1 food store; public house (A4 Use Class); hot food takeaway floor space (A5 Use Class); upgrade and provision of new public open space

Officer recommendation:

That subject to any direction by the London Mayor, planning permission is APPROVED subject to the prior completion of a legal agreement to secure planning obligations, conditions and informatives.

6. OTHER PLANNING MATTERS

127 - 128

**6 .1 Sainsbury Foodstore, 1 Cambridge Heath Road,
London, E1 5SD (PA/17/01920)**

129 - 210

**Bethnal
Green;
Spitalfields
&
Banglatown;
St Peter's**

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), 11,414 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); 471 residential units arranged in 8 blocks ranging from six to 14 storeys in height (up to a maximum height of 58.9m AOD); an energy centre and plant at basement level; 240 'retail' car parking spaces and 40 disabled car parking spaces for use by the proposed residential units; two additional disabled parking bays proposed at Merceron street; creation of an east-west public realm route from Cambridge Heath Road to Brady Street and public realm provision and enhancements; associated highway works to Brady Street, Merceron Street, Darling Row and Collingwood Street, and Cambridge Heath Road.

Officer recommendation to the Committee:

That the Committee resolves to inform the Planning Inspectorate that were it empowered to determine the application for planning permission the Council would have REFUSED permission for the reasons set out in the Committee report

Next Meeting of the Strategic Development Committee

Wednesday, 28 February 2018 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:-

Asmat Hussain 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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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON THURSDAY, 11 JANUARY 2018

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

Members Present:

Councillor Marc Francis (Chair)
Councillor David Edgar (Vice-Chair)
Councillor Asma Begum
Councillor Md. Maium Miah
Councillor Shafi Ahmed
Councillor Julia Dockerill
Councillor John Pierce (Substitute for Councillor Sirajul Islam)
Councillor Muhammad Ansar Mustaqim (Substitute for Councillor Gulam Robbani)

Other Councillors Present:

Councillor Abdul Asad

Apologies:

Councillor Sirajul Islam
Councillor Gulam Robbani

Officers Present:

| | |
|--------------------|--|
| Paul Buckenham | (Development Manager, Planning Services, Place) |
| Elizabeth Donnelly | (Senior Planning Officer, Place) |
| Paul Greeno | (Senior Corporate and Governance Lawyer, Legal Services) |
| Tim Ross | (Team Leader, Planning Services Place) |
| Zoe Folley | (Committee Officer, Governance) |

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

Councillors Marc Francis, Julia Dockerill and Muhammad Ansar Mustaqim declared a personal interest in agenda item 5.1, Land at Fieldgate Street and Whitechapel Road, Fieldgate Street, London (PA/17/02217) on the basis that they had sat on the Strategic Development Committee when an application involving part of this site had previously been considered by the Committee.

Councillors Maium Miah and Muhammad Ansar Mustaquim declared a personal interest in agenda item 5.1, Land at Fieldgate Street and Whitechapel Road, Fieldgate Street, London (PA/17/02217) on the grounds of membership of the Tower Hamlets Council of Mosques who had submitted a representation supporting aspects of the application.

Councillor Shafi Ahmed declared a personal interest in agenda item 5.1 Land at Fieldgate Street and Whitechapel Road, Fieldgate Street, London (PA/17/02217) on the grounds that he was a Board member of the Tower Hamlets Council of Mosques who had submitted a representation supporting aspects of the application.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 30th November 2017 be agreed as a correct record and signed by the Chair.

3. RECOMMENDATIONS AND PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

The Committee **RESOLVED** that:

- 1) In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director, Place 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, Place 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 Development Committee and the meeting guidance.

4. DEFERRED ITEMS

None.

5. PLANNING APPLICATIONS FOR DECISION

5.1 Land at Fieldgate Street and Whitechapel Road, Fieldgate Street, London (PA/17/02217)

Update report.

Paul Buckenham (Planning Services Manager) introduced the application for the demolition of existing substation and construction of a 20 storey building, including student accommodation totalling 375 rooms; office floorspace at ground/first floor level; commercial floorspace at ground floor level; basement and new pedestrian link to the eastern boundary of the site. He drew attention to the update report including further representations, points of clarification including that paragraph 4.9 should read 'this would not resolve the harm'

The Chair invited registered speakers to address the Committee.

Sarah Hammond (local resident) spoke in objection to the application. She expressed concern about increased waste and bins on the street given the absence of any plans showing how bins would be stored, rubbish collected or details of the loading bay. The existing units and businesses already generated a lot of waste so the plans would worsen the issues around this. The twenty storey building had no architectural merit and had no place near a Conservation Area. The design and height of the scheme needed to be given more thought. Concern was also expressed about the need for additional student accommodation in this area and also the proposed pedestrian link in view of safety and maintenance issues. In response to questions from the Committee about the developer's consultation, she explained that she had engaged in the consultation and had objected to the application. She also explained in further detail her concerns about the loading bay and the impact of this.

Mohamed Zabadne, Sue Cleverdon (on behalf of Business in the Community), Hassan Hoque and Councillor Abdul Asad spoke in support of the application. They considered that the proposals would generate significant benefits to the local area including a pedestrian link that complied with policy, affordable commercial space, much needed student accommodation, and would benefit the local economy. BITC welcomed the scheme. It would provide them with affordable work space in London on a rent free basis. They also explained the merits of the pedestrian link for the local area, the need for student accommodation in the area. This would ease pressure on the local housing supply. None of the three main institutions in the local area had objected to the proposal.

It was also considered that the height and design of the building would be appropriate for the area and that similar to the previous application, the public benefits of the application would outweigh any harm. Historic England and the Greater London Authority (GLA) did not consider that the proposal would cause any harm and the Whitechapel Vision Masterplan supported the

provision of taller buildings in the area. Concerns was also expressed about the pre - application process particularly delays in the process and the failure to agree a PPA.

In response to questions about the new pedestrian link, the speakers consider that it would provide easy access and brighten the area. With the permission of the Chair, Sarah Simpson, the applicant's transport consultant explained that the link complied with the relevant TfL policy requirements in terms of minimum width. The applicant had expressed a committed for it to be publically available.

Regarding the height and massing and the concerns with the previous 2015 application, it was reported that the applicant had carried out a lot of work to address this. With the permission of the Chair, Glenda Parkes explained these changes and referred to the comments in the Greater London Authority's stage one report, expressing support for aspects of the application.

In response to questions about the office accommodation and its future occupancy, they explained that 100% of which would be provided at affordable rents (not 10%). This would be written into any legal agreement. They also explained the arrangements with BITC that worked with small and medium sized business.

In response to further questions, they emphasised the need for additional student accommodation in the area, and clarified their concerns about the pre application process. Officers advised that whilst there was a delay in the process, clear advice was offered to the applicant during the pre application process.

The speaker also explained the scope of the developer's consultation, their discussions with local universities and third parties about the proposed link.

Elizabeth Donnelly (Planning Services) presented the detailed report explaining the site location, the surrounding area and the key features of the application and the outcome of the consultation including the main issues raised in support and objection. In land use terms, the proposed B1 (a) floorspace could be supported in principle. The applicant had submitted information to state this would be offered to BITC, but no further details of this had been forthcoming. However, the future occupier of the office space was not a material planning consideration and therefore cannot be given any weight in the determination of this application. Furthermore there was a lack of credible evidence to demonstrate that the scheme would deliver a reasonable percentage of affordable rented student accommodation in line with the Mayor of London's Housing SPG. Given this and the absence of a partnership arrangement with a local university, Officers were not in a position to support the proposed student accommodation.

The height, scale and massing of the proposed 20 storey development was objectionable. The proposal would result in harm to the Myrdle Street Conservation Area, as well as a significant impact upon the character and

appearance of the wider townscape. It would dominate local views and mark a significant departure from prevailing building heights. Images of the proposal from the surrounding area was noted. The design features would do little to mitigate this. It was not considered that any of the perceived benefits associated with the scheme would outweigh this impact.

The scale and massing of the proposal would also give rise to significant and unacceptable impact upon the amenities of neighbouring residents.

Furthermore it was also considered that the issues around the width and design of the link diluted its quality as a public benefit and these issues had yet to be resolved.

Officers also had concerns about the adequacy of the cycle plans and the lack of a Blue Badge holder parking arrangements. Due to the reasons set out in the Committee report, Officers were recommending that the application was refused permission.

In response to the presentation, the Committee asked questions about the planning history for the site, the surrounding sites and the differences between this application and the previous application. Members also asked about the consultation with the GLA. In response, Members were reminded that the Committee previously considered an application for residential development involving the site in 2015 and the Committee resolved to grant the previous application going against the Officers recommendation for refusal. The Mayor of London then issued a direction for refusal and the application was withdrawn by the applicant. Whilst some of the policy requirements for daylight and sunlight only applied to residential developments, the standards for impact on neighbouring amenity did apply to student accommodation. The scheme still shared many of the same issues with the previous application in respect of the impact on neighbouring amenity. Therefore on this ground the application was still considered to be unacceptable. The surrounding sites included serviced apartments and also a hotel development. The GLA's stage one response was set out in the Committee report.

The Committee asked questions about the issues with the viability assessment and it was confirmed that the Council and the GLA had concerns with the methodology including the comparisons with a hotel use. As a result of these issues, it could not be concluded that the maximum number of affordable student accommodation had been secured.

The Committee also questions about the need for additional students accommodation in the Borough and the lack of an agreement with a university. In response, Officers referred to the statistics in the Committee report and the London Plan showing that there was an oversupply of student housing in Tower Hamlets. Given this and the lack of an agreement with a university, there was a need for the applicant to demonstrate a local need and it was not considered that they had done so. Whilst it was recognised that

there was still a certain level of need for student accommodation in the area, this needed to be balanced against other priority uses for the site.

Members also asked questions about the sunlight and daylight impacts and the nature of the rooms most effected. It was explained that a number of the windows in Tower House would lose virtually all of their daylight exposure, with failings as much as up to 89% on the western elevation as detailed in the report. This conflicted with BRE guidance that applied to all rooms where daylight was required.

Questions were also asked about the height of the building and the policy restrictions regarding building heights in the area. Officers explained that the policy did not set a limit on the building heights as such. However, the site was not in a tall building cluster and the Whitechapel Vision Masterplan did not identify this as an area where a tall building such as this one should be situated.

In response to further questions, Officers provided reassurances about the pre application process and addressed the issues about the PPA. Officers also explained in further detail the issues around the future occupancy of the affordable office space.

Councillor Asma Begum proposed and Councillor Muhammad Ansar Mustaqim seconded a proposal that the application be deferred to obtain further information surrounding the PPA and also the plans for the office space. On a vote of 4 in favour, 4 against with the Chair using a casting vote against, this proposal was not agreed.

At the conclusion of the debate, Members expressed a number of comments about the application.

On a vote of 4 in favour 3 against and 1 abstention, the Committee **RESOLVED:**

That planning permission be **REFUSED** at Land at Fieldgate Street and Whitechapel Road, Fieldgate Street, London for the demolition of existing substation and construction of a 20 storey building, including 11,450 sqm of student accommodation totalling 375 rooms; 1,050 sqm of office (B1a) floorspace at ground/first floor level ;70 sqm of commercial floorspace (A3 use) at ground floor level; basement and new pedestrian link to the eastern boundary of the site (PA/17/02217) for the following reasons as set out in the Committee report:

- 1) The application submission fails to demonstrate that the proposed development would provide a maximum reasonable amount of affordable rented student accommodation, that is both deliverable and retainable in perpetuity, contrary to Policy 3.8 Housing Choice of the London Plan (2016); Policy DM6 Student Accommodation of the Managing Development Document (2013) and the guidance set out in the Mayor of London's Housing SPG (2016),

- 2) The scale, height and massing of the proposed building would mark a departure from the scale of its surroundings and give rise to a disproportionate and overpowering addition to the surrounding existing built form and an unacceptable level of harm upon the setting of the Myrdle Street Conservation Area wider townscape contrary to Policies 7.4 Local character, 7.7 Location and design of tall and large buildings, 7.8 Heritage assets and archaeology of the London Plan (2016); Policy SP10 Creating distinct and durable places of the Core Strategy (2011); Policies DM24 Place sensitive design, DM26 Building heights, DM27 Heritage and the historic environment of the Managing Development Document (2013) and the Myrdle Street Conservation Area Appraisal.
- 3) Due to the excessive scale and massing of the building, the proposed development would result in an unacceptable level of harm upon neighbouring amenity by way of significantly reduced daylight and sunlight, overbearing impact, increased sense of enclosure, increased overlooking and loss of privacy contrary to Policy DM6 Student Accommodation and DM25 Amenity of the Management Development Document (2013).
- 4) The proposed development is unsatisfactory with regards to cycling, including the accessibility of the proposed cycle storage, the quantum of cycle parking spaces and the nature of the cycle storage, contrary to Policy 6.9 Cycling of the London Plan (2016); Policy SP09 Creating attractive and safe streets and spaces of the Core Strategy (2010); Policy DM20 Supporting a sustainable transport network and Annex 2 Standards (parking) of the Managing Development Document (2013).
- 5) The application submission is insufficient in demonstrating the acceptability of the proposed Blue Badge holder car parking arrangement (within the existing neighbouring basement) in relation to both its relationship with the proposed development and its impact upon the existing neighbouring development contrary to Policy 6.13 Parking, Parking Addendum to Chapter 6, Table 6.2 of the London Plan (2016) and Policy DM22 Parking and Annex 2 Standards (parking) of the Managing Development Document (2013).
- 6) In the absence of a legal agreement to secure agreed and policy compliant financial and non-financial contributions including for employment, skills, training and enterprise and transport matters the development fails to mitigate its impact on local services, amenities and infrastructure. The above would be contrary to the requirements of Policies SP02 and SP13 of the LBTH Core Strategy, Policies 8.2 of the London Plan (2016) and LBTH's Planning Obligations SPD (2016).

6. OTHER PLANNING MATTERS

6.1 Planning Appeals Report

Paul Buckenham (Development Control Manager) introduced the report. The report summarised appeal decisions in Tower Hamlets made by the Planning Inspectorate (on behalf of the Secretary of State) over a 14 month period since the last report - from 1 October 2016 to 30 November 2017.

By way of background, the Committee were reminded of the different types of appeals and the appeals process. In terms of the headlines, it was noted that 83 decisions were made on appeals in Tower Hamlets. 79 were following a refusal of permission and 3 were non-determination appeals. Of the 83 decisions, 22 were allowed, 60 dismissed and 1 was part allowed. This meant that in 72% of the cases, the Council had successfully defended its decision.

With reference to Appendix A, it was noted that most of the decisions were made under delegated powers or by the Development Committee rather than by the Strategic Development Committee. However, looking ahead to the appeals hearing schedule, a number of the cases would relate to the Committee decisions. There had been two public inquiries in December 2017 and a number were likely to be held in the first half of 2018.

Members also noted the benchmarking and performance information and the latest data published by the Department for Communities and Local Government. This showed that the Council fell well below the designated criteria in respect of decisions overturned at appeal.

The Committee's attention was drawn to the outcome of the following three appeal decisions.

- Former Stepney's Nightclub, 373 Commercial Road, Stepney - Planning permission was refused by the Council for the erection of a 3 storey mixed use building to provide new commercial floorspace with 6 new homes on the upper floors. This was subsequently allowed on appeal and dismissed following a further appeal. Members noted the issues in respect of the noise impacts and the two Inspectors different views.
- Flat 39A, Northesk House, Tent Street, Whitechapel. The appeal concerned the temporary change of use of the flat from residential to a short-term let. Permission was refused under delegated powers and the appeal was refused. Officers noted that the Inspector placed a lot of weight on the loss of the one unit. Officers considered that the decision was significant and helpful in terms of how the Council moved forward to tackle the growing issue of unlawful changes of use of residential properties to short term let properties.
- Harley House and Champion House, Frances Wharf - The appeal concerned roof extensions to provide 6 new residential units along with

reconfiguration of 1 existing unit. The appeal was allowed. Members noted the issues in respect of incremental development.

In response, the Committee noted the forthcoming appeals inquires and hearing schedule relating this Committee.

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

That the contents of the report be noted.

The meeting ended at 9.55 p.m.

Chair, Councillor Marc Francis
Strategic Development Committee

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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 5

| | | | |
|---|--|--|------------------------|
| Committee: Development | Date: 15 th February 2018 | Classification: Unrestricted | Agenda Item No: |
| Report of: Corporate Director Place | | 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 2016
 - 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 the Planning Practice Guidance.
- 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

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:
See Individual reports

Tick if copy supplied for register:
✓

Name and telephone no. of holder:
See Individual reports

Development Plan unless material planning considerations support a different decision being taken.

- 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 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015, 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 relevant Agenda Item.

5. RECOMMENDATION

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

Agenda Item 5.1

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|---|---|--|----------------------------|
| Committee: Strategic Development | Date: 15 th February 2018 | Classification: Unrestricted | Agenda Item Number: |
|---|---|--|----------------------------|

| | |
|--|---|
| Report of: Director of Place | Title: Application for Planning Permission |
| Case Officer: Kate Harrison | Ref No: PA/16/01612 |
| | Ward: Lansbury |

1.0 APPLICATION DETAILS

Location: Chrisp Street Market, Chrisp Street, London

Existing Use: Mixed use including residential and commercial uses:

12,146sqm retail (A1)
686sqm financial and professional services (A2)
249sqm restaurant and café (A3)
1145sqm drinking establishments (A4)
236sqm hot food takeaways (A5)
1086sqm office (B1)
1,811sqm non residential institutions (D1)
598sqm assembly and leisure (D2)
277 sqm other (Sui generis)

212 full time employees, 276 part time employees (339 equivalent in full time employees)

212 residential units existing on site (43 of these to be retained).

Proposal: Comprehensive redevelopment of the site (including existing car park) comprising the demolition of existing buildings with the exception of the Festival of Britain buildings, Clock Tower and Idea Store; erection of 19 new buildings ranging from 3 to 25 storeys (up to a maximum AOD height of 88m) providing 649 residential units (C3 Use Class) (including re-provision of the 124 existing affordable residential units); existing market enhancement, including new canopy and service building; refurbishment of retained Festival of Britain buildings; reconfiguration and replacement of existing and provision of new commercial uses including new cinema (D2 Use Class); alterations and additions to existing Idea Store for flexible community/affordable office space use (D1/B1 Use Class); office space (B1 use class); retail, financial and professional services and café/ restaurant floor space (A1 - A3 Use Class), including A1 food store; public house (A4 Use Class); hot food takeaway floor space (A5 Use Class); upgrade and provision of new public open space

including child play space; new public realm, landscaping works and new lighting; cycle parking spaces (including new visitor cycle parking); and provision of disabled car parking spaces.

Drawings and Documents: *Location Plans and Existing Site Plans:*

5148-P-00-001 Existing Site Location Plan
5148-P-00-010 Existing Key Plan Planning
5148-P-20-010 Proposed Key Plan
5148-P-00-020 Existing Ground Floor Plan Planning
5148-P-00-021 Existing First Floor Plan Planning
5148-P-00-022 Existing Second Floor Plan Planning
5148-P-00-023 Existing Third Floor Plan Planning
5148-P-00-024 Existing Fourth to Eighth Floor Plan
5148-P-00-029 Existing Nineth to Twenty-First Floor Plan

Proposed Floor Plans:

5148-P-00-100 Demolition Plan
5148-P-20-199 Basement, Rev B
5148-P-20-200 Ground, Rev E
5148-P-20-201 First Floor, Rev B
5148-P-20-202 Second Floor, Rev B
5148-P-20-203 Third Floor, Rev C
5148-P-20-204 Fourth Floor, Rev B
5148-P-20-205 Fifth Floor, Rev B
5148-P-20-206 Sixth Floor, Rev B
5148-P-20-207 Seventh Floor, Rev B
5148-P-20-208 Eighth Floor, Rev B
5148-P-20-209 Ninth Floor, Rev B
5148-P-20-210 Tenth To Thirteenth Floors, Rev B
5148-P-20-214 Fourteenth Floor, Rev B
5148-P-20-215 Fifteenth Floor, Rev B
5148-P-20-216 Sixteenth to Twenty-Fourth Floors, Rev B
5148-P-20-225 Roof Plan Rev B

5148-P-20-250 Basement Floor Plan 1 of 2 - North, Rev B
5148-P-20-251 Basement Floor Plan 2 of 2 - South, Rev B
5148-P-20-252 Ground Floor Plan 1 of 2 - North, Rev D
5148-P-20-253 Ground Floor Plan 2 of 2 - South, Rev D
5148-P-20-254 First Floor Plan 1 of 2 - North, Rev B
5148-P-20-255 First Floor Plan 2 of 2 - South, Rev B
5148-P-20-256 Second Floor Plan 1 of 2 - North, Rev B
5148-P-20-257 Second Floor Plan 2 of 2 - South, Rev B
5148-P-20-258 Third Floor Plan 1 of 2 - North, Rev B

5148-P-20-259 Third Floor Plan 2 of 2 - South, Rev B
5148-P-20-260 Fourth Floor Plan 1 of 2 - North, Rev B
5148-P-20-261 Fourth Floor Plan 2 of 2 - South, Rev B
5148-P-20-262 Fifth Floor Plan 1 of 2 - North, Rev B
5148-P-20-263 Fifth Floor Plan 2 of 2 - South, Rev B
5148-P-20-264 Sixth Floor Plan 1 of 2 - North, Rev B
5148-P-20-265 Sixth Floor Plan 2 of 2 - South, Rev B
5148-P-20-266 Seventh Floor Plan 1 of 2 - North, Rev B
5148-P-20-267 Seventh Floor Plan 2 of 2 - South, Rev B
5148-P-20-268 Eighth Floor Plan 1 of 2 -North, Rev B
5148-P-20-269 Eighth Floor Plan 2 of 2 - South, Rev B
5148-P-20-270 Ninth Floor Plan 1 of 2 - North, Rev B
5148-P-20-271 Ninth Floor Plan 2 of 2 - South, Rev B
5148-P-20-272 Tenth To Thirteenth Floors Plan-
North, Rev B
5148-P-20-273 Tenth To Fourteenth Floors Plan-
South, Rev B
5148-P-20-274 Fourteenth Floor Roof Plan - North,
Rev B
5148-P-20-275 Fifteenth Floor Plan - South of Site,
Rev B
5148-P-20-276 Sixteenth to Twenty-Fourth Floors Plan
- South, Rev B
5148-P-20-277 Roof Plan - South of Site, Rev B

Sections and Elevations:

5148-P-20-300 Elevation 01 - East India Dock Road &
Section CC - Through Market Way, Rev A
5148-P-20-301 Elevation 03 - Cordelia St & Section
DD - Through Market Way, Rev A
5148-P-20-302 Elevation 02 - Chrisp Street South
West & Elevation 07 - Market Way South West, Rev A
5148-P-20-303 Elevation 02 - Chrisp Street North
West & Elevation 07 - Market Way North West, Rev A
5148-P-20-304 Elevation 06 - Market Way North East
& Elevation 04 - Kerbey Street North East, Rev A
5148-P-20-305 Elevation 06 - Market Way South East
& Elevation 04 - Kerbey Street South East, Rev A
5148-P-20-306 Elevation 10 - Susannah Street South
& Elevation 05 - Market Square South, Rev A
5148-P-20-307 Elevations 08, 09 - Building M, Rev A
5148-P-20-308 Section EE - Through A,B,C F,G,H
South West & Section GG - Through D,E,J,K,L South
West
5148-P-20-309 Section EE - Through A,B,C F,G,H
North West & Section GG - Through D,E,J,K,L North
West, Rev A
5148-P-20-310 Section AA & Section BB Planning
1:200 , Rev A
5148-P-20-311 Elevation 11 - Susannah Street North
& Section FF

5148-P-20-320 Context Elevations 01 East India Dock Road & 02 Chrisp St West, Rev A
5148-P-20-321 Context Elevation 03 Cordelia St & 04 Kerbey St, Rev A
5148-P-20-322 Elevation 04 Detail - Kerbey Street South East

Detailed Bay Studies

5148-P-21-401 Detailed Bay Elevation and Section - Building A, Rev A
5148-P-21-402 Detailed Bay Elevation and Section - Building B, Rev A
5148-P-21-403 Detailed Bay Elevation and Section - Building C, Rev A
5148-P-21-404 Detailed Bay Elevation and Section - Building D - Junction with FoB Planning, Rev A
5148-P-21-405 Detailed Bay Elevation and Section - Building D - Corner, Rev A
5148-P-21-406 Detailed Bay Elevation and Section - Buildings D/E Duplex, Rev A
5148-P-21-407 Detailed Bay Elevation and Section - Building F Chrisp St, Rev A
5148-P-21-408 Detailed Bay Elevation and Section - Building G Chrisp St, Rev A
5148-P-21-409 Detailed Bay Elevation and Section - Building F Vesey Path, Rev A
5148-P-21-410 Detailed Bay Elevation and Section - Building H - Entrance, Rev A
5148-P-21-411 Detailed Bay Elevation and Section - Building H - Mid level, Rev A
5148-P-21-412 Detailed Bay Elevation and Section - Building H - Upper Level, Rev B
5148-P-21-413 Detailed Bay Elevation and Section - Building K1, Rev A
5148-P-21-414 Detailed Bay Elevation and Section - Building K2, Rev A
5148-P-21-415 Detailed Bay Elevation and Section - Building M, Rev A
5148-P-21-416 Detailed Bay Elevation and Section - Hub Planning, Rev B
5148-P-21-417 Detailed Bay Elevation and Section - Hub Planning, Rev B
5148-P-21-418 Market Square - Layout with Kiosk and Stalls Planning, Rev A
5148-P-21-419 Detailed Bay Elevation and Section - Canopy Planning 1:50, Rev A
5148-P-21-420 Detailed Typical Window Section, Rev A

Wheelchair unit schedules/ drawings:

5148-P-Schedule of Wheelchair Accessible Accommodation Revision -
5148-P-80-250 Wheelchair Units Plan – 1 of 2

Landscape Plans:

| | |
|------------|--|
| C0035 L101 | Roof level Colour Masterplan Rev 09 |
| C0035 L109 | Ground Floor Colour Masterplan Rev 10 |
| C0035 L110 | 1st Flr Colour Masterplan Rev 03 |
| C0035 L111 | 2nd Flr Colour Masterplan Rev 03 |
| C0035 L130 | Ground Floor Combined Lscp GA Plan 1 of 2 Rev 02 |
| C0035 L131 | Ground Floor Combined Lscp GA Plan 2 of 2 Rev 02 |
| C0035 L132 | 1st Flr Combined Lscp GA Plan 1 of 2 Rev 02 |
| C0035 L133 | 1st Flr Combined Lscp GA Plan 2 of 2 Rev 02 |
| C0035 L134 | 2nd Flr Combined Lscp GA Plan 1 of 2 Rev 02 |
| C0035 L135 | 2nd Flr Combined Lscp GA Plan 2 of 2 Rev 02 |
| C0035 L181 | Roof Combined Lscp GA Plan 1 of 2 Rev 02 |
| C0035 L182 | Roof Combined Lscp GA Plan 2 of 2 Rev 02 |
| C0035 L500 | Sections - Market Square Rev 01 |
| C0035 L501 | Sections - Market Way Rev 01 |
| C0035 L502 | Sections - Vesey Path Rev 01 |
| C0035 L510 | Sections - Cordelia St. Play Rev 04 |
| C0035 L511 | Sections - East India Square Rev 05 |
| C0035 L512 | Sections -Clock Tower Pocket Square Rev 04 |
| C0035 L520 | Podium Sections Block M, Sheet 1 Rev 01 |
| C0035 L521 | Podium Sections Block A/B/C, Sheet 1 Rev 01 |
| C0035 L522 | Podium Sections Block A/B/C, Sheet 2 Rev 01 |
| C0035 L523 | Podium Sections Block A/B/C, Sheet 3 Rev 01 |
| C0035 L524 | Podium Sections Block A/B/C, Sheet 4 Rev 01 |
| C0035 L525 | Podium Sections Block D Sheet 1 Rev 01 |
| C0035 L526 | Podium Sections Block E Sheet 1 Rev 01 |
| C0035 L527 | Podium Sections Block J/K/L, Sheet 1 Rev 01 |
| C0035 L528 | Podium Sections Block J/K/L, Sheet 2 Rev 01 |
| C0035 L529 | Podium Sections Block F/G Sheet 1 Rev 01 |
| C0035 L900 | Tree Removal and Preliminary Protection Plan Rev 01 |

Additional Plans:

5148-P-80-200 Loaded plan: Building A Typical Level
5148-P-80-201 Loaded plan: Building B Typical Level
5148-P-80-202 Loaded plan: Building C Typical Level
5148-P-80-203 Loaded plan: Buildings D - Typical Level
5148-P-80-204 Loaded plan: Buildings D/E - Lower Duplex Units
5148-P-80-205 Loaded plan: Buildings D/E - Upper Duplex Units
5148-P-80-206 Loaded plan: Building E - Triplex Units
5148-P-80-207 Loaded plan: Buildings F, G Typical Level
5148-P-80-208 Loaded plan: Building H Typical Levels 02 - 14
5148-P-80-209 Loaded plan: Building H Upper Levels 15 - 24
5148-P-80-210 Loaded plan: Buildings J & K2 Typical Level
5148-P-80-211 Loaded plan: Building K1 Typical Level
5148-P-80-212 Loaded plan: Building L Typical Level
5148-P-80-213 Loaded plan: Building M Typical Level

5148-SK-413 Play Space and Communal Amenity Space Rev H

Supporting Documents:

5148-P-Schedule of Playspace and Communal Amenity Revision –
5148-P-Residential Area Schedule Rev G
5148-P-Non-Residential Area Schedule Rev B
Design and Access Statement Revision B
Design and Access Statement Addendum Revision A
Design and Access Statement Addendum 2
Design and Access Statement Addendum 3 Rev A
Commercial Floorspace Assessment
Environmental Statement
Environmental Statement: Regulation 22 Submission
Environmental Statement: Regulation 22 Submission: November Addendum
Heritage Statement - Updated
Landscape Design Statement
Landscape Design Statement Addendum
Planning Statement
Planning Statement Addendum
Planning Statement Addendum 2
Planning Statement Addendum 3
Retail Management Strategy
Statement of Community Involvement
Transport Assessment
Lighting Strategy Rev A

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|---------------------------|---|
| Applicant: | Telford Homes and Poplar HARCA |
| Ownership: | See Appendix 1 |
| Historic Building: | Festival Inn Pub, Kerbey Street (Grade II Listed); Chrisp Street Market Clock Tower, Market Way (Grade II Listed). |
| Conservation Area | Lansbury Conservation Area |

2.0 EXECUTIVE SUMMARY

- 2.1 The council has considered the particular circumstances of this application against the Council's Development Plan policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (MALP) 2016 and the National Planning Policy Framework and relevant supplementary planning documents.
- 2.2 The report considers an application for comprehensive redevelopment of the site comprising the demolition of existing buildings with the exception of the Festival of Britain buildings, Clock Tower and Idea Store; erection of 19 new buildings ranging from 3 to 25 storeys (up to a maximum AOD height of 88m) providing 649 residential units (C3 Use Class) (including re-provision of the existing 124 affordable residential units); existing market enhancement, including new canopy and service building; refurbishment of retained Festival of Britain buildings; reconfiguration and replacement of existing and provision of new commercial uses including new cinema (D2 Use Class); alterations and additions to existing Idea Store for flexible community/ affordable work space use (B1/ D1 use class); flexible workspace (B1 Use Class); retail floor space (A1 - A3 Use Class), including A1 food store; public house (A4 Use Class); hot food takeaway floor space (A5 Use Class); upgrade and provision of new public open space including child play space; new public realm, landscaping works and new lighting; cycle parking spaces (including new visitor cycle parking); and provision of disabled car parking spaces.
- 2.3 The application site falls within a Housing Zone defined within the Mayors Draft Housing Strategy (2017). The site also falls within the Chrisp Street Town Centre (Site Allocation 9) and Chrisp Street District Centre as set out within the Council's Managing Development Document (2013). It is considered that a town centre and estate regeneration scheme is acceptable within the context of the site allocation and district centre location.
- 2.4 The proposed design of the scheme is considered to be acceptable in terms of its impact on local views and heritage assets, its layout, height, scale and massing, its appearance, landscaping and material palette, and has also been designed in accordance with Secure by Design principles. As such, it is concluded that the application is acceptable in design terms.
- 2.5 The proposal would not significantly adversely impact the amenity of surrounding residents and building occupiers, and would also afford future occupiers of the development a suitable level of amenity. Therefore, the

proposed development can be seen to be in accordance with relevant policy and thus acceptable in amenity terms.

- 2.6 The proposal would not have an adverse impact upon the local highway and public transport network and would provide suitable parking arrangements and servicing arrangements. The proposal is therefore acceptable in transport and highways terms.
- 2.7 The proposed refuse strategy for the site has been designed to accord with the council's waste management hierarchy of reduce, reuse and recycle, in accordance with relevant policy.
- 2.8 A strategy for minimising carbon dioxide emissions from the development has been proposed in compliance with the London Plan energy hierarchy and the impacts of the proposal would be mitigated through a carbon offsetting Section 106 payment. The non-residential elements of the scheme have been designed to be BREEAM 'Excellent'. The proposal is thus acceptable in energy and sustainability terms.
- 2.9 The proposal is acceptable in archaeology, air quality, biodiversity, contaminated land, flood risk, microclimate, SUDS, television and radio reception terms, and also in terms of its impact on trees. The scheme would be liable for both the Mayor's and the borough's community infrastructure levy. In addition, it would provide necessary and reasonable planning obligations with respect to affordable housing, local employment and training and environmental sustainability.
- 2.10 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 planning considerations which would indicate that it should be refused.

3.0 RECOMMENDATION

3.1 That subject to any direction by the London Mayor, planning permission is APPROVED subject to the prior completion of a legal agreement to secure the following planning obligations:

3.2 Financial contributions:

- a) A contribution of £338, 232 towards employment, skills, training and enterprise during the construction stage;
- b) A contribution of £256, 377 towards employment skills and training to access employment in the commercial uses within the final development (end user phase);
- c) A contribution of £157,464 towards carbon offsetting;
- d) A contribution of £9,500 (£500 per head of term) towards monitoring compliance with the legal agreement.

Total financial contributions: £761,573

- 3.3 Non- financial contributions:
- a) Delivery of 35.7% Affordable Housing comprising of 37 intermediate (shared ownership) units, and 169 rented units (131 at social rent, 38 at Tower Hamlets Living Rent);
 - b) Viability review mechanism (conditional pre-commencement review; mid stage review prior to phase 2 and; advanced stage review);
 - c) 40 construction phase apprenticeships and 3 end user apprenticeships;
 - d) Access to employment and construction - 20% local goods/service procurement and 20% local jobs at construction phase;
 - e) Permit free agreement restricting future residents from applying for parking permits;
 - f) Travel Plan;
 - g) Code of Construction Practice;
 - h) S.278 highways agreement with TfL and the council securing public realm improvement works including: zebra crossings, raised platforms, new access points, public realm materials and planting; improvements to pedestrian crossing island at southern end of Chrisp Street and; provision of 4 on street blue badge spaces in accordance with the Transport Assessment;
 - i) Bus stop relocation;
 - j) The securement of public access routes and areas of public realm on site (within phase 1) including maintenance of these areas;
 - k) Town Centre Health Check (appointment of town centre management, annual information provided to council on: use, use class, vacancies and vacancy period);
 - l) Council to have option on occupying the space marked for an idea store for a fixed amount of time;
 - m) Affordable work space on floor 2 of Hub building (discount from market rate);
 - n) Continued operation of market during construction works and strategy for relocation during phase 1;
 - o) Retail Management Strategy including details of: Decant strategy for commercial premises during construction works and terms offered to existing businesses in terms of relocation/ rent levels;
 - p) Reasonable endeavors to maintain post office and police station on site;
 - q) Retained architects for the discharging of conditions and build out of the scheme and;
 - r) Television signal study to be carried out and necessary mitigation implemented;
 - s) Vehicle parking to be provided for market traders on Hind Street.
- 3.4 That the Corporate Director for Place is delegated power to negotiate the legal agreement indicated above acting within delegated authority. If within three months of the resolution the legal agreement has not been completed, the Corporate Director for Place is delegated power to refuse planning permission.
- 3.5 That the Corporate Director for Place is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

3.6 Conditions:

Prior to commencement:

1. Construction Environmental Management Plan and Construction Logistics Plan in consultation with TfL and DLR to include compliance with GLA's NRMM emission and dust monitoring throughout construction;
2. Ground contamination site investigation;
3. Archaeological scheme of investigation;
4. Archaeological scheme of investigation for the existing building structure, architectural detail and archaeological evidence.
5. Details of proposed craneage and scaffolding in consultation with London City Airport and DLR;
6. Piling method statement in consultation with Thames water;
7. Thames water capacity study;
8. Updated bat survey (precautionary survey prior to demolition);
9. Survey on nesting birds or nest building birds if tree removal takes place between March-August;

Prior to Superstructure Works Conditions:

10. Details of proposed wheelchair accessible residential units;
11. Revised air quality assessment taking in to account the energy centre in the remodelling and details of mechanical ventilation for residential and commercial units where mitigation is required.
12. Full details of biodiversity mitigation and enhancements;
13. Details and specification of all external facing materials;
14. Details and samples of shopfronts including signage and lighting;
15. Details and specification of all soft and hard landscaping and public realm including: materials; street furniture; lighting; tree planting and specification (in accordance with the wind study approved within the Environment Statement) and play equipment (including alternative play equipment in the open spaces adjacent to block M, at the pocket park at Cordelia Street and in the central play area adjacent to the market);
16. Surface water drainage scheme;
17. Details of proposed cycle parking and associated facilities including cycle docking station;
18. Details of wayfinding signage in consultation with TfL and Highways;
19. Details and specification of external glazing and balustrading;
20. Details of all external CCTV and lighting;
21. Study looking at feasibility of potential taxi rank location on immediate roads surrounding site in consultation with TfL and Highways;
22. Radio impact survey in consultation with DLR;

Prior to Occupation Conditions:

23. Agreed works to Clock tower to be carried out prior to occupation of any residential units;
24. Landscaping works to be completed prior to occupation of relevant phase;
25. Confirmation of as built CO2 emissions;
26. Delivery of BREEAM 'Excellent' for non-residential elements of scheme;
27. Ground contamination verification report;

28. Details of electric vehicle charging points;
29. Confirmation that all proposed plant complies with noise level limits;
30. Management plan and proposed hours of operation for A3, A4, A5 and D2 use classes;
31. Details of extraction and ventilation for Class A3 and A5 use;
32. Secure by Design accreditation;

Compliance Conditions:

33. Permission valid for 3 years;
34. Development in accordance with approved plans;
35. Hours of construction;
36. No demolition of existing Sure Start centre until occupation of new space at 50-52 Kerbey Street has taken place in accordance with permission PA/16/02248.
37. No demolition of office space at 167a East India Dock Road until occupation of new space at 155-157 East India Dock Road has taken place in accordance with permission PA/16/03474
38. No demolition of youth club at 75 Chrisp Street until occupation of new space at Trussler Hall (78 Grundy Street) has taken place.
39. Refuse storage to be provided prior to occupation and retained in perpetuity;
40. Cycle storage to be provided prior to occupation and retained in perpetuity.
41. PD rights removed for commercial units to prevent changing use Classes without permission. There shall be no increase/ decrease in commercial unit sizes (give/ take 25% of GIA of individual unit).

Informatives

1. Subject to S106 and S278 agreements;
 2. CIL liable;
 3. Thames Water informatives;
 4. National Grid informative;
 5. DLR information;
 6. Listed Building Consent Required.
- 3.7 Any other condition(s) and/or informatives as considered necessary by the Corporate Director for Place.

4.0 LOCATION DETAILS, DESIGNATIONS and PROPOSAL

Location Details and Site Description

- 4.1 The application site is located within the east of the borough and falls within the electoral ward of Lansbury. The site is approximately 3.7 hectares in size and is positioned on the northern side of East India Dock Road (A13) opposite to All Saints DLR station as show in Figure 1 below.
- 4.2 The site is broadly rectangular in shape and includes the existing Co-op car park on the eastern side of Chrisp Street. The site is bound by Cordelia Street to the north, Chrisp Street to the east, East India Dock Road to the south and Kerbey Street to the west.

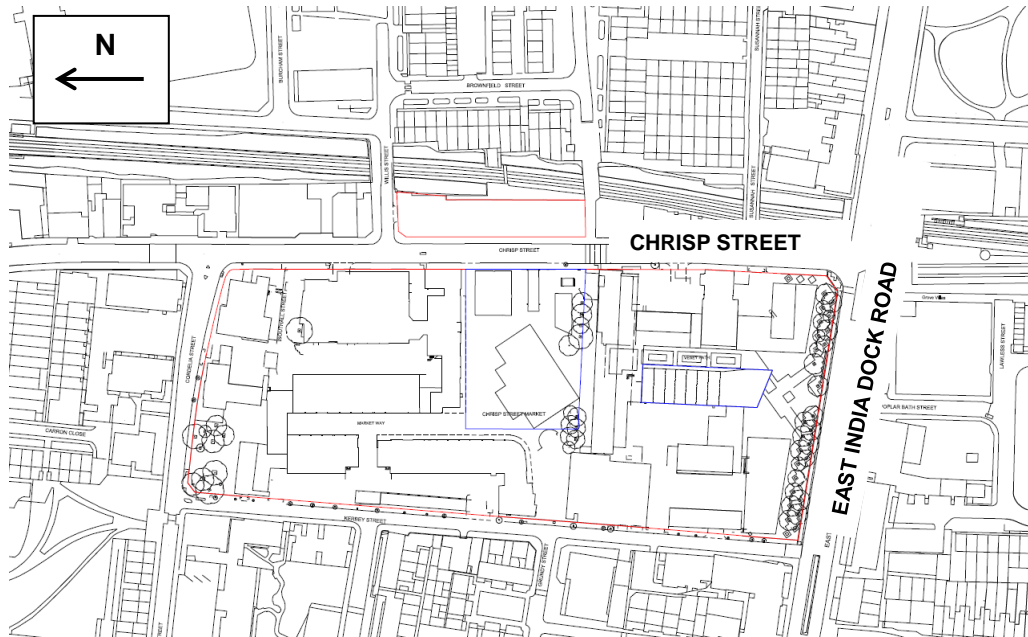


Figure 1- Site Location Plan

- 4.3 North of the application site, on the corner of Cordelia Street and Crisp Street, there is newly constructed residential led development (with some commercial space at ground floor level) that's between 3-9 storeys in height. East of this, at the junction of Kerbey Street and Cordelia Street is Norwich House, a residential building that is 11 storeys in height. East of Norwich House is open space at Alton Street, lower rise 4 storey residential properties and then Bartlett Park.
- 4.4 West of the application site on the southern corner of Cordelia Street lies the Grade II Listed Lansbury Lawrence Primary School. South of the primary school and on the southern side of Kerbey Street there are: 3 storey residential properties; the single storey Trussler Hall; the 3 storey Salvation Army Hall and; the 4 storey Locally Listed George Green building which fronts East India Dock Road.
- 4.5 To the south of the application site, on the opposite side of East India Dock Road are 4 storey residential properties; the 3 storey fire station building and; the Grade II Listed buildings at Poplar Baths. Beyond this to the east are the Grade I and II Listed Buildings at All Saints church.
- 4.6 To the east of the application site, there is a 15 storey building at 187 East India Dock Road and the railway runs along the eastern boundary of the site where the existing Co-op car park is positioned. 6 storey residential properties are positioned to the southern side of Crisp Street to the south of the car park. Beyond this to the east, there are 4 storey residential properties and a 20 storey residential tower at Hay Currie Street. 62-70 Crisp Street comprises 2 storey commercial and residential properties. Beyond this to the north is: Crisp Street Health Centre; The Royal Charlie Pub and; a 20 storey residential development at 120 Crisp Street.
- 4.7 In terms of the site itself, the site comprises Crisp Street Market District Centre; a mixed use area comprising approximately 18,000 sqm retail and commercial space and 212 residential properties, centred around the Crisp

Street Market stalls located in the middle of the site. The Market Square and Market Way buildings were designed by Frederick Gibberd and were built as part of the Festival of Britain 'Live Architecture Exhibition' in 1951. It formed one of the first purpose built pedestrian shopping areas in the country. The Clock Tower and The Festival Inn pub both became Grade II Listed during the course of the application. The Clock Tower is located at the eastern end of the market square and is a local landmark that marks the original junction of Chrisp Street and Grundy Street, which is now pedestrianised and forms part of the Festival of Britain development.

- 4.8 The existing market area comprises a mix of retail uses, services and food and drink outlets set around a market square and play area adjacent to the Festival Inn Pub. There are 2-4 storeys of residential accommodation above the market square buildings but there are several taller buildings on the site including Fitzgerald house to west of the site which is 20 storeys and the 8-9 storey building on the south east corner of the site.
- 4.9 The Co-op supermarket is located at the north eastern end of the market area and an Iceland supermarket is located at the southern end. Whilst both front Chrisp Street, neither stores have an entrance on the road and are instead accessed from within the market area or Vesey Path.
- 4.10 Following the closing of the library in the early 2000's, a new Idea Store has been constructed at the southern end of the market area fronting East India Dock Road. As well as the library, the site also includes several local amenities and community uses including a Sure Start Childrens Centre, a Post Office, a One Stop Shop and a Boxing Club. There is also approximately 1086sqm of office space. An additional 372sqm is in temporary b1 (office) use for the Chrisp Street exchange and due to its temporary nature has been classified as A1 space in the existing use class schedule.
- 4.11 Mature trees are positioned on the edge of the site including a double row of trees along East India Dock Road and a cluster of trees fronting Cordelia Street. There are also several mature trees throughout the site including in the centre adjacent to the existing play space next to the Festival Inn Pub.

Designations

- 4.12 The site falls within the Poplar Riverside Housing Zone as defined within the Mayor of London's Draft Housing Strategy (2017). Whilst this is not a planning designation, the housing zone status is a material planning consideration. Policy 8.1 (Implementation) in the London Plan sets out that Housing Zones involve collaborative working between partners including the Mayor, boroughs and communities to realise the potential of large development areas through measures such as targeted tax incentives and effective land assembly to unlock development and optimise delivery.
- 4.13 The application site is a designated site allocation as set out in the Council's Managing Development Document (2013) and as shown in Figure 2 below. The site also falls within the Chrisp Street District Centre which extends beyond the site boundary to the north west along Chrisp Street and to the south and east of East India Dock Road.

9 Chrisp Street Town Centre

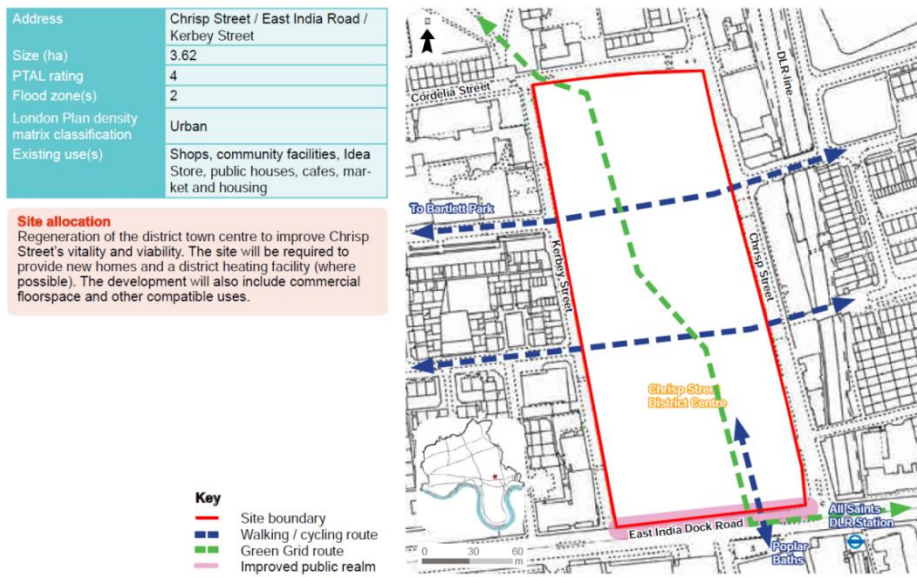


Figure 2- Chrisp Street Town Centre (Site Allocation 9) from Managing Development Document (2013)

4.14 The application site falls within the Langdon Park Conservation Area and the Grade II Listed Clock Tower and Festival Inn Pub both fall within the site boundary. North west of the site is the Grade II Listed Lansbury Lawrence Primary School. West of the site is the Locally Listed George Green building, Grade II Listed Buildings at 153 and 133 East India Dock Road and Grade I and II Listed Buildings at Calvary Church. To the south, the nearest Listed Buildings are the Grade II Listed Pope John House, Poplar Baths and Grade I and II Listed Buildings surround All Saints Church. St Matthias Church Conservation Area is to the south, All Saints Poplar Conservation Area is to the south east and the Balfron Tower Conservation Area is to the east.

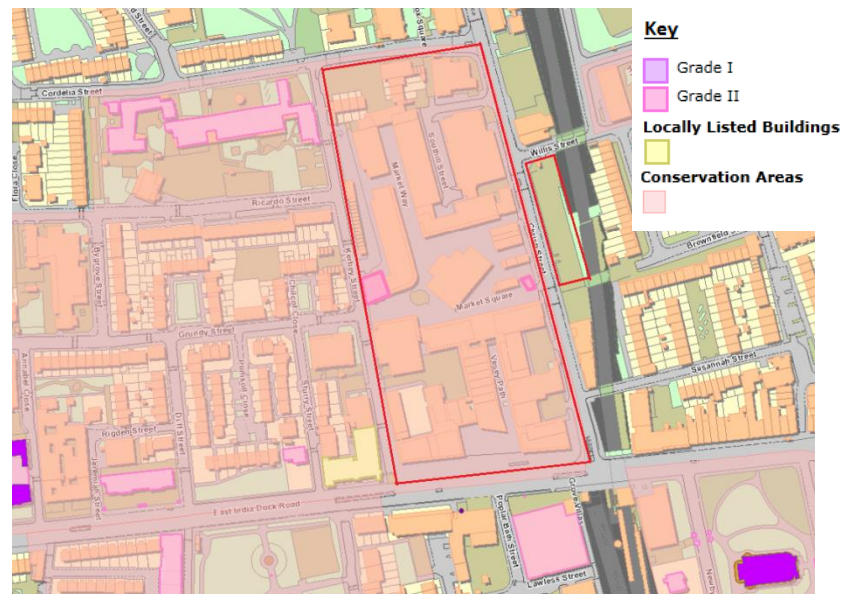


Figure 3- Map showing surrounding Listed Buildings and Conservation Areas

4.15 The Environment Agency's flood map shows that the site falls within Flood Zone 3. The green grid network runs through the centre of the site. The

whole of the borough falls within an Air Quality Management Area and within the London City Airport Safeguarding Zone.

Proposal

- 4.16 As shown in figure 4 below, the scheme proposals involve the demolition of the majority of the existing buildings with the exception of the Festival of Britain buildings, the Clock Tower and the Idea Store (shaded on map).



Figure 4- Map showing buildings to be retained

- 4.17 The ground floor commercial units within the retained Festival of Britain buildings will be refurbished. The refurbishment works include: new shopfronts; reinstating original tiling on columns; providing service access to the rear via loading bays or service routes and; updated service connections for gas, water and power.
- 4.18 The proposals also include the enhancement of the market area which will include: a new canopy to the market; re paving the market area; new easily accessible power / drainage services for stall holders; street furniture; bicycle spaces and; restricted waste vehicle access for stall holders. The adjacent 'hub' building will offer facilities for the general public and stall holders including welfare facilities.
- 4.19 There will be no works to the existing residential properties on the upper floors of the retained festival of Britain properties. However, these properties will have new access arrangements which allows for lift access as opposed to just stair access as per the current arrangement.
- 4.20 As shown in Figures 5, 6 and 7 below, the proposals include the construction of a range of new buildings ranging from 3-25 storeys in height to accommodate 649 new residential units and a range of new commercial spaces.

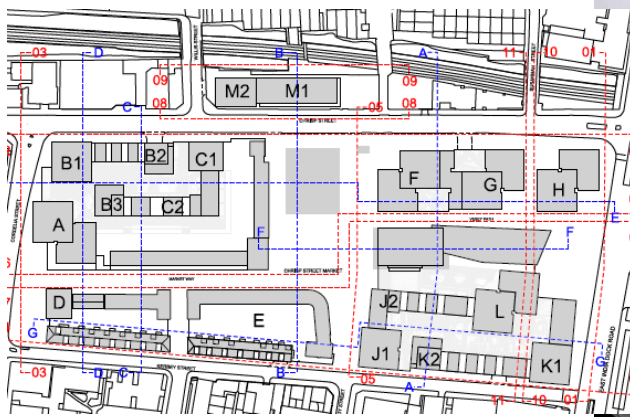


Figure 5- Map showing building block locations



Figure 6- Proposed building heights



Figure 7- Aerial image of proposed scheme (looking at site from the north)

4.21 The table below summarises the existing, retained and proposed new floor space for each use class within the site. The retained and proposed floor space is totalled to show the overall amount of each use class there would be within the site boundary:

| | Existing (sqm) | Retained (sqm) | Proposed (sqm) | Retained and Proposed Total (sqm) |
|--|----------------|----------------|----------------|-----------------------------------|
| A1 (Retail) | 12, 146 | 2,572 | 8,173 | 10,745 |
| A2 (Financial and Professional) | 686 | 0 | 0 | 0 |
| Flexible A1/A2 (Retail/ Financial and Professional Services) | 0 | 0 | 413 | 413 |
| A3 (Cafes and Restaurants) | 249 | 0 | 3381 | 3381 |
| A1/A3 (Flexible Retail/ Café or Restaurant) | 0 | 0 | 508 | 508 |
| A4 (Drinking Establishments) | 1,145 | 803 | 1,337 | 2,140 |
| A5 (Hot Food Takeaways) | 236 | 0 | 316 | 316 |
| B1 (Office) | 1,086 | 0 | 517 | 517 |
| D1 (Community) | 1,811 | 1352 | 326 | 1678 |
| D1/B1 (Flexible office/ community) | 0 | 0 | 473 | 473 |
| D2 (Leisure) | 598 | 0 | 2,505 | 2,505 |
| Other* | 277 | 114 | 0 | 114 |
| Total | 18,234 | 4841 | 17,949 | 22,790 |

*NB: Other includes sui generis uses such as betting shops and launderettes

4.22 In total, the scheme proposes 17, 949 sqm of new non-residential floor space. Combined with the existing retained floor space (which includes the idea store and many of the existing retail premises), this would result in 22, 790 sqm of non-residential floor space on the site in total.

4.23 As shown in Figures 8 and 9 below, the approach to non-residential uses on the site focuses on the creation of three key zones across the district centre which influences the location of the proposed uses. The zones can be summarised as: 1) Local Convenience (independent and community retail with a food store anchor); 2) Chrisp Street Market (food and culture) and; 3) East India Dock Road (comparison retail within cinema and culture).

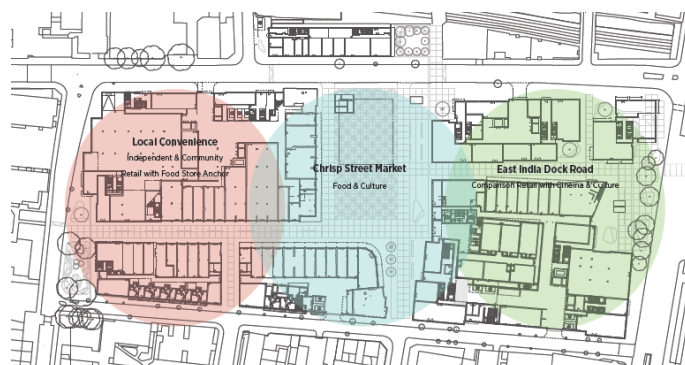


Figure 8- Approach to location of commercial uses

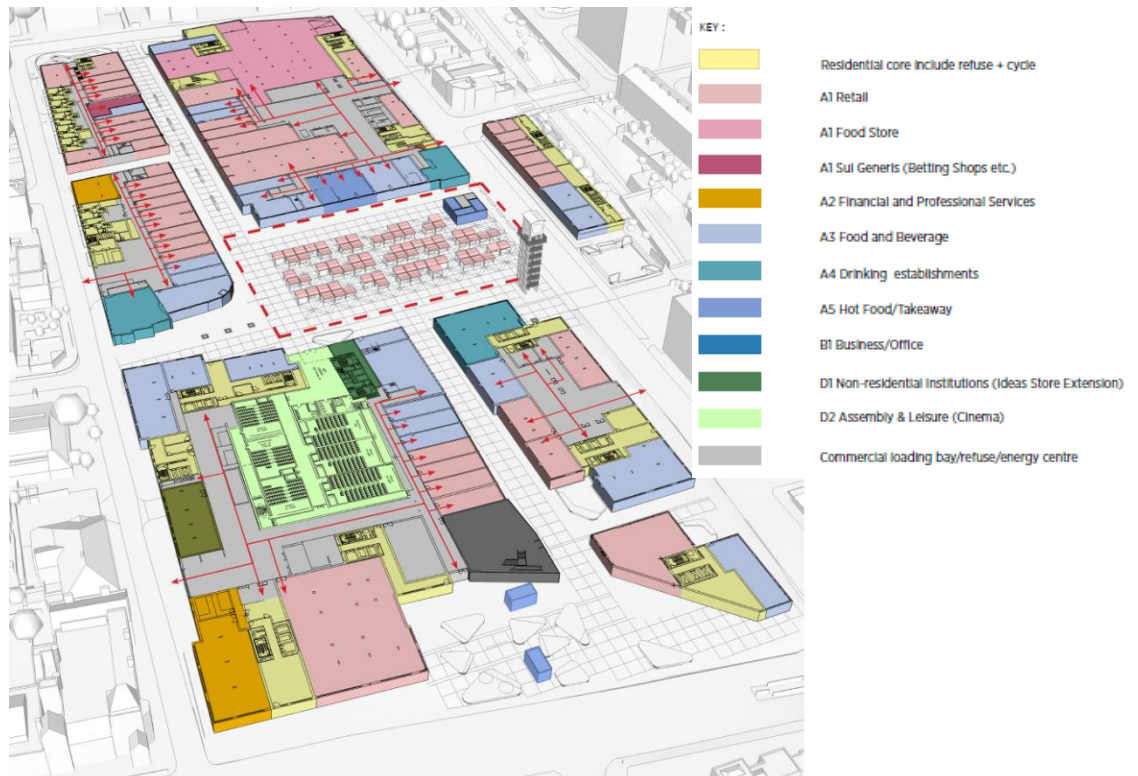


Figure 9- Ground Floor Commercial Uses

4.24 The table below summarises the existing residential units to be retained and demolished and the new proposed residential units.

| | Private | Social/ Affordable Rent | Intermediate | Total |
|---|---------|-------------------------------|--------------|-------|
| Existing Festival of Britain to be Retained | | | | |
| 2-bed | 13 | 22 | 0 | 35 |
| 3-bed | 3 | 5 | 0 | 8 |
| Total | 16 | 27 | 0 | 43 |
| Existing Dwellings to be Demolished | | | | |
| Studio | 0 | 4 | 0 | 4 |
| 1-bed | 8 | 36 | 0 | 44 |
| 2-bed | 3 | 19 | 0 | 22 |
| 3-bed | 16 | 37 | 0 | 53 |
| 4-bed+ | 18 | 28 | 0 | 46 |
| Total | 45 | 124 | 0 | 169 |
| Proposed Units | | | | |
| 1-bed | 221 | 62 | 18 | 301 |
| 2-bed | 128 | 51 | 11 | 190 |
| 3-bed | 94 | 43 | 8 | 145 |
| 4-bed | 0 | 13 | 0 | 13 |
| Total | 443 | 169 | 37 | 649 |

4.25 The existing site accommodates 124 social rented units. The proposed scheme includes 206 affordable units. Of these 206 affordable units, 131

would be at social rent, 38 would be at Tower Hamlets Living Rent and 37 would be Intermediate (shared ownership). This equates to 35.7% affordable housing by habitable room, which represents an uplift of 11.7% affordable housing from what is currently on site, split almost equally between social/ affordable rent and intermediate (shared ownership).

- 4.26 As shown in Figure 10 below, the proposal results in an overall uplift in public realm. The existing dead end spaces and loading bays along Kerbey Street would comprise buildings with frontages to define the edge of the street and create active frontages with residential / commercial entrances. A through route for pedestrians is created on approach from Susannah Street to the Idea Store.



Figure 10- Areas of public realm

- 4.27 The site is opened up with the underpasses along Market Way removed and the routes throughout Market Way, Market Square and the wider site area are resurfaced and landscaped with new street lighting, furniture and planting. Several of the existing mature trees will be removed (including trees on East India Dock Road) to make way for the development. New tree planting is proposed throughout the site including clusters around the proposed pocket park at Block M, the park at Cordelia Street, along East India dock Road and along the north- south route through the site including the new park adjacent to the market.
- 4.28 Figure 11 below shows the proposed communal (pink) and play space (orange is under 5's, yellow is 5-11 and beige is 12+). The scheme provides a total of 2721sqm of play space, which is above the GLA play space requirements. Whilst there is a small shortfall in the amount of 12+ play space (483sqm against a requirement of 530sqm resulting in shortfall of 47sqm), there is 311sqm in excess of the play space requirements overall.
- 4.29 Play space is provided predominantly at podiums and rooftops (Blocks F and G are at 6th floor rooftop and Block M is at 7th floor rooftop). However; the play space within Block H (tower) is provided internally; some of the play space for Block M is provided at the pocket park at ground floor level and; some of the play space for blocks E and F is provided at the park at Cordelia Street. In addition, the existing park adjacent to the Festival Inn pub will be reprovided with new landscaping and equipment closer to the market square.
- 4.30 The scheme is significantly in excess of the requirements for communal open space, with the need for 689sqm against a provision of 1525sqm.

Communal space is provided predominantly at roof/ podium level, with the communal space for Block H (tower) provided internally.

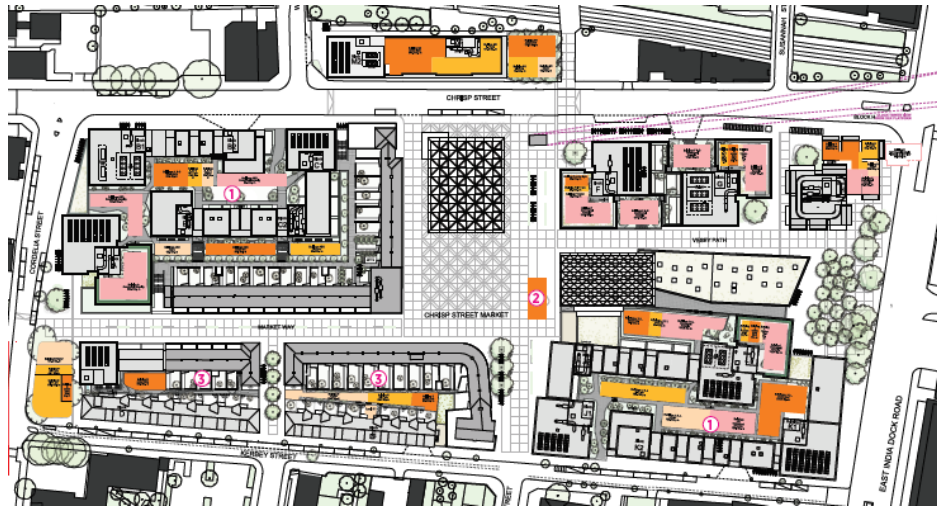


Figure 11- Plan showing proposed communal and play space provision

- 4.31 The scheme is car free but proposes 10 car parking spaces for wheelchair users (10 on site and 4 on the surrounding roads- a total uplift of 14 from the existing arrangements). Short and Long term stay cycle parking is provided for residential and commercial uses in accordance with London Plan standards. The scheme provides 4 servicing and deliveries areas (2 from Chrip Street and 2 from Kerbey Street) and refuse collection will be from the 2 servicing areas on Chrip Street and the southern Kerbey Street servicing area as well as several on street locations around the site.

5.0 RELEVANT PLANNING HISTORY

- 5.1 There have been many smaller applications relating to changes of use, extensions, signage, upgrading works to buildings within and around the site. Applications of particular relevance to the current planning application have been summarised below.

Applications within site boundary:

PA/15/02621

Temporary approval (5 years), for the change of use from a commercial unit (254sq m) for retail use (Use Class A1) (previously shoe world), to use as a Business Enterprise Support Centre (Use Class B1).

Permitted 29/09/2015

PA/01/01637

Erection of a single storey building on existing podium to be used as an 'Idea Store' providing library and adult education services with entrance at corner of Vesey Path and Kilmore Square.

Permitted 13/03/2002.

PL/92/00080

Deemed application to refurbish the shopping centre, including associated drainage and underground services, paving, lighting and street furniture, trees, planting, boundary walls, market canopy, new lock-up shops and play area and other associated works.

Permitted 16/09/1992

PA/86/00770

Erection of a new supermarket and alterations to existing shops and access to maisonettes.

Permitted 26/06/1986

Applications on adjoining sites:

PA/16/03474- 155-157 East India Dock Road

Change of Use from Use Class D1 (Education) to mixed-use Class D1 (Education and Training) and Class B1 (Offices).

Permitted 27/02/2017

PA/16/02248- 50-52 Kerbey Street

Demolition of existing garages and erection of a part single, part two storey children's Sure Start Centre with associated pedestrian access, cycle parking and landscaping.

Permitted 12/10/2016

PA/15/00039- 160-169 Chrisp Street (fronting Rifle St)

Demolition of existing buildings on the site and redevelopment to provide new buildings ranging from three to twelve storeys to provide 254 residential units (comprising 99 x 1 bed; 100 x 2 bed; 51 x 3 bed; 4 x 4 bed), together with associated car parking, amenity space, child playspace and infrastructure works.

Permitted 11/12/2015

PA/12/00637-134-156 Chrisp Street

Redevelopment of the site to provide a residential led mixed use development, comprising the erection of part 5 to 22 storey buildings to provide 206 dwellings and 129 sqm (GIA) of new commercial floorspace falling within use class D1, plus car parking spaces, cycle parking, refuse/recycling facilities and access together with landscaping including public, communal and private amenity space.

Permitted 24/10/2013

PA/11/03717- 120-122 Chrisp Street

Three additional floors comprising eight flats (Consisting of 2 x 1 bedroom, 5 x 2 bedroom, 1 x 3 bedroom) with roof terrace amenity space and new landscaping to rear courtyard.

Permitted 06/03/2012

PA/10/00161- New Festival Quarter

Demolition of existing buildings and redevelopment of the site to provide: 490 residential units (Use Class C3) in six separate blocks ranging from 3-storey mews to buildings with maximum heights of 5, 6, 7, 9 and 14 storeys; a community centre (Use Class D1) retail floorspace (Use Class A1), restaurant and cafe floorspace (Use Class A3), crèche (Use Class D1) and leisure facilities (Use Class D2). The application also proposes 174 car

parking spaces at a partially subterranean lower ground floor level, the formation of vehicular crossovers and entrances into the site together with associated hard and soft landscaping.

Permitted 21/09/2010

PA/14/02928- 116-118 Chrisp Street

Demolish Public House (Class A.4) and Former Tyre and Exhaust Centre Building Class B.1/B.2), Erect Mixed-Use Development Comprising Part 5, Part 10, Part 13 Storey Block of 53 Flats (Class C.3) with Ground Floor Commercial Unit (Flexible Permission - Classes A1/A2/A3/A4), and Associated Cycle and Refuse Storage Facilities, Lay Out Amenity Areas and Electricity Sub-Station, Stop Up Existing Accesses, Form New Vehicular and Pedestrian Accesses onto Chrisp Street, and Create 3 Accessible Parking Spaces on Chrisp Street

Recommended for approval at planning committee but decision not issued at time of writing.

6.0 POLICY FRAMEWORK

6.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.

6.2 The list below contains the most relevant policies to the application:

6.3 Government Planning Policy

National Planning Policy Framework (March 2012) (NPPF)

National Planning Guidance Framework (NPPG)

6.4 London Plan (2016)

2.9 Inner London

2.13 Opportunity Areas

2.14 Areas for regeneration

2.15 Town Centres

3.1 Ensuring equal life chances for all

3.2 Improving health and addressing health inequalities

3.3 Increasing Housing Supply

3.4 Optimising Housing potential

3.5 Quality and Design of housing developments

3.6 Children and young people's play and informal recreation facilities

3.7 Large Residential Developments

3.8 Housing Choice

3.9 Mixed and balanced communities

3.10 Definition of affordable housing

3.11 Affordable housing targets

3.12 Negotiating affordable housing on individual and mixed use schemes

3.13 Affordable housing thresholds

3.14 Existing Housing

3.16 Protection and enhancement of social infrastructure

3.18 Education facilities

4.1 Developing London's economy

4.2 Offices

4.3 Mixed use development and offices

- 4.6 Support for and enhancement of arts, culture, sport and entertainment
 - 4.7 Retail and town centre development
 - 4.8 Supporting a successful and diverse retail sector and related facilities and services
 - 4.12 Improving opportunities for all
 - 5.1 Climate change mitigation
 - 5.2 Minimising carbon dioxide emissions
 - 5.3 Sustainable design and construction
 - 5.4A Electricity and gas supply
 - 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
 - 5.17 Waste capacity
 - 5.18 Construction, excavation and demolition waste
 - 5.21 Contaminated land
 - 6.1 Strategic approach to transport
 - 6.3 Assessing effects of development on transport capacity
 - 6.9 Cycling
 - 6.10 Walking
 - 6.13 Parking
 - 7.1 Lifetime neighbourhoods
 - 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
 - 7.10 World heritage sites
 - 7.11 London view management framework
 - 7.12 Implementing the London view management framework
 - 7.13 Safety, security and resilience to emergency
 - 7.14 Improving air quality
 - 7.15 Reducing and managing noise, improving and enhancing the acoustic environment and promoting appropriate soundscapes
 - 7.19 Biodiversity and access to nature
 - 7.21 Trees and woodland
 - 7.26 Increasing the use of the blue ribbon network for freight transport
 - 7.30 London's canals and other river and waterspaces
 - 8.2 Planning obligations
 - 8.3 Community Infrastructure Levy (CIL)
- 6.5 Core Strategy 2010
- SP01 Refocusing on our town centres
 - SP02 Urban living for everyone
 - SP03 Creating healthy and liveable neighbourhoods

- SP04 Creating a Green and Blue Grid
- SP05 Dealing with waste
- SP06 Delivering successful employment hubs
- 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

6.6 Managing Development Document April 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
- DM12 Water spaces
- 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
- DM28 World heritage sites
- DM29 Achieving a zero-carbon borough and addressing climate change
- DM30 Contaminated Land

6.7 Draft Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits

Statutory public consultation on the 'Regulation 19' version of the above emerging plan commenced on Monday 2nd October 2017 and closed on Monday 13th November 2017. Weighting of draft policies is guided by paragraph 216 of the National Planning Policy Framework and paragraph 19 of the Planning Practice Guidance (Local Plans). These provide that from the day of publication a new Local Plan may be given weight (unless material considerations indicate otherwise) according to the stage of preparation of the emerging local plan, the extent to which there are unresolved objections to the relevant policies, and the degree of consistency of the relevant policies in the draft plan to the policies in the NPPF. Accordingly as Local Plans progress through formal stages before adoption they accrue weight for the purposes of determining planning applications. As the Regulation 19 version has not been considered by an Inspector, its weight remains limited. Nonetheless, it can be used to help guide planning applications and weight can be ascribed to policies in accordance with the advice set out in paragraph 216 of the NPPF.

6.8 Draft London Plan: The Spatial Development Strategy For Greater London

Statutory public consultation on the draft London Plan commenced on the 1st of December 2017 and will close on 2nd March 2018. This is the first substantive consultation of the London Plan, but it has been informed by the consultation on 'A City for All Londoners' which took place in Autumn/Winter 2016. The current 2016 consolidation London Plan is still the adopted Development Plan. However the Draft London Plan is a material consideration in planning decisions. It gains more weight as it moves through the process to adoption; however the weight given to it is a matter for the decision maker.

6.9 Supplementary Planning Documents

Character and Context SPG (June 2014)
Development Viability SPD (October 2017)
Homes for Londoners: Affordable Housing and Viability SPG (August 2017)
Housing SPG (March 2016)
London View Management Framework SPG (March 2012)
London's World Heritage Sites - Guidance on Settings SPG (March 2012)
Planning for Equality and Diversity in London (October 2007)
Planning Obligations SPD (September 2016)
Shaping Neighbourhoods Accessible London: Achieving an Inclusive Environment SPG (October 2014)
Shaping Neighbourhoods: Play and Informal Recreation SPG (September 2012)
Social Infrastructure SPG (May 2015)
Sustainable Design and Construction SPG (April 2014)
The Control of Dust and Emissions During Construction and Demolition SPG (July 2014)
Tower Hamlets CIL Charging Schedule (April 2015)
Town Centres SPG (July 2014)

7.0 CONSULTATION RESPONSES

7.1 The views of the Directorate of Place are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application.

Internal Responses:

LBTH Arboriculture

7.2 In terms of replacement planting, there isn't sufficient space to replant with species which will attain the same height, size or prominence of those 15 mature trees lost. So although the numbers of trees lost/replaced may add up, the landscape impact is always going to be a negative along East India Dock Road.

7.3 It is understood that the overall planning gain is likely to outweigh the loss of trees. On that basis, a landscaping Condition to include replacement planting along East India Dock Road is the only viable option. It is not necessary to be specific with tree species at this stage and this will be addressed at conditions stage as the right tree type will be linked with the wider landscape design.

- 7.4 What will need to be drawn out is that the new planting pits along East India Dock Road need to have good quality growth medium and sufficient soil volume to support trees to maturity. This may impact on their hard surface design and location of new services, as well as the potential they will need to redirect existing services.

LBTH Employment and Enterprise

- 7.5 Proposed employment/enterprise contributions at construction phase: The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. The Economic Development Service will support the developer in achieving this target through providing suitable candidates through the WorkPath Job Brokerage Service (Construction).
- 7.6 To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets. The Economic Development Service will support the developer to achieve their target through ensuring they work closely with the council's Enterprise team to access the approved list of local businesses.
- 7.7 The Council will seek to secure a financial contribution of £338,232.00 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. This contribution will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created. 35 local apprenticeships would be required in the construction phase to a minimum standard of NVQ Lvl 2.
- 7.8 Proposed employment/enterprise contributions at end-use phase: The council seeks a monetary contribution of £256,377.31 towards the training and development of unemployed residents in Tower Hamlets to access either:
- i) jobs within the uses A1,A2,A3,A4,A5,B1,D1 of the development
 - ii) jobs or training within employment sectors relating to the final development
- Monitoring for all obligations will be discussed and agreed with the developer prior to commencement of works.

Total of 3 end-use apprenticeships on this scheme.

LBTH Environmental Health- Air Quality

- 7.9 The development will result in a reduction in parking spaces and hence a reduction in transport emissions which is welcomed. The Air Quality Assessment shows that the annual air quality objective for NO₂ will be exceeded over at least part of the site in the opening year. The assessment proposes that further detailed modelling be undertaken at the detailed design stage to determine the extent of the mitigation required. Mitigation is required for all units where the modelled concentrations are exceeding or nearing the annual NO₂ objective.

- 7.10 The emissions from the energy centre have not been included in the assessment as detailed information on the plant was not yet available. The emissions from this should be included in the further modelling. Can the provision of further modelling for the above reasons be included as a condition.
- 7.11 All non-road mobile machinery used during demolition/construction should comply with the GLA's NRMM emission limits. Dust monitoring will be required throughout the demolition/construction phase.

LBTH Environmental Health Contaminated Land

- 7.12 No objections subject to the inclusion of a condition requiring a written scheme to identify the extent of the contamination and the measures to be taken to avoid risk to the public, buildings and environment. A second part of the condition will require any remediation works to be carried out in full and a verification report to ensure this has been completed.

LBTH Sustainable Urban Drainage (SUDs)

- 7.13 Acceptable subject to conditions.

LBTH Town Centre Team

- 7.14 The overall proposed mix of uses in the Chrisp Street redevelopment, particularly the addition of a cinema and café and restaurant businesses, will appeal to and attract a broad age range and support an evening and night time economy. Currently there is very low footfall among young people and the customer base is local to the area and it lacks an evening economy.
- 7.15 While there is an increase of different business functions, there is a reduction in the amount of retail space. This reduction in retail space is offset by the centre's proximity to Canary Wharf and Stratford as key retail destinations and the overall increase in commercial space. Also the development proposal includes a strengthening of restaurants & cafes and drinking establishments, which will support an evening economy.
- 7.16 However, the increase in the space for hot food takeaways is concerning as the borough is trying to reduce the number of unhealthy businesses on the high street. Also while the design of the proposed development will open-up this inward looking district centre, the business units facing neighbouring streets should be active frontages rather than for loading and access.

Officer Comment: Since these comments were received the scheme has been revised to reduce the amount of A5 (hot food takeaway space).

LBTH Transportation and Highways

- 7.17 No objections subject to the inclusion of conditions.

LBTH Waste Policy and Development

- 7.18 No objections subject to conditions.

External Responses:

Crime Prevention Officer

- 7.19 No objections. A list of design recommendations are included to help the design achieve a secure by design accreditation should the scheme be approved.

Docklands Light Railway

- 7.20 No objection subject to conditions.

Officer note: The full list of required conditions has been sent to the applicant. Many of these relate to agreements that need to be established between the DLR as landowner and the applicant. Several of the items relate to matters that would be dealt with under the Construction Management Plan. As such, the condition relating to the CMP will require consultation with the DLR. Furthermore, a condition has been attached requesting a radio signal survey to ensure the development would not impact upon the operation of the DLR.

Environment Agency

- 7.21 No objections.

Greater London Authority

- 7.22 No in principle objection. The GLA Stage 1 report states in the conclusion that the application broadly complies with the London Plan, however, further information is required to comply fully:

- Principle of uses: the following should be secured: affordable workspace, support for existing businesses, market relocation and unit sizes by s106/condition and the relocation of social infrastructure should be detailed.
- Housing: The applicant should explore additional funding options to increase affordable housing.
- Urban design: Improvements needed to legibility (base of tower).
- Climate change mitigation: further information needed on overheating assessments and site wide heat networks.
- Transport: Address concerns over trip generation, cycle space, space for taxi rank. The following should be secured by condition/106: accessible parking bays, a permit free scheme, off site cycle and pedestrian improvements, cycle hire docking station, construction logistics plan, delivery and service plan and travel plan.

Officer note: Additional information has been submitted to the GLA to address these comments. No further comments have been raised by the GLA.

Historic England

- 7.23 This application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Historic England Archaeology

- 7.24 No objections subject to the inclusion of relevant conditions.

London Bus Services Ltd

7.25 No comments received to date.

London City Airport

7.26 No objection subject to inclusion of condition.

London Fire and Emergency Planning Authority

7.27 Pump appliance access and water supplies for the fire service appear adequate. In other respects this proposal should conform to the requirements. In other respects this proposal should conform to the requirements of part B5 of Approved Document B

London Underground

7.28 No objections.

National Air Traffic Services Ltd

7.29 No objections.

National Market Traders Association

7.30 Support scheme. It will bring the type of development that will support all local residents. Without scheme it will result in the decline of Chrisp Street as a shopping centre. Would wish to see more parking in the scheme.

Natural England

7.31 No objection. The proposals are unlikely to have significant impacts on the natural environment.

Port of London Authority

7.32 No comments to make.

Thames Water Authority

Waste Comments

7.33 Surface Water Drainage – no objection subject to the inclusion of piling condition.

Water Comments

7.34 The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend a condition requesting impact studies of the existing water supply. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point. No objections subject to inclusion of conditions and informatives.

Transport for London

7.35 No objections subject to conditions and s106 items.

National Amenities Societies

Ancient Monuments Society

7.36 No comments received.

Council for British Archaeology

7.37 No comments received.

Georgian Group

7.38 No comments received.

The Society for The Protection Of Ancient Buildings

7.39 No comments received.

The Victorian Group

7.40 No comments received.

Twentieth Century Society

7.41 Full comments appended to the casefile. Key issues summarised as follows:
A number of issues were raised at pre-application stage which have not been addressed:

- The height of the development on the south side of the square. It was considered the new buildings here would dominate the clock tower, and that it was important that it should remain as the focal point in this part of the Conservation Area. The committee recommended that as an alternative, greater densities were instead explored at the far south of the site.
- The height of the buildings to the north-east of Market Way, in that they may also dominate the 1951 market buildings.
- The GLC block on the corner of Chrisp Street and East India Dock Road was regarded as a building of positive townscape merit, and members suggested that its retention within the scheme was explored.

In addition:

- More views were required.
- More information on shopfronts required.

Officer note: Officers agreed the views with the applicant at pre-application stage and are satisfied an assessment can be made based on the information submitted. A condition would be attached requiring more detailed information on shopfronts should permission be granted.

8.0 LOCAL REPRESENTATION

Applicant's Consultation

- 8.1 The Statement of Community Involvement (SCI) informs that prior to the consultation event for the current application, several consultations on the future development of the site have taken place in 2009, 2011, 2013, summer 2014 and September 2015 as part of the Chrisp Street Festival.
- 8.2 Across previous exhibitions, the following suggestions for the development of Chrisp Street emerged most clearly:
- Improved market layout.
 - Better maintenance of public spaces.
 - Better quality open spaces and improved security.
 - Enhanced food offering.
 - Evening activities.
- 8.3 The SCI details the publication, attendance and outcomes of these events and details how contact was made with individuals, groups and councillors and pre-applications held with the GLA and Tower Hamlets.
- 8.4 With regard to the specific consultation for the current planning application, the SCI details that 4500 leaflets were distributed to neighbouring properties and businesses inviting them to a public exhibition and inviting feedback from those who could not attend. Councillors were also invited and press releases to local media and advertising on Poplar HARCA's website also promoted the event. A dedicated project website was also set up to communicate information and seek feedback on the scheme.
- 8.5 The public exhibitions took place on-site at the shop unit at 11 Market Way in 2016 on Saturday 14 May (11am-3pm), Monday 16 May (5-8pm), and Wednesday 18 May (11am-3pm) as well as at the Idea Store on East India Dock Road on Tuesday 17 May (3pm-6pm). An exhibition market stall was also present at the Saturday and Wednesday sessions, providing information and questionnaires, and people who visited the stall were directed to the main exhibition space. In addition to these public events, selective preview events were held for stallholders and retailers (16 May, 11am- 3pm), and councillors and residents' associations (17 May, 5-8pm). The busiest session was on 16 May, with over 75 people attending.
- 8.6 The SCI concludes that an estimated 170 people attended the exhibition events with 29 of them signing in. 55 people provided feedback on the day with 45 sending in comments via Freepost and 13 people commenting via the website.
- Provision of parking.
 - Affordable housing.
 - Anti-social behaviour.
 - Current traders.
- 8.7 The SCI sets how it has responded to these issues. In relation to parking it states that there is no customer parking on-site currently and there are no plans to change that. Loading and delivery areas as well as nearby off-site parking will be provided for traders. The scheme is car free in accordance

with policy and the market research conducted shows the vast majority would continue to use the market if they could not come by car. It sets out that all existing social housing is reprovided and additional affordable housing units created with a range of unit sizes. It informs that anti-social hotspots have been designed out to an extent but also that the increased activity would also help police this issue.

- 8.8 Finally in relation to current traders it states that the market will be in continual operation during the two phases of development, with space found on nearby areas on the site and adjacent to it. It informs that Poplar HARCA is working with LB Tower Hamlets to ensure stallholders who wish to stay are able to. For those shops that will need to relocate, shops of similar size and cost will be offered. Poplar HARCA is also offering business support to those businesses that would like it. It also details that the scheme will benefit from the Mayor of London's High Street Fund which will deliver £283,000 to support local businesses.

Statutory Representations

- 8.9 A total of 1857 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site by way of a site notice and advertised in the local press. Following amendments, several further rounds of consultation took place.
- 8.10 In total, 43 representations were submitted; 22 in support and 21 in objection. In addition 3 petitions were received in support of the scheme: the first contained 9 letters with addresses; the second contained 19 signatures with postcodes (2 had addresses) and; the third contained 28 signatures (with only a couple stating addresses). It should be noted that several of the properties that included addresses had also written individual letters in support of the scheme.
- 8.11 Concerns/ objections were raised in relation to the following:
1. Not enough affordable housing/ affordable family sized units ;
 2. Removal of car park/ not enough parking;
 3. Number of tall buildings in area/ visual impact of proposed buildings in context of Listed Buildings/ Conservation Area;
 4. Amenity impacts on surrounding residents: overlooking/ loss of privacy, overshadowing/ loss of light (and heat from sunlight), overbearing buildings/ sense of enclosure, noise and disturbance from more people/ cars and additional commercial uses;
 5. Safety and security particularly for remaining Festival of Britain buildings/ corridors;
 6. Construction noise/ air pollution/ disturbance and duration of works;
 7. Light pollution caused by reflective materials on buildings;
 8. Impact on schools/ doctors surgeries/ community infrastructure;
 9. Loss of trees and impact on air quality/ public health;
 10. No green space proposed;
 11. Too many takeaways;
 12. Existing market functions well, not a need for new shops/ cinema;
 13. Will result in a change in the character of the area and concerned existing residents/ commercial tenants won't be welcomed back/ or with comparable rents;

14. Type of new shops/ market stalls- will prices be too expensive;
15. No plan to care for market or encourage new market traders;
16. Representatives of the post officer have objected and required suitable accommodation within the scheme and to be notified of details of construction works amongst other things;
17. Level of consultation carried out by developer;
18. Level of consultation carried out by council;
19. Structural soundness of retained buildings and impact of proposed buildings on these structures;
20. Loss of views;
21. Loss of value of property;
22. Homes should be sold to people that would live in developments not investors/ buy to let.

Officer note: Points 1-15 will be considered within the 'Material Planning Considerations' section of the report.

In reference to point 16, the land use section of the report details the re-provision of the post office. However, approval of details applications and associated documentation (including the Construction Environment Management Plan) will be on the council's website at the time of submission and there will be no additional consultation to that set out in statutory consultation requirements and the council's Statement of Community Involvement.

With regards to point 17, the developer is required to set out consultation and summarise this within a 'Statement of Community Involvement' to be submitted with the application. However, there is no requirement in planning legislation setting out the level of developer consultation to take place. The points around the summary not reflecting the issues discussed is noted.

With regards to point 18, records show that letters were sent to the properties who stated that they did not receive letters.

Point 19 is a building control matter and the application would be subject to a separate application with regards to building control.

Points 20-22 are not material planning considerations that can be controlled through planning remit.

Finally, with regards to points 13-15, these do not cover issues strictly within planning remit. Specific terms offered to residential / commercial tenants, commercial rental values, end users and the prices of products/ services are largely matters assessed outside of the planning process. However, the re-provision of housing units/ sizes, the retail management strategy, the continuation of the market area and the balance of commercial uses will all be considered within the 'Material Planning Considerations' section of the report.

8.12 The points raised in the petitions/ letters of support can be summarised as follows:

1. Area is in need of regeneration and so the proposal is welcomed;

2. Business is struggling, this development will bring new people and will improve business;
3. Leisure uses including cinema and café uses are welcomed;
4. The variety of uses is welcomed and will give vibrancy to area;
5. Development will keep local people in the area rather than travelling to other centres;
6. Ideas store extension supported;
7. Amended plans show more tree planting which is welcomed;
8. Support upgrading of public realm and scheme design.

Officer note: The abovementioned points will be considered within the 'Material Planning Consideration' section of the report.

9.0 MATERIAL PLANNING CONSIDERATIONS

Land Use

Policy Context

- 9.1 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives, introducing a presumption in favour of sustainable development. 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.
- 9.2 These economic, social and environmental goals should be sought jointly and simultaneously. The framework 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.
- 9.3 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. Delivering new housing is a key priority both locally and nationally. Through policy 3.3, the London Plan seeks to alleviate the current and projected housing shortage in the Capital through provision of an annual average of 39,314 of new homes over a ten year period (2015-2025). The minimum ten year target for Tower Hamlets 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 embraced 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.
- 9.4 Policy 3.14 in the London Plan details the approach to existing housing and states that loss of housing, including affordable housing, should be resisted unless the housing is replaced at existing or higher densities with at least equivalent floor space. The supporting text states that estate renewal should take in to account the regeneration benefits to the local community, the

proportion of affordable housing in the surrounding area, and the amount of affordable housing to be provided elsewhere in the borough. Where redevelopment of affordable housing is proposed, it should not be permitted unless it is replaced by better quality accommodation, providing at least an equivalent floor space of affordable housing.

- 9.5 Policy DM3 in the Managing Development Document states that estate regeneration development that proposes a net loss of affordable housing will only be allowed in exceptional circumstances where: a) development demonstrates that a limited loss of affordable housing is required to improve the tenure mix on site or; b) public open space or a non-residential use will benefit the overall estate regeneration scheme.
- 9.6 Policies 2.15 and 4.7 in the London Plan (2016) deal with town centre development in town centres. Part C of Policy 2.15 states that development proposals should:
- a) sustain and enhance the vitality and viability of the centre;
 - b) accommodate economic and/ or housing growth through intensification and selective expansion in appropriate locations;
 - c) support and enhance the competitiveness, quality and diversity of town centre retail, leisure, employment, arts and cultural, other consumer services and public services;
 - d) be in scale with the centre;
 - e) promote access by public transport, walking and cycling;
 - f) promote safety, security and lifetime neighbourhood;
 - g) contribute to an enhanced environment, urban greening, public realm and links to green infrastructure;
 - h) reduce delivery, servicing and road user conflict.
- 9.7 Similarly, policy 4.7 Part B in the London Plan talks about the scale of retail, commercial and leisure development being related to the size, role and function of a town centre and its catchment. Part e of Policy 4.8 in the London Plan makes reference to supporting the range of London's markets, complementing other measures to improve their management, enhance their offer and contribute to the vitality of town centres.
- 9.8 Site Allocation 9 (Chrip Street Town Centre) in the Management Development Document (2013) seeks to deliver: *'Regeneration of the district town centre to improve Chrip street's vitality and viability. The site will be required to provide new homes and a district heating facility (where possible). The development will also include commercial floor space and other compatible uses.'*

Proposal

- 9.9 The table below summarises the existing, retained and proposed new floor space for each use class within the site. The retained and proposed floor space is totalled to show the overall amount of each use class there would be within the site boundary:

| | Existing (sqm) | Retained (sqm) | Proposed (sqm) | Retained and Proposed Total (sqm) |
|--|----------------|----------------|----------------|-----------------------------------|
| A1 (Retail) | 12, 146 | 2,572 | 8,173 | 10,745 |
| A2 (Financial and Professional) | 686 | 0 | 0 | 0 |
| Flexible A1/A2 (Retail/ Financial and Professional Services) | 0 | 0 | 413 | 413 |
| A3 (Cafes and Restaurants) | 249 | 0 | 3381 | 3381 |
| A1/A3 (Flexible Retail/ Café or Restaurant) | 0 | 0 | 508 | 508 |
| A4 (Drinking Establishments) | 1,145 | 803 | 1,337 | 2,140 |
| A5 (Hot Food Takeaways) | 236 | 0 | 316 | 316 |
| B1 (Office) | 1,086 | 0 | 517 | 517 |
| D1 (Community) | 1,811 | 1352 | 326 | 1678 |
| D1/B1 (Flexible office/ community) | 0 | 0 | 473 | 473 |
| D2 (Leisure) | 598 | 0 | 2,505 | 2,505 |
| Other* | 277 | 114 | 0 | 114 |
| Total | 18,234 | 4841 | 17,949 | 22,790 |

Loss of Existing Floor Space

Loss of retail

- 9.10 The table demonstrates that there would be an overall loss of 1386sqm A1 (retail) space. It is acknowledged that Policy DM1 in the MDD states that A1 uses will be protected as a priority unless:
- i) The loss of A1 would not undermine the town centres position within the hierarchy;
 - ii) The loss of A1 would not result in the overall level of A1 falling below 50% within the town centre;
 - iii) The shop has been vacant for a period of more than 12 months and marketing evidence is submitted;
 - iv) The new use supports the function of the town centre;
 - v) Ensuring development does not result in the overconcentration of non A1-uses;
 - vi) Supporting development that strengthens the mix and diversity of town centre uses (including employment and social/ community uses).
- 9.11 However, this application is part of a strategic site allocation which does not require like for like redevelopment of retail space but requires that development should *'deliver a regenerated town centre for Poplar with a range of unit sizes, market square and Idea Store located on East India Dock Road' and 'Regeneration of the district centre to improve Chrisp Street's vitality and viability.'*

- 9.12 Furthermore, policy 2.5 in the London Plan (2016) states that development proposals in town centres should: sustain and enhance the vitality and viability of the centre; should accommodate economic and/ or housing growth through intensification and selective expansion in appropriate locations and; support and enhance the competitiveness, quality and diversity of town centre retail, leisure, employments, arts and cultural, other consumer services and public services.
- 9.13 The proposed scheme improves the A1 market trading area and increases its size by 435sqm. The scheme maintains the vast majority of retail use, increases overall A1-A5 uses on the site by 3041sqm and creates a cinema and additional D1 (community) space. On this basis, the scheme is adding to the diversity, competitiveness and quality of the existing town centre. Reproviding the vast majority of retail space within this site allocation site, combined with the overall increase in A1-A5 classes, A1 class market space, community and leisure uses would support the function of the town centre and this justifies the loss of some A1 (retail space).

Loss of B1

- 9.14 Policy DM15 in the Managing Development Document seeks to protect existing employment uses. However, the supporting text sets out that this policy does not apply to sites within a strategic site allocation. The site allocation does require that *'Dependent on phasing and in accordance with Policy DM15, development will only be supported if the existing employment uses including the Royal Mails operations can be retained and or/ appropriately reprovided elsewhere.'*
- 9.15 The proposal would result in the loss of some B1 (office) space on site (569sqm). However, the space is used by Poplar Harca offices which are to be relocated in to the George Green building (as granted under PA/16/03474 and detailed in the 'Planning History' section of the report). Should permission be granted, a condition would secure the relocation of office space prior to the existing offices being demolished. The relocation of the existing floor space, combined with the provision of 189sqm office space, 328sqm affordable office space and 473sqm flexible B1/ D1 (office/ community) space, no issues are raised with regard to the loss of B1 (office space).
- 9.16 It should be noted that the Chrisp Street exchange is currently on site. However, as noted in the 'Planning History' section of the report, this is only a temporary use that would revert back to A1 use in 2020 and therefore this has been considered under the loss of A1 use space.
- 9.17 Finally, in relation to the Site Allocation reference to the Royal Mail offices, this falls within A1 use class and as such is not considered as office floor space. In accordance with the site allocation, the applicant has confirmed that space has been allocated for an A1 post office use within the site. Furthermore, should permission be granted, the legal agreement would require reasonable endeavours to maintain the post office use on site.

Loss of D1 and D2 uses

- 9.18 Policy DM8 in the Managing Development Document (2013) states that health, social and community facilities will be protected where they meet an identified local need.

- 9.19 The existing site currently accommodates the following D1 (community) uses that will not be accommodated within the proposed development :
- Sure Start Children's Centre (412sqm at 9 Market Way and 23-27 Market Way)
 - Boys and Girls youth club (598sqm at 75 Chrisp Street)
 - Police Station (47sqm at 2 Market Way)
- 9.20 As detailed within the 'Planning History' section of the report, permission was granted in 2016 for the Sure Start Children's Centre to relocate from Market Way to 50-52 Kerbey Street. Should permission for the current application be granted, a condition would secure that the existing children's centre would not be demolished until the new space at Kerbey Street is made available to the Sure Start Centre.
- 9.21 Similarly, the boys and girls youth club would be relocated to Trussler Hall and the same terms would be secured via condition. Both of the premises are suitable for relocation in that the similar floor space areas are provided and they are within very close proximity to the existing premises so that existing users can continue to access these facilities.
- 9.22 Finally, with regards to the police station, the applicant has informed that the existing station has been mostly closed for the last 5 – 6 years due to the safer neighbourhoods team being dissolved. Should permission be granted, a section 106 requiring reasonable endeavours to reprovide the space should the police wish to maintain a presence on site would be required. Given the size of the unit is quite small, it could be provided within some of the d1 or flexible D1/B1 space if required. Subject to the inclusion of this s106 item; the application is acceptable in this respect.

Loss of Sui Generis

- 9.23 There are currently 2 betting shops and a laundry that do not fall within the use classes and as such are defined as 'sui generis'. Such uses are not protected in policy and as such, there is no objection to the loss of these units on this basis, however, the plans indicate one of the existing betting shops will remain on site.

Principle of Residential Uses

- 9.24 The proposed development falls within the boundary of the district centre and within a strategic site allocation. The site is also within a Housing Zone designated by the Mayor of London in 2016. Whilst this is not a planning designation, the housing zone status is a material planning consideration. Policy 8.1 (Implementation) in the London Plan sets out that Housing Zones involve collaborative working between partners including the Mayor, boroughs and communities to realise the potential of large development areas through measures such as targeted tax incentives and effective land assembly to unlock development and optimise delivery.
- 9.25 The proposal would result in the creation of 649 residential units and would contribute towards the borough's target of delivering 3,931 new homes per year (as set out in policy 3.3 of the London Plan 2016). As such, the principle of residential use on the site is welcomed. The affordable housing, housing

mix and housing quality will be addressed in the housing section of the report. However, the principle of demolishing 169 residential units (including 124 social rent) is acceptable on the basis that that the overall re-provision will increase the housing and affordable housing in terms of overall unit numbers, habitable rooms and floor space.

Principle of Commercial Uses (A1, A2, A3, A4, A5)

- 9.26 From the proposed uses table, it can be calculated that there will be an extra 3041sqm of combined A1, A2, A3, A4, A5 uses compared with the existing on site uses. The proposals re-provide an anchor food store at the north of the site that would be 2067sqm in size.
- 9.27 Given the district centre location and the fact that all of these uses are existing on site, the principles of these uses are acceptable. Initially, officers raised concerns with the number of hot food takeaways and the applicant reduced the number of A5 (hot food takeaways) in response to officers concerns. One large unit was removed resulting in the removal of 426sqm being converted from an A5 takeaway to an A3 restaurant/ café.
- 9.28 The revised proposal results in 9% (7 out of 75) of the units being in A5 use which is above the 5% maximum standard as out in policy DM1. However, the majority (5 of the 7) of these are small 15-17sqm canopies serving hot food as part of the wider street market offer. Combined with the small excess of units against the policy requirement, this is considered acceptable on balance.
- 9.29 Policy DM1 part 4 refers to directing restaurants (A3), public houses (A4) and hot food takeaways (A5) to central locations including town centres providing that: a) this does not result in an over concentration of these uses and; b) there are at least two non A3, A4, A5 uses between every new A3, A4 or A5 use. In this case, the proposal is not for individual units that would change the overall balance of use classes in particular areas in a piecemeal way. Should permission be granted, a condition would be attached to remove permitted development rights so that commercial units could not be changed to other permitted uses. This would prevent piecemeal changed and would protect the principles of the retail strategy. It would also prevent unit sizes being changed by more than 25% of their gross internal area to protect smaller retail and commercial units.
- 9.30 The proposal creates clusters of restaurants and food and drink uses around the central market area which is intended to influence pedestrian flow and allows outdoor seating areas in the centre of the site looking on to the market stalls and shops. As outlined in the paragraphs below, the location and mix of units has been designed to increase footfall and thus maximise the vitality and viability of the town centre in accordance with the aspirations of part 4 of policy DM1b.
- 9.31 The proposed quantum, balance, location, design and type of commercial floor space has been designed by the applicants commercial agents and reviewed by an independent retail consultant on behalf of the council to ensure the long term success of the retail floorspace.
- 9.32 The retail assessment review by the council's independent consultant concludes that the proposed development will not have any negative impact

on other centres within the borough and that the proposals are in keeping with the scale, role and function of the Chrisp Street Centre.

- 9.33 Whilst end occupiers of retail units is not a matter which planning should seek to control, the Retail Management Strategy sets out the terms offered to businesses who wish to remain in the new development. Lease terms for existing retailers and traders following the completion of the new commercial space are also set out within the strategy.
- 9.34 The applicant has informed that all businesses on long leases who wish to remain have had the opportunity to do so. The retail Management Strategy also sets out how support is provided to existing businesses on the site during the transition period of the development and during the continued operation of the centre thereafter.
- 9.35 Should permission be granted, the retail management strategy (setting out the lease terms), the decant strategy (setting out where existing businesses will be relocated to and where retained businesses will be located during construction) as well as a town centre strategy (which among other things will require a town centre manager to be appointed and report on the annual state of units and vacancy rates) will be secured within the section 106 agreement.
- 9.36 The ground floor commercial units within the retained Festival of Britain buildings will be refurbished. The refurbishment works include: new shopfronts; reinstating original tiling on columns; providing service access to the rear via loading bays or service routes and; updated service connections for gas, water and power.
- 9.37 On the basis of the above, the principle of A1, A2, A3, A4 and A5 uses on the site are therefore broadly in accordance with the relevant policy and thus no objections are raised on this basis.

Market Area

- 9.38 The Chrisp Street Site Allocation (9) in the Managing Development Document (2013) seeks to retain the existing market area including keeping the market open during the redevelopment of the site. Policy 4.8 in the London Plan makes reference to supporting the range of London's markets, complementing other measures to improve their management, enhance their offer and contribute to the vitality of town centres.
- 9.39 The proposals also include the enlargement (by 435sqm) and enhancement of the market area which will include: a new canopy to the market; re paving the market area; new easily accessible power / drainage services for stall holders; street furniture; bicycle spaces and; restricted waste vehicle access for stall holders. The adjacent 'hub' building will offer facilities for the general public and stall holders including welfare facilities.
- 9.40 Whilst it is not within planning remit to control who occupies the market stalls, the proposal does provide an increased number of market pitches which would allow sufficient space for all market stall holders to be accommodated in the refurbished market. The market services department of the council are responsible for issuing licenses, the applicant has stated within the Retail Management Strategy that they are working with the council to ensure all market stall holders will be accommodated.

- 9.41 At present there are 31 'lock ups' or 'kiosks' on the site. All of these will be demolished. The applicant has advised that some of the businesses will be relocated to smaller retail units in block M or small retail units close to the site. The applicant has advised there are enough units to accommodate all those current occupants who wish to remain and has informed that if the business is more suitable for a stall that they will work with the markets team to seek a stall licence as a more suitable option.
- 9.42 The market would be retained throughout the construction process within a central part of the site. This will be secured through section 106 should the application be approved.
- 9.43 The enlargement and enhancement of the market area is welcomed and accords with the aspirations of the site allocation and relevant policies.

Proposed B1 Use

- 9.44 The Crisp Street site allocation in the Managing Development (2013) requires re-provision of office floor space on the site and the wider town centre policies (SP01 in the Core Strategy (2010) and 2.15 and 4.7 of the London Plan (2016)) support office use in town centre locations.
- 9.45 As outlined above, the proposal seeks to re-provide Poplar Harca's existing offices in the George Green building (at 155-157 East India Dock Road as per PA/16/03474 detailed in 'Planning History' section of the report) and also includes 189sqm B1 (office) space and 328sqm affordable office space (that would be secured via section 106 if permission were granted) within the proposed site layout. The proposals also provide 473sqm flexible B1/D1 (office/ community space). The proposed office space is acceptable in this town centre location and accords with policy in terms of amount, location and design. As such, the proposed B1 office space complies with the aspirations of the site allocation and relevant town centres policy and is thus acceptable.

Proposed D1/ D2 uses

- 9.46 Policy DM8 in the Managing Development Document (2013) directs new health, leisure and social and community centres to town centres. The Crisp Street Site Allocation (9) in the Managing Development Document (2013) requires commercial and other compatible uses. Policy 2.15 in the London Plan states that proposals should support leisure, cultural and public services among other uses in the town centre.
- 9.47 The proposal includes the provision of 326sqm of D1 (community space) that could be used for an extension to the existing Idea Store should the council wish to exercise this option. If the application were to be approved, the section 106 agreement would secure an option for the council to take on this space for the Idea Store.
- 9.48 The proposal also includes 473sqm of flexible B1 affordable workspace and D1 community floor space. Again, the terms of the affordable workspace/ community floor space would be secured in the section 106 agreement should permission be granted. In line with similar agreements, a discount of 30% from market rent would be sought, up to 50% if it not let within a fixed period of time. If the 437sqm space is occupied by a D1 use, this would be in

lieu of CIL and would need to be secured outside of planning via an infrastructure agreement.

- 9.49 The scheme includes a 2505sqm cinema (D2 use class). The independent retail consultant supports that a cinema use in the area will assist in diversifying the centre's offer and will increase activity and thus support other retail/ commercial uses in the centre in line with the relevant policy.
- 9.50 The proposed D1/ D2 spaces are welcomed community/ leisure uses that would contribute to the diversity and vitality of the town centre and thus would accord with the relevant policy.

Conclusion

- 9.51 For the reasons outlined above, the proposed uses accord with the aspirations of the Chrisp Street Site allocation (9) in the Managing Development Document (2013) and comply with the relevant land use policies.

Density

Policy Context

- 9.52 Policy 2.13 of the London Plan (2016) states that "development proposals within opportunity areas and intensification areas should seek to optimise the residential and non-residential output and densities". Policy 3.4 seeks to ensure that new housing developments optimise the use of land by relating the density levels of housing to public transport accessibility levels. The London Plan Housing SPG (2016) states that the density matrix contained within the London Plan (2016) should be applied flexibly rather than mechanistically.
- 9.53 The Council's Core Strategy Policy SP02 also relates density levels of housing to public transport accessibility levels and additionally relates density levels of housing to the hierarchy and proximity of nearby town centres, so that higher densities are promoted in and around town centres that are higher up in the hierarchy.

Assessment

- 9.54 The scheme falls within a district centre and the walking distance to the Canary Wharf Major Centre is approximately 1000 metres. As such, the site can be classified to fall within an 'urban' setting. The Public Transport Accessibility Location (PTAL) is 3-5 indicating a 'moderate- very good' accessibility level to public transport infrastructure.
- 9.55 Given the above the London Plan recommends that a suitable sustainable density range for such a site is 200-700 habitable rooms per hectare (hr/ha). However, it is noted that the London Plan (paragraph 2.72) that higher density housing development can be appropriate in town centre locations.
- 9.56 The application site has a site area of 3.7ha and seeks to provide 1888 (proposed) + 137 (retained)= 2025 habitable rooms.

Total GIA: 84, 783sqm
Of which is residential: 65, 351sqm housing (proposed) + 3,772sqm (retained) = 69,123 (82%) total floor space
No of habitable rooms (2025)/ 82% of site area (3.03ha)

= Residential density (686 hr/ha)

- 9.57 As such, the proposals fall within the recommended density guidelines and comply with the relevant policy in this respect.

Housing

Policy Context

- 9.58 Paragraph 50 of the NPPF states that local authorities should seek “to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities”.
- 9.59 Policy 3.5 of the London Plan (2016) states that “the design of all new housing developments should enhance the quality of local places, taking into account physical context; local character; density; tenure and land use mix; and relationships with, and provision of, public, communal and open spaces, taking particular account of the needs of children and older people”. Policy 3.6 states that “development proposals that include housing should make provision for play and informal recreation, based on the expected child population generated by the scheme and an assessment of future needs”. Policy 3.8 states that new developments should “offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups and the changing roles of different sectors in meeting these”. Policy 3.12 states that “the maximum reasonable amount of affordable housing should be sought when negotiating on individual private residential and mixed use schemes”.
- 9.60 The Council’s Core Strategy Policy SP02 seeks to “ensure new housing assists in the creation of sustainable places”, requires “35%-50% affordable homes on sites providing 10 new residential units or more (subject to viability)”, “a mix of housing sizes on all sites providing new housing”, and seeks to ensure that “all housing is appropriate, high-quality, well-designed and sustainable”.
- 9.61 The Council’s Managing Development Document Policy DM3 seeks “to maximise affordable housing in accordance with the Council’s tenure split (70% Social/Affordable Rent and 30% Intermediate)” and ensure that development provides “a balance of housing types, including family homes, in accordance with the breakdown of unit types set out within the most up-to-date housing needs assessment”. Policy DM4 states that “all housing developments should have adequate provision of internal space in order to provide an appropriate living environment” and provide amenity space and child play space in accordance with Council standards.
- 9.62 Part 5 of Policy DM3 states that development that would involve net loss of residential floorspace, residential units or any family housing will be resisted. Except if it accords with part 6. Part 6 of the policy states that estate regeneration development that proposes a net loss of affordable housing will

only be allowed in exceptional circumstances where: a) development demonstrates that a limited loss of affordable housing is required to improve the tenure mix on site or; b) public open space or a non-residential use will benefit the overall estate regeneration scheme.

Affordable Housing

- 9.63 The table below summarises the existing residential units to be retained and demolished and the new proposed residential units.

| | Private | Social/ Affordable Rent | Intermediate | Total |
|---|---------|-------------------------------|--------------|-------|
| Existing Festival of Britain to be Retained | | | | |
| 2-bed | 13 | 22 | 0 | 35 |
| 3-bed | 3 | 5 | 0 | 8 |
| Total | 16 | 27 | 0 | 43 |
| Existing Dwellings to be Demolished | | | | |
| Studio | 0 | 4 | 0 | 4 |
| 1-bed | 8 | 36 | 0 | 44 |
| 2-bed | 3 | 19 | 0 | 22 |
| 3-bed | 16 | 37 | 0 | 53 |
| 4-bed+ | 18 | 28 | 0 | 46 |
| Total | 45 | 124 | 0 | 169 |
| Proposed Units | | | | |
| 1-bed | 221 | 62 | 18 | 301 |
| 2-bed | 128 | 51 | 11 | 190 |
| 3-bed | 94 | 43 | 8 | 145 |
| 4-bed | 0 | 13 | 0 | 13 |
| Total | 443 | 169 | 37 | 649 |

- 9.64 The existing site accommodates 124 social rented units. The proposed scheme includes 206 affordable units. Of these 206 affordable units, 131 would be at social rent, 38 would be at Tower Hamlets Living Rent and 37 would be Intermediate (shared ownership). This equates to 35.7% affordable housing by habitable room. Reproviding the existing 124 units (449 hab rooms) within the proposed scheme would equate to 24% affordable housing.
- 9.65 The proposed scheme provides for 35.7% which represents an uplift of 11.7% affordable housing from what is currently on site, the uplift is split almost equally between social/ affordable rent and intermediate (shared ownership). Overall, the total affordable housing represents an 82%/18% split in favour of social/ affordable rent as opposed to intermediate rent against the policy target of a 70%/30% split. Whilst there is an overprovision of social/ affordable rent, the existing mix on site predominantly comprises social rent. Furthermore, this is the tenure most in demand in the borough and in some cases cannot be achieved fully due to viability. As such, a borough wide approach is considered appropriate and the proposed arrangement is acceptable.

- 9.66 The applicant's viability report has been reviewed by an independent viability consultant instructed by the Council and it was concluded that the amount of affordable housing proposed would be over and above the maximum reasonable amount that could viably be supported by the development. However, the applicant has taken a commercial decision to commit to the 35.7% affordable housing.
- 9.67 As part of the applicant's viability exercise and in line with the Mayor's Affordable Housing and Viability SPG, the applicant has also tested the possibility of the inclusion of additional grant funding for the affordable units in order to increase the overall affordable housing offer from 35% to 40%. The current scheme assumes grant funding from the GLA for the re-provision of the social rented units and the intermediate units and from the council for the 38 affordable rented units. The testing to see if additional grant funding would increase affordable housing further concluded that a 40% affordable housing scheme would result in a greater deficit than the currently proposed 35.7% affordable housing scheme and would thus not be viable for the applicant to pursue.
- 9.68 The development is split across 2 phases. The vast majority (72%) the affordable housing is provided in phase 1 (149 units with 37 being shared ownership and 112 social/ affordable rent). Sufficient child play space would be provided for both phases prior to occupation and should permission be granted a condition would secure this.
- 9.69 In line with the Mayor's Affordable housing and viability SPG, an early stage review mechanism of the viability report will be required in the event that the above ground superstructure is not in place within 2 years of the date of consent. Such a requirement would be inserted as a clause within the S.106 agreement in the event that planning permission was to be granted.
- 9.70 In addition to the above, a mid-stage review will be required prior to the commencement of phase 2 and a late stage review mechanism (upon 75% sale of units) will be required. These arrangements would be secured via the S.106 agreement.
- 9.71 To conclude, the proposed development would secure the maximum viable amount of affordable housing on site; the scheme is policy compliant in terms of tenure split across both phases and; securing review mechanisms will allow for additional affordable housing to be secured at fixed points if the viability position changes in the future. As such, the scheme complies with the relevant policy and is acceptable in terms of affordable housing.

Housing Mix

- 9.72 The following table outlines both the proposed unit mix, by size and tenure, as well as the Council's current preferred unit mix, which seeks to secure a mixture of small and large housing, and is set out within Policy DM3(7) of the Managing Development Document:

| Unit Size | Total Units | Affordable Housing | | | | | | Market Housing | | |
|---------------|-------------|--------------------------|--------|-----------------|--------------|--------|-----------------|----------------|--------|-----------------|
| | | Social/Affordable Rented | | | Intermediate | | | Units | As a % | Policy Target % |
| | | Units | As a % | Policy Target % | Units | As a % | Policy Target % | | | |
| Studio | 0 | 0 | / | / | 0 | / | / | 0 | / | / |
| 1 Bed | 301 | 62 | 37% | 30% | 18 | 48.65% | 25% | 221 | 50% | 50% |
| 2 Bed | 190 | 51 | 30% | 25% | 11 | 29.73% | 50% | 128 | 29% | 30% |
| 3 Bed | 145 | 43 | 25% | 30% | 8 | 21.62% | 25% | 94 | 21% | 20% |
| 4 Bed | 13 | 13 | 8% | 15% | 0 | 0 | 0% | 0 | 0 | |
| Total | 649 | 169 | 100% | 100% | 37 | 100% | 100% | 443 | 100% | 100% |

- 9.73 Within the social/ affordable sector, the mix of units is broadly compliant with a slight over provision of 1 and 2-beds and a slight under provision of 3 and 4 bedroom units. The applicant was asked to consider combining some of the 1 bed and 2 bedroom units in Block K to 4-beds and in response, the applicant has investigated providing 9 additional 4 bedroom units. The amended unit sizes, child play space and layouts will be assessed in an update report.
- 9.74 Within the intermediate tenure, there is an overprovision of 1-bedroom units, an under provision of 2-bedroom units and the number of 3 bedroom units is broadly in keeping with the preferred unit mix, although very marginally below target.
- 9.75 Finally, within the market housing, the proposed unit sizes are predominantly in accordance with the preferred mix.
- 9.76 As noted in the housing policy section above, part 5 of DM3 states that development that would involve a net loss of residential floorspace, residential units or any family housing will be resisted unless it meets the criteria of part 6 of the policy. Part 6 of the policy states that estate regeneration development that proposes a net loss of affordable housing will only be allowed in exceptional circumstances where: a) development demonstrates that a limited loss of affordable housing is required to improve the tenure mix on site or; b) public open space or a non-residential use will benefit the overall estate regeneration scheme.
- 9.77 The proposed development results in an increase in residential floor space and residential units but there are 9 less family sized units than the existing accommodation. However, given the overall uplift in housing, affordable housing and the regeneration of the town centre with a range of uses including community uses and public realm benefits, the proposal is considered to comply with part 6b of the abovementioned policy.
- 9.78 Overall, in the context of the Council's relevant policies, officers are content that the proposed dwelling mix of this proposal can broadly be considered to be policy compliant and is thus considered acceptable.

Accessible Housing

- 9.79 The proposed development seeks to provide a total of 66 wheelchair accessible units (designed in accordance with Part M4(3) of the Building Regulations 2015), which equates to 11% of the total number of residential units being proposed (649). The remaining 583 units will be designed to be adaptable (in accordance with Part M4(2) of the Building Regulations 2015).
- 9.80 The following table outlines the mix of wheelchair units proposed. 24 of the wheelchair accessible units are to be in the form of market units (13 x 1-bed, 7x 2-bed, 4 x3-bed), 2 are to be in the form of intermediate units (2 x 2 bed), and 40 are to be in the form of social/affordable rented units (12 x 1-bed, 12 x 2-bed and 16 x 3 bed). Ideally there would have been provision of some 4-bedroom wheelchair units and whilst there is a slight under provision of wheelchair units in the private and intermediate, there is an overprovision in the social/ affordable units where there is most demand.
- 9.81 Overall, the provision of wheelchair units is considered acceptable as the 10% requirement is met and the mix includes family sized units in the affordable tenure where there is most demand.

| Tenure | 1-bed | 2-bed | 3-bed | 4-bed | Total | As a % of Tenure |
|---------------------------------|--------------|--------------|--------------|--------------|--------------|-------------------------|
| Market Sector | 13 | 7 | 4 | - | 24 | 5% |
| Intermediate | 0 | 2 | - | - | 2 | 5% |
| Social/Affordable Rented | 12 | 12 | 16 | - | 40 | 24% |
| Total | 25 | 21 | 20 | - | 66 | 11% overall |

- 9.82 In order to ensure that the proposed wheelchair accessible units have been designed in accordance with Part M4(3) of the Building Regulations 2015 a condition requiring detailed layouts of the units at a scale of 1:50 will be imposed. The condition will also stipulate that the remaining 583 units within the development must be designed in accordance with Part M4(2) of the Building Regulations 2015. Subject to this condition officers are therefore content that the proposed residential accommodation is acceptable in accessibility terms.

Housing Quality

- 9.83 The Mayors Housing SPG (2016) sets out a series of design guidance standards. Standard 12 relates to shared circulation and states that each core should be accessible to generally no more than eight units on each floor. The scheme does have some instances of 9 units per core but the general access and design layout avoids convoluted routes and allows for a sense of ownership. All entrances have access to at least 2 lifts. As such, the scheme is broadly compliant with the design guidance and the access arrangements are considered to be acceptable. The Festival of Britain units have new entrance points which provide lift access as well as stair access in comparison to the current situation with stair only access.

- 9.84 A total of 72% of the units will be dual aspect and there would be no single aspect north facing units. The units that are single aspect are predominantly one or two bedroom units as opposed to family accommodation and the units have been designed with slightly larger internal areas to compensate.
- 9.85 With respect to internal floor areas all 649 proposed units either meet or exceed the standards set out both with the London Plan (2016) and the Tower Hamlets Managing Development Document (2013). Within Blocks F and G, 9 units (1.4% of total scheme) do not have external amenity space; however, in line with the London Plan, these units have larger internal areas which incorporate the external amenity space required. Within Block M, 4 of the external amenity areas are smaller than the minimum requirements; however, this is mitigated through 3 of the units having an additional 5 sqm of internal space. The fourth unit that has a balcony of 4.8sqm has an internal area of 51.7sqm (1.7sqm above the space standards). Given the need to maintain good daylight/ sunlight levels within the properties; that the few units without any external space are within the private sector where there is more choice; that the units have internal areas above the space standards and; that these units would all have access to communal amenity space, this is acceptable in this instance and compliant with the relevant policy on balance.
- 9.86 Given the above officers consider the residential quality of the scheme to be high and thus policy compliant.

Daylight/ Sunlight Levels for the Development

- 9.87 Guidance on the assessment of daylight and sunlight levels for new developments is set out in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. When calculating the levels of daylight afforded to new developments, the BRE have adopted and recommend the use of British Standard 8206 as the primary form of assessment which recommends minimum Average Daylight Factor (ADF) values for new residential dwellings, which are as follows:
- >2% for kitchens;
 - >1.5% for living rooms; and
 - >1% for bedrooms.
- 9.88 The BRE guidelines state that the layout of proposed developments should maximise the number of south facing main living rooms, and that where windows within such rooms face within 90 degrees of south they should be assessed using the Annual Probable Sunlight Hours (APSH) method. The APSH calculation considers the amount of sun available in both the summer and winter for each such window, and if the window can receive at least 25% total APSH with 5% during the winter months (between 21st September and 21st March), then the affected room can be considered to receive sufficient levels of sunlight. Finally in order for any proposed external amenity space to be considered as receiving sufficient levels of sunlight, at least half (50%) of such space should receive direct sunlight for at least two hours on the 21st March.
- 9.89 The applicant has submitted an internal daylight and sunlight assessment which assesses the levels of daylight and sunlight that will be afforded to the

development. This report has also been reviewed by an independent daylight and sunlight specialist instructed by the Council.

- 9.90 Appendix 8.4 of the Environmental Statement presents tables of daylight/sunlight provision in the new development. The lowest floors have been analysed on the basis that rooms higher up will be less obstructed and therefore receive more daylight/ sunlight. The independent consultant has confirmed this is a reasonable approach.
- 9.91 The table below shows the number of windows in the proposed development and the number of which meet the Average Daylight Factor (ADF). The table shows that 1788 of the 1873 rooms comply with the criteria, which equates to 95%, a very good level of compliance within the urban context.
- 9.92 The windows that do not meet the criteria are predominantly caused by balconies on lower floors of the building and in such circumstances, the need for well-lit units is balanced against the need for amenity space. Furthermore, the number of failures has been taken on a worst case scenario basis; it has been assumed failing rooms have been repeated up the building and percentages have been rounded up (ie 0.05% below target). Overall the vast majority of windows pass, the amount failing has been taken on a worst case scenario basis and the resultant levels are generally isolated scenarios typical within an urban context.
- 9.93 Based on the above, available daylight within the proposed development can be considered to be very good and broadly compliant with relevant policy.

| Building Reference | Total number of rooms relevant for daylight assessment | Total number of rooms which meet the ADF criteria |
|--------------------|--|---|
| A | 101 | 94 |
| B | 205 | 202 |
| C | 77 | 77 |
| D | 99 | 92 |
| E | 50 | 50 |
| F | 135 | 129 |
| G | 127 | 122 |
| H | 396 | 357 |
| J | 103 | 96 |
| K | 161 | 155 |
| L | 161 | 157 |
| M | 258 | 257 |
| Total | 1873 | 1788 |

- 9.94 The design incorporates north to south blocks, primarily served by windows on the east and west facades. This has been done to reduce the number north facing units which would see little or no direct sunlight.
- 9.95 Sunlight provision has been calculated for the same worst case rooms for which a daylight analysis has been carried out. Table 8.10 in the Environmental Statement shows that half of the living rooms assessed (70 out of 140) meet the sunlight guideline of 25% of annual probable sunlight hours and 5% in winter months. However, as the Environmental Statement states, the overall provision in the whole development is likely to be better than this as the rooms on the higher floors will receive more sunlight. In

addition, 8 of the rooms in the sample would meet the annual recommendation but not the winter one and a further 17 would meet the winter recommendation but not the annual one. Overall, sunlight provision is expected to be reasonable.

| Building Reference | Total number of rooms assessed | Total number of rooms which meet the APSH criteria |
|--------------------|--------------------------------|--|
| A | 11 | 4 |
| B | 13 | 5 |
| C | 13 | 9 |
| D | 13 | 8 |
| E | 7 | 7 |
| F | 12 | 4 |
| G | 13 | 7 |
| H | 9 | 4 |
| J | 10 | 3 |
| K | 16 | 9 |
| L | 9 | 3 |
| M | 14 | 7 |
| Total | 140 | 70 |

9.96 The landscape strategy for the proposed development incorporates a range of open spaces. These include public realm areas and rooftop gardens. Most of these spaces would meet the BRE guidelines in that over half of each area would receive over 2 hours sun on March 21. There are a small number of areas that do not meet the guidelines: over 12's playspace in block ABC; rooftop gardens to F2 and G1 and; 5-12 play space in JKL. The applicant carried out further testing in these areas and the results show that the areas are only marginally below the guidelines; the areas receive just short of 2 hours of sunlight. Overall, the proposed communal and amenity areas will benefit from acceptable levels of direct sunlight and are therefore broadly in accordance with the BRE guidelines.

Communal Amenity Space

9.97 Policy DM4(2) of the Council's Managing Development Document states that for all developments proposing 10 or more new residential dwellings, a minimum of 50sqm for the first 10 units and 1sqm for every unit thereafter should be provided. As this development proposes 649 residential units, a minimum of 689sqm of communal space is thus required.

9.98 As shown by the space marked in pink in Figure 11 below, the scheme is significantly in excess of the requirements for communal open space, with the need for 689sqm against a provision of 1525sqm. Communal space is provided predominantly at roof/ podium level, with the communal space for Block H (tower) provided internally.

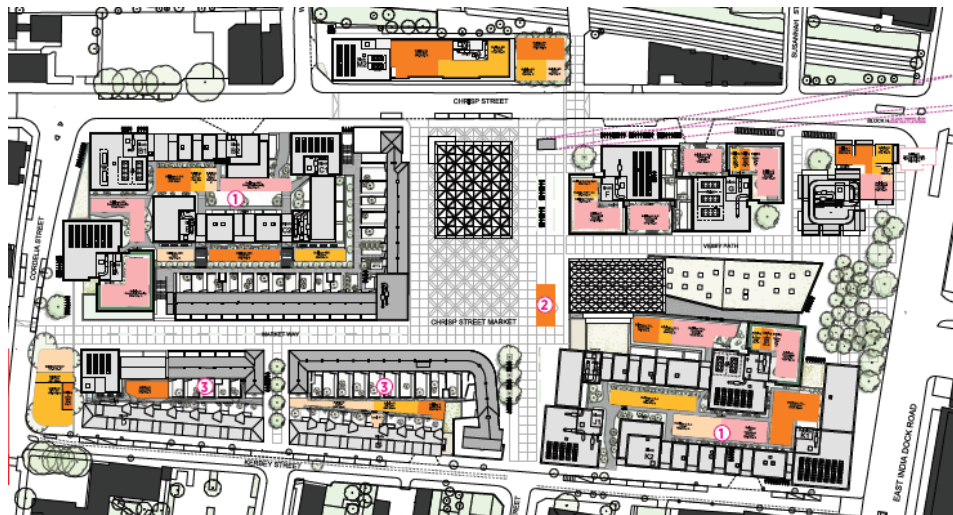


Figure 11- Plan showing proposed communal and play space provision

9.99 Officers are content that the location, scale and layout of the proposed communal amenity spaces are acceptable, and further details of these spaces, including the landscaping to the rooftop communal amenity space, will be requested and secured by condition.

Child Play Space

9.100 In order to calculate the expected child yield for this development officers have used the Mayor of London’s child yield calculator which is informed by the ‘Shaping Neighbourhoods: Play and Informal Recreation SPG (September 2012)’ which requires a minimum of 10sqm of child play space per child. The table below outlines both the expected child yield for the development as well as the proposed quantum of child play space which is to be provided as part of this development.

| Age Group | Child Yield | Minimum Requirement (sqm) | Proposed Play Space (sqm) |
|---------------|-------------|---------------------------|---------------------------|
| Under 5 Years | 105 | 1050 | 1283 |
| 5-11 Years | 82 | 820 | 955 |
| Over 12 Years | 55 | 550 | 483 |
| Total | 242 | 2420 | 2721 |

9.101 Figure 11 above shows the proposed play space (orange is under 5’s, yellow is 5-11 and beige is 12+). The scheme provides a total of 2721sqm of play space, which is above the GLA play space requirements. Whilst there is a small shortfall in the amount of 12+ play space (483sqm against a requirement of 550sqm resulting in shortfall of 67sqm), there is 301sqm in excess of the play space requirements overall. Play space is provided predominantly at podiums and rooftops. However; the play space within Block H (tower) is provided internally; some of the play space for Block M is provided at the pocket park at ground floor level and; some of the play space for blocks E and F is provided at the park at Cordelia Street. In addition, the existing park adjacent to the Festival Inn pub will be reprovided with new landscaping and equipment closer to the market square.

- 9.102 Overall, officers are satisfied the proposal is broadly compliant with policy in terms of quantum and location of play space. A condition requiring full details of the proposed child play spaces will be imposed to ensure that these spaces are of a high standard.

Conclusion

- 9.103 The proposal provides a policy compliant level of affordable housing (beyond that which can be considered to be the maximum viable level), and a suitable mix of housing (including accessible housing), which is of a high residential standard, the application can therefore be considered acceptable in housing terms.

Design

Policy Context

- 9.104 Paragraph 56 of the NPPF states that “good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”. Paragraph 63 states that “in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area”.
- 9.105 Policy 7.1 of the London Plan (2016) seeks to ensure that “the design of new buildings and spaces they create should help reinforce or enhance the character, legibility, permeability, and accessibility of the neighbourhood”. Other policies relevant to this proposal with respect to design are policies 7.2, 7.3, 7.4, 7.5, 7.6, 7.7, 7.8, 7.10, 7.11 and 7.12 of the London Plan (2016).
- 9.106 The Council’s Core Strategy policy SP09 seeks to “create a high-quality public realm network which, provides a range of sizes of public space that can function as places for social gathering”. Policy SP10 seeks to “ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds”. Policy SP12 seeks to enhance placemaking through “ensuring development proposals recognise their role and function in helping to deliver the vision, priorities and principles for each place”.
- 9.107 The Council’s Managing Development Document policy DM24 states that “development will be required to be designed to the highest quality standards, incorporating principles of good design, including: ensuring design is sensitive to and enhances the local character and setting of the development”. Other policies relevant to this proposal with respect to design are policies DM23, DM26, DM27 and DM28 of the Managing Development Document (2013).

Site Layout

- 9.108 The submitted design and access statement sets out a detailed analysis of the existing site and surroundings and design opportunities and constraints. A number of design values are established including the retention of the

Festival of Britain buildings and clock tower. The Clock tower is identified as a focal point of the market square and proposed buildings along the western side of Chrisp Street (F, G and H) have been set back to allow sightlines to the clock tower creating visual permeability from East India Dock station to the south.

- 9.109 At present, parts of the site at the rear of the Festival of Britain buildings are inward looking, with large service areas fronting Chrisp Street and Kerbey Street. The proposed layout seeks to repair this, creating active frontages along these key routes and rationalising the service areas internally. The retained Festival of Britain properties would have new entrances with lift and stair access from Chrisp Street, Cordelia Street, Market Way and Kerbey Street.
- 9.110 The existing market area remains in its central position within the site with key routes to the area reinforced through landscaping and building setbacks. The existing tower building location (currently Fitzgerald House) is repositioned to the south east corner of the site where it marks the arrival of the district centre, adjacent to the station. The base of the tower was revised during the course of the application to enhance the permeability of the public realm and the internal uses as at the ground. The ground floor is chamfered creating colonnades on the south west of the base. This opens up views and a more direct route from All Saints DLR to the Idea Store and Vesey Path making the presence of the sites amenities clearer and the arrival at the site more welcoming.
- 9.111 Separation of the tower element from the neighbouring mid-scale buildings to the north ensures a route through from Susannah Street to the Idea Store. The Kerbey Street entrance is an important pedestrian route in to the site and towards the market square. Key site lines to the clock tower are also provided in this part of the site which aid placemaking, orientation and legibility. The existing play area adjacent to the Festival Inn Pub is reprovided and maintained in a central position within the site, providing a key family function in the heart of the centre close to the market, shops and outdoor restaurant seating.
- 9.112 Cordelia square is located at the north west corner of the site. This open space provides another key entrance to the site from the surrounding residential neighbourhoods to the north and east of the site. The maintenance of the existing trees has influenced the green character of this space. The playspace within the square reflects the neighbourhood character and function in line with the overall strategy for the northern part of the site.
- 9.113 In the eastern part of the site, adjacent to Chrisp Street, a new pocket park will be provided including a sunken garden. This space has been designed to provide high quality amenity/ play space which is protected from the main road. Seating will be provided with planting to address the change in level at this part of the site.
- 9.114 Overall, the site layout allows for: the retention of existing buildings of strong architectural merit and the enhancement of sightlines and views of these buildings from the surrounding area; enhanced pedestrian and cycle routes from key access points to the site and throughout the site; improved landscaping and well-designed public open space/ amenity space; active

frontages almost consistently around the edges of the site with rationalised service areas away from the public realm and; an alternative position for the tower building which marks a key entrance to the site and sees building heights stepping down towards the north of the site to respect the setting of heritage assets. For these reasons, the approach to site layout incorporates good design principles in accordance with the relevant policies.

Height, Scale and Massing

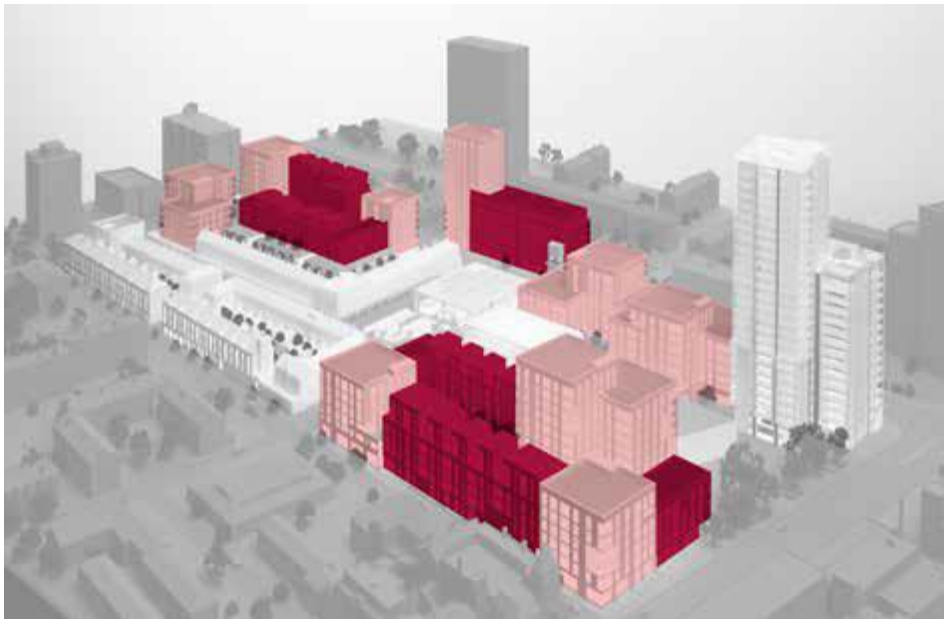


Figure 12- Image showing proposed massing with corner blocks in light pink and linear blocks in between in dark pink.

Perimeter blocks

9.115 The north eastern part of the site comprises perimeter blocks within Blocks D and E that connect to the existing Festival of Britain buildings, forming edges to the site. This part of the site is a 'neighbourhood scale' (4 storeys), reflective of the character of the residential areas to the north and east of the site. The new buildings have been designed to respect and complete the blocks formed by the retained buildings, comprising a similar scale and architectural design.

9.116 The buildings will be formed from two duplex units on top of one another, with entrances at ground floor level to create the rhythm of a traditional terrace. The roofscape of these units has been designed to reflect the pitched roofs of the Festival of Britain units whilst incorporating dormer features and roof terraces as a modern reflection of the traditional house appearance.

Mid- rise pavilion blocks

9.117 The north east and south west of the site comprises mid-rise pavilion blocks that range from 6-14 storeys in height. The pavilion blocks comprise square and linear features which are repeated in a number of variations across the site. This creates a variety in building form and allows each block to respond

to its location within the site and the block adjacent to it. The variation in height across the blocks means that amenity space can be provided on the lower shoulder of the block, whilst the upper level can accommodate lift overruns and plant out of site as well as green and brown roofs. The linear blocks accommodate boxes on the upper levels which provide articulation and interest in the roofscape.

- 9.118 Block J,K,L in the south west corner ranges from 4-10 storeys in height. The western elevation comprises central linear blocks that break at 4 storeys in height with 2 storey boxes slightly set back above. The corner pavilions rise up to 6 storeys in height and provide a book end approach to the buildings. Block K steps down to 4 storeys in height to the east to respond to the 4 storey buildings on the opposite side of East India Dock Road. Block L is positioned centrally and set back from all the surrounding roads and extends to 10 storeys in height.
- 9.119 Blocks F and G range from 6-9 storeys in height with the lower element closest to the clock tower and Chrisp Street and the taller elements set back westwards in to the site. This reflects the 6 storey buildings opposite on the eastern side of Chrisp Street.
- 9.120 Block A,B,C in the north eastern corner of the site ranges from 6-9 storeys in height. The buildings step up in a north easterly direction from the retained 3 storey Festival of Britain Buildings towards the 9 storey building on the junction of Cordelia Street and Chrisp Street.
- 9.121 Finally, Block M ranges from 7-14 storeys in height, stepping up from the 6 storey buildings to the south and 4 storey buildings to the east towards the 20 storey building at Hay Currie Street and the 20 storey tower at 120 Chrisp Street.

Tower

- 9.122 The proposed tower building rises to 25 storeys and is located at the south east corner of the site, marking the key arrival point within the local area opposite All Saints DLR station. The form of the tower comprises an interlocking square in order to maximise the aspect and views from the building. Differences in the form and articulation of the building create vertical variety, break up the massing and add interest to the elevation and townscape views. At the lower levels, the building is orientated towards the new open space and key pedestrian route in to the site via Vesey Path. At the highest levels, the tower slims to a single square.
- 9.123 The tower is located at a corner junction, marks the entrance to the site and would be positioned adjacent to an existing 15 storey building on the opposite side of Chrisp Street.

Assessment

- 9.124 In terms of the appropriateness of the proposed height and scale for this location, Policy SP10 in the Core Strategy states that buildings must respect local context and townscape in terms of character, scale and bulk of the surrounding area. Specifically in relation to tall buildings, it states that tall buildings will be located in the Canary Wharf and Aldgate preferred office

locations and tall buildings proposed outside of these areas will be assessed against DM26 in the MDD (2013).

9.125 Policy DM26 sets out that building heights will be considered in accordance with the town centre hierarchy. The policy also sets out a range of other criteria for tall buildings including:

- high quality architectural design;
- providing a positive contribution to the skyline;
- not adversely impacting heritage assets or strategic and local views;
- presenting a human scale of development at street level;
- inclusion of high quality open space;
- not adversely impacting microclimate;
- not adversely impacting biodiversity;
- providing positive social and economic benefits and contributing to socially balanced and inclusive communities;
- complying with civil aviation requirements not interfering with radio/ telecommunications equipment.

9.126 Tall buildings are defined in the London Plan (paragraph 7.25) as those that are substantially taller than their surroundings, cause a significant change to the skyline or are larger than the threshold sizes set for referral of applications to the mayor (30m or taller). On this basis, the proposal includes 3 tall buildings (Block L- 10 storeys, Block M- 14 storeys and Block H- 25 storeys).

9.127 The submitted Design and Access Statement includes a map showing the distribution of heights in the locality and indicates how these step down in height away from the Canary Wharf preferred office location to the south. It also indicates four 16-25 storey buildings within close proximity to the north and east of the site (these buildings are also referenced in the 'Site and Surroundings' section of the report).

9.128 The proposed 10, 14 and 24 storey buildings would be a step down from the 25-40+ storey buildings the Canary Wharf preferred office location. Whilst the buildings would be a step up from the southern area between East India Dock Road and Canary Wharf, the site marks the start of the Chrisp Street District Centre (with the exception of the Grade II* Listed Poplar Baths and adjacent western building included in the boundary) where buildings would be taller than in a non-town centre location. Furthermore, the paragraphs above set out how each building responds to its immediate context. On this basis, the proposal is in accordance with the town centre hierarchy and responds to the existing surrounding context, in terms of character, scale and bulk.

9.129 As set out within the committee report: the architectural quality and design is considered to be of a high standard; the scheme would provide a positive contribution to the skyline; the proposals would not adversely impact on heritage assets or strategic and local views; the design presents a human scale of development at street level; the scheme provides sufficient and high quality amenity space, play space and public open space and; the development would not have negative impacts in terms of microclimate, biodiversity, civil aviation or public safety. For these reasons, the

development accords with DM26 and the relevant tall building policies and can be seen to be acceptable in terms of its height, scale and massing.

Appearance and Materials

- 9.130 The submitted Design and Access Statement sets out a strategy for layering elements of the architectural expression to provide a balance between consistency and variety, complimenting and contrasting.
- 9.131 The residential elements of the proposal will be predominantly brick. Alternative finishes are deployed in details, civic structures and skyline markers. Two principle tones of metalwork are partnered with the brickwork; a dark grey anodised finish with the two lighter bricks and a lighter champagne anodised finish with the darkest brick. Balustrades vary between glass or metal work to articulate different elements of the design and provide texture and tactility.
- 9.132 The applicant has provided physical sample boards showing the proposed material specification. Officers are satisfied the proposed materials would result in a high quality finish for the scheme.

Blocks A, B and C

- 9.133 Building A fronting Market Way and Cordelia Street is part 1, part 5, part 7 storeys in height and would be constructed of light bricks to reflect (but not replicate) the existing Festival of Britain buildings that it would adjoin. The vertical opening vent panels and panels adjacent to glazing would be formed of dark grey anodised metalwork. The metal balustrading enclosing balconies would have the same finish and the contrasting low iron glass balustrading provides variety within the block. Rowlock course detailing at the top of the building, soldier course detailing in between floor levels as well as metal panels and fenestration variation provides a good level of design detailing and interest to the elevation.
- 9.134 The ground floor treatment in Block A is a single storey height to respect the context of the single storey Festival of Britain retail. Similarly, tiling is used on columns to reflect the existing retail units and full glazing panels and black retail louvres are positioned above fascia sign level. The submission documents do not detail the lighting or materials of the panels surrounding the shopfronts, doors, fascia panels or projecting signs. A condition would be attached requiring the applicant to provide details and samples of shopfronts and lighting to ensure a high quality finish.



Figures 13 (left) and 14 (right) showing detailed bay study of Block A and; proposed view from Cordelia Street looking east respectively.

- 9.135 Building B is 6-9 storeys in height and would be constructed predominantly of the darker brick types and detailed with champagne anodised metalwork for window frames, vents and horizontal panels adjacent to windows. Again, soldier course and rowlock course brickwork add intricate design detail and interest to the elevation as well as varied forms to fenestration.
- 9.136 The building expresses a double height ground floor expression in response to the taller scale of the buildings along an artery route. The columns and additional metalwork panels at first floor level result in the ground and first floor reading as one, creating a more human scale at street level. The ground and first floors of the Cordelia Street elevation have been amended during the course of the application from a stepped façade to an angled wall in order to create a less cramped pavement and to create more active frontage to the proposed supermarket.
- 9.137 Whilst the north east corner of the building reaches 9 storeys in height, the adjoining linear block to the south comprises 6 storeys with a stepping 1 and 2 storey roof format formed of 'metal boxes.' The metal boxes would be constructed of light coloured zinc and the space above the single storey roofs allow for private amenity terraces. Similarly, Block B3 set behind Blocks B1 and B2 fronting Chrisp Street, would have the same palette of materials and stepped metal boxes to reflect the other buildings.
- 9.138 Building C is 2-7 storeys in height and reflects the design of Building B but is finished with the middle tone brick (lighter than block B but darker than block A) and darker metal panel detailing. Similarly, building C has elevations fronting Chrisp Street and also a setback building (C2) set within the surrounding buildings. This has been detailed to reflect the buildings fronting Chrisp Street.



Figure 15- Proposed Chrisp Street (west) elevation showing (from left to right: proposed market canopy, retained Callaghans Pub and proposed Blocks C, B (with boxes on roof and including tallest corner building) and A (set back).

Blocks D and E

9.139 Low scale housing is being developed to form a completed edge along Kerbey Street and to the west of the Festival of Britain building. The mass and pitched roofs reflect the Festival of Britain residential properties, whilst dormer features and roof terraces reinterpret the traditional house with contemporary architectural expression. Articulation of each narrow fronted unit gives the rhythm of a traditional terrace and units with ground floor accommodation has direct access from Kerbey street, providing activity and reinforcing the terraced character.

9.140 A palette of light coloured brick and metal seamed roofing responds to the retained festival of Britain buildings in a manner which seeks to complement and extend the units rather than compete with them.



Figures 16 (left) and 17 (right)- Detailed elevation bay of Blocks E and F and; proposed view from Cordelia Street looking south down Kerbey Street.

9.141 In addition to the townhouses along the west elevation, Block D also attaches to and extends the festival of Britain terrace rank fronting the southern side of Market Way, ending with a 4 storey pavilion block at the corner of Market Way and Kerbey Street. The materials would match those for the townhouses as outlined above, with an altered roof form and fenestration proportions to reflect the larger massing and facades of this block.

Blocks F and G

9.142 Blocks F and G extend from 2-9 storeys in height and use the same palette of materials as Block C, the middle tone of brick is used and the dark grey anodised metalwork is incorporated for window frames and panels. On

these blocks, the top floors are continued in brickwork and include glass balustrading for balconies. Metal balustrading features on the corners of buildings and in the middle of the block creating some verticality supported by the brick coursing on the corners of the upper levels. The break in the building above second floor level on the east and west elevations break up the mass and allows in light for the amenity areas behind.

- 9.143 Similarly to Blocks B and C, double height ground floor treatment is used. A 'goalpost' design strategy has been adopted so that the entrances are unified whilst blending in the 1.5 storey height loading bay entrance. Where the loading bay terminates, balcony balustrading in adjoining columns has been used to reflect the same proportions. The signage zone is controlled to ensure there is good retailer presence without dominating the façade.



Figure 18- Proposed view from southern side of East India Dock Road looking north up Crisp Street. Image shows base of tower with Blocks F and G and the Clock Tower in the background.

Blocks J, K, L

- 9.144 While there are cross section drawings of blocks J and L, there are no detailed bay sections showing material palette. The applicant has explained that page 125 of the June 2016 Design and Access Statement shows where building materials and design detailing are intended to match other blocks. Block J then would match Blocks C and F with the same mid tone brick, dark metal work and same brick and balcony detailing. Block J is 2-6 storeys in height, stepping down from 6 storeys to 5 storeys eastwards where it adjoins the single storey cinema and then 3 storey hub building.
- 9.145 Block K is 4-6 storeys in height and would be detailed with the darkest tone of brick and with the most contrasting (champagne coloured) metal work. Rib coursing details the columns on the upper floors and the building terminates with the stepped 'metal boxes' that also feature on other blocks and allow for terraces above the single storey elements. The ground floor elements read as being single storey and provide a contrast to the civic buildings and tower building to east. The south west corner of the building has glass balconies at Level 4 contrasting from the lower floors and the floor level matches the shoulder height of the George Green building opposite, taking account of the surrounding context.
- 9.146 Block L is finished in materials matching Blocks A, D, E and M1. It is constructed of the lightest colour brick, closest to the Festival of Britain

retained buildings and incorporates grey anodised metalwork. The lighter brick creates a lighter weight appearance for the 8-10 storey building, which is set back from the south, east and west.



Figure 19- Proposed view from southern side of East India Dock Road looking east. Image shows proposed Block K adjacent to existing George Green building.

Block M

- 9.147 Block M1 and M2 are positioned on the eastern side of Crisp Street and are 7-14 storeys in height. Block M1 is the 7 storey element and is detailed with the same materials and detailing as blocks C, F and J with mid tone brick work and anodised grey metal frames and panels. Brick coursing and detailing match these blocks and the ground floor reads as single storey. This building also includes 'metal boxes' but these are not stepped in height and allow for one entire terrace at roof level but the parapet height reached 1.5 storeys reading as a similar proportion to boxes on adjacent buildings.
- 9.148 Building M2 is the taller 14 storey element that is detailed with the same lighter brick and grey anodised metal as buildings A, D, E and L. The lighter brick combined with the use of wide glass balconies on corners gives a lighter weight appearance and breaks up the massing from the darker brick on building M1. The rear of the building fronts the railway line where there are no balconies (except at either corner which are behind a glazed screen) but there is ribbed coursing detail between fenestration to create interest in the elevations.

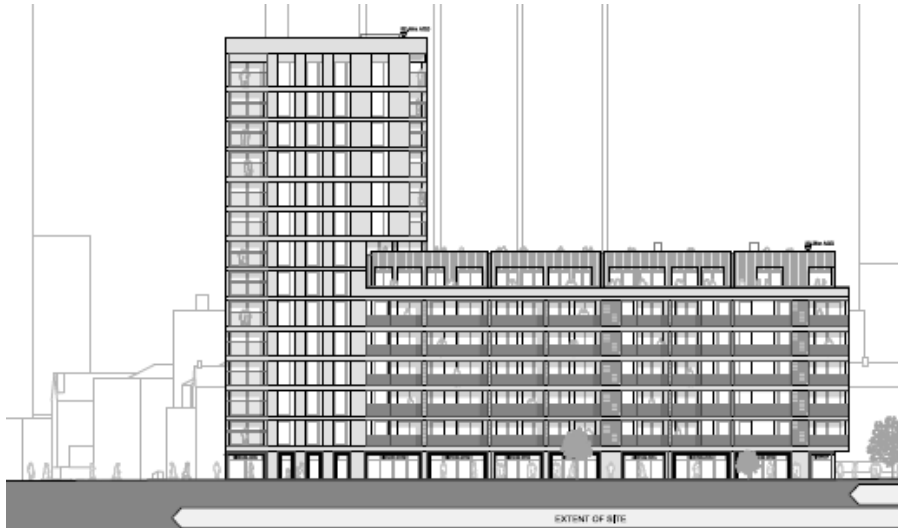


Figure 20- Proposed western elevation of Block M

Tower Building (Block H)

- 9.149 The tower design has been amended to respond to issues raised by the independent daylight/ sunlight consultant regarding solar glare and also to respond to design comments around the ground floor arrangements. Reduced balcony widths and square edge balconies lessen the area of glazing facing East India Dock Road and this is implemented across the tower for consistency.
- 9.150 The materiality is now more in keeping with the existing and proposed context, the translucent white glazing, precast concrete and grey metalwork more akin to the Canary Wharf major centre have been replaced with warmer tones of metal work predominantly using a champagne anodised finish that will match elements of Block K creating consistency in views from east and west along East India Dock Road. The level of glazing at ground floor however has been increased to enhance the activity and vitality of the streetscape.
- 9.151 Vertical tones of ribbed champagne anodised aluminium are proposed on all facades. These are intersected by bronze strips at each floor. The vertical fascias for balconies are now finished with bronze aluminium as opposed to glazing, the balconies soffits are finished with light champagne anodised aluminium. Bronze painted back glass is incorporated at slab level. It should be noted that it is the high quality finish of the anodised aluminium which has assured officers of the overall design quality and finish and it will be particularly important to maintain this element in building out the proposed development.



Figures 21 (left) and 22 (right)- CGI's of top of proposed tower and base of proposed tower respectively.

Hub Building

- 9.152 The hub is sited to the north of the idea store and has the potential to connect services with this building. The Design and Access Statement informs that the market canopy and the central hub building are a pair of structures which frame and define the market square and offer urban counterparts to the pair of retained Festival of Britain buildings. The hub will resonate the form and expression of the canopy with the timber lattice grid roof which is visible from within the market square. Residential units along Vesey Path and above the cinema are protected by overlooking by opaque glazing (second and third floors) or shielding with vertical fins (first floor). The vertical fins subtly change direction across the east and north elevations offering privacy and visual variety. The glazed ground floor opens up to the public realm and offers visual permeability.



Figure 23- CGI of proposed hub building adjacent to proposed cinema. Part of market canopy can be seen on left hand side.

Market Area

- 9.153 The market area itself will be repaved to include easily accessible services for stall holders (power, drainage), street furniture, bicycle parking and restricted vehicle access for stall holders. More detail on this is provided under the 'Landscaping' section of the report.
- 9.154 A new canopy will replace the existing canopy, fronting on to Chrisp Street where it can allow views across Market Square to the clock tower. The canopy is set out on a diagonal grid. The diagonal pattern is a theme also expressed in the form of the canopy roof, hub building, the clock tower, paving and underside the balconies on the tower building. The canopy would be glass and timber to create interesting light pattern, the top of the roof would be metal and glazed sections. Smaller kiosk spaces are created as part of the canopy structure.

Retaining of architects

- 9.155 Given that the proposal has been through 4 years of detailed pre-application discussions around layout, massing, heritage assets and intricate design detailing and specifications, maintaining the quality of the development throughout the buildout would be dependent on retaining the architectural consultants involved in designing the intricate details. As such, should permission be granted, architect retention would be secured via section 106.

Landscaping

- 9.156 The proposed development seeks to provide new areas of landscaping and public realm that would exceed what is currently on site. The proposals include pocket parks at the north west corner of the site fronting Cordelia Street and south of block M fronting Chrisp Street; a play space area in the centre of the site adjacent to the market area; planting and seating to the south of the site fronting East India Dock Road and; reprovding the market canopy, stalls, hard landscaping in the market area as well as resurfacing the ground, new seating, planting, lighting and bike storage throughout the site.
- 9.157 Overall, the landscaping proposes a variety of hard and soft landscaping and materials that would compliment the overall design. However, should permission be granted, officers would seek an alternative arrangement for the layouts of the pocket parks fronting Cordelia Street, Chrisp Street and the internal park area adjacent to the market. These spaces are identified as accommodating play space and do not include a range of play equipment. However, with a condition included for an alternative layout with play equipment to be reviewed and agreed by the local planning authority, officers are satisfied the proposed spaces would be well designed.
- 9.158 The specific seating, planting, lighting, surface materials, play equipment and street furniture would be subject to a condition to ensure a high quality finish.
- 9.159 In light of the above and subject to the necessary conditions requiring further details of both the hard and soft landscaping materials, officers consider that the landscaping proposals are acceptable as they will significantly improve

the pedestrian environment of the site, and result in a significant improvement to Lochanger Street and connecting routes

Secure by Design

- 9.160 The applicant has engaged with the Metropolitan Police's Secure by Design team as part of the design process and they have been consulted with as part of the planning application process. The Secure by Design officer raised no objection to the proposed design of the scheme and has requested that a condition be imposed (in the event that planning permission is granted) which requires the applicant to achieve Secure by Design accreditation prior to the commencement of the development. Furthermore, the applicant has committed to providing CCTV on the site and this would be secured via condition. With the inclusion of the abovementioned conditions, the development would incorporate measures to increase safety and reduce antisocial behaviour on the site.

Heritage Considerations

- 9.161 When determining planning applications affecting the setting of listed buildings, Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special regard should be paid to the desirability of preserving the building or its setting, or any features of special interest. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in the exercise of its planning functions, that the Council shall pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 9.162 The implementation of this legislation has been addressed in recent Court of Appeal and High Court Judgements concerning the proper approach for assessing impacts on listed buildings and conservation areas. These are considered in more detail below however, the emphasis for decision makers is that in balancing benefits and impacts of a proposal, the preservation of the heritage assets should be given "special regard / attention" and therefore considerable weight and importance.
- 9.163 Paragraph 132 of the NPPF (2012) 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.
- 9.164 Paragraph 134 of the NPPF (2012) states that 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.
- 9.165 Paragraph 135 of the NPPF (2012) states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 9.166 The application site falls within the Langdon Park Conservation Area and the Grade II Listed Clock Tower and Festival Inn Pub both fall within the site boundary. North west of the site is the Grade II Listed Lansbury Lawrence Primary School. West of the site is the Locally Listed George Green building, Grade II Listed Buildings at 153 and 133 East India Dock Road and Grade I and II Listed Buildings at Calvary Church. To the south, the nearest Listed Buildings are the Grade II Listed Pope John House, Poplar Baths and Grade I and II Listed Buildings surround All Saints Church. St Matthias Church Conservation Area is to the south, All Saints Poplar Conservation Area is to the south east and the Balfron Tower Conservation Area is to the east. The site would not fall within any of the strategic viewpoints identified in the London View Management Framework (2012).

Demolition

- 9.167 The extent of demolition was informed by an Alan Baxter Assessment of the Conservation Area. This clearly set out those elements of significance within the Conservation area and identified those elements of lesser or no significance.
- 9.168 The matter was further considered during the pre-application process and subject to the suitability of the replacement buildings, and the need for them to preserve or enhance the character of the conservation area, the extent of demolition is considered to be acceptable.

Works to Grade II Listed Clock Tower and Grade II Listed Festival Inn Pub

- 9.169 The proposals involve the cleaning, lighting and refurbishment of the clock tower. The Conservation officer would wish to see details of the method of cleaning and details of the works within a separate Listed Building Consent. The refurbishment works would be secured via section 106 if the application were to be approved given that this would be a heritage benefit.
- 9.170 Whilst there are no works proposed to the Grade II Listed Festival Inn pub, the proposals involve a new wall adjoining the northern boundary wall of the pub. Conservation and Design have raised no objections to the proposed works but would wish to see the specific joining details within the Listed Building Consent application. An informative would be attached to the decision notice to remind the applicant that a separate Listed Building Consent would be required for the works to the clock tower and pub.

Trees

- 9.171 The proposals involve the loss of 55 mature trees, 45 as a result of construction. These trees contribute to the amenity of the area and reflect the character of the broader Conservation Area. Whilst their loss might be considered harmful to the character and appearance of the Conservation Area, this is one element of a much grander scheme which ultimately preserves the overall character of the Conservation Area. The proposals involve planting 44 new trees to replace those lost. The stock sizes and species for the replacement trees would be secured by condition.

Shopfronts

- 9.172 Where new shopfronts are being introduced into existing festival of Britain buildings, care will need to be taken to ensure that the new shopfronts, including the details of materials, signage, security and ventilation adequately reflect and protect the character of the festival of Britain buildings which form an important part of the Conservation Area. Should permission be granted, conditions would be attached to secure these details.

Lighting Strategy

The lighting strategy submitted in an indicative document and would not be included in the approved documents should permission be granted. The document raises a number of issues with regard to the details of the way in which the shopping arcades are to be lit, the shopfront lighting and the lighting for projecting signs. Of particular concern is the high level, bright lighting and apparent signage to the hub buildings, this would not be appropriate and would cause harm to the character of the Conservation Area. However, details of this signage is not on the drawings that would be approved should permission be granted and therefore, the details of the lighting would be conditioned.

Impact of scale of buildings

- 9.173 The conservation and design officer, whilst in agreement with officers view that the less than substantial harm caused by the proposals to designated heritage assets would be outweighed by the public benefits of the scheme in accordance with paragraphs 134 and 135 of the NPPF (2012), sets out several aspects of the scheme that would lead to less than substantial harm as outlined in the following paragraphs. It should also be noted that the Conservation Officer has reviewed and updated comments since the clock tower and Festival Inn Pub gained Grade II Listed status during the course of the application. The following paragraphs represent the council's position taking in to account the newly Listed buildings.
- 9.174 The conservation comments outline that the existing Fitzgerald House is less prominent than the proposed building H in views from within the churchyard of All Saints Church, being set further away from the spire of All Saints. Furthermore, View 7 of the townscape and visual impact assessment indicates building H would appear bulky in comparison to the spire of All Saints, when viewed from the churchyard. However, whilst lower than the proposed tower, the Fusion building is much closer to the steeple of All Saints Church and therefore this view has already been harmed. The abovementioned factors result in less than substantial harm to the setting of the Listed All Saints Church and to the Lansbury and All Saints Church Poplar Conservation Areas. It has also been noted by the Conservation and Design officer that the harm is at the lower end of the scale of less than substantial harm.
- 9.175 In relation to Block K, the conservation comments note that the locally listed George Green School is evident in views 18 and 24. Block K is set forward of the school building and the height rises above the tower on the school building. As such, it is concluded that the proposed building dominates the setting of the locally listed building. However, the Conservation officers comments also note that the separation between the George Green building

and the proposed buildings by virtue of Kerbey Street to some degree insulates the George Green building. Furthermore, it was noted that views are currently dominated by Fitzgerald House and that the removal of this building would be an improvement to the view. As outlined in the policy context above, paragraph 135 of the NPPF states that proposals that impact a non-designated heritage asset will require a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.

- 9.176 Blocks B3 and C2 adjoin the easterly terrace of the Market Way housing. A key element of this historic housing is its scale and roofline which is punctuated at regular intervals by chimneys. View 23 clearly indicates that these buildings set to the east of Market Way will project above the roofline of the market way housing and will obscure the silhouette of the chimneys. However, there is no impact on the chimneys themselves and whilst the silhouette is lost for some of the chimneys this at the northern end of Market Way, those at the southern end remain silhouetted and thus the harm is limited and is at the lower end of less than substantial harm to the Conservation Area.
- 9.177 In relation to Block F, it was stated that view 5 shows the height of Block F competes with the Listed clock tower. Similarly Block M is taller than the context of the clock tower and the low rise buildings surrounding Market Square. However, it should be noted that the clock tower continues to be framed against the sky, and as such continues to be the focus of the view, with the building closest to the tower appearing lower than the clock tower. The extent of harm to the Conservation Area therefore is less than substantial, with the harm being at the low part of the scale.
- 9.178 It should be noted that while the above points set out the harmful impacts to the heritage assets, predominantly by virtue of the scale of the buildings; it is also the case that aspects of the design within these views (predominantly the materials and design detailing) are actually an improvement to what is on site. This is recognised in the external appearance section of the report above and reflected in the public benefits to the scheme in the paragraphs below. However, the overall position on the basis of the abovementioned viewpoints is that there is less than substantial harm to the designated heritage assets for the reasons set out above.

Assessment of harm to heritage assets

- 9.179 In the case of the locally Listed George Green School building, a balanced judgement must be applied to consider the scale of any harm or loss and the significance of the heritage asset. As outlined above, whilst Block K would be set forward of and taller than the George Green building, the proposals would not involve any demolition of the locally Listed building and would not conceal the building in the local views submitted despite being positioned forward of the building line and slightly taller. Officers therefore support the proposals on balance. Furthermore, reducing the height or pushing back the building line would have a significant impact on the amount of housing and thus scheme viability and affordable housing.
- 9.180 As outlined above, the scheme proposals result in less than substantial harm to the relevant Listed Buildings and Conservation Areas. In line with paragraph 134 of the NPPF (2012), this harm should be weighed against the

public benefits of the proposal. The applicant has outlined the following scheme benefits in the respective planning and heritage statements:

- Preserving the heritage features on site, namely the existing Festival of Britain housing and retail units; the Grade II Listed clock tower and Festival Inn pub;
- The layout of the proposals will open up views in to the site, market square and to the Listed clock tower;
- Enhancements to the existing Festival of Britain retail units including new shopfronts; reinstating original tiling on columns; providing service access to the rear via loading bays or service routes and; updated service connections for gas, water and power;
- Enhancements to the Grade II Listed clock tower including cleaning, refurbishment works and lighting;
- Significant public realm improvements and enhancements to the existing market and wider site including: new public squares and open spaces throughout the site; new and improved public routes through the site; a new canopy to the market; re paving the market area; new easily accessible power / drainage services for stall holders; street furniture; bicycle spaces and; restricted waste vehicle access for stall holders. The adjacent 'hub' building will offer facilities for the general public and stall holders including welfare facilities and small business work space;
- The layout of the proposals will reinstate the fragmented streetscape, particularly along Chrisp Street and Kerbey Street by consolidating and reducing the number of vehicular access and servicing points;
- Revitalising the existing district centre through maintaining, increasing and enhancing the supply of the town centre offer including the introduction of a cinema, new anchor store, new food and drink uses and an flexible community/ affordable work space centre at the heart of the site;
- Creation of approximately 500 new jobs as well as financial and non-financial contributions to employment and enterprise and apprenticeships;
- Delivery of 649 high quality homes that would contribute to the boroughs housing stock, 35.7% of which would be affordable homes and;
- Delivery of new, well designed buildings that would have a high quality external appearance.

9.181 Officers agree that the abovementioned points offer significant public benefits. The less than substantial harm caused to the designated heritage assets would be outweighed by the public benefits of the scheme in accordance with paragraph 134 of the NPPF (2012).

Conclusion

9.182 Officers consider that the proposed design of the scheme is acceptable in terms of its impact on views and heritage assets, its layout, height, scale and massing, its appearance, landscaping and material palette, and has also been designed in accordance with Secure by Design principles. As such officers can conclude that the application is acceptable in design terms.

Amenity

Policy Context

- 9.183 Paragraph 17 of the NPPF states local planning authorities should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 9.184 Policy 7.6 of the London Plan (2016) seeks to ensure that development does “not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate”.
- 9.185 The Council’s Core Strategy policy SP10 (4) seeks to ensure that development “protects amenity, and promotes well-being (including preventing loss of privacy and access to daylight and sunlight)”.
- 9.186 The Council’s Managing Development Document policy DM25 states that “development should seek to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm”.

Overlooking, Outlook, Privacy and Enclosure Impacts for Neighbours

- 9.187 Figure 24 below shows the nearest residential properties, with non-residential uses marked in italics. Distances to neighbouring residential properties outside of the red line boundary are all in excess of the 18m guideline set out in the supporting text to Policy DM25 in the MDD (2013).
- 9.188 However, within the site there are some departures from the 18m guidelines between existing and new accommodation and between the new residential blocks:

Blocks A,B and C

- 9.189 Within these blocks, 18m distances are maintained between proposed units and the existing Festival of Britain housing with the exception of between the first floor north facing window and 2 second floor north facing windows on Callaghans pub. The distance between the south elevation of Block C2 and the north elevation of Callaghans pub is 14m. However, the applicant has confirmed that this is ancillary accommodation to the pub. Furthermore, the first floor window is staggered and only the most westerly of the Callaghans second floor windows would be opposite a proposed living room.
- 9.190 In terms of between the proposed units, the northern elevation of Block B3 would be 12m from the southern elevation of Block B1/ B2. There would be 2 instances of windows for habitable rooms facing each other on second, third and fourth floor levels, affecting 6 units. However, the windows are staggered and do not directly face on to one another. In addition, the most southerly unit in block B2 has a living room on floors second, third, fourth and fifth floor levels that face habitable rooms in Block B3 (12.5m distance). Again, the windows are staggered so that there is no direct overlooking.

Blocks D and E

- 9.191 Within Block D, there are 5 instances of 12-15m distances between the proposed residential units fronting Kerbey Street and the retained festival of Britain units fronting Market Way. The existing properties are 2 storey maisonettes starting at ground floor level and with rear gardens at first floor level adjacent to the proposed Block D. By virtue of the fences enclosing the existing property gardens and the enclosed gardens for the proposed units, the first floor windows would not overlook one another. At second floor level, 3 proposed bedrooms would face on to the second floor bedrooms of the existing units. However, the windows are staggered again to avoid direct overlooking and kitchen/ dining windows have been angled to avoid direct overlooking.
- 9.192 Within Block E, the most southerly unit would have a balcony at second floor level fronting a single second floor window in the Festival Inn pub which serves ancillary accommodation to the pub. Should permission be granted, a condition would be attached requiring screening of the balcony avoiding overlooking in to the residential accommodation.

Blocks H and G

- 9.193 The south elevation of Block G and the north elevation of Block H are 7m apart. However, as above, the windows have been staggered to affect direct overlooking and the use of balcony screening in this area would prevent overlooking.

Block K

- 9.194 There are 3 units to the most westerly point of Block L that have windows facing the northern elevation of Block K2 that are 13m apart. This results in 5 units that have habitable rooms facing on to one another. However, the distances are marginally below the guidelines and predominantly involve living rooms facing bedrooms which will be used at different times of the day.
- 9.195 Overall, while there are some departures from the 18m guidelines, there are few instances that significantly depart from the guidelines in the context of the scale of the scheme in this urban area with retained buildings. Angled and staggered windows have been utilised to mitigate privacy issues where the guidelines are not met. A condition securing the installation of balcony screens would also prevent any overlooking from proposed balconies. On balance, the scheme is acceptable in this regard and would not cause any material impact in terms of overlooking/ loss of privacy for existing or proposed residential properties.

Lansbury Lawrence School

- 9.196 The proposed Block D would be approximately 12m from the Lansbury Lawrence primary school which is below the 18m guideline set out for habitable rooms facing other habitable rooms or schools. At ground floor level, the schools windows have screening and so privacy would not be an issue. At first floor level, there are unobstructed windows, however, these would be positioned above the centre of the first and below the centre of the second floor levels of the proposed Block D and as such would not result in

direct overlooking. As such, the proposed arrangement is considered acceptable on balance.

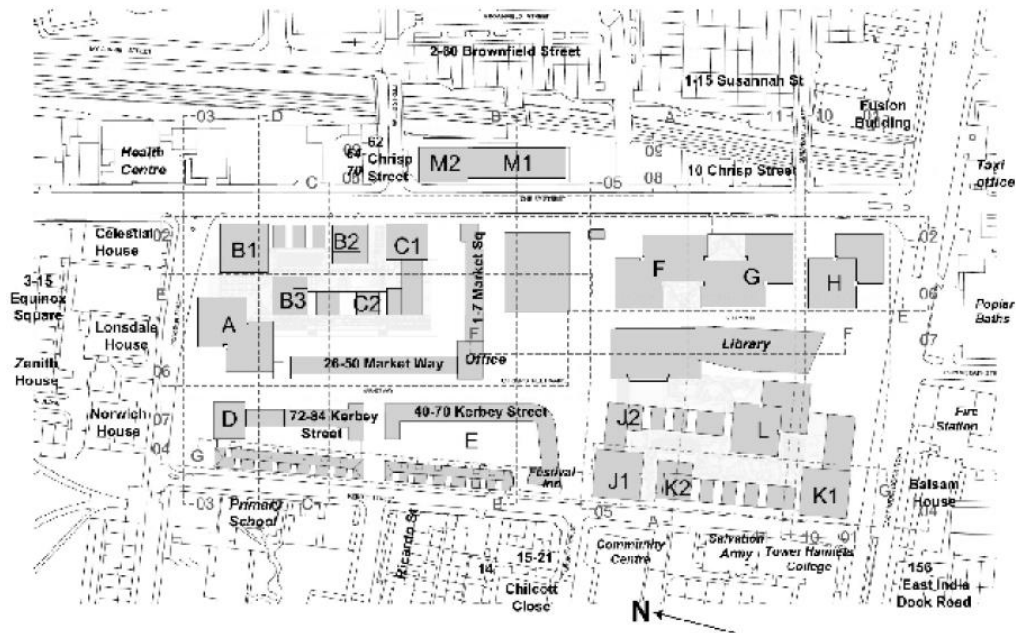


Figure 24- Map showing nearest residential properties

Daylight and Sunlight Impact for Neighbours

9.197 Guidance on the assessment of daylight and sunlight impacts is set out in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. When calculating the impact a proposed development has on the daylight to neighbouring properties, the primary form of assessment is the Vertical Sky Component (VSC) method which measures the amount of skylight falling on a vertical wall or window, together with the No Sky Line Contour (NSC) method which is a measure of the distribution of daylight within a room. When combined these tests measure whether a building maintains most of the daylight it currently receives. When calculating the impact a proposed development has on the sunlight to neighbouring properties, the Annual Probable Sunlight Hours (APSH) method is used to calculate how much sunlight the window can receive. It should be noted that this calculation is only applicable to windows which face within 90 degrees of south as windows which face within 90 degrees of north would have no expectation of sunlight. Finally when calculating the impact a proposed development has on the overshadowing of external amenity spaces, the Sunlight Amenity Assessment is used which calculates the proportion of an amenity area which receives at least two hours of direct sunlight on the 21st March.

9.198 In accordance with BRE guidelines in order for a proposal to be regarded as meeting the VSC criteria, upon completion of the development a window should either retain 27% VSC in absolute terms or retain at least 80% of its existing VSC value. In order for a proposal to be regarded as meeting the NSC criteria, upon completion of the development it should retain at least 80% of its existing NSC value. In order for a proposal to be regarded as meeting the APSH criteria, upon completion of the development a window should retain at least 25% total APSH with 5% in the winter months in

absolute terms, retain at least 80% of its existing total and winter APSH values, or the loss of total absolute annual APSH should be less than 4% of the total former APSH value. Finally in order for a proposal to be regarded as not unacceptably overshadowing an existing external amenity space, at least half (50%) of any assessed external amenity space should see direct sunlight for at least two hours on the 21st March.

9.199 As pointed out within the BRE document, the guidelines and purely advisory and the numerical target values may be varied to meet the needs of the development and its location.

9.200 As part of the submitted Environmental Statement the applicant has undertaken a daylight and sunlight assessment which assesses the impact of the proposed development on a number of surrounding properties and external amenity spaces as listed below. This report has also been reviewed by an independent daylight and sunlight specialist instructed by the Council.

Surrounding properties:

- 15-21 Chilcot Close;
- 14 Chilcot Close;
- Market Square (Within site boundary);
- Market Way (Within site boundary);
- Market Way West (Within site boundary);
- Ricardo Street;
- Balsam House;
- 156 East India Dock;
- Norwich House;
- 62 Chrisp Street;
- Brownfield Street;
- 10 Chrisp Street;
- Fusion Building;
- Equinox (Bellway Site Tower);
- Equinox (Bellway Site Block A);
- Equinox (Bellway Site Block B); and
- 1-15 Susannah Street.

9.201 Figures 25 and 26 below show the location of the surrounding properties:

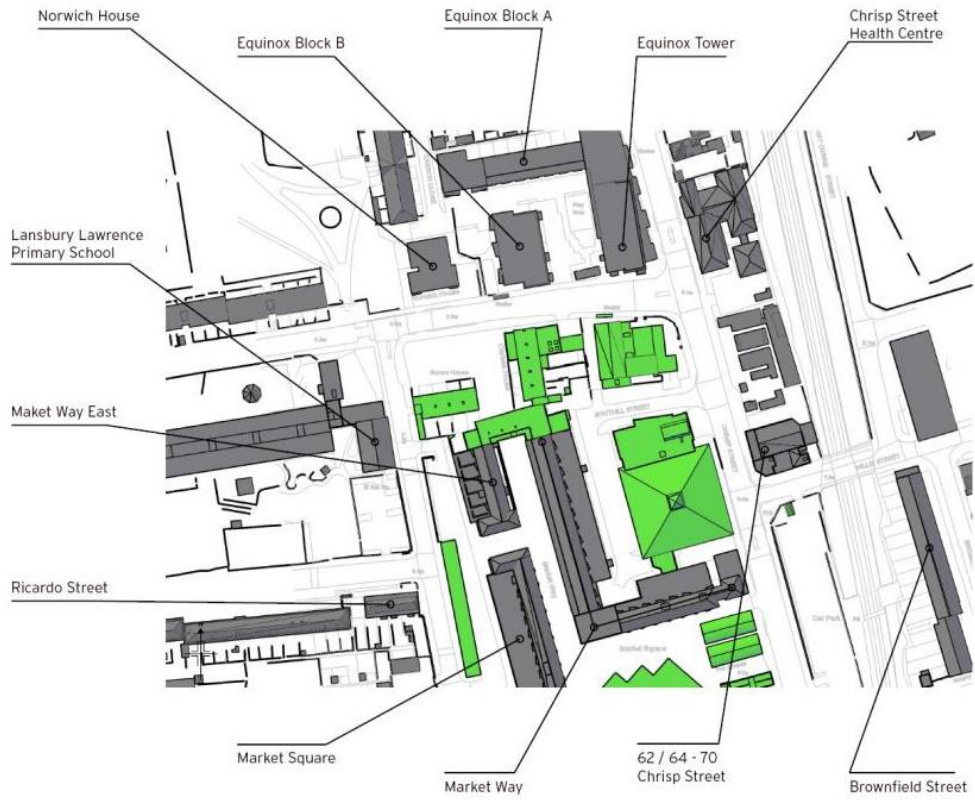
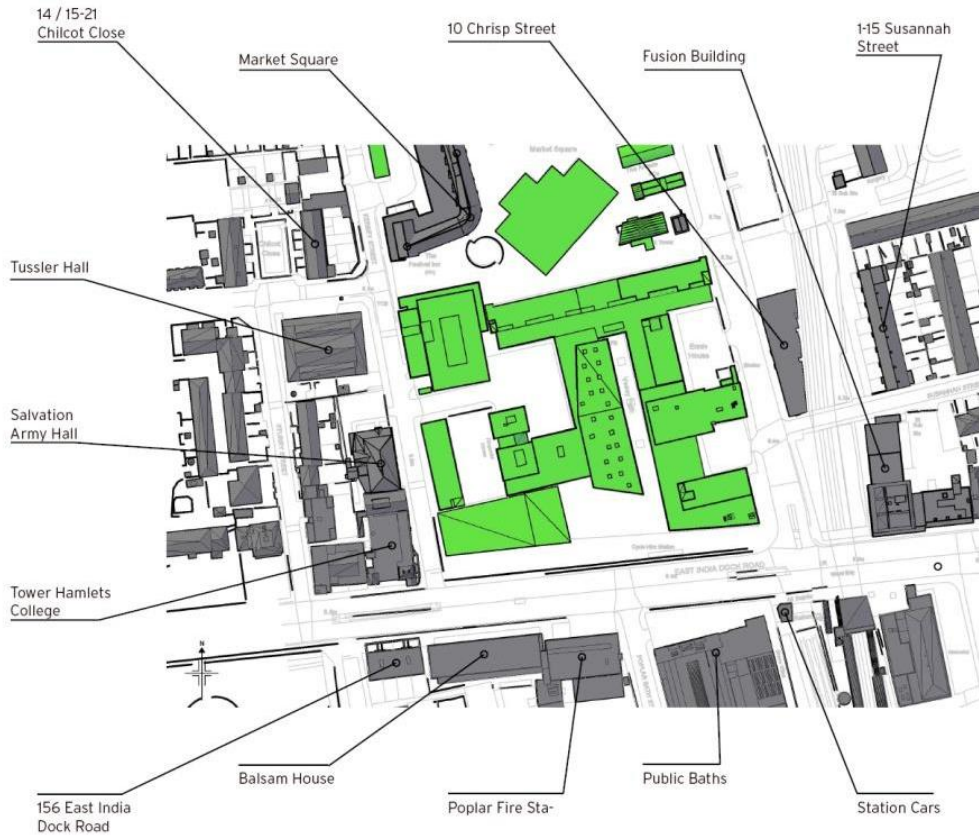


Figure 25 (above) and Figure 26 (below) – Maps both showing location of surrounding properties



9.202 The table below summarises the number of windows tested within each property and how many of these meet the BRE guidelines for daylight (ie being 0.8 times the former value of the existing VSC level).

| Surrounding properties | Total number of windows | Total number of windows that achieve VSC levels in excess of 27% or a reduction of less than 20% from the baseline level | Total number of windows that achieve VSC levels below those suggested in the BRE guidance | | | |
|--------------------------------|-------------------------|--|---|---------------------|----------------|-------|
| | | | 20%-29.9% reduction | 30%-39.9% reduction | >40% reduction | Total |
| 15-21 Chilcot Close | 27 | 22 | 4 | 0 | 1 | 5 |
| 14 Chilcot Close | 2 | 2 | 0 | 0 | 0 | 0 |
| Market Square | 124 | 103 | 10 | 9 | 2 | 21 |
| Market Way | 125 | 99 | 4 | 15 | 7 | 26 |
| Market Way West | 28 | 27 | 0 | 1 | 0 | 1 |
| Ricardo Street | 14 | 14 | 0 | 0 | 0 | 0 |
| Balsam House | 43 | 20 | 4 | 14 | 5 | 23 |
| 156 East India Dock | 16 | 16 | 0 | 0 | 0 | 0 |
| Norwich House | 88 | 85 | 3 | 0 | 0 | 3 |
| 62 Chrisp Street | 8 | 2 | 0 | 1 | 5 | 6 |
| Brownfield Street | 94 | 13 | 23 | 50 | 8 | 81 |
| 10 Chrisp Street | 90 | 15 | 9 | 33 | 33 | 75 |
| Fusion Building | 76 | 65 | 11 | 0 | 0 | 11 |
| Equinox (Bellway Site Tower) | 61 | 34 | 7 | 8 | 12 | 27 |
| Equinox (Bellway Site Block A) | 50 | 50 | 0 | 0 | 0 | 0 |
| Equinox (Bellway Site Block B) | 21 | 5 | 2 | 8 | 6 | 16 |
| 1-15 Susannah Street | 27 | 21 | 6 | 0 | 0 | 6 |

9.203 The table below summarises the number of windows tested within each property and how many of these meet the BRE guidelines for no sky line/daylight distribution (being 0.8 times the formal value of the existing NSC level).

| Surrounding properties | Total number of rooms | Total number of rooms that see a reduction of less than 20% from the baseline level in NSC | Total number of rooms that see NSC reductions suggested as noticeable in the BRE Guidance | | | |
|--------------------------------|-----------------------|--|---|---------------------|----------------|-------|
| | | | 20%-29.9% reduction | 30%-39.9% reduction | >40% reduction | Total |
| 15-21 Chilcot Close | 25 | 25 | 0 | 0 | 0 | 0 |
| 14 Chilcot Close | 2 | 1 | 1 | 0 | 0 | 1 |
| Market Square | 68 | 66 | 2 | 0 | 0 | 2 |
| Market Way | 79 | 64 | 10 | 3 | 2 | 15 |
| Market Way | 23 | 23 | 0 | 0 | 0 | 0 |
| Ricardo Street | 14 | 14 | 0 | 0 | 0 | 0 |
| Balsam House | 41 | 28 | 7 | 4 | 2 | 13 |
| 156 East India Dock | 16 | 16 | 0 | 0 | 0 | 0 |
| Norwich House | 88 | 88 | 0 | 0 | 0 | 0 |
| 62 Chrisp Street | 4 | 3 | 1 | 0 | 0 | 1 |
| Brownfield Street | 64 | 50 | 14 | 0 | 0 | 14 |
| 10 Chrisp Street | 85 | 33 | 14 | 8 | 10 | 32 |
| Fusion Building | 63 | 63 | 0 | 0 | 0 | 0 |
| Equinox (Bellway Site Tower) | 37 | 21 | 2 | 8 | 6 | 16 |
| Equinox (Bellway Site Block A) | 37 | 37 | 0 | 0 | 0 | 0 |
| Equinox (Bellway Site Block B) | 11 | 6 | 0 | 1 | 4 | 5 |
| 1-15 Susannah Street | 24 | 22 | 1 | 1 | 0 | 2 |

9.204 The table below summarises the number of windows (within 90 degrees due south) tested for sunlight within each property and how many of these meet the guidelines for Annual Probable Sunlight Hours (ASPH) annually and during winter months.

| Surrounding properties | Total number of windows facing the site and within 90° of due south | Total number of windows above the BRE suggested targets for total and winter APSH | Total number of windows below BRE suggested targets for total and winter APSH |
|--------------------------------|---|---|---|
| 15-21 Chilcot Close | 0 | 0 | 0 |
| 14 Chilcot Close | 0 | 0 | 0 |
| Market Square | 61 | 58 | 3 |
| Market Way | 87 | 87 | 0 |
| Market Way West | 15 | 14 | 1 |
| Ricardo Street | 14 | 14 | 0 |
| Balsam House | 0 | 0 | 0 |
| 156 East India Dock | 0 | 0 | 0 |
| Norwich House | 88 | 86 | 2 |
| 62 Chrisp Street | 6 | 6 | 0 |
| Brownfield Street | 94 | 86 | 8 |
| 10 Chrisp Street | 80 | 46 | 34 |
| Fusion Building | 76 | 76 | 0 |
| Equinox (Bellway Site Tower) | 53 | 53 | 0 |
| Equinox (Bellway Site Block A) | 50 | 50 | 0 |
| Equinox (Bellway Site Block B) | 18 | 18 | 0 |
| 1-15 Susannah Street | 26 | 0 | 13 |

9.205 The table below summarises the daylight/ sunlight impacts for each of the properties and the assessment is explained in the following paragraphs.

| Location | Impact on Daylight | Impact on Sunlight |
|---|--------------------|--------------------|
| Fusion Building, 183 East India Dock Road | Minor | Negligible |
| 10 Chrisp Street | Major | Moderate |
| 1 Susannah Street | Minor | Major |
| 3 Susannah Street | Minor adverse | Minor adverse |
| 5-15 Susannah Street | Negligible | Negligible |
| 2-60 Brownfield Street | Moderate | Minor |
| 62 Chrisp Street | Major | Minor |
| Celestial House, 153 Cordelia Street | Moderate | Negligible |
| 1-15 Equinox Square | Negligible | Negligible |
| Lonsdale House, 2 Equinox Square | Moderate | Negligible |
| Norwich House, Cordelia Street | Minor | Minor |
| Ricardo Street | Negligible | Not applicable |
| 14-21 Chilcott Close | Negligible | Not applicable |
| 156 East India Dock Road | Negligible | Not applicable |
| Balsam House, 160 East India Dock Road | Moderate | Not applicable |
| 1-7 Market Square | Minor to moderate | Negligible |
| Flat above Callaghan's | Moderate | Negligible |
| 26-50 Market Way | Minor to moderate | Negligible |
| 72-80 Kerbey Street | Negligible | Negligible |
| 40-70 Kerbey Street | Minor | Negligible |
| Flat above Festival Inn | Minor | Minor |

Properties to the east of the site

- 9.206 The Fusion Building (183 East India Dock Road) is close to where the DLR meets East India Dock Road. Windows in the west side of the building face the development site across the DLR and Chrisp Street. Loss of daylight (measured by the vertical sky component) to eleven windows would be outside the BRE guidelines, but not by much. This would be classed as a minor adverse effect. All windows would retain enough sunlight to meet the guidelines with the new development in place.
- 9.207 10 Chrisp Street is a block of flats which would directly face the new development across Chrisp Street. Loss of vertical sky component to all the windows on this side of the building would be outside the BRE guidelines. Most of the windows do not have overhangs or balconies above them, and the relative loss of VSC would range from 40% or more on the first floor to 25-30% on the fifth floor. Some windows have a balcony above and here the relative loss of light would be greater, though this is partly due to the effect of the balcony in blocking access to direct sky light. In addition, 32 rooms would have a significant impact on their daylight distribution. This would be classed as a major adverse effect.
- 9.208 There would also be a loss of annual probable sunlight hours outside the guidelines for ten living rooms on this side of the building. A further three living rooms would lose significant winter sun. However the loss of sun is made worse by the balconies above these living room windows. Without the balconies, two windows would fail the guidelines. The loss of sun would be classed as moderate adverse.
- 9.209 Whilst the percentage loss is high for several units, in many cases this is caused by existing low levels which results in a big impact where there is percentage loss. Several of the windows have the opposite condition, with very good levels of VSC significantly in excess of the guidelines. In these cases, whilst the percentage loss is significant, the resulting VSC is typical within an urban area.
- 9.210 1-15 Susannah Street (odd numbers) is a row of houses behind 10 Chrisp Street. Loss of daylight (measured by the vertical sky component) to a ground floor bay window (at 1 Susannah Street) and three first floor windows would be outside the BRE guidelines, but not by much. This would be classed as a minor adverse effect. The ground floor bay window at 1 Susannah Street would also lose around half its sunlight, which would be classed as a major adverse effect for this one dwelling. There would be a minor adverse loss of sun to 3 Susannah Street next door. Loss of sun to other ground floor rooms would be within the guidelines. There would be a loss of sunlight to some rooms at first floor level.
- 9.211 2-60 Brownfield Street (even numbers) is a four storey row of duplex flats. It would face the proposed block M above the DLR. Loss of vertical sky component would be outside the BRE guidelines for a large majority of windows, with typical relative losses of 25%-40%. A few windows on the second floor would have bigger relative losses, but that is because they are recessed. Overall, the loss of daylight is classed as moderate adverse. However, it should be noted that the resulting VSC levels are considered to be good for an urban location.

- 9.212 Loss of sunlight would generally be within the BRE guidelines except for some of the second floor recessed windows. The loss of sunlight would be classed as minor adverse.
- 9.213 62 Chrisp Street is an undertakers on the ground floor, but is assumed to have a residential flat at first floor level. This has windows facing onto Chrisp Street and Willis Street. Both window orientations would be affected by the proposed development, losing around 40-50% of their vertical sky component. This daylight impact would be classed as major adverse. Once again, the resulting VSC is considered to be typical within the context. There would be a loss of sunlight too, but enough would be left to meet the guidelines, the impact is considered to be minor adverse.

Properties to the north of the site

- 9.214 Buildings in this area face south towards the proposed development. The Equinox development occupies the area north of Cordelia Street between Chrisp Street and Carron Close. The blocks referred to in the Environmental Statement have been built and given different names. 'Equinox Tower', at the corner of Cordelia Street and Chrisp Street, is now called Celestial House (153 Cordelia Street). The area labelled 'Equinox Block A' appears to include Zenith House (1 Equinox Square) and town houses at 3-15 Equinox Square (odd numbers only). 'Equinox Block B' is now Lonsdale House (2 Equinox Square).
- 9.215 Celestial House (Equinox Tower) has eight residential floors above a commercial ground floor. Rooms in the south (Cordelia Street) elevation would directly face the new development. On floors 1-5 these comprise a living room and four bedrooms. There would be a significant loss of daylight to these windows on floors 1-3. The living room and one of the bedrooms at floors 2-5 have secondary windows that are less affected. At fourth floor level and above only a small number of windows fail the guidelines, and this is partly due to the balconies above some of them.
- 9.216 Overall the loss of daylight is classed as moderate adverse. It should be noted that the most impacted rooms are bedrooms which are less sensitive than living rooms and while the percentage reductions are high, the resulting VSC levels are typical within an urban area. There is one living room at first floor level that does result in a VSC below 10, however, the no balcony scenario shows that with the balconies on the Equinox building removed this would be 20.6%. Loss of sunlight would be within the BRE guidelines for all windows.
- 9.217 Zenith House (1 Equinox Square) and the town houses at 3-15 Equinox Square (Equinox Block A) also have south facing windows which would directly face the new development, but they are set well back from Cordelia Street. The analysis in the Environmental Statement indicates that loss of daylight and sunlight to all of them would be within the BRE guidelines.
- 9.218 Lonsdale House (2 Equinox Square, Equinox Block B) is set further forward, with south facing windows close to Cordelia Street, opposite the development site. One of these windows on each floor lights a bedroom; the others are secondary windows to living rooms. They would lose 30- 40% of their current vertical sky components. One living room on each floor has an east facing

main window for which loss of light would also be outside the guidelines (except on the top floor). This is partly due to the large balcony above the window. Overall, this would indicate a moderate adverse impact on daylight, however it should be noted the resultant VSC levels are considered to be good for the urban context. Loss of sunlight would be within the BRE guidelines and good levels of sunlight would be retained.

- 9.219 To the west of Lonsdale House is Norwich House, an eleven storey block of flats. Loss of light to nearly all the windows would meet the BRE guidelines, but there are three windows below the daylight guideline and two below the sunlight guideline. This is partly due to the balcony above the window. The loss of daylight and sunlight is assessed as minor adverse.

Properties to the west of the site

- 9.220 Across Kerbey Street there are few existing residential buildings. The Environmental Statement has analysed loss of light to some windows in a terrace of flats in Ricardo Street. There are no windows in the flank wall facing the development site. The Environmental Statement has evaluated loss of daylight and sunlight to south facing windows (at the rear of the block) and shown that they would all easily meet the BRE guidelines. Windows at the front of the block have not been analysed, but the loss of daylight is expected to be similar, the independent consultant agreed these did not need to be tested. Loss of sunlight would not be an issue for the front windows as they face north.

- 9.221 Further south are dwellings in Chilcott Close. 14 Chilcott Close has windows in a flank wall facing the development site. 15-21 Chilcott Close has rear windows facing the site. Loss of daylight to these windows would be within the BRE guidelines. Loss of sunlight is not an issue as they face slightly north of due east.

- 9.222 Windows within the Lansbury Lawrence School have been tested and loss of daylight to ten windows would be outside the BRE guidelines, but seven of the windows light rooms which are also lit by other, unaffected windows. Only three windows are the sole source of light to a room; it is not known what sort of rooms these are, however, the resulting VSC levels are above 20% which is considered to be typical within an urban location. The impact is considered to be minor adverse.

Properties to the south

- 9.223 156 East India Dock Road would be within the BRE guidelines. Loss of sunlight would not be an issue for these windows as they face north. Next door is Balsam House, 160 East India Dock Road. Windows at the front of the building would face the new development. At ground, first and third floor levels these open out onto access decks. The overhangs above the windows block incoming daylight, and this contributes to the significant relative losses of light at ground floor level, and at the eastern end of the first and third floors. Without the overhangs, loss of vertical sky component to six windows at ground floor level would be marginally outside the guidelines, and some rooms on the first floor would not meet the daylight distribution guideline. The loss of daylight is assessed as moderate adverse. Loss of sunlight would not be an issue for these windows as they face north.

Existing properties within the red line boundary

- 9.224 1-7 Market Square are two storey dwellings above shops (a couple of them have loft extensions too). They have main windows facing south across Market Square, and entrances and other windows facing north, towards the supermarket. There is loss of light for some of the windows but all the windows retain good levels of VSC. The impacts on daylight are considered to be minor to moderate and sunlight is considered to be negligible.
- 9.225 Further east is Callaghan's Bar, which has ancillary accommodation above it. There would be a substantial loss of light to the windows facing north (currently towards the supermarket) and east (over Chrisp Street). This would be assessed as a moderate adverse. Loss of daylight and sunlight to the Market Square elevation would be within the guidance.
- 9.226 26-50 Market Way are flats above shops. They have main windows facing Market Way, and entrances and other windows facing east towards the current supermarket. The windows facing Market Way would have almost no change in their daylight and sunlight. However the bedroom windows facing east would have significant reductions in daylight, with vertical sky component losses of 20-40%. Again, the retained VSC levels are considered to be typical- good within an urban context. The impacts are considered to be minor to moderate for daylight and negligible for sunlight.
- 9.227 72-84 Kerbey Street is a small block of flats above shops. The main windows face east over Market Way, and entrance and other windows face west towards Kerbey Street. There are also some south facing windows at the end of the block. Loss of daylight and sunlight to the east and south facing windows would be within the guidelines. Loss of daylight to the west facing bedrooms at second floor level would also be within the guidelines. The impact on daylight is considered to be negligible and sunlight is negligible.
- 9.228 40-70 Kerbey Street (even numbers only, analysed as 'Market Square' in the Environmental Statement) is a larger block of flats above shops. The main windows face east over Market Way, then curve round to face south face over Market Square; and entrance and other windows face west and north towards Kerbey Street. The windows facing Market Way would have almost no change in their daylight and sunlight, but there would be a significant loss of daylight to those facing south into Market Square, but with retained VSC levels typical of an urban context. Loss of daylight to the west facing bedrooms at second floor level would be within the guidelines. Loss of daylight is considered to be minor and sunlight is negligible.
- 9.229 At the western end of the block is the Festival Inn, which has ancillary accommodation. There would be a significant loss of daylight and winter sunlight to the windows facing south (the Market Square elevation), but not those to the west and north. The impacts for both daylight/ sunlight loss are considered to be minor adverse.

Impact on Surrounding Open Spaces

- 9.230 The Environmental Statement analyses loss of sunlight to 82 existing open spaces. These are mostly small private gardens and yards. Loss of sunlight to 76 of these spaces would be within the BRE guidelines, as the area receiving

two hours sun on March 21 with the new development in place would be more than 50% of the total area.

- 9.231 Of the remaining six areas, the biggest predicted loss of sunlight would be to the small garden area (space 22 in Appendix A8.5) to 74 Kerbey Street. The new block to the west would restrict afternoon sunlight. The loss of sun would count as a moderate to major adverse effect.
- 9.232 At the other side of the development, the rooftop amenity area above Callaghan's Bar (space 64) would also be affected by the new block M across Chrisp Street. It would lose sunlight in the morning, at a time when such a space would be less likely to be in use. The loss of sun would be classed as minor adverse.
- 9.233 The other four spaces are all in Brownfield Street. Gardens to 2-30 Brownfield Street (spaces 31-46 in Appendix 8.5) would lose afternoon sun as a result of the construction of Block M. Of these only space 34, believed to be the garden to 24 Brownfield Street, would be outside the guidelines, but some other gardens have borderline losses of sun. Because the loss of sun happens at a time when people may want to be outside in the garden, it would be classed as a moderate adverse impact to number 24, and a minor adverse impact to numbers 12-22 (even numbers only).
- 9.234 Spaces 47 and 53, also not meeting the guidelines, are in a different part of Brownfield Street. These appear to be garden for 62 and 72 Brownfield Street. Though the loss of area receiving two hours sun is significant, they would actually lose little sun, in the late afternoon. This would be classed as a minor adverse impact.

Solar Glare

- 9.235 The BRE guidelines make reference to the impact of solar glare. There are no specific standards setting out what constitutes an acceptable level of solar glare. It is possible to calculate disability glare and compare it with guidelines for road lighting installations. The daylight/ sunlight consultant originally raised concerns with regard to solar glare impact on drivers along the A13 as a result of the originally proposed reflective glazing on the tower. The scheme design has now been changed to use low reflectance glass on key parts of the elevation. The independent consultant has advised that with this mitigation, solar glare would now be at an acceptable level.

Noise Impact

- 9.236 Chapter 14 of the Environmental Statement and the relevant appendices provide a noise assessment. Consideration is given in the assessment to the following potential effects:
- Noise and / or vibration effects on existing nearby buildings and their occupants during the proposed demolition, refurbishment and construction works;
 - Effects on occupants of existing nearby buildings due to noise from new building services plant associated with the Project;
 - Effects on occupants of existing nearby buildings associated with increased noise from changes in traffic flows due to the Project;

- Effects on occupants of existing nearby buildings associated with increased noise break-out from activity within commercial premises (specifically A3, A4 and cinema spaces) due to the Project;
- Noise effects on the Project from existing sources (e.g. roads, the Docklands Light Railway (DLR) and aircraft movements to/from London City Airport); and
- Effects on the Development from ground borne vibration associated with the DLR.

9.237 A 'worst case scenario' has been assumed in the Environmental Statement in relation to noise impacts caused by demolition and construction. Some of the significant impacts remain post mitigation. However, a Construction Environmental Management Plan would require the applicant to commit to the Councils Code of Construction Practice which amongst other things, controls working hours and noise levels. The applicant would have to apply for a separate license from environmental health the demolition/ construction works were to go beyond the agreed hours/ noise levels and this would fall outside the remit of planning.

9.238 For proposed plant which will service the completed development, suitable noise limits have been proposed to ensure that plant does not cause disturbance to existing residents in the surrounding area or future occupants of the proposed development. A condition requiring testing to demonstrate compliance with such noise limits will be imposed in the event that planning permission was to be granted.

9.239 In terms of hours of operation, the applicant would be required to submit a management plan detailing the required hours of operation for the A3, A4, A5, D1 and D2 elements of the scheme. With the inclusion of a condition requesting this information, it is not considered that that the commercial elements would give rise to unacceptable levels of noise/ disturbance.

9.240 Traffic, DLR noise and vibration and aircraft noise can be mitigated through requiring a specific glazing specification, which would be secured via condition if permission were granted.

Construction Impacts

9.241 The construction impacts of the proposal would be carefully controlled and minimised through a suitably worded condition requiring the submission of a Construction Environmental Management Plan (CEMP). Such a document would be required to detail measures as to how the A13 and surrounding roads will continue safe operation, working hours, measures to control dust, air pollution, noise pollution, vibration, and any other measures in order to minimise the impact on the surrounding residents and building occupiers.

Conclusion

9.242 Officers consider that as the proposal would not significantly adversely impact the amenity of surrounding residents and building occupiers, and would also afford future occupiers of the development a suitable level of amenity, the proposed development can be seen to be in accordance with policy SP10 (4) of the Core Strategy (2010) and policy DM25 of the Managing Development Document (2013) and is thus acceptable in amenity terms.

Highways and Transport

Policy Context

- 9.243 According to paragraph 34 of the NPPF developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
- 9.244 Policy 6.1 of the London Plan (2016) seeks to support “development that generates high levels of trips at locations with high levels of public transport accessibility” and “increase the use of the Blue Ribbon Network [...] for freight use”. Other policies relevant to this development include policies 6.3, 6.9, 6.10, 6.13 and 7.26.
- 9.245 The Council’s Core Strategy policy SP08 seeks to encourage the sustainable transportations of freight by “promoting and maximising the movement of freight by water and rail to take the load off the strategic road network”. Policy SP09 seeks to “ensure new development has no adverse impact on the safety and capacity of the road network” and promote “car free developments and those schemes which minimise on-site and off-site car parking provision, particularly in areas with good access to public transport”.
- 9.246 The Council’s Managing Development Document policy DM20 states that “development will need to demonstrate it is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of the transport network”. Policy DM21 states that “development that generates a significant number of vehicle trips for goods or materials during its construction and operational phases will need to demonstrate how the impacts on the transport network and on amenity will be avoided, remedied or mitigated”. Policy DM22 states that “where development is located in areas of good public transport accessibility and/or areas of existing on-street parking stress, the Council will require it to be permit-free” and that “development will be required to meet, and preferably exceed, the minimum standards for cycle parking”.

Trip Generation

- 9.247 Given that the proposals reduce the onsite parking by virtue of the removal of the co-op car park and that the scheme is car free with the exception of spaces for blue badge holders, it is not anticipated there would be an increase in vehicular trips. There are 14 extra spaces for blue badge holders and analysis has been undertaken to identify the likely number of movements per residential parking space. The results show that there would be no additional movement between the morning and evening peak hours (8-9am and 5 to 6pm) and as such, there would be no highways capacity/ safety concerns.
- 9.248 In terms of the impact on public transport, the table below from the Transport Assessment shows the number of additional trips during peak hours and per day. Based on these figures it can be seen that the amount of extra passengers per bus/ DLR/ tube/ rail would be small and thus the impacts on the transport network is negligible. TfL, as the service provider, have not raised any issued with the submitted traffic assessment.

| Mode | Morning Peak (08:00-09:00) | | Evening Peak (17:00 – 18:00) | | Daily | |
|---------------|----------------------------|------------|------------------------------|------------|--------------|--------------|
| | Arrival | Departure | Arrival | Departure | Arrival | Departure |
| DLR/Tube/Rail | 35 | 125 | 114 | 70 | 979 | 961 |
| Bus | 12 | 48 | 44 | 27 | 374 | 368 |
| Pedestrian | 9 | 35 | 31 | 19 | 270 | 266 |
| Cycle | 2 | 8 | 7 | 4 | 61 | 62 |
| TOTAL | 58 | 216 | 196 | 120 | 1,684 | 1,657 |

Alterations to highway

- 9.249 The proposals involve new access points to the site, zebra crossings, raised platforms and improvements to the crossing at the junction of the south side of Chrisp Street and A13. These would be secured via a Section 278 agreement which would be required as part of the section 106 should permission be granted.
- 9.250 TfL have advised that they are not satisfied with the proposed works on the A13 East India Dock Road (as set out in the landscape masterplan). An alternative landscape plan would be agreed as part of the s728 agreement for TfL managed roads.
- 9.251 The relocation of the bus stop on Chrisp Street would be secured via a section 106 agreement. Four new blue badge spaces will be provided on street and will be secured via section 106.
- 9.252 The proposed development would involve stopping up Southill Street to allow for development on this part of the site and this order would be arranged outside of the planning process.
- 9.253 The applicant has also agreed to provide a new cycle docking station that would move from the current location on East India Dock Road to Chrisp Street. The applicant has indicated there would be wayfinding signage on the site; should permission be granted, details of the signage would be requested via condition in consultation with Transport for London.
- 9.254 Officers consider that the alterations to the public highway network as outlined above will improve the highway network within the immediate context of the application site, will not have an adverse impact upon either the safety or the capacity of the surrounding highway network and will also enhance walking and cycling routes across the site and within the immediate context.

Car parking

- 9.255 The proposal involves the loss of the current co-op car park on the eastern side of Chrisp Street. There are no policies to protect car parks and the site has a good Public Transport Accessibility Location of 3-5. The proposed development would be car free with the exception of blue badge spaces and this would be secured via condition should permission be granted.
- 9.256 Whilst there are no policies to protect parking, officers did initially raise concerns in relation to how market traders would continue to operate with no parking. However, the existing co-operative car park only allows free parking for 30 minutes and then users are able to stay for a maximum of 2 hours with a fee. There is no other dedicated parking for traders on site although there are several multi bays on surrounding roads where traders can apply for a permit.

The number of multi bays may reduce (by a maximum of 4 spaces with the inclusion of additional blue badge spaces) but there would still be spaces along the majority of Kerbey Street and Ricardo Street. Furthermore, the applicant has identified unused garages approximately 650m west of the site (10 minutes walking distance) on Hind Grove that could be used for market traders to park their vehicles. Should permission be granted, this would be secured via section 106. Whilst the parking would be 10 minutes from the site, this would be an improvement to the current situation for market traders which does not provide for any dedicated parking.

9.257 There are currently 2 blue badge spaces on Kerbey Street. The proposal would involve the creation of 4 additional blue badge space on the street and 10 spaces within the site that would be secured via section 106.

9.258 Electric vehicle charging points (EVCPs) will be provided in accordance with the London plan standards (20% active EVCPs and 20% passive EVCPs will be provided) and will be secured via condition.

Cycle parking

9.259 The table below sets out the residential cycle space provision against the London Plan (2016) requirements:

| Building | London Plan (2016) | | Cycle Schedule proposed | |
|--------------|--------------------|------------|-------------------------|------------|
| | Long Stay | Short-stay | Long Stay | Short-stay |
| A | 56 | 1 | 56 | |
| B | 117 | 2 | 118 | |
| C | 42 | 1 | 42 | |
| D | 41 | 1 | 44 | |
| E | 18 | 0 | 18 | |
| F | 73 | 1 | 74 | |
| G | 69 | 1 | 72 | |
| H | 216 | 4 | 216 | |
| J | 60 | 1 | 60 | |
| K | 88 | 1 | 90 | |
| L | 88 | 2 | 92 | |
| M | 129 | 2 | 130 | |
| TOTAL | 997 | 17 | 1012 | 18 |

9.260 The table below sets out the commercial cycle space provision against the London Plan (2016) requirements:

| Class Use | London Plan (2016) | | Proposed | |
|----------------------|--------------------|------------|-----------|------------|
| | Long Stay | Short-stay | Long Stay | Short-stay |
| A1 – food retail | 17 | 26 | | |
| A1 – non food retail | 9 | 13 | | |
| A2- A5 | 35 | 153 | | |
| B1 | 2 | 0 | | |
| D1 | 1 | 7 | | |
| D2 - cinema | 1 | 21 | | |
| TOTAL | 65 | 220 | 76 | 228 |

- 9.261 As demonstrated in the tables, the number of cycles exceeds the requirements for short and long stay parking in both commercial and residential elements. The short stay residential spaces have been spread across the site within the public realm areas, which are readily accessible by those visiting. The 65 long stay commercial cycle parking spaces are all contained within enclosed areas away from the public realm, with the 220 short stay spaces all being within the public realm areas. In addition, 35 additional spaces are proposed as part of the reprovided cycle docking station.
- 9.262 Highways and TfL are satisfied with the external parking spaces and the internal basement- floor 9 cycle parking spaces on the basis they provide accessible and secure locations.

Deliveries and Servicing

- 9.263 The proposed site layout has been designed to ensure that refuse and delivery service vehicles are able to access the full extent of the site and that refuse stores are located within 10m collection vehicles. Tracking diagrams have been submitted and demonstrate that sufficient space has been provided to allow the refuse collection vehicle to turn within the site.
- 9.264 The scheme provides 4 servicing and deliveries areas (2 from Chrisp Street and 2 from Kerbey Street) and refuse collection will be from the 2 servicing areas on Chrisp Street and the southern Kerbey Street servicing area as well as several on street locations around the site.
- 9.265 All loading bays will be appropriately signed to ensure they are only used by service /delivery vehicles.

Conclusion

- 9.266 Officers consider that as the proposal would not have an adverse impact upon the local highway and public transport network, would provide suitable parking arrangements, and would be serviced in a manner which would not adversely impact the local highway network, the proposal on balance is acceptable in transport and highways terms.

Waste

Policy Context

- 9.267 Policy 5.17 of the London Plan (2016) states that development proposals should be “minimising waste and achieving high reuse and recycling performance”.
- 9.268 The Council’s Core Strategy policy SP05 (1) states that development should “implement the waste management hierarchy of reduce, reuse and recycle”.
- 9.269 The Council’s Managing Development Document policy DM14 (2) states that “development should demonstrate how it will provide appropriate storage facilities for residual waste and recycling as a component element to implement the waste management hierarchy of reduce, reuse and recycle”.

Assessment

9.270 The Council's current minimum waste requirements for new residential units are as follows:

| Unit Size | Refuse (litres) | Dry Recyclables (litres) | Food Waste (litres) |
|-----------|-----------------|--------------------------|---------------------|
| 1 Bed | 70 | 50 | 23 |
| 2 Bed | 120 | 80 | 23 |
| 3 Bed | 165 | 110 | 23 |
| 4 Bed | 215 | 140 | 23 |

9.271 The following table outlines the minimum required waste storage requirements for this development and the levels of waste storage being proposed:

| Waste Stream | Required Storage (litres) | Proposed Storage (litres) |
|-----------------|---------------------------|---------------------------|
| Refuse | 91,300 | 156,020 |
| Dry Recyclables | 48,640 | |
| Food Waste | 16,080 | |
| Total | 156,020 | |

9.272 The submitted documents demonstrate that the bin storage areas can accommodate 83x 1100L refuse bins, 38 x 1280L recycling bins and 67x 240L food waste bins in accordance with the waste capacities set out in the Managing Development Document (2013). The applicant has submitted plans demonstrating that bulk waste can be stored in the basement of Buildings A, B, C, F, G & H.

9.273 There are no specific capacities set out for commercial waste in policy. The refuse areas for commercial waste will be looked after by estate management and collected by private contractors. Neither highways nor waste officers object to these storage/ collection arrangements.

9.274 The following details would be secured in a waste, deliveries and service management plan should permission be granted:

- Internal waste storage for each residential unit of: 40 litre refuse, 40 litres recycling and 10 litres food waste should be provided internally;
- Bin stores to be built in accordance with relevant standards;
- Measurement of bins will be provided in cubic meters to demonstrate there is sufficient space in bin stores;
- Sufficient door sizes with catches or stays;
- All bin stores will be free from any steps;
- Bins to be built in accordance with relevant standards;
- Bulky waste storage must be in its own separate storage unit away from other waste streams;

- Information of dropped kerbs to be provided and within 10m of trolleying distance from bin store;
- Waste carrying distance for residents should be maximum 30 meters to the bin store;
- Managing agent will present all waste streams including bulky waste where these are not within 10 meters trolleying distance for the waste collection operatives including all waste stored at all other levels except ground level, and;
- Details of how the waste collections vehicle will service this proposals including all load and unloading areas must be provided.

9.275 Subject to the inclusion of this condition requiring a waste management strategy, officers are satisfied that the space and layout would allow for sufficient storage, access and management arrangements and thus would comply with the relevant policy.

Energy Efficiency and Sustainability

Policy Context

9.276 Paragraph 93 of the NPPF states that planning plays a key role in reducing greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. Paragraph 97 of the NPPF seeks to support development which can draw its energy supply from decentralised, renewable or low carbon energy supply systems.

9.277 Policy 5.2 of the London Plan (2016) states that *“development proposals should make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy: 1) be lean: use less energy, 2) be clean: supply energy efficiently, 3) be green: use renewable energy”*. Policy 5.3 states that *“the highest standards of sustainable design and construction should be achieved in London to improve the environmental performance of new developments and to adapt to the effects of climate change over their lifetime”*. Policy 5.6 states that *“development proposals should evaluate the feasibility of Combined Heat and Power (CHP) systems, and where a new CHP system is appropriate also examine opportunities to extend the system beyond the site boundary to adjacent sites”*. Policy 5.7 states that *“within the framework of the energy hierarchy, major development proposals should provide a reduction in expected carbon dioxide emissions through the use of on-site renewable energy generation, where feasible”*. Finally policy 5.9 states that *“major development proposals should reduce potential overheating and reliance on air conditioning systems”*.

9.278 The Council’s Core Strategy policy SP11 seeks to ensure that development helps to *“implement a borough-wide carbon emissions target of 60% below 1990 levels by 2025”*.

9.279 The Council’s Managing Development Document policy DM29 details the necessary carbon reductions over and above the building regulations requirements and states that *“development will be required to connect to or demonstrate a potential connection to a decentralised energy system unless it can be demonstrated that this is not feasible or viable”* and that *“sustainable design assessment tools will be used to ensure climate change mitigation measures are maximised within development”*.

Assessment

- 9.280 The applicant has submitted both an energy and sustainability statement which detail how the London Plan energy hierarchy of 'be lean, be clean and be green' has been adhered to in the design of the proposed building, and how sustainable design features have been incorporated into the proposal.
- 9.281 All reasonable endeavours have been made to reduce the amount of energy required by the building and supply it in the most efficient method possible, through the incorporation of a number of energy efficiency measures. These measures have led to the scheme achieving a 37% reduction in CO2 emissions against the Building Regulations 2013, the proposal therefore falls short of the 45% target by 8% which equates to 87.48 tonnes CO2. A £157,464 carbon offsetting contribution is required to mitigate the impacts and this will be required via section 106. A condition requiring the submission of the as built CO2 reduction calculations will also be required to ensure that they meet the current projected figures.
- 9.282 Part (4) of policy DM29 in the Managing Development Document states that sustainable design assessment tools will be used to ensure that development achieves the highest levels of sustainable design and construction. It should be noted that the Code for Sustainable Homes was abolished in 2015 and as such no longer applies to this development. As such the only sustainable design assessment tool relevant to this development is BREEAM which only covers the non-residential element of the proposal, and in order to meet policy DM29 the proposed non-residential elements of the proposal must be designed to achieve a BREEAM 'Excellent' assessment rating.
- 9.283 The submitted sustainability statement shows that the proposed commercial units have been designed to be BREEAM 'Excellent.' In order to ensure that the development achieves this target a condition requiring the final certificates to be submitted within 3 months of completion of the development will be imposed.
- 9.284 Subject to the conditions outlined above and the carbon off-setting planning obligation, officers are content that the proposal accords with relevant policies and guidance with respect to energy efficiency and sustainability.

Environmental Considerations

Policy Context

- 9.285 Policies 5.10 and 5.11 of the London Plan (2016) state that "*development proposals should integrate green infrastructure*" such as "*roof, wall and site planting*". Policy 5.12 states that "*development proposals must comply with the flood risk assessment and management requirements set out in the NPPF*". Policy 5.13 states that "*development should utilise sustainable urban drainage systems (SUDS) unless there are practical reasons for doing so*". Policy 5.21 states that "*appropriate measures should be taken to ensure that development on previously contaminated land does not activate or spread contamination*".
- 9.286 Policy 7.7 states that "*tall buildings should not affect their surroundings adversely in terms of microclimate, wind turbulence, overshadowing, noise,*

reflected glare, aviation, navigation and telecommunication interference". Policy 7.8 states that *"new development should make provision for the protection of archaeological resources"*. Policy 7.14 states that *"development proposals should minimise increased exposure to existing poor air quality and make provision to address local problems of air quality"*. Policy 7.19 states that *"development proposals should, wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity"*. Finally policy 7.21 states that *"existing trees of value should be retained and any loss as the result of development should be replaced"*, and *"wherever appropriate the planting of additional trees should be included in new developments"*.

9.287 The Council's Core Strategy policy SP03 states that air pollution in the borough will be addressed by *"managing and improving air quality along transport corridors"* and *"implementing a "Clear Zone" in the borough to improve air quality"*. Policy SP04 states that the Council will *"promote and support new development that provides green roofs, green terraces and other measures to green the built environment"* and that *"all new development that has to be located in a high risk flood zone must demonstrate that it is safe [and] that all new development across the borough does not increase the risk and impact of flooding"*. Policy SP10 states that development should seek to protect and enhance archaeological remains and archaeological priority areas.

9.288 The Council's Managing Development Document policy DM9 states that *"major development will be required to submit an Air Quality Assessment demonstrating how it will prevent or reduce associated air pollution during construction or demolition"*. Policy DM11 states that *"development will be required to provide elements of a 'living building'"* and will be required to deliver *"biodiversity enhancements in accordance with the Council's Local Biodiversity Action Plan"*. Policy DM13 states that *"development will be required to show how it reduces the amount of water usage, runoff and discharge from the site, through the use of appropriate water reuse and Sustainable Urban Drainage (SUD) techniques"*. Policy DM27 states that development within Archaeological Priority Areas will be required to be accompanied by *"an Archaeological Evaluation Report and will require any nationally important remains to be preserved permanently on site"*.

9.289 Finally policy DM30 states that *"where development is proposed on contaminated land or potentially contaminated land, a site investigation will be required and remediation proposals agreed to deal with the contamination before planning permission is granted"*.

Archaeology

9.290 The Historic England Archaeology team were consulted and advised that there appears to be some built heritage impact at the site as well as buried archaeological potential. As such a condition would be attached requiring a written scheme of investigation works and a second condition requiring pre-demolition photographic historic buildings recording of key structures and aspects in the redevelopment areas. With the inclusion of these conditions, the proposal would meet the relevant policies.

Air Quality

- 9.291 The development will result in a reduction in parking spaces and hence a reduction in transport emissions which is welcomed. The Air Quality Assessment shows that the annual air quality objective for NO₂ will be exceeded over at least part of the site in the opening year. The assessment proposes that further detailed modelling be undertaken at the detailed design stage to determine the extent of the mitigation required.
- 9.292 Mitigation is required for all units where the modelled concentrations are exceeding or nearing the annual NO₂ objective. Mechanical ventilation is likely to be required to provide the residents with cleaner air. In line with the Environmental Health officers comments, should permission be granted a condition would be attached requiring details of the mitigation including the location of the air inlets, which should be located in an area of less polluted air (at roof level and away from the CHP flue).
- 9.293 The emissions from the energy centre have not been included in the assessment as detailed information on the plant was not yet available. The emissions from this should be included in the further modelling as required by condition above. Furthermore, a condition would also be attached to ensure all energy plant used would meet the emissions standards set out in the GLA's 'Sustainable Design and Construction SPG'.
- 9.294 With regard to the construction phase, the submitted demolition/construction assessment is considered accepted providing that the mitigation measures stated in the report are instigated at the development throughout the duration of construction. This will be secured via condition and the Construction Environment Management Plan condition will also be required to detail how the potential air quality effects will be mitigated and monitored in line with the 'The Control of Dust and Emissions during Construction and Demolition Supplementary Planning Guidance 2014' and the 'Tower Hamlets Code of Construction practice.' Subject to the abovementioned conditions, the proposal complies with the relevant policy.

Biodiversity

- 9.295 Policy DM11 requires major developments to deliver net gains for biodiversity which contribute to objectives in the Local Biodiversity Action Plan (LBAP). The proposals do involve loss of some trees but the biodiversity officer has advised that the tree replanting, biodiverse roofs, bird and bat boxes and landscaping proposed would achieve net gains for biodiversity. Details of all biodiversity measures would be secured via condition.
- 9.296 Conditions would also be attached regarding the clearance of trees (to protect nesting birds) and an updated bat survey prior to the commencement of works to protect any potential bats on site.
- 9.297 Subject to the inclusion of the abovementioned conditions, the proposals would enhance biodiversity on site and thus the proposal would comply with the relevant policy.

Trees

- 9.298 Overall, the proposal involves the removal of 55 trees from the site. However, of these, 33 are category c or u (low quality or unsuitable for retention). The tree replanting strategy makes provision for 44 new trees in the proposed development.
- 9.299 Whilst the tree officer has raised no objections to the loss of the majority of trees on the site, concerns were raised in relation to the loss of 15 mature London Plane trees along East India Dock Road. The tree officer has advised that this will have a negative impact on amenity the landscape and appearance of East India Dock Road as these are an important arboreal feature for both screening and providing continuity of tree cover along this busy arterial road. In terms of replacement planting, there isn't sufficient space to replant with species which will attain the same height, size or prominence of those 15 mature trees lost. So although the numbers of trees lost/replaced may add up, the landscape impact is always going to be a negative along East India Dock Road.
- 9.300 The tree officer states in the comments that it is understood that the overall planning gain is likely to outweigh the loss of trees. On that basis, a landscaping Condition to include replacement planting along East India Dock Road is the only viable option. It is not necessary to be specific with tree species at this stage and this will be addressed at conditions stage as the right tree type will be linked with the wider landscape design.
- 9.301 As outlined above, whilst the loss of the 15 mature trees will have landscape impacts, the overall public realm improvements and wider scheme benefits will outweigh the harm. The removal of these trees allows for the continued operation of the market during construction works and the retention of the trees would involve moving the building line back which would have significant impacts on the amount of development and would impact public realm in other areas of the site. Finally whilst the replanting may not equate to the same landscape benefits as existing, it would create more trees on East India Dock Road than there are currently and the quality of the proposed trees would be secured by condition should permission be granted.

Contaminated Land

- 9.302 The Council's Environmental Health Contaminated Land officer has reviewed the proposals and has requested conditions requiring the submission of a full site investigation report prior to the commencement of works and a full verification report prior to the occupation of the development to ensure that any land contamination present on this site is appropriately dealt with in order to minimise any risks to health and ecology.

Flood Risk

- 9.303 Although the site is located within flood zone 3a it is protected by the Thames Tidal flood defences from a 1 in 1000 (0.1%) chance in any year flood event. The Council's Strategic Flood Risk Assessment (SFRA) shows that the site will be at risk of flooding if there was to be a breach in the tidal defences. However, the Environment Agency's most recent breach hazard modelling study (June 2017) shows the site to be outside of the areas impacted by

flooding if there was to be a breach in defences. The Environment Agency therefore consider the proposed development to be at a low risk of flooding.

- 9.304 The application is supported by a flood risk assessment which outlines a number of measures incorporated into the scheme's design which would allow occupants of the building to remain safe in the event of a flood. The Environment Agency has reviewed the submitted flood risk assessment and has not objected to the proposals. In light of the above officers consider that the proposed development is acceptable in flood risk terms.

Microclimate

- 9.305 A Wind Microclimate Assessment has been submitted as part of the ES including wind tunnel results of the proposed scheme in the context of existing surrounding environment and a cumulative scenario.
- 9.306 The results are presented in terms of the Lawson Comfort Criteria which identifies comfort categories suitable for different activities, as well as in terms of the likely occurrence of strong gusts of wind which could be a threat to safety.
- 9.307 With respect to safety, wind conditions are rated as suitable, in terms of pedestrian safety, for use by all users.
- 9.308 With respect to comfort, generally leisure walking is desired on pedestrian routes during the windiest season, standing/entrance conditions at main entrances and drop off areas throughout the year and sitting conditions at outdoor sitting and amenity areas during the summer season when these areas are likely to be used the most often.
- 9.309 These conditions are generally met in all locations across the site. There is a small area identified for seating, where conditions are slightly windier than ideal for such a use. The exceedance is however, only minimal, and therefore wind conditions would be expected to be largely suitable for the intended use.
- 9.310 Mitigation measures are required to achieve suitable conditions. These measures are included within the landscaping plans for approval, and a condition will be attached to the decision notice to ensure that the necessary measures are implemented.

SUDS

- 9.311 As part of the proposed flood risk assessment the applicant has submitted details of how SUDS (Sustainable Urban Drainage) features could be incorporated into the development. These measures could reduce the surface water discharge rate to the sewers by up to 80%, compared to the existing situation.
- 9.312 Subject to a condition requiring the submission of a detailed surface water drainage scheme for the site based on sustainable drainage principles prior to the commencement of any superstructure works, the proposal can be considered to comply with relevant policy relating to SUDS.

Television and Radio Reception

- 9.313 Given the scale of the proposed development, it is not expected that the proposed development would give rise to any notable radio and television signal interference for surrounding properties. Nonetheless in the event that planning permission was to be granted a condition requiring the submission of such an assessment, along with any mitigation measures necessary (in the event that any adverse impacts are identified) prior to the commencement of development will be imposed.

Conclusion

- 9.314 Officers consider that the proposal is acceptable in archaeology, air quality, biodiversity, contaminated land, flood risk, microclimate, SUDS, television and radio reception terms, and also in terms of its impact on trees. The proposal can thus be considered to be in accordance with the relevant policies of the London Plan (2016), Core Strategy (2010) and Managing Development Document (2013) as set out within the policy context section of this chapter.

Environmental Impact Assessment

- 9.315 The planning application represents EIA development under The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) (from this point referred to as the '2011 EIA Regulations'). The application was submitted in June 2016 accompanied by an Environmental Statement (ES) produced by Savills.

- 9.316 It is noted that since the application was submitted, new EIA Regulations have been published on 16th May 2017 - The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (from this point referred to as the '2017 EIA Regulations'). Regulation 76 of the 2017 EIA Regulations sets out the transitional provisions for the regulations. Regulation 76(1) specifically states The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) continue to apply where an ES has been submitted prior to the 2017 EIA Regulations coming into force. This application therefore continues to be processed under The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).

- 9.317 The ES assesses the environmental effects of the development under the following topics:

- Air Quality;
- Archaeology;
- Townscape and Visual Effects;
- Daylight Sunlight and Overshadowing;
- Drainage and Flood Risk;
- Ecology;
- Ground Conditions;
- Wind Microclimate;
- Noise and Vibration;
- Socio-Economics;
- Traffic and Transport;
- Heritage, Townscape and Visual; and

- Cumulative Effects.

9.318 In addition, the Applicant submitted ‘further information’ under Regulation 22 of the 2011 EIA Regulations, which was processed as required under the regulations.

9.319 Regulation 3 prohibits the Council from granting planning permission without consideration of the environmental information. The environmental information comprises the ES, including any further information submitted following request(s) under Regulation 22 and any other information, any representations made by consultation bodies or by any other person about the environmental effects of the development.

9.320 LBTH’s EIA consultants were commissioned to undertake an independent review of the ES, to confirm whether it satisfied the requirements of the EIA Regulations. The ES has also been reviewed by the Council’s EIA Officer and internal environmental specialists.

9.321 The EIA consultants and EIA Officer have confirmed that, in their professional opinion, the ES is compliant with the requirements of the EIA Regulations.

9.322 LBTH, as the relevant planning authority, has taken the ‘environmental information’ into consideration when determining the planning application. Mitigation measures will be secured through planning conditions and/or planning obligations where necessary.

Impact upon local infrastructure/ facilities

9.323 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 Planning Obligations SPD (2016) sets out how these impacts can be assessed along with appropriate mitigation measures.

9.324 The NPPF requires that planning obligations must be:

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

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

9.326 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

- 9.327 If permitted and implemented, the proposal would also be subject to the Council’s community infrastructure levy.
- 9.328 The proposed 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 £1,430,000.
- 9.329 In addition the development would be liable to the London Mayor’s CIL estimated at £1,840,000. The development does not sit within 1km of a proposed Crossrail station and thus would not attract the Mayor’s Crossrail levy.
- 9.330 The applicant has also offered 35.7% affordable housing by habitable room with a tenure split of 82%/18% in favour of social/affordable rented accommodation (131 at social rent, 38 Tower Hamlets living rent and 37 shared ownership) and shared ownership housing, respectively. This offer has been independently viability tested and the information submitted is considered to be comprehensive and robust. The maximum level of affordable housing has been secured in accordance relevant development plan policy. A development viability review clause to identify and secure any uplift of affordable housing if the development has not been implemented within 48 months from the grant of permission (with the definition of ‘implementation’ to be agreed as part of the S.106 negotiations) would also be secured should permission be granted. A mid stage review mechanism (prior to commencement of phase 2) and a late stage review mechanism (75% occupation) would also be secured.
- 9.331 Should permission be granted, several non-financial contributions (a-s on page 9) would be secured via section 106 agreement.
- 9.332 The financial contributions offered by the applicant are summarised in the following table:

| Planning Obligation | Financial Contribution |
|--|-------------------------------|
| Employment, skills, training and enterprise during the construction phase | £338,232 |
| Employment, skills and training to access employment within the final development. | £256,377 |
| Carbon offsetting | £157, 464 |
| Monitoring | £9,500 |
| Total | £761,573 |

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

Other Local Finance Considerations

- 9.334 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.

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

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

9.336 In this context “grants” include the New Homes Bonus Scheme (NHB).

9.337 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.

9.338 Using the DCLG’s New Homes Bonus Calculator, this development, if approved, would generate in the region of £962,843 in the first year and a total payment of £577,061 over 6 years.

Human Rights Act 1998

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

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

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and,

- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

- 9.341 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 9.342 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 9.343 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.344 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.

Equalities Act 2010

- 9.345 The Equalities Act provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. The Committee must be mindful of this duty when determining all planning applications and representations to the Mayor. In particular, the Committee must pay due regard to the need to:
1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
 3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.346 It is considered the proposed development would not conflict with any of the above considerations. It is also considered that any impact in terms of fostering relations and advancing equality with regard to sex, race, religion and belief would be positive. In particular, it should be noted that the development includes access routes and buildings that would be accessible to persons with a disability requiring use of a wheelchair or persons with less mobility.
- 9.347 Given that the proposals retain and expand the market stalls; that the council retains the responsibility of pricing and issuing licenses for the market stalls and that; the proposals would facilitate the continued operation of the market

during construction, the proposals would not disadvantage any market traders.

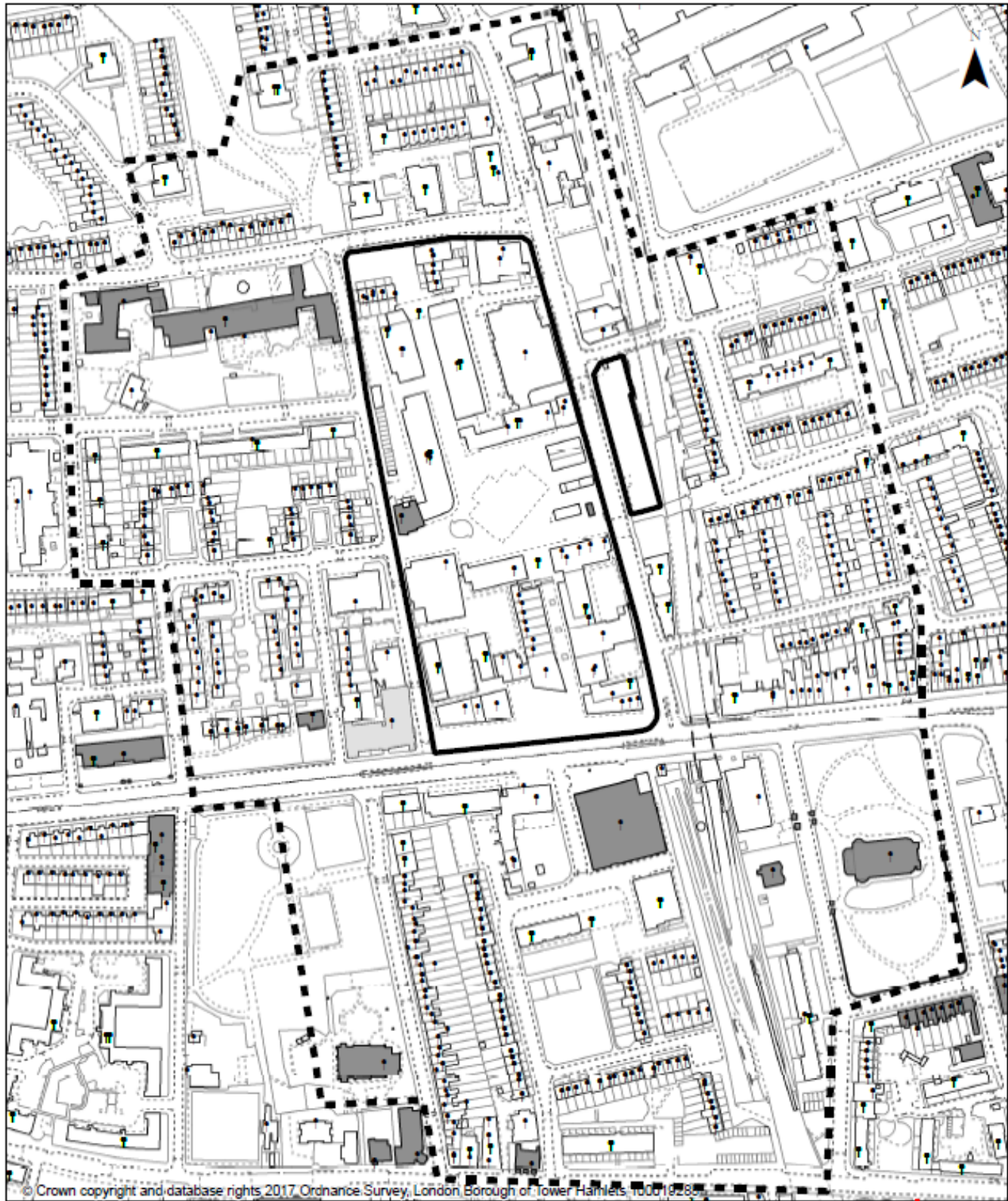
10.0 CONCLUSION

- 10.1 All relevant policies and considerations have been taken into account. Planning Permission should be **GRANTED** for the reasons set out in the MATERIAL PLANNING CONSIDERATIONS section of this report and the details set out in the RECOMMENDATIONS at the beginning of this report.

Appendix 1- Ownership

1. Abdul Awal: 7, Woodall Close, London, E14 0HB
2. Kobir Ahmed: 28 Giraud Street, London, E14 6EA
3. Helal Nasimuzzaman: 32 Market Way, London E6
4. Joshim Uddin Ahmed: 47 OffenbaceHouse, Bethnal Green, London E2 0RB
5. Attn: Keith Tracey: Iceland Foods Ltd, Second Avenue, Deeside Industrial Park, Deeside, Flintshire
6. CH5 2NW
7. Attn: Hilary Witts, Group Valuation Manager, 5th Floor, One Angel Square, Manchester M60 0AG
8. Post Office Counters, Royal Mail, 22 Market Square, London, E14 6AB
9. Bargain Zone, 11 Blue Anchor Yard, Royal Mint Street, London E1 8LR
10. Tower Hamlets Council, Town Hall, Mulberry Place, 5 Clove Crescent E14 2BG
11. The Spitalfields Crypt Trust, Acorn House, 116-118 Shoreditch High Street, London, E1 6JN
12. The Captains Table, 20 Unity Road, Enfield, London. EN3 6PA
13. Attn: Hazel Kindred: Enterprise Inns plc, 3 Monkspath Hall Road, Solihull, West Midlands, B90 4SJ
14. MAZ Bazaar Ltd, 299A Bethnal Green Road, London, E2 6AH
15. Jean Cuomo and Rob Cuomo, 59 Romford Rd, Chigwell Row, Essex, I7 4QS
16. Razia Khutan, 51 Berkeley Walk, London N7 7RS
17. Davia and Ginteras Kartavicene, 22 Brewhouse Road, Woolwich, London SE18 5SJ
18. Mr Nourzai, 22 Hilltop Avenue, London NW10
19. Qamar Ul Raja Zaman, 11 Grosvenor Road, Leyton, London E10 6LG
20. Aklas Miah, Apartment 906, Jessop Building, 14 Dominion Walk, London E14 9FN
21. H&T Group, Times House, Throwley Way, Sutton, SM1 4AF
22. Percy Ingle Bakeries, 210 Church Road, Leyton, London E10 7JQ
23. Greggs Plc, Fernwood House, Clayton Road, Jesmond, Newcastle upon Tyne NE
24. Carl Wooton, 61 Mill Park Avenue, Hornchurch, Essex. RM12 6HD
25. Terry Watts, 24 Litten Close, Collier Row, Romford, Essex. RM5 2LG
26. Gary Watts, 13 Elder Way, Rainham Essex, RM13 9SX
27. London Community Credit Union, c/o 473 Bethnal Green Road, London E2 9QH
28. Vijay and Beena Parmar, c/o 473 Bethnal Green Road, London E2 9QH
29. Boots the Chemist, Boots UK Ltd, Nottingham, NG2 3AA
30. Joseph Dredge, 29 Giraud Street, Poplar, London, E14 6EE
31. Pervez Iqbal Butt, 59 Hill crest Road, London, E17
32. Paul Martin Davis, 68 Sycamore Avenue, Upminster, Essex.
33. Plumpstead Investments Ltd, Pelham Associates, 90 Long Acre, London WC2E 9RA
34. Alphacorp Inc, 273 Preston Road, Harrow, Mddx HA3 0PX
35. Owner, 44 Kerbey Street, London, E14 6AW
36. Owner, 52 Kerbey Street, London, E14 6AW
37. Owner, 56 Kerbey Street, London, E14 6AW
38. Owner, 58 Kerbey Street, London, E14 6AW
39. Owner, 62 Kerbey Street, London, E14 6AW
40. Owner, 66 Kerbey Street, London, E14 6AW
41. Owner, 72 Kerbey Street, London, E14 6AW
42. Owner, 78 Kerbey Street, London, E14 6AW
43. Owner, 80 Kerbey Street, London, E14 6AW

44. Owner, 84 Kerbey Street, London, E14 6AW
45. Owner, 4 Market Square, London, E14 6BU
46. Owner, 6 Market Square, London, E14 6BU
47. Owner, 7 Market Square, London, E14 6BU
48. Owner, 26 Market Way, London, E14 6AH
49. Owner, 28 Market Way, London, E14 6AH
50. Owner, 28 Market Way, London, E14 6AH
51. Owner, 2 Aurora House, Kerbey Street, London, E14 6AP
52. Owner, 4 Aurora House, Kerbey Street, London, E14 6AP
53. Owner, 1 Clarissa House, Cordelia Street, London, E14 6AR
54. Owner, 2 Clarissa House, Cordelia Street, London, E14 6AR
55. Owner, 3 Clarissa House, Cordelia Street, London, E14 6AR
56. Owner, 4 Clarissa House, Cordelia Street, London, E14 6AR
57. Owner, 11 Clarissa House, Cordelia Street, London, E14 6AR
58. Owner, 4 Ennis House, Vesey Path, London E14 6BW
59. Owner, 11 Ennis House, Vesey Path, London E14 6BW
60. Owner, 15 Ennis House, Vesey Path, London E14 6BW
61. Owner, 12 Fitzgerald House, East India Dock Road, London, E14 0HH
62. Owner, 17 Fitzgerald House, East India Dock Road, London, E14 0HH
63. Owner, 27 Fitzgerald House, East India Dock Road, London, E14 0HH
64. Owner, 32 Fitzgerald House, East India Dock Road, London, E14 0HH
65. Owner, 37 Fitzgerald House, East India Dock Road, London, E14 0HH
66. Owner, 44 Fitzgerald House, East India Dock Road, London, E14 0HH
67. Owner, 48 Fitzgerald House, East India Dock Road, London, E14 0HH
68. Owner, 12 Kerbey Street, London, E14 6AW
69. Owner, 16 Kerbey Street, London, E14 6AW
70. Owner, 1 Kilmore House, Vesey Path, London, E14 6BP
71. Owner, 3 Kilmore House, Vesey Path, London, E14 6BP
72. Owner, 4 Kilmore House, Vesey Path, London, E14 6BP
73. Owner, 5 Kilmore House, Vesey Path, London, E14 6BP
74. Owner, 7 Kilmore House, Vesey Path, London, E14 6BP
75. Owner, 36 Market Square, London, E14 6BU
76. Owner, 37 Market Square, London, E14 6BU
77. Owner, 38 Market Square, London, E14 6BU
78. Owner, 40 Market Square, London, E14 6BU
79. Owner, 42 Market Square, London, E14 6BU
80. Owner, 43 Market Square, London, E14 6BU
81. Owner, 44 Market Square, London, E14 6BU
82. Owner, 45 Market Square, London, E14 6BU
83. Owner, 47 Market Square, London, E14 6BU
84. Owner, 48 Market Square, London, E14 6BU
85. Owner, 49 Market Square, London, E14 6BU
86. Owner, 50 Market Square, London, E14 6BU
87. Owner, 52 Market Square, London, E14 6BU
88. Owner, 55 Market Square, London, E14 6BU
89. Owner, 59 Market Square, London, E14 6BU




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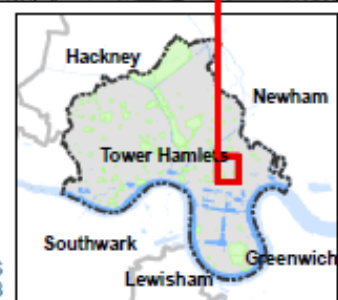
Planning Application Site Map PA/16/01612

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

-  Consultation Area
-  Planning Application Site Boundary
-  Statutory Listed Buildings
-  Locally Listed Buildings

Scale @ 1:2,850


 GIS for Place Directorate
 LONDON BOROUGH OF TOWER HAMLETS
 Date: 19/01/2018



Agenda Item 6

| | | | |
|---|--|--|------------------------|
| Committee: Strategic Development | Date: 15 th February 2018 | Classification: Unrestricted | Agenda Item No: |
| Report of: Corporate Director Place | | Title: Other Planning Matters | |
| Originating Officer: | | 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 matters other than planning applications for determination by the Committee. 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. PUBLIC SPEAKING

- 3.1 The Council's Constitution only provides for public speaking rights for those applications being reported to Committee in the "Planning Applications for Decision" part of the agenda. Therefore reports that deal with planning matters other than applications for determination by the Council do not automatically attract public speaking rights.

4. RECOMMENDATION

- 4.1 That the Committee take any decisions recommended in the attached reports.

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 8

Brief Description of background papers:
See individual reports

Tick if copy supplied for register:
✓

Name and telephone no. of holder:
See individual reports

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Agenda Item 6.1

| | | | |
|--|--|--|----------------------------|
| Committee: Strategic Development Committee | Date: 15 th February 2018 | Classification: Unrestricted | Agenda Item Number: |
|--|--|--|----------------------------|

| | |
|--|--|
| Report of: Director of Place Case Officer: Simon Westmorland | Title: Applications for Planning Ref No: PA/17/01920 Ward/s: Spitalfields and Banglatown Ward, St Peters Ward and Bethnal Green 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), 11,414 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); 471 residential units arranged in 8 blocks ranging from six to 14 storeys in height (up to a maximum height of 58.9m AOD); an energy centre and plant at basement level; 240 'retail' car parking spaces and 40 disabled car parking spaces for use by the proposed residential units; two additional disabled parking bays proposed at Merceron street; creation of an east-west public realm route from Cambridge Heath Road to Brady Street and public realm provision and enhancements; associated highway works to Brady Street, Merceron Street, Darling Row and 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 On the 14 December 2017, the Planning Inspectorate notified the Council that an appeal has been submitted under Section 78 of the Town and Country Planning Act 1990 (as amended) because the statutory period for determining the application has expired and no decision has been made. This is described as a non-determination appeal.
- 2.2 As such the powers to determine the planning application have been taken away from the Council and now lie with the Secretary of State (Planning Inspectorate).
- 2.3 The Strategic Development Committee is advised to consider the application in the same manner as it would have done if the decision to determine application had not been removed from the Committee i.e. by having regard to all the planning policies, material considerations and representations received in respect of the application.
- 2.4 The resolution the Strategic Development Committee takes will determine the position that the Council will adopt at the Appeal.
- 2.5 The recent planning history of the site includes the refusal of planning application PA/15/00837 in May 2017. This refusal is also subject to a planning appeal to be heard at a conjoined Public Inquiry with the appeal for non-determination. The Public Inquiry will begin on 9th October 2018 and is scheduled to sit for 10 days.
- 2.6 In land use terms the principle of the development is consistent with relevant development plan policies and the Key Place Transformation land use objectives set for the site within the Borough's Whitechapel Vision Masterplan SPD. These objectives include: the delivery of a larger supermarket site; meeting the additional demand for convenience retail provision in Whitechapel; the provision of high density housing above the supermarket; the provision of a new pedestrian route through to Cambridge Heath Road from Brady Street and; the creation of a new public space at the junction of Durward Street and Brady Street.
- 2.7 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. This would ensure that the retail proposal complements and enhances the street market with its role in adding retail variety, promoting local enterprise, and local character so as to accord with Policy SPO1(4.c) of the Core Strategy and Policy 4.8(e) of the London Plan
- 2.8 The scheme would provide 471 new homes that on balance accord with London Plan and Local Plan policy objectives for delivering new housing of a good residential standard.
- 2.9 The application proposes 17.5% affordable housing by habitable room (122 units) on a 80:20 split between rented and intermediate housing per habitable room to be delivered on site. Whilst the proposals and accompanying viability information have been independently assessed on behalf of the Council and by the Greater London Authority (GLA), the application was appealed for non-determination prior to an agreed position being reached on the viability of the scheme. In light of this, the scheme is not considered to demonstrate that it provides for the maximum

reasonable amount of affordable housing as per Borough and London wide policy requirements. The Mayor of London's Stage 1 Referral report describes the affordable housing offer as "*wholly unacceptable*". It is noted that the figure of 17.5% falls significantly below the development plan policy requirements for 35 to 50 per cent affordable housing provision.

- 2.10 The scheme would result in less than substantial harm to the setting of the Grade II listed Albion Yard Building and to the character and appearance of the Whitechapel Market Conservation Area.
- 2.11 The scheme would provide for public benefits including additional housing and a re-provided supermarket, an improved public realm, the creation of new public open spaces and better pedestrian connectivity to the Whitechapel Town Centre. However, given that the affordable housing offer fails to accord with the policy target and has not been established to be the maximum reasonable amount the development can support, this public benefit, whilst remaining an important consideration falls significantly short of the level of public benefit that should be provided for a major development such as this. "Less than substantial harm" to heritage assets is required by policy and statute to be given significant weight against the grant of planning permission. Officers consider that on balance, the scale of the public benefits which the scheme delivers would not outweigh the less than substantial harm to the Albion Yard Brewery and the Whitechapel Market Conservation Area.
- 2.12 The development would result in reductions to daylight and sunlight levels to neighbouring residential properties. Whilst these impacts are considered moderate adverse for the development as whole, there are a number of surrounding properties which receive major adverse impacts – in excess of 40% reductions in existing levels of daylight/sunlight. Properties particularly affected include Albion Yard, Kempton Court and Grindall House.
- 2.13 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.
- 2.14 The loss of the existing trees, including high amenity value streets trees on Brady Street, Merceron Street and Collingwood Street would result in some harm to the character and appearance of the area. The proposed landscaping strategy would help to alleviate this, nevertheless, this does involve off-site tree planting to help mitigate the loss. No protected trees are proposed to be removed.

3.0 RECOMMENDATION

That the Committee resolves to inform the Planning Inspectorate that were it empowered to determine the application for planning permission the Council would have REFUSED permission for the reasons set out below:

- 1) The affordable housing offer of 17.5% within the proposed development would fail to meet the minimum requirement of the adopted Tower Hamlets Local

Plan. The offer has not been justified in financial viability terms and would fail to provide an adequate amount of affordable housing to meet strategic targets.

The development consequently fails to accord with a number of material considerations, including but not limited to: the Borough's adopted Development Management Document policy DM3, the Borough's adopted Core Strategy policy SP02, the adopted London Plan including policies 3.8, 3.11 and 3.12, the National Planning Policy Framework and supplementary planning guidance as set out in LBTH's Development Viability SPD (October 2017), LBTH Planning Obligations' SPD (2016) and the Mayor of London's Affordable Housing and Viability SPG (August 2017).

- 2) The proposed development within the setting of the Grade II listed Albion Yard Brewery would cause less than substantial harm to the significance of the heritage asset and would fail to preserve or enhance the character or appearance of the Whitechapel Market Conservation Area, by reason of the adverse impacts 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).

- 3) The development would unacceptably impact on the amount of daylight and sunlight that would be received by surrounding properties namely, Albion Yard, Blackwood, Berry, Collingwood and Grindall Houses, Kempton Court, Key Close breaching guidance in the Building Research Establishment Handbook 'Site Layout Planning for Daylight and Sunlight' 2011. The extent and severity of the impacts are such that the development would not be consistent with the Mayor's London Plan Policy 7.6 B(d) and the Borough's 'Managing Development Document' Policy DM25 Amenity.
- 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 and amenities. 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

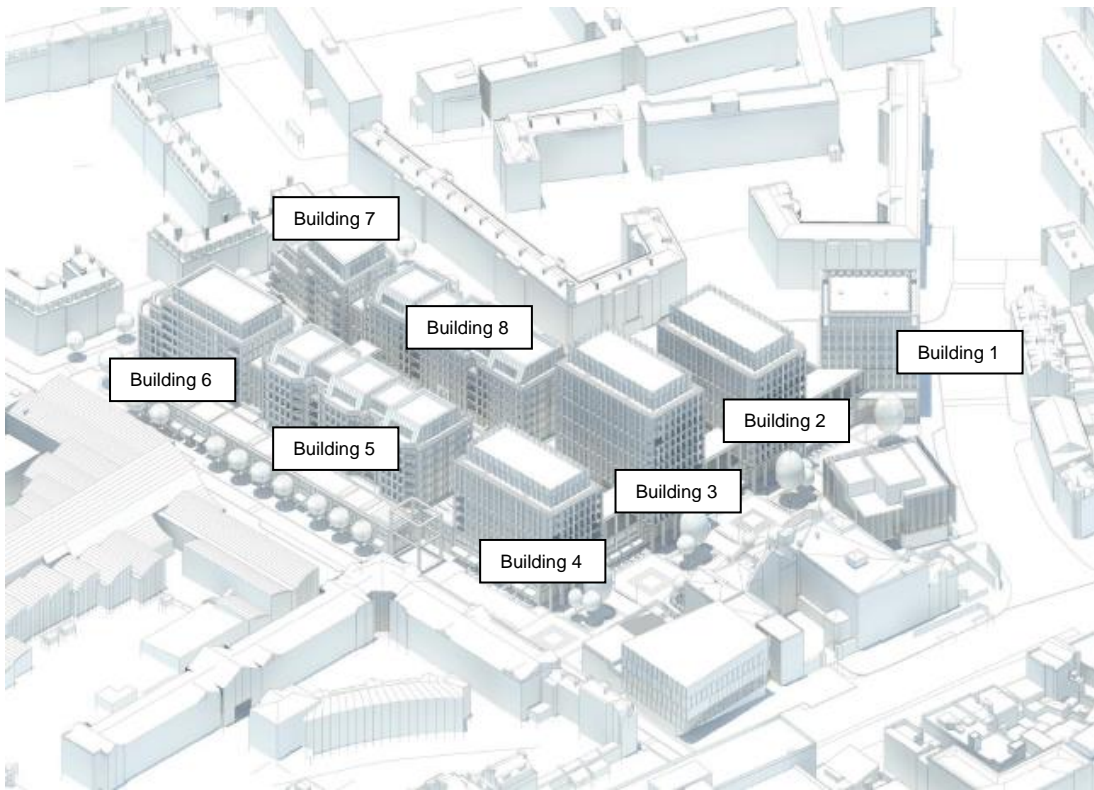


Figure 1: Massing Overview

- 4.1 The proposed scheme includes the:
- Demolition of the existing retail store and temporary car park with the erection of a new supermarket and construction of 471 residential units arranged within 8 blocks ranging from 8 to 14 storeys in height.
 - 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 with the intention of being occupied by an 'explore learning' facility (of 118sq.m GIA) on the corner of Mercer Street and Brady Street, set adjacent to a 5th smaller flexible use retail type unit.
- 4.2 The applicant's planning statement states that the existing retail store is 7,949sq.m (GIA) whilst the new supermarket would be 11,414sq.m with a net sales area of 5,766sq.m.
- 4.3 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 40 residential car parking spaces, the latter for use by Blue Badge Holders. The customer car park would be linked to the supermarket via travellators, lifts and stairs.

- 4.4 With the exception of Building 1, the remaining 7 residential blocks would be set on a two storey podium above the new supermarket. Building 1 would be located towards Cambridge Heath Road and would rise to 9 storeys in height (43.1m AOD). This was the location of the 28 storey tower within the previous refusal on site - ref PA/15/00837. 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 be the tallest and would rise to podium level plus 12 storeys (58.9m AOD), Building 2 set immediately to the west of Building 3 would rise to podium level plus 10 storeys (52.9m AOD) and Building 4 located on the corner of Brady Street and Albion Walk would rise to podium level plus 8 storeys (46.9m AOD).

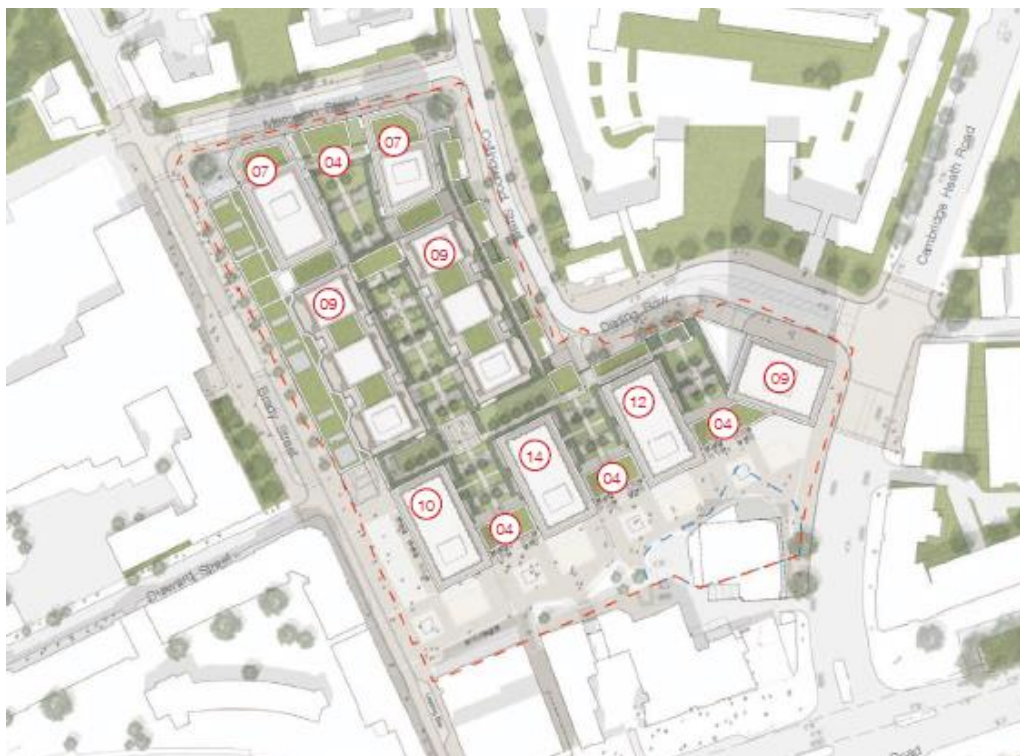


Figure 2: Proposed block heights

- 4.5 Buildings 5 and 8 would rise to podium level plus 7 storeys (43.40m maximum AOD) and would be set centrally within the site with buildings 6 and 7 at the northern end of the site rising to podium plus 5 storeys. 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.
- 4.6 With the exception of Building 1 the height, building envelope and handling of the treatment of the facades to the other seven buildings is identical to the refused scheme.
- 4.7 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, the intermediate units, and a small number market

units. To the south of this building the podium level external space would provide the main communal amenity and playspace for the remaining market units.

4.8 The proposed residential mix by unit size is summarised in Table 1 below. By habitable room the scheme would provide 17.5% of the housing as affordable housing, with affordable units split 51/49 between London Affordable Rents and Tower Hamlets Living Rents.

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

| Unit Size | Tenure | | | Total |
|--------------|------------|------------|--------------|------------|
| | Market | Affordable | Intermediate | |
| 1b/1p | 36 | 0 | 0 | 36 |
| 1b/2p | 145 | 5 | 6 | 156 |
| 2b/3p | 66 | 1 | 1 | 68 |
| 2b/4p | 131 | 13 | 7 | 151 |
| 3b/5p | 28 | 30 | 2 | 60 |
| Total | 406 | 49 | 16 | 471 |

Site and Surroundings



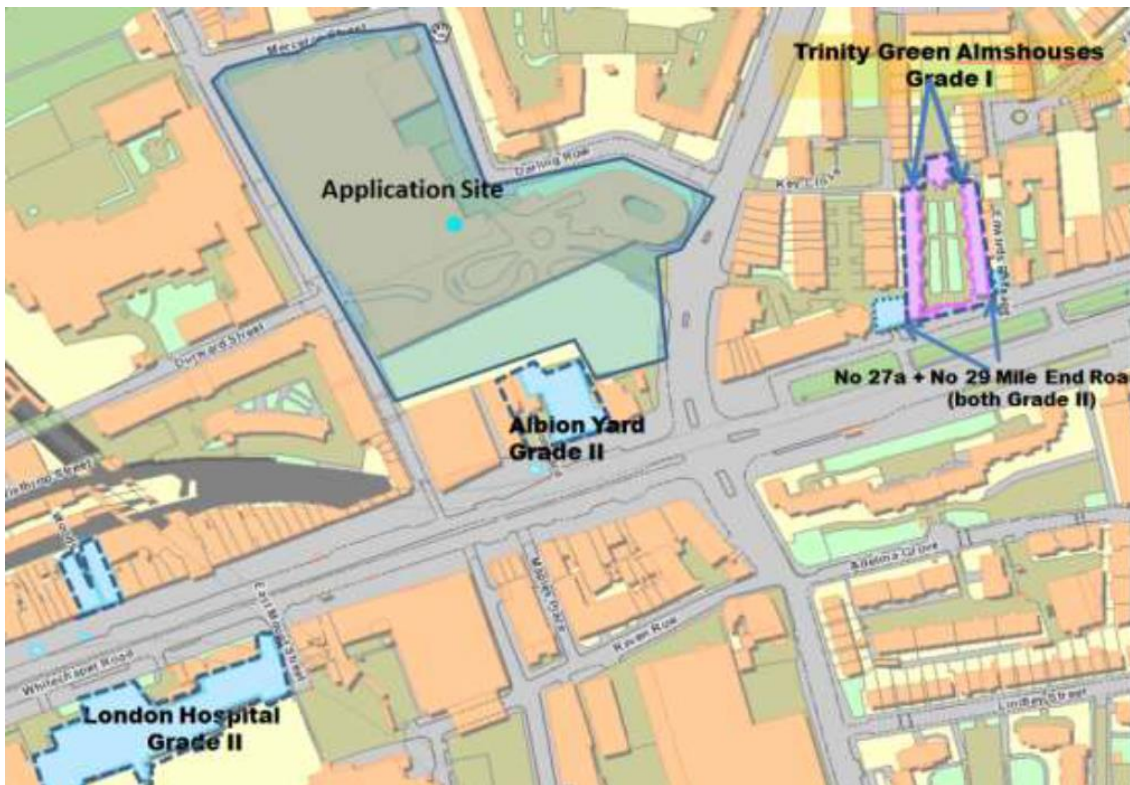
Figure 3: Aerial photograph of site

4.9 The application site occupies approximately 3.1 hectares of land.

4.10 The site is bound by Mercer 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.

- 4.11 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.
- 4.12 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.
- 4.13 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.
- 4.14 Within the London Plan and the Local Plan Whitechapel is identified as a location 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 on both sides of Whitechapel Road and beyond.
- 4.15 A 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 approximately 280m south of the site, and to north west St Peter's Conservation Area at approximately 390m and Bethnal Green at approximately 410m.
- 4.16 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. Additionally, the Grade II listed Albion Yard Brewery is located at the southern boundary of the site along Whitechapel Road

Figure 4: Neighbouring Statutory Listed Buildings



4.17 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/06/02010** 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 permission 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.

- 5.6 **PA/15/00837** 11th May 2017 planning permission refused for the 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.

Off Site

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

- 5.7 **PA/15/01789** Planning permission granted 6th January 2017 for the 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.

100-136 Cavell Street

- 5.8 **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

- 5.9 **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. Appeal decision expected end of February 2018.

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 is intended to list 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

6.5 **LBTH Supplementary Planning Guidance/Documents**

- Development Viability Supplementary Planning Document (October, 2017)
- 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)
- Myrdle 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)
- Tower Hamlets Local Biodiversity Action Plan 2014-19

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**

- Homes for Londoners: Affordable Housing and Viability Supplementary Planning Guidance (August 2017)
- 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**

- Homes for Londoners: Affordable Homes Programme 2016-2021 Funding Guidance (November 2016)
- Tower Hamlets Local Biodiversity Action Plan
- Conservation Area Designation, Appraisal and Management – Historic England Advice Note 1 (2016)
- 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)
- Tall Buildings – Historic England Advice Note 4 (2015)
- Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment, English Heritage (2008)
- London Borough of Tower Hamlets Strategic Housing Market & Needs Assessment, DCA (2014)
- 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 2017 SI 2017 No. 571
- London Development Agency London's Retail Street Markets (June 2010)

6.10 **Emerging Planning Policies**

6.11 **The Tower Hamlets Local Plan 2031: Managing Growth and Sharing the Benefits**

Statutory public consultation on the 'Regulation 19' version of the above emerging plan commenced on Monday 2nd October 2017 and closed on Monday 13th

November 2017. Weighting of draft policies is guided by paragraph 216 of the National Planning Policy Framework and paragraph 19 of the Planning Practice Guidance (Local Plans). These provide that from the day of publication a new Local Plan may be given weight (unless material considerations indicate otherwise) according to the stage of preparation of the emerging local plan, the extent to which there are unresolved objections to the relevant policies, and the degree of consistency of the relevant policies in the draft plan to the policies in the NPPF. Accordingly as Local Plans pass progress through formal stages before adoption they accrue weight for the purposes of determining planning applications. As the Regulation 19 version has not been considered by an Inspector, its weight remains limited. Nonetheless, it can be used to help guide planning applications and weight can be ascribed to policies in accordance with the advice set out in paragraph 216 of the NPPF.

Below is a list of the emerging Local Plan policies considered relevant to the proposals:

- SG1 - Sustainable Growth in Tower Hamlets
- SG2 - Planning and Construction of New Development
- DH1 - Good Design and Local Character and Historic Environment
- DH2 - Attractive and Safe Streets, Spaces and Public Realm
- DH3 - The Historic Environment
- DH5 - Building Heights
- DH6 - Density
- DH7 - Amenity
- DH8 - Noise Pollution
- H1 - Delivering Housing
- H2 - Mixed and Balanced Communities
- H3 - Housing Standards and Quality
- TC1 - The Town Centre Hierarchy
- TC2 - Protecting and Enhancing Our Town Centres
- TC9 - Markets
- CSF1 - Supporting Community, Cultural and Social
- OS1 - Creating a Network of Open Spaces
- OS3 - Open Space and Green Grid
- ES1 - Protect and Enhance our Environment
- ES2 - Improving Air Quality
- ES3 - Urban Greening and Biodiversity
- ES6 - Achieving a Zero Carbon Borough
- ES9 - Waste Management in Development
- TR1 - Sustainable Travel
- TR2 - Assessing the Impacts on the Transport Network
- TR3 - Parking and Permit-free

6.12 Mayor of London Draft London Plan (December 2017)

Statutory public consultation on the draft London Plan commenced on the 1st of December 2017 and will close on 2nd March 2018. This is the first substantive consultation of the London Plan, but it has been informed by the consultation on 'A City for All Londoners' which took place in Autumn/Winter 2016. The current 2016 consolidation London Plan is still the adopted Development Plan. However the Draft London Plan is a material consideration in planning decisions. It gains more weight as it moves through the process to adoption, however the weight given to it is a matter for the decision maker

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 remarks

7.3 Historic England objected to an earlier application primarily on the basis of the harm caused to the setting of the Grade I listed Trinity Green Almshouses. In line with HE advice, that of other bodies and that of the Council, *"the previous schemes have now been substantially modified to remove any harmful impact to the setting of the Trinity Green Almshouses."*

7.4 It is noted that there remains a harmful impact on the setting of the Albion Yard Brewery. However, Historic England consider *"that the less than substantial harm that would be caused to the setting of the listed brewery will likely be outweighed by the delivery of the public benefits associated with the scheme as a whole."*

7.5 Historic England therefore withdraw any objection to this current proposal.

Greater London Authority

Principle of Land Use

7.6 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

7.7 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.

7.8 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

- 7.9 The affordable housing provision of 17.5% by habitable room is wholly unacceptable within this high density scheme within an opportunity area. This must be significantly increased.
- 7.10 The split between affordable and intermediate provision should be revised to provide at least 30% intermediate housing.
- 7.11 An initial appraisal of the applicant's viability assessment considers that the application could viably provide a higher level of affordable housing. Particular areas of concern relate to the overall methodology employed, and specific elements including, the food store valuation, abnormal cost, marketing and disposal costs, profit, benchmark.
- 7.12 Should the 35% affordable housing threshold not be met, the application must be subject to both a near end review mechanism and an early implementation review mechanism, which would be triggered if substantial implementation hasn't occurred within 2 years of approval. The applicant must also engage with Registered Providers in order to maximise affordable housing delivery and fully utilise possible grant funding options. Further engagement with GLA planning and housing officers is therefore required.
- 7.13 In the interests of transparency, the Council should note that draft London Plan Policy H6 and the Mayor's adopted Affordable Housing and Viability SPG strongly encourage local planning authorities (LPAs) to publish any submitted financial viability assessment, and any associated independent viability review.
- Urban Design
- 7.14 Albion Way is well proportioned and activated through day and night, that feature 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.
- 7.15 It is noted that the podium level amenity spaces for private market is separate from the space identified for residents of the affordable rented accommodation. This is unjustified and the design should be amended to ensure that there is no physical segregation of amenity spaces purely on the basis of tenure.
- Heritage
- 7.16 Some of the upper elements of the development would be visible in the backdrop of Albion Yard and within the settings of the Whitechapel Road conservation areas, however, this is not considered to be substantially harmful because of the slender form of the 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 less than substantial harm caused.
- 7.17 Energy
Further information has been requested on the proposed energy centre, site wide heat network, and provision made for the residential units. Once all opportunities to provide on-site savings have been fully exhausted, any remaining regulated carbon dioxide emission reductions must be met through a contribution to the Borough's offset fund.
- 7.18 Transportation

Car parking provision for the retail element should be reduced in line with the draft London Plan standards and contributions secured in relation cycle hire provision and the local bus network. Further information is required with regards to cycle parking spaces. Travel Plans must be secured by s106 and a delivery & service plan, and construction & logistics plan secured by condition.

Conclusion

- 7.19 The scheme does not comply with the London Plan in relation to level of affordable housing, urban design, climate change and transport.

Transport for London

Car Parking

- 7.20 The level of residential car parking along with blue badge spaces and electric vehicle charging points is acceptable. Car free agreement and car parking management plan should be secured by condition. The car parking provision for the commercial elements of the scheme are considered excessive in the context of the London Plan standard for 'Town Centre' and a PTAL of 6.

Trip Generation

- 7.21 Assuming commercial car parking provision is reduced, the modelling for trip generation would need to be revised. At present, the junction design is focused on a high transport capacity resulting from the limited restraints imposed on retail based car parking.

Highways impact

- 7.22 Concerns about queueing on approaches to proposed relocated junction. TfL would recommend modelling the proposed relocated junction with and without the development, which is currently absent from the Transport Assessment.

Buses

- 7.23 Proposed relocation of Bus Stops R and M on Cambridge Heath Road should be revisited. Cumulative impact of development within an area will have impact on bus capacity. Section 106 contribution is sought in light of this.

Walking

- 7.24 Contributions should be sought to improve pedestrian environment. Lack of storage space for stalls from Whitechapel Market leads to clutter on footways. The planning application represents an opportunity to alleviate this clutter.

Cycling

- 7.25 General provision for cycling within the site is welcomed however layouts could be improved to facilitate better cyclist/pedestrian relationship.
- 7.26 Proposed small under-provision of cycle parking for non-residential uses slight over provision for residential uses. However these small imbalances could offset each other. Access to some cycle stands is unclear. New TfL cycle hire docking station accessed from Brady Street should be secured within a s106 agreement.

Crossrail

- 7.27 Work with TfL to ensure the construction of buildings does not impact upon Crossrail tunnels and does not jeopardise the delivery of the second Crossrail station entrance. A contribution in line with the Crossrail SPG should be secured within the Section 106 agreement

Freight

7.28 A Delivery and Servicing Plan and Construction and Logistics Plan should be secured by condition.

City of London

7.29 No comments to make on the proposals.

Crossrail

7.30 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

Victorian Society

7.31 Awaiting comments at time of report.

Greater London Archaeology Advisory Service

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

London Borough of Hackney

7.33 No objection.

Royal Borough of Greenwich

7.34 No comments received.

London Underground Infrastructure

7.35 No objection.

London Fire and Emergency Planning Authority

7.36 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

7.37 Taking into account Approved Document Q of the Building Regulations and the design and layout there is no reason why, with continued consultation with a DOCO and the correct tested, accredited and third party certificated products that this development would not be able to achieve Secured by Design award. A planning condition should be imposed to secure this accreditation..

NATS

7.38 No objection.

National Grid

7.39 No objection.

Network Rail

7.40 No objection.

7.41 **Collingwood Tenants' and Residents' Association**

The affordable housing offer is significantly below the Borough target. The developers argue that to provide more affordable housing would unduly cut into their profits. However, Sainsbury plc have owned this site for many years and the use of a

current land value as the basis for assessing profitability will hugely understate the profit margin.

The proposed height of buildings would still unduly impact on daylight and sunlight to existing properties.

The proposed routing to the car park, and increased intensity of use of Darling Row, is of concern.

Thames Water

7.42 No objection subject to planning conditions to provide:-

- Submission of a detailed drainage strategy given the existing waste water infrastructure lacks spare capacity for the development.
- Installation of non-return valve or other suitable devices to avoid the risk of waste backflow.

Twentieth Century Society

7.43 No comments received.

Whitechapel Design Review Panel (scheme for the site seen by the Review Panel at pre-application stage, prior to submission of the previous refused scheme)

7.44 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.

7.45 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.

7.46 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.

7.47 The greenery and landscaping on the podium should be made visible from the public realm.

7.48 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 considered strained given Georgian architecture is of a very different smaller scale to the applicants proposal.

7.49 Much of the variety in the scheme would be achieved through subtle changes in detailing, hence need to not dilute design quality during the construction process.

7.50 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

7.51 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 amenity landscaping provides significant opportunities to increase biodiversity across the site.

7.52 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 to the non-amenity areas should be replaced with biodiverse roofs.

7.53 No objections 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:

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

EH Noise and Vibration Team:

7.55 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

7.56 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

7.57 Carbon Reduction Requirements

The Managing Development Document Policy DM29 includes carbon reduction targets for new development and identifies that residential development should be zero carbon and that for non-residential developments the London Borough of Tower Hamlets have applied a 45% carbon reduction target beyond Part L 2013 of the Building Regulations.

7.58 The applicant must ensure that they comply with Policy 5.6 of the London Plan and install an energy system in accordance with the following hierarchy:

- 1) Connect to existing heating or cooling networks.
- 2) Site wide CHP
- 3) Communal heating and cooling.

7.59 The submitted energy strategy details how the design has sought to reduce emissions through the energy hierarchy and deliver emission reduction through energy efficiency measures, use of an onsite CHP (for 100% of hot water

requirements and 50% of space heating) and renewable energy technologies (PV array). The proposals are anticipated to achieve site wide CO2 emission reduction of 26% against a building regulation baseline which is significantly below the policy requirement.

7.60 Carbon Offsetting

The Planning Obligations SPD includes the mechanism for any shortfall in CO2 to be met through a cash in lieu contribution for sustainability projects. The submitted energy strategy identifies the shortfall to meeting zero carbon for the residential elements is: 426 tonnes CO2. The carbon emission reduction shortfall to meet the non-residential 45% requirement is identified as: 236 tonnes CO2

7.61 It is proposed that the shortfall in CO2 emission reductions could be offset through a cash in lieu payment. The current identified cost for a tonne of CO2 is £1,800 per tonne of CO2. Therefore for the proposed scheme the energy strategy identifies a carbon offsetting contribution of £1,191,645 would be made.

The calculation for this figure is as follows:

- Residential units – 426 tonnes CO2 x £1,800 = £767,606
- Non-residential element – 236 tonnes CO2 x £1,800 = £424,039
- £767,606 + £424,039 = £1,191,645 carbon offset payment to meet current policy requirements.

7.62 Sustainability

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 non-residential development to achieve BREEAM Excellent.

7.63 In relation to the foodstore the Sustainability Statement, notes that a 'Very Good' rating will be achieved. This is not considered appropriate for the development and the design should target a BREEAM Excellent rating in accordance with policy requirements. A BREEAM pre-assessment should be submitted, and where an excellent rating cannot be achieved a detailed justification should be presented in the Pre-assessment as to why the credits are not achievable.

Employment & Enterprise Team

7.64 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 provided through businesses located in Tower Hamlets. Subject to further clarification on the apportionment of the total GIA by proposed land use and in line with the Borough Planning Obligation SPD skills, training and apprenticeship contributions are sought in both the the scheme's construction phase and end-user phase.

7.65 The Council will seek to secure a financial contribution of £279,816.00 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. This contribution will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created.

- 7.66 The council seeks a monetary contribution of £432,531.00 towards the training and development of unemployed residents in Tower Hamlets to access either:
i) Jobs within the uses A1 of the development
ii) Jobs or training within employment sectors relating to the final development
Monitoring for all obligations will be discussed and agreed with the developer prior to commencement of works.
- 7.67 During the construction phase of 38 phased apprenticeships are due to a minimum NVQ Level 2. During the end-use phase 5 apprenticeships are expected to be delivered over the first 3 years of full occupation, again to a minimum NVQ Level 2.

Transportation & Highways Team

- 7.68 Highways matters for the revised scheme are largely the same as for the refused scheme. All conditions relating to highways should be retained and all contributions relating to highways and transport should be retained.
- 7.69 There is however an outstanding matter relating to the acceptability of the relocated northbound bus stop on Cambridge Heath Road. Currently, TfL have advised that this would not meet their updated bus stop accessibility requirements and any bid to meet these requirements would require the loss of a mature street tree. Inclusive design and operation for bus services should be a pre-requisite, especially where alterations are made due to new development. We are aware that removal of the mature tree will be of detriment to the street scene.
- 7.70 Car parking, we would again re-iterate that the residential car parking (42 spaces) is only acceptable for use by Blue Badge eligible parking and is not to be for general use. even if spaces become unused. Regards the commercial car parking, Sainsburys have committed to funding and installing high speed electric vehicle charging points. This is a positive element of the new scheme and should be secured by s106 agreement. I note TfL's comments to reduce the proposed level of commercial car parking significantly. Highways is always supportive of reducing the vehicle impact of schemes in the borough and would welcome such a reduction. However, this is on the grounds that such an objection can be supported by the weight of emerging London Plan policy that the GLA refer to in their response to the scheme.
- 7.71 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 the completion of the scheme.

Flood and Drainage Officer

- 7.72 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.

Waste Management Team

- 7.73 The following issues should be addressed by the applicant.
- 7.74 Bins

Refuse bins should be 1100 litres as 1280 litre bins are only used for recycling to keep the standardisation of the service. Bulk bins are not used for compostable waste due the issues with weight.

7.75 The bin requirements for this proposed development should be:

27 x 1280 litre bins for recycling
45 x 240 litre bins for food waste
45 x 1100 litre bins for refuse

The above is needed in total for the whole development. The applicant should ensure these are distributed as required per block and details of this should be provided per block.

7.76 Individual town houses do not appear to have any storage space for compostable waste. There appears to be only bins for refuse and recycling.

All bins must meet the British Standard EN 840

7.77 Waste Collection Service

The applicant should provide dropped kerb from bin store to collection point where these do not exist to ensure waste collection operatives can service the bins safely.

The trolleying distance from Cambridge heath road proposed loading bay appears to be beyond 10 meters trolleying distance. The use of a tug on the public highway may not be suitable as it can affect pedestrians. The Council will not be providing twice a week collection

7.78 Access Roads

The applicant should ensure that private access roads have suitable foundations and surfaces to withstand the maximum payload of vehicles. Manhole covers, gratings etc. located on the highway must also be strong enough to withstand this weight.

7.79 Commercial Waste Storage

The waste storage area for each commercial unit should be designed in accordance to BS5906 and Building Regulations Part H6.

7.80 Timed Collection Service

This service was introduced for existing properties that have no storage space for waste / bins. The proposed developments have plenty of scope to design dedicated storage area for bins or alternative waste storage that does not require applying further pressure on presenting more waste on the public highway.

7.81 Swept Analysis

The applicant should provide a swept analysis using the Council's conventional waste collection vehicle specifications:

Length - 11 metres
Width - 2.5 metres
Height - 3.5 metres

Height with bin lift in operation - 3.7 metres
Turning Circle (Diameter) - 17.5 metres (Overall)
Maximum Weight - 17.5 tonnes
Payload - 10 tonnes

8.0 LOCAL REPRESENTATIONS

- 8.1 1585 neighbouring properties were notified about the application and invited to comment. The application has also been publicised in the local press and via a number of site notices erected near the site.
- 8.2 33 written public representations received of which 4 are in favour and 29 against.
- 8.3 The 4 representations in favour consider that:-
- 1) Scheme includes much needed improvements to the public realm.
 - 2) Scheme addresses previous heritage concerns.
 - 3) Independent retailers should be encouraged within the new retail units.
- 8.4 The representations against the scheme raise concerns that can be summarised as follows:
- 1) Would cause daylight/sunlight issues to properties that have enjoyed unobstructed views for a number of years.
 - 2) The 14 storey tower would have detrimental impacts on views from surrounding residential areas.
 - 3) The proposed tower is still too high and is out of keeping with existing buildings.
 - 4) The affordable housing offer falls well short of the 35% target.
 - 5) The area, including the traffic network, will become overcrowded as a result of the scheme.
 - 6) Noise and pollution to residential properties at Albion Yard.
 - 7) Concerns about impacts on local services.
 - 8) Will devalue surrounding properties.
 - 9) The proposed buildings are poorly designed.
 - 10) The level of daylight/sunlight impacts to Kempton Court is unacceptable.
 - 11) Construction impacts to Kempton Court are difficult to ascertain, detailed management measures must be put in place to ensure no adverse effects.
 - 12) The entrances to the commercial units are too close to the residential units at Kempton Court and thus will harm amenity.
 - 13) Concerns about impacts on servicing to retail units on Cambridge Heath Road.
 - 14) Adverse noise, light pollution and security impacts upon Albion Yard.
 - 15) Compromise privacy to Albion Yard and its roof terrace.
 - 16) Inadequacy of the public consultation.
 - 17) Will worsen the already poor air quality in the area.
 - 18) Loss of store during construction period must be considered.
 - 19) Increased traffic stress on already busy Darling Row.
 - 20) The proposals will result in adverse wind impacts to neighbouring properties
 - 21) Development may result in subsidence for neighbouring properties.
 - 22) The supporting documents portray the existing site in unfavourable terms.
 - 23) There is a lot of private open space but minimal public open space included within the proposals.
 - 24) Will worsen already stretched parking provision in the area.
 - 25) The development will result in social division between the residents on the existing estates and those in the new properties.

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 boost significantly the supply of housing and applications should be considered in the context of the presumption in favour of sustainable development.
- 10.2 The London Plan shares the objectives of the NPPF for delivering sustainable development and supporting mixed use schemes with commercial/retail uses at ground floor level and residential above in sites of this type located in a districted shopping centre, with a high public transport accessibility area.
- 10.3 Policy 1.1 of the London Plan states “*the development of East London will be a particular priority to address existing need for development, regeneration and promotion of social and economic convergence with other parts of London and as the location of the largest opportunities for new homes and jobs*”. The London Plan identifies Opportunity Areas within London which are capable of significant

regeneration. Whitechapel falls within the City Fringe Opportunity Area and is identified as holding significant development capacity.

- 10.4 At the local level, the Borough Core Strategy set out a “vision” for Whitechapel as:
“a thriving regional hub, set along the historic and vibrant Whitechapel Road. It will be home to a bustling, diverse economy offering a variety of job opportunities for local people, and capitalising on the benefits brought about by the 2012 Olympic Games, the Royal London Hospital expansion, Crossrail and the London Overground. Whitechapel Road will maintain its important local function, providing services to the community through the offer of the market, shops, restaurants, café and the Idea Store”.
- 10.5 Relevant to this application the Core Strategy provides the following priorities for Whitechapel for new development:
- To reinforce its regional role by providing more housing, and redeveloping identified areas
 - To deliver improvements to the market to better serve local communities
 - To improve the streetscape of Whitechapel Road and wider area
 - To improve the accessibility, crossings and streetscape quality of Cambridge Heath Road.
- 10.6 The Core Strategy also sets out for Whitechapel four urban design principles:-
1. *“Large development sites should provide improved connections.*
 2. *Medium-rise development will be focused in and around the Whitechapel transport interchange.*
 3. *The scale and design of buildings should frame and provide active frontages onto Whitechapel Road.*
 4. *Derelict buildings should be bought back into use and optimised by the use of all floors, particularly the upper-floors”.*
- 10.7 The Borough’s Whitechapel Vision Masterplan provides further supplementary planning guidance on realising the vision, priorities and design principles set out Local Plan of providing a regional hub.
- 10.8 The Whitechapel Vision Masterplan identifies the Sainsbury’s site as a *“Key Place Transformation’ centred around a future secondary entrance to the Crossrail station*
- *Potential to redevelop the existing Sainsbury’s site with a new larger store and a high density residential development above providing new homes especially affordable and family homes*
 - *Opportunities to provide new leisure facilities, education, skills and training space to benefit local residents and businesses on the site*
 - *Redevelopment of Sainsbury’s site should provide a new public space where Durward Street meets the site with a direct connection through to the new station and Cambridge Heath Road*

- *Active frontages should be provided along these spaces and to Cambridge Heath Road street frontage creating animated streets.”*

- 10.9 The proposed scheme in main land use terms consists of 47,991sq.m (GIA) of identified residential and 21,936sq.m of non-residential floor area. The bulk of the non-residential floor space would be occupied or serve the supermarket, with five individual flexible use retail type floor spaces occupying collectively 871sq.m (GIA) and a D1 space occupying 118sq.m.
- 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 The increase in the size of the supermarket would be consistent with that as proposed in the previous refusal on site, PA/15/00837. It also noted that the retail assessment submitted in support of the subject application, is largely identical to that submitted with PA/15/00837, this reduces therefore reduces the accuracy/reliability given that the time now elapsed from the findings of the applicant’s retail assessment report.
- 10.27 In assessing application PA/15/00837, the 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 policies as set out nationally (in NPPF), strategic planning authority level (in London Plan), and at the local level (in the adopted Local Development Framework).
- 10.28 The PBA report concluded that the expansion of the retail supermarket accords with Development Plan policy given its town centre location. The proposals would lead to

a modest uplift in turnover within the town centre, and would lead to wider benefits arising from the scheme's improvements to the public realm and enhanced pedestrian connectivity.

- 10.29 The submitted retail assessment and the Council's assessors also concluded that the proposals would have minimal impact on other town centres in the Borough, with only marginal trade diversion between shopping centres.
- 10.30 Finally, it was concluded that the expansion of the supermarket would result in some overlap with 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.
- 10.31 This finding is supported by the findings 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.*'
- 10.32 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. Consequently, the Council's assessors found that "*this will serve to limit the extent of direct impact on the market*". Thus whilst there may be a limit to the impact upon the existing market stalls it needs to be recognised that there will remain some impact.
- 10.33 Given the similarity in the proposals in retail terms, the conclusions of the previous report for PA/15/00837 are shared here in that the local retail diversion impacts away from the comparison goods offer of the street market would require mitigation to make the scheme acceptable in retail policy terms. It is disappointing to note that the option to provide storage for market stall holders within the development has not been pursued as this would not only offer mitigation, but would also result in wider public benefits in terms of the quality of the surrounding public realm.

Concluding remarks on retail land use

- 10.34 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 retail location policy objectives. A full package of retail mitigation measures for the street market should be secured through legal agreement.

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 (MDD) in relation to tall buildings, namely Policy 7.7 of London Plan and Policy DM26 of MDD. These policies allow tall buildings to come forward provided that a number of criteria as set out by both documents are met. The relevant criteria 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*



Overview of scheme’s proposed design

Site Layout

11.09 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 between Cambridge Heath Road and Brady Street which in turn would provide 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 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 to a further residential block which would rise to 9 storeys in height and would face out onto the Cambridge Heath Road edge of the site.

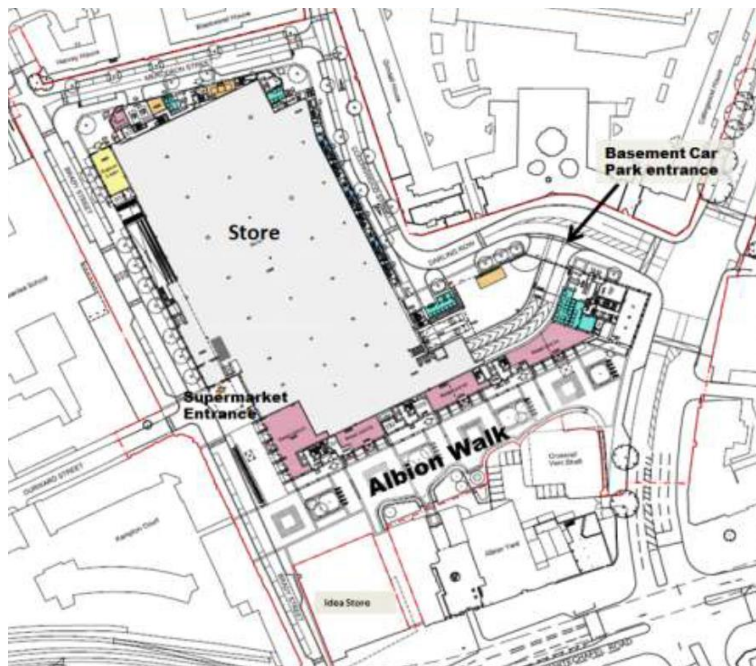


Figure 6: Annotated proposed ground floor layout plan

- 11.13 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)

- 11.14 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 4 in foreground)

- 11.15 In appearance the individual residential buildings share some common architectural characteristics. 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.

- 11.16 Buildings 1 to 4 are ordered around a simple lattice frame architectural language involving expressed horizontal banding on every other storey 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. Buildings 2 to 4 would feature set back top storeys with an ornate crown appearance whilst Building 1 would feature a double height colonnade element helping it to achieve a lighter weight and character than the building massing set below it.



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

- 11.17 The southern edge of the proposed Albion Walk serves as the rear of the 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.
- 11.18 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.
- 11.19 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 would 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.

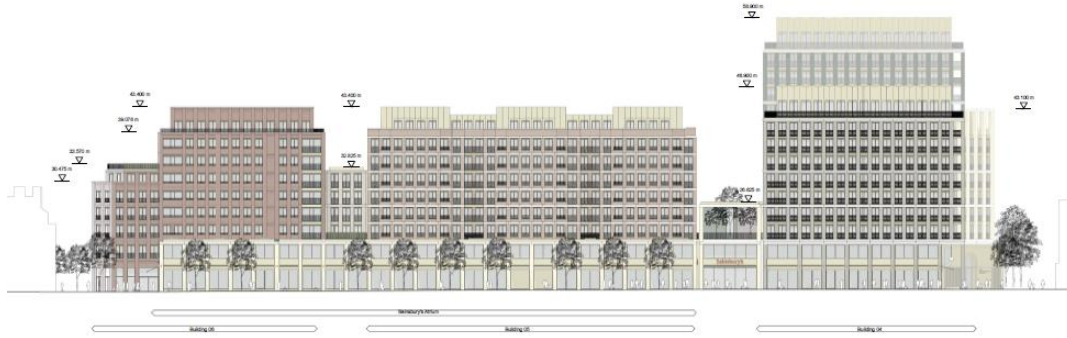


Figure 10: West facing elevation of scheme (Brady Street)

- 11.20 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 of the scheme 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 solid brick punctured by the windows and recessed balconies.
- 11.21 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)

- 11.22 The proposed terrace of townhouses on Collingwood Street would help to establish a lower rise street scale, more typical of the scale 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 the 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 helps visually mitigate the impact of the larger building elements above.

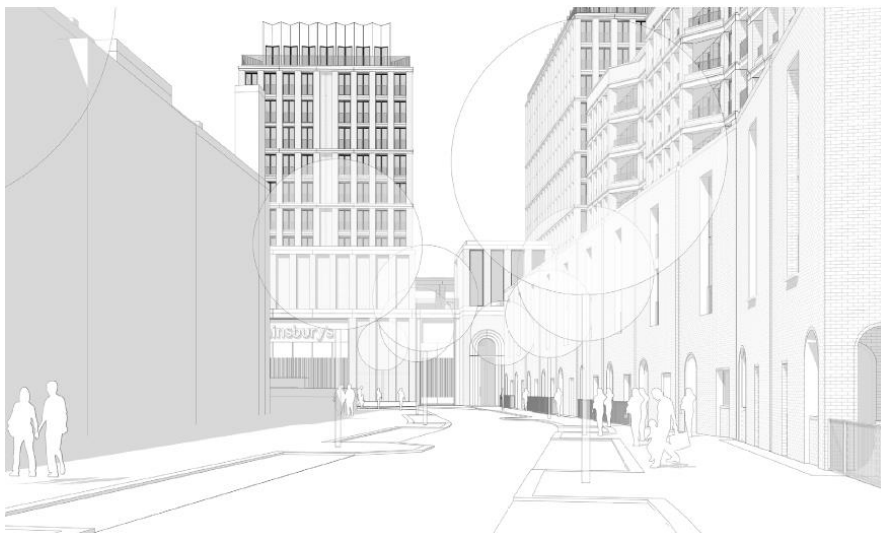
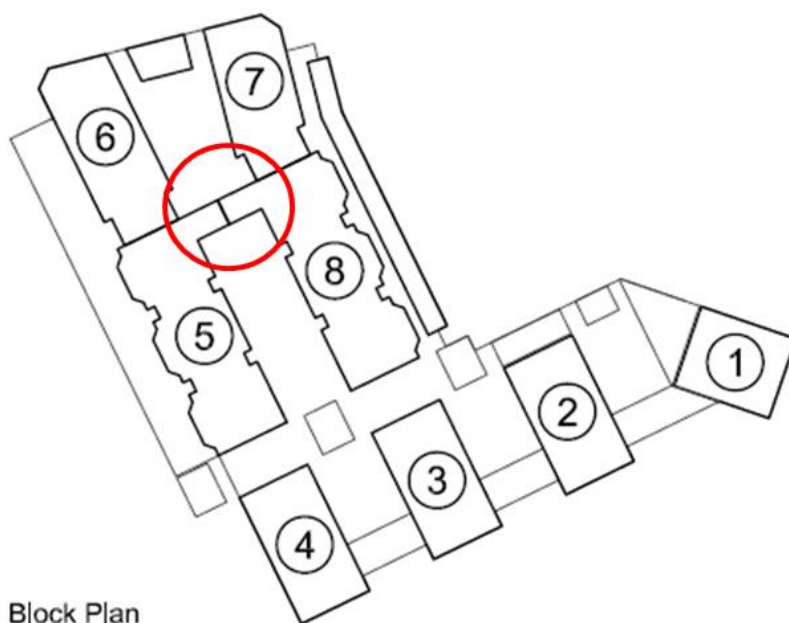


Figure 12: Image of Collingwood Street looking south towards Darling Way

- 11.23 Building 1 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.

- 11.24 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 would introduce 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.
- 11.25 Taken overall in broad urban design terms 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.
- 11.26 However, it is particularly disappointing to note that both the rented affordable housing and the intermediate housing are located in a more marginal and less attractive part of the scheme. This marginalisation is exacerbated by the insertion of the two storey block above the podium which serves to separate Buildings 6 and 7 (that would contain rented and intermediate housing) from the remaining residential blocks to the south (that contain market tenure homes), as is 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.



Block Plan

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

11.27 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 design of the scheme overall is delivered to a very high standard in order for the scheme to be successful. This would require very close attention to detail including but not exclusively with respect to the choice of finish materials, to landscaping and the 3D modelling of the small detailing of proposed facades, all of the aforementioned 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. Indeed, the NPPF explains that any harm to the significance of a heritage asset must be given great weight. Development which would cause harm must therefore deliver public benefits which are substantial enough to outweigh the great weight to be given to such harm to significance.

12.2 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, 7.7, 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 prevent harm to the significance of heritage assets including form development within their setting.
- 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 the former London Hospital building.

Impact of proposed development on the Trinity Green Almshouses

- 12.13 As outlined above, planning application PA/15/00837 was refused in May of 2017. The first reason for refusal of this application was the impact of the proposals on the setting of the Trinity Green Almshouses. Specifically, the location of the 28 storey tower detailed within the previous application was considered to result in substantial harm to the significance of this heritage asset.

12.14 As detailed above, the proposed building that occupies the site of the previous 28 storey tower (Building 1) is now at 9 storeys within this application. This represents a reduction from 101.375m (AOD) to 43.1m (AOD). As a consequence, the protrusion of the tower above the western range of the Almshouses. This is as illustrated in Figures 14 to 16 below which compare the existing situation to the previous refusal and the current application.

Figure 14: Existing view from green looking towards western range (THVIA view 17)



Figure 15: Proposed view for previous refusal PA/15/00837 (THVIA view 17 for PA/15/00837)



Figure 16: Proposed view in subject application (THVIA view 17)



- 12.15 As illustrated above, the harmful impact on the setting of the almshouses has been removed.
- 12.16 A further reason for refusal of planning application PA/15/00837 was the harm, albeit less than substantial, to the setting of the Albion Yard Brewery buildings set to the south of the site in relation to townscape views from Whitechapel Road. The reduction in height of Building 1 means that it would no longer be visible in TVIA View 20 but Building 3 would still cause harm with regard to the setting of the listed brewery, as illustrated in TVIA View 21.

- 12.17 The Albion Brewery is listed at Grade II. The surviving buildings originally formed part of a much larger brewery complex occupied by Mann, Crossman & Paulin. Today's listed building was the public facade of the Brewery, facing onto one of the key routes leading into the centre of the capital. The recessed Portland stone centrepiece is highlighted in Pevsner's East London, it states that *'the 1860's fermenting house at the rear of the courtyard was remodelled and liberally embellished in show-of baroque style, dominated by a high pedimented gable between huge carved volutes, a clock and a splendid carved relief of St George & the Dragon, its sculptor sadly unknown. Much carved detail of hops and barley.'*
- 12.18 The significance of the listed Brewery is predominantly derived from its historical and aesthetic values. The historical value accrues from the survival of this important part, the public façade, of a much larger brewery complex which formed an significant part of an industry that was once very important in the East End. The aesthetic value derives from the fine Portland stone facade, viewed in conjunction with the well detailed brick buildings and gateway with the brewery name on the gate overthrow.
- 12.19 In the existing view from Whitechapel Road, the very distinctive clock gable, the visual centrepiece of the facade is seen outlined against the sky. As proposed, however, Building 3 would rise directly behind the gabled, decorative centrepiece thereby reducing the its impact and diminishing the viewers ability to fully appreciate its fine architectural qualities. Further, the comfortable, self-contained, visual inter-relationship of the predominantly brick buildings on three sides of the recessed Albion Yard is harmed by the intrusion of the tower. In the view, Building 3 does not rise quite symmetrically with the recessed facade of the brewery - the south elevation of the proposed block is not quite parallel with recessed brewery facade, this exacerbates the intrusive impact of the tower.
- 12.20 The impact of Building 3 on the significance of Grade II listed Albion Yard Brewery is thus to its aesthetic value. This is therefore considered to constitute less than substantial harm to the significance of this heritage asset.



Figure 17: Existing view of Albion Yard Brewery from Whitechapel Road (TVIA view 21)



Figure 18: Proposed view for previous refusal PA/15/00837 (TVIA view 21 for PA/15/00837)



Figure 19: Proposed view for current application (TVIA view 21) with Building 3 set behind the gabled clock of the Albion Yard Brewery

Impact on Conservation Areas

- 12.21 As with the Trinity Green Almshouses, the reduction in height of Building 1 to 9 storeys removes the harmful impacts upon the Stepney Green Conservation Area that were previously identified with respect to application PA/15/00837.
- 12.22 The reduction in height of Building 1 has also lessened the overall impact on the Whitechapel Market Conservation Area, however, the impacts of Building 3 as discussed in relation to the Albion Yard Brewery are still considered to result in some

harm to the character and appearance of the Whitechapel Market Conservation Area.

- 12.23 Whitechapel developed as a mediaeval suburb to the east of London, along Whitechapel Road. The establishment of the London Hospital was a spur to growth as modest residential development covered adjacent sites. The development of the London Underground had a very significant impact on the area. The changing social and economic fortunes of the area in the nineteenth century are well reflected in the built environment.
- 12.24 The Whitechapel Market Conservation Area is centered on the long run of properties on the north side of Whitechapel Road (between Vallance Road and Cambridge Heath Road) which face on to the famous Whitechapel Market which has long been a notable feature of the East End. The market and the buildings behind it form its setting and are a defining image of the East End.
- 12.25 The relevant Conservation Area Character Appraisal and Management Guidelines includes that '*The Whitechapel Road frontage is significant because it is a sustained stretch of fine-grain historic buildings, with a variety of architectural design approaches. Some 18th century buildings still survive, reflecting the older framework of the original market place and commercial architecture of the time. 18th century buildings include the Grade II-listed Woods buildings and Davenant Centre and the former [Albion] brewery. There are also 19th century buildings, and the frontage demonstrates a fine variety of Victorian architecture.*'
- 12.26 Overall the Whitechapel Market Conservation Area has strong historical value, incorporating valuable elements which illustrate the development of the area over several centuries. It also has strong aesthetic value particularly with regard to the attractive and varied run of buildings which front Whitechapel Road along with very considerable communal value with regard the long running and much loved Whitechapel Market.
- 12.27 The surviving unobstructed skyline is an important element of the aesthetic and historic value of the Conservation Area i.e. the fact that in views, large scale buildings beyond the Conservation Area boundary are not visible. This feature is an important contributing factor to the conservation area's aesthetic significance.
- 12.28 The Whitechapel Ideas Store within the Conservation Area boundary, is an unashamedly, bold modern building by Sir David Adjaye. It was shortlisted for the Stirling Prize in 2006 and delivers significant public benefits.
- 12.29 In View 20, Building 3 would rise up above and obscure important rooftop elements including chimney stacks of nos. 285 to 295 Whitechapel Road which form an important part of the key group of Conservation Area building facing the market. It would also diminish the visual impact of the impressive no. 279 to 283 Whitechapel Road which is included on the Council's local list and was built as the Working Lads Institute by George Baines in 1884-5. It would thus be harmful to the historic and aesthetic value of the Conservation Area.

Conclusion

- 12.30 When assessed against the public benefits of scheme, addressed in further detail below, the less than substantial harm to the Albion Yard Brewery and Whitechapel Market Conservation Area, whilst towards the lower end of this category, is not considered to be outweighed by the public benefits of the proposal.

13.0 Housing & Density

Policy Context

- 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 | 406 | 86.2 | 82.5% |
| Affordable | 65 | 13.8 | 17.5% |
| TOTAL | 471 | 100% | 100% |

- 13.14 This scheme makes an on-site affordable housing offer of 17.5% by habitable room. The affordable housing provision is split 80:20 in favour of rented housing measured by habitable rooms. The majority of the affordable rented accommodation would be contained in Building 6, with a small number of units in Building 7 and the remaining four affordable units within four of the seven in total proposed town houses. The intermediate units would be intermixed with market sale and affordable units in Building 7.
- 13.15 The affordable rented housing accommodation would be provided on a 51:49 split between London Affordable Rents and Tower Hamlets Living Rent 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, as the proposed split favours rented units over intermediate units, this is considered acceptable by officers.
- 13.17 A viability appraisal has been submitted with the scheme and this has been independently reviewed by the Council's Independent Assessor along with the GLA's Homes for Londoner's Viability Team.
- 13.18 The GLA team consider that the overall methodology adopted in the appraisal needs to be reconsidered in light of the methods adopted by assessors in the context of a similar planning application at the Sainbury's Supermarket in Ilford which went to Public Inquiry. As outlined in the GLA's Stage 1 response, specific concerns are raised in relation to following aspects of the submitted viability appraisal, the food store valuation, abnormal cost, marketing and disposal costs, profit and the benchmark land value.
- 13.19 The Council's assessors failed to reach an agreed position with respect to a number of matters prior to the applicant lodging an appeal for non-determination with the Planning Inspectorate. Outstanding matters include construction related costs and the Benchmark Land Value. Officers share the concerns of the GLA in respect of the chosen methodology adopted in the applicant appraisal.
- 13.20 The applicant has failed to demonstrate that the scheme would provide for the maximum reasonable amount of affordable housing. This is contrary to Core Strategy Policy SP02, Development Management Plan Policy DM3 and London Plan Policies 3.11 and 3.12.
- 13.21 The provision of 17.5% affordable housing falls significantly below the Borough's strategic target of 50% affordable housing and well below the minimum target of 35% on all developments providing in excess of 10 residential units, as set out within Core Strategy Policy SP02. It is also of note that the GLA, as per their Stage 1 Report, consider that this level of affordable housing provision proposed within a high density scheme, situated in an opportunity area, as '*wholly unacceptable and must be significantly increased.*'
- 13.22 It should also be noted that whilst the Council has a five year housing land supply, the provision of additional housing is of public benefit given the shortfall of housing provision within London as a whole. This together with the delivery of affordable housing are matters which should be given significant weight.

Housing Mix

- 13.23 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 | 36 | 0% | 8.9% |
| | 1 bed | 145 | 50% | 35.7% |
| | 2 bed | 197 | 30% | 48.5% |
| | 3 bed | 28 | 20% | 6.9% |
| | 4+ bed | 0 | | 0 |
| | | | 406 | 100% |
| Affordable Rented | 1 bed | 5 | 30% | 10.2% |
| | 2 bed | 14 | 25% | 28.6% |
| | 3 bed | 30 | 30% | 61.2% |
| | 4+ bed | 0 | 15% | 0% |
| | | | 49 | 100% |
| Intermediate | Studio | 0 | 0% | 0 |
| | 1 bed | 6 | 25% | 37.5% |
| | 2 bed | 8 | 50% | 50% |
| | 3 bed | 2 | 25% | 12.5% |
| | 4+ bed | 0 | | 0 |
| | | | 16 | 100% |

- 13.19 The Local Plan does not target provision of studio units in any tenure. The scheme underprovides in 1 bedroom market units against the Borough target. However if studio units are factored in, the mix falls just short of the 50% target. The scheme markedly overprovides in 2 bed market units (48.5% against 30% target) and conversely significantly underprovides in larger family sized (3 and 4 bedroom) markets units, consisting of 6.9% 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 scheme significantly underprovides with regard to 1 bed affordable units against the Borough target mix (10.2% compared to 30%) and conversely significantly overprovides for 3 bed affordable units (61% against a target of 30%). It is understood that this overprovision of 3 bed units is intended to compensate for the lack of 4 bed units within the scheme. The Borough Affordable Housing Team have raised concerns about the proposed mix, noting the significant under-provision of 1 bedroom units and the lack of 4 bed units. It is of concern that on a major residential scheme such as this, that no 4 bed units are provided, this fails to accord 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

- 13.21 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 space 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 5 and 8 would contain more than 8 units served per core, per floor contrary to a Mayor's Housing SPG design standard. However, were consent to be granted for the scheme, this design shortcoming could be 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 Whilst over 50% of units would be dual aspect and there would be no north facing single aspect units there would be a number of single aspect units facing directly on onto Cambridge Heath Road, a busy arterial road with noise levels regularly in excess of 70db (LAeq,T) as stated in the applicants Environmental Statement.

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 is considered 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 compromised separation distances are limited to bedrooms (24 in number). It is noted that 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 in line with the aforementioned Building Regulation Optional Requirements set out above, secured by planning condition.

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".
- 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 caution as the ADF testing has included the winter gardens and adjacent room as a single space which favourably impacts the assessment results. This could lead to the calculated values significantly overestimating the daylight in the rooms.

- 13.37 In Building 1 the ADF levels would be generally acceptable with only 4 rooms failing BRE guidance, though there is one deep living room with an ADF of only 0.39%. In Building 2 there are 14 rooms that would fail to meet BRE guidance – most of 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 42 rooms that would fail to meet BRE ADF criteria (representing 13% 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 four achieving only 0.05%, 0.14%, 0.25% and 0.36%. There are three 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 48 rooms failing the BRE guidance, this figure represents 17% 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 There is particular concern about the location of the two storey block running east west across the podium and the impact of this on the quality of daylight/sunlight to the habitable rooms in Buildings 6 and 7. It is considered that the location of this block is significant contributing factor to the ADF failures experienced by the habitable rooms at podium level within Buildings 6 and 7.
- 13.42 Amongst the proposed townhouses 3 habitable rooms would fail to achieve BRE ADF guidance.
- 13.43 89% of habitable rooms meet BRE No Sky Line guidance with compliance ranging from 83% (Buildings 7 and 8) to 97% (in Building1).
- 13.44 Overall 88% of habitable rooms meet the ADF guidance. In percentage terms, this has fallen from the previous scheme owing to the loss of compliant rooms on the

upper floors of the now smaller Building 1. The previous scheme was considered by officers to be on balance acceptable in daylight/sunlight terms, in spite of concerns about the daylight within habitable rooms. It is noted that members did not add a reason for refusal in respect of daylight/sunlight for future residential occupants of the development.

- 13.45 It is disappointing with this amended scheme that the applicant has not taken the opportunity available to seek to address the daylight failures, through changes to the internal layouts and window placement and by removal of the 2 storey block set across the podium.

Sunlight

- 13.46 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.
- 13.47 The majority of rooms do not meet these guidelines, partly because of the recessed windows used extensively in the development. Householders with a recessed window will in some cases have the benefit of sunlight on their balconies or winter gardens. With this is taken into account, some 52% of the relevant habitable rooms would enjoy at least 25% APSH, and 63% of these rooms would enjoy at least 5% in winter months. On balance officers consider the relatively poor levels of sunlight provision are not sufficient to warrant an additional reason of refusal to the scheme.

Overshadowing of amenity spaces

- 13.48 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.
- 13.49 The overshadowing analysis shows the largest podium space serving the market units would achieve two hours of sunlight for 46% of the identified area, marginally failing to meet the BRE guidance. 50% of the area would have two hours sunlight for the podium space serving the affordable units, just meeting the BRE guidance, and likewise 55% for the podium space set between Building 1 and Building 2.
- 13.50 In regard to the pedestrian public amenity space created within Brady Street and Albion Walk, 82.5% of the space would meet the BRE compliance of two hour direct sunlight guidance on 21st March.
- 13.51 In conclusion the level of direct sunlight received by the communal amenity spaces and the new public realm spaces, although not ideal, is considered acceptable.

Amenity space

- 13.52 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

- 13.53 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.
- 13.54 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.
- 13.55 Approximately 22% of the units are provided with winter gardens as opposed to external open space and without a robust justification (in terms of site context) to justify such preponderance of winter gardens. Were consent to be granted, a planning condition would be imposed to ensure that the winter gardens lie outside of the thermal envelope of the building to better accord with the Mayor's Housing design guidance and with a drainage hole to enable watering of plants.

Communal Amenity Space

- 13.56 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 511sq.m.
- 13.57 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, intermediate units and a small number of private market units with the addition of two small roof top amenity spaces also designed to also serve these units. A separate larger podium level space set between Buildings 2, 3, 4, 5 and 8 would serve the residents of the remaining market tenure homes, alongside a separate podium space set between Buildings 1 and 2. These 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.
- 13.58 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

- 13.59 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.
- 13.60 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.
- 13.61 The scheme is predicted to yield approximately 108 children using the GLA calculator. This yield by age group is estimated as follows:
- 49 children under aged 0-4,
 - 36 children between ages of 5-11 and
 - 23 children between ages 12-18
- 13.62 This child yield equates to a requirement for 487sq.m of play space for children under age of 5, 390sq.m for ages 5-11 and 227sq.m for older children.
- 13.63 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 housing within the external podium spaces set to serve these age groups.
- 13.64 The application documentation acknowledges that, 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.
- 13.65 The affordable rented units flats are estimated to yield 72 children aged 0-15, using the GLA child yield evidence base (27 children aged under 5, 28 aged 5-11 and 18 aged 12+) with further communal child space provision also required for the three town houses under this tenure (that are estimated to yield an additional 3 children).
- 13.66 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) measures approximately 790sq.m. These three external spaces are also required to provide 123sq.m of communal amenity space to the rented units. In total 905sq.m of useable outdoor space is required to meet the aggregate child minimum play space and communal area for the affordable rented, intermediate and market units within these blocks and as such there is an aggregate shortfall of approximately 13% for the these units. In contrast it is noted by the applicant that 2,890sq of podium level external amenity space is available to meet communal amenity and play space provision for residents of the remaining market housing units. Residents of the rented and intermediate units would not have access to the market podium internal and external space. It is also noted that there is communal internal amenity space at

level one to the south of the site. This is in two sections located in between Buildings 1, 2 and 3. This does not appear to have been factored into calculations by the applicant and therefore serves underestimate the generous quantum of amenity space for the market units.

- 13.67 Across all residential 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.
- 13.68 The two aforementioned roof top spaces (upon Building 6 & 7) are each small in area and necessarily are 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.
- 13.69 On balance the shortfall in quantum and quality of play space and communal amenity space provision to Buildings 6 and 7 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 and intermediate tenures compared to the relative quantum of provision enjoyed by those in the vast majority of market units is of concern. The identified disparity is not consistent with ensuring the policy objective of achieving 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).
- 13.70 This failure to address this inequality of outcomes matter arising from the specific design of the scheme at podium level is all the more disappointing as it was an issued flagged within the Strategic Development Committee Report to the refused scheme, that officer stated should be addressed in any re-submission. It is also a matter that the GLA flagged up as not acceptable in their Stage 1 response to this scheme (in contrast to the previous refused scheme, when the GLA were silent on this matter) and could be readily addressed by removing the 2 storey dividing block across the podium that contains only 4 residential units.

Secure by Design

- 13.71 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.
- 13.72 The Designing out Crime Officer has reviewed the scheme and is content that subject to further information supplied through the form of a condition, the scheme can successfully achieve Secure by Design compliance.
- 13.73 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

- 13.74 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.
- 13.75 The proposed development would have a residential density of 1,000 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.

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.
- 14.4 The guidance in the London Plan and BRE Report 'Site Layout planning for daylight and sunlight: a guide to good practice' is context dependent. The London Plan states that daylight '*should be assessed drawing on broadly comparable residential typologies within the area and of a similar nature across London.*' The BRE Report states that a flexible approach can be adopted with '*different target values. For example, in a historic city centre, or in an area with modern high rise buildings, a higher degree of obstruction may be unavoidable if new developments are to match the height and proportions of existing buildings.*' Regard should therefore be had to the predominant typology across the boundaries of the site, namely local authority housing and a school, and whether these typologies are likely to be subject to any significant change in the future.

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.

Daylight Analysis

- 14.12 The Council's consultant Delva Patman Redler 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 and 2-12 Cambridge Heath Road. The consultants also concur that the impacts to Harvey House, Berry House, 1-6 Key Close, 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 41 of the 106 windows tested would experience a reduction in VSC of more than 30%, 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. The results reported by the applicant would normally be considered moderate adverse with generally acceptable levels of retained daylight impact, but there are a small number of rooms with a major adverse impact.

Blackwood House

- 14.15 44 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. 5 out of 73 rooms would experience a reduction in NSL of more than 30% from existing. The Council's consultants conclude the daylight impacts would be moderate adverse to the homes in this building.

Collingwood House

- 14.16 At Collingwood House 14 of the 103 tested windows would experience a reduction in VSC of more than 30% from existing and 10 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 experiencing 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 minor to moderate adverse impact.

Grindall House

- 14.17 139 of the 326 rooms would experience a reduction in VSC of more than 30% from existing. 89 of these would experience a reduction of more than 40%, therefore there would be a major adverse impact on VSC. In addition 38 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. The daylight to these some rooms, but not all, are generally restricted by them being located below balconies. Taken into account these building features the Council's consultant's conclude on balance, the overall impact on Grindall House is moderate to major adverse.

Kempton Court

- 14.18 35 of the 99 windows tested would experience a reduction in VSC of more than 30% from existing and 17 of these windows would experience a reduction of more than 40%. For NSL 15 of the 78 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. The Council's consultant's conclude that the overall impact on Kempton Court would be moderate adverse, with major adverse impacts to some units.

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 The retained levels of daylight will be relatively poor in eight rooms, but with levels of light commensurate with an urban location in the other nine. Therefore, the overall impact is considered by the Council's assessors to be moderate adverse.

Sunlight Analysis

14.22 In terms of sunlight the scheme would have negligible impact upon the following properties:- Harvey House, Berry House, Redmill House, 18-28 Cambridge Heath Road, 23 Mile End Road, White Hart PH, 317 Whitechapel Road, Kempton Court, Blind Beggar PH, Albion Yard, Swanlea School.

Blackwood House

14.23 The Council's consultants conclude the impacts to this building 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 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 sunlight to Grindall House would be significant with 65 of the 213 rooms experiencing a reduction in APSH of more than 40% from existing and 84 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 the 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 four rooms left with no annual sunlight and a further 23 with very low levels although it should be noted that all the rooms that would experience the poorest levels of sunlight are bedrooms, though some living rooms are badly affected too.

14.26 The Council's consultants state the building has particularly good levels of sunlight at present and the proposed levels could be considered to be acceptable for a dense urban location, and inevitable if a taller development is to be located to the south. The residents will however clearly materially notice the effect once the development is complete with the impact considered to be moderate or major adverse.

1-6 Key Close

- 14.27 4 of the 21 rooms tested would experience a reduction in their winter sunlight of more than 40% from existing but would experience full compliance for annual sunlight. The overall impact is therefore considered to be minor adverse.

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 these will have most of their area able to receive 2 hours of sunlight on 21 March in accordance with BRE guidance. From the analysis of the transient shadow plots the Council's consultants conclude that this does appear accurate.

Concluding remarks on daylight/sunlight

- 14.29 The previous application on site PA/15/00837 included a reason of refusal in relation to the loss of daylight and sunlight to neighbouring properties. In reducing the height of Building 1 from 28 storeys to 9 storeys there have been some small improvements in relation to both daylight and sunlight. However, the extent to which these impacts will be material, or would alter the overall classification of harm, is limited.
- 14.30 With regard to daylight, 2 of the 11 properties tested are considered by the Council's assessors to have changed classification in a positive manner. 1-6 Key Close was formerly considered to experience Moderate Adverse impacts in PA/15/00837, this is now considered to be Minor to Moderate Adverse. Collingwood House was formerly considered to experience Moderate Adverse impacts, and is now considered to be Minor to Moderate Adverse.
- 14.31 With regard to sunlight, 3 properties are noted to have improved classifications. Both Berry House and 23 Mile End Road have improved from Minor Adverse to Negligible impact whilst 1-6 Key Close has changed from Major Adverse to Minor Adverse owing to its proximity to Building 1.
- 14.32 The remainder of the properties are considered to experience similar impacts in relation to both daylight and sunlight to the refused application PA/15/00837. The submitted Environmental Statement concludes that the daylight impacts to neighbouring buildings is, overall, minor adverse. The Council's daylight consultants takes issue with that conclusion and notes that the number of buildings that experience moderate or major adverse impacts need to be considered.
- 14.33 In reaching conclusions in relation to daylight and sunlight impacts, it is also important to consider previous decisions on applications of a similar scale. The recent refusal at the Whitechapel Estate PA/15/02959 (see section 5 above) could represent a useful precedent. This application was also refused on daylight/sunlight impacts to neighbouring properties which were considered unacceptable in an urban environment. This refusal has been appealed by way of public inquiry with the outcome expected towards the end of February 2018.

Privacy, outlook and enclosure

- 14.34 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.

- 14.35 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 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.
- 14.36 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 visually 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 greater given the full nine storeys of Building 1 is expressed at the street frontage. However, 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

- 14.37 The effects on the noise, vibration and air quality during the construction and operational phases of the development are assessed elsewhere in this report.

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. Transport for London have however raised concerns about queueing on approaches to proposed relocated junction and recommend modelling the proposed relocated junction with and without the development, which is currently absent from the Transport Assessment

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. Transport for London have raised concerns about the excessive level of retail parking provision in the context of a town centre location with PTAL of 6a. This concern has been raised owing to changing travel trends since the time of the 2015 application and in line with the Mayor's Healthy Streets Agenda.
- 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 for the life of the development 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. Whilst the junction location was previously considered acceptable within PA/15/00837 Transport for London have with this current scheme raised concerns about queueing on approaches to proposed relocated junction and recommend modelling the proposed relocated junction with and without the development, which is currently absent from the Transport Assessment. Additionally,

as Transport for London also advise that the retail parking element should be reduced, then the trip generation modelling would also have to be revised down.

- 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.

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). 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 refusing this major redevelopment scheme that would provide 471 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

- 15.16 906 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. This would exceed London Plan standards.

- 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 80 cycle stands at ground level for the staff of the other five retail units. The long stay parking is slightly under the requirements within the London Plan but it is assumed that this could be modified without difficulty given the overprovision of residential cycle spaces at basement levels.
- 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. Nevertheless, further opportunities to improve the pedestrian environment are sought by Transport for London. Particularly in relation to the Whitechapel Market whereby the scheme has failed to take the opportunity to provide storage for the market stalls out of hours giving rise to concerns of street clutter affecting pedestrian movements.

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 2017 (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.
- 16.6 An Interim Review Report (IRR) was produced that identified points of clarifications, and also potential reg 22s ('further information'). The IRR was issued to the applicant on 14th September 2017, to provide them with an opportunity to respond to these points.
- 16.7 The Applicant provided a response to the IRR on the 3rd October 2017 – which was uploaded to planning register. This was reviewed by Temple and the Borough EIA Officer.
- 16.8 A draft Final Review Report (FRR) was produced by the Council, that considered whether the points of clarifications and potential Regulation 22s ('further information') identified in the IRR, had been addressed.
- 16.9 The draft FRR concluded that there remained numerous clarifications and potential Regulation 22s ('further information') that had not been suitably addressed, and therefore remain outstanding.
- 16.10 The draft FRR was issued to the applicant on 14th November 2017, to provide them with another opportunity to respond to these points. Importantly, as required by the

regulations, the draft FRR stipulated (in writing) that the response to the IRR was considered to be 'further information' under Regulation 22 of the EIA Regulations, but that this will be undertaken only when all the outstanding points are resolved. This is to ensure that all the information is advertised/consulted at once. This is more cost effective for the Council, but also is less confusing for consultees, rather than having multiple rounds of consultation.

16.11 As an appeal for non-determination has now been lodged, LBTH is no longer the determining authority – as such there are no further actions for the Council.

16.12 For information, the Council's EIA Officer and EIA consultants reviewed the status of the EIA post-appeal for non-determination, and were of the opinion that a number of the potential Regulation 22s did constitute 'formal Regulation 22s.' These are as follows:

- Inconsistent consideration of the temporary store;
- Not possible to understand what has been relied upon in the wind assessment; and
- Not adequately assessing air quality, potentially leading to an under estimation of impacts.

16.13 As such, were LBTH still the determining authority, a letter would be issued formally requesting this information, and the application would be unable to be determined until the information was submitted. Once this had been provided, it would need to be processed as required under the EIA regulations, alongside the information submitted in response to the IRR.

16.14 Therefore to enable the application to be determined in accordance with the EIA regulations, the following steps need to be actioned:

- the 'further information' must be submitted by the applicant; and
- all 'further information' submitted will need to be processed as required under the EIA regulations (including the information submitted in response to the IRR).

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 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 are 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 have not yet been adequately detailed within the ES. In the absence of adequate information on the air quality methodology it is not possible for the local planning authority to establish the air quality implications of the scheme can be addressed by planning condition.
- 20.3 Concerns have also been raised the Council's Air Quality Officer in respect of NOx emissions of the proposed boilers. All boilers must be ultra-low NOx. 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 NOX emission 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 NOx filtration where appropriate.

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 Council's Environmental Health Team have reviewed the submitted assessment, and advises that subject to imposition of a planning condition requiring further investigation to identify the extent of potential contaminated land and agree a remediation strategy (should the latter 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 26% 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 £1,191,645 would be appropriate for carbon offset projects.

- 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 the achievement of an 'excellent' rating unless credible evidence is provided to demonstrate this rating is not practically feasible. It is understood such a rating has been achieved on other comparable supermarkets and as such the onus is on te 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 Tower Hamlets Local Biodiversity Action Plan 2014-19, 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 sit. 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 noted the following:

I consider that the loss of mature street trees on Brady Street (T1 to T7) , Merceron (T14 to T16 and T21, T22) and Collingwood Street (T27 to T30) will have a high amenity and visual impact and a corresponding negative effect on the character and appearance of the area. Removal of mature street trees is also contrary to our general Policies on tree retention.

Although I understand that the previous Tree Officer agreed a landscaping strategy for mitigation, I do not consider that there will be a 'like for like' replacement in canopy cover.

The Tree Officer's notes that the loss of mature trees would have a detrimental impact on the character and appearance of the area that may not be fully mitigated by the proposed landscaping strategy, particularly in terms of canopy cover. Nevertheless, the site would be subject to an extensive landscaping scheme and following replanting there would be no numerical loss of trees on-site (that would need to be secured by planning condition to any consent granted). Additionally, the developer would undertake to replant the street trees at their own expense.

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 Building 1, 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 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.

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.
- 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. The Council's ES consultants sought additional information on the submitted microclimate wind report within the ES. This information has not been provided or made available to officers or the Council's ES consultants following the decision of the applicant to Appeal for non-determination. The implications to this in terms of making the necessary assessment for the purpose of EIA Regulations are set out in some more detail Section 16 of the report and will be a matter for the Planning Inspector to reach a conclusion upon.

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 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 £3,533,6220.
- 27.7 In addition the development would be liable to the London Mayor's CIL estimated at £1,665,755.
- 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.
- 27.12 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 (£1,191,645), 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 £279,816.00 are required
- End-user phase training contributions of: £432,531.00

In addition scheme would need to provide 38 construction apprenticeships and 5 end-user apprenticeships, were consent granted.

27.18 Should permission be granted the scheme would be required to provide 17.5% affordable housing by habitable room based upon a tenure split 80:20 split between rented units and intermediate units and based upon 49:51 split across bedroom unit sized between Tower Hamlets Living Rents and London Affordable Rents.

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.

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 provision of wheelchair accessible housing, and much enhanced public realm, that would be step free, improving pedestrian mobility for all is consistent with the principle of inclusive design.
- 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 Planning Inspectorate that were it empowered to determine the application, it would have refused planning permission for the reasons set out in the MATERIAL PLANNING CONSIDERATIONS and the details set out in the RECOMMENDATIONS at Section 3 of this report.

APPENDIX 1: SITE MAP



APPENDIX 2 : DRAWINGS and DOCUMENT SCHEDULE

PLANS:

- 0100 100
- 0110 100
- 0120 100
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DOCUMENTS:

- Design and Access Statement (July 2017)
- Environmental Statement Volumes 1, 2 and 3 including Technical Appendices, Heritage Townscape & Visual Impact Assessment and Transport Assessment (July 2017)
- Non Non-Technical Summary (July 2017)
- Transport Assessment (March 2015)
- Affordable Housing Statement (July 2017)
- Financial Viability Assessment and Addendums (July 2017)
- Operational Waste Strategy (July 2017)
- Arboricultural Report (19th February 2015)
- Economic Benefits Statement (July 2017)
- Energy Strategy Report (July 2017)
- Fire Strategy Report (July 2017)
- Planning Statement (July 2017)
- Retail Assessment (July 2017)
- Operational Waste Strategy (July 2017)
- Internal Daylight and Sunlight Assessment (July 2017)
- Statement of Community Involvement (July 2017)
- Sustainability Statement (July 2017)
- Residential Summary Accommodation Schedule Rev. 02 (issued 3rd November 2016)