

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

1. APPLICATION DETAILS

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

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

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

2. EXECUTIVE SUMMARY

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

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

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

3. RECOMMENDATION

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

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

4. APPLICATION SITE AND SURROUNDINGS

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

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

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

Relevant Planning History

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

5. DETAILS OF PROPOSAL

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

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

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

6 RELEVANT PLANING POLICIES

- 6.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are particularly relevant to the application:
- 6.2 National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).
- 6.3 The London Plan (2011)
 - 2.1 London in its global, European and United Kingdom context
 - 2.13 Opportunity areas and intensification areas
 - 3.1 Ensuring equal life chances for all
 - 3.2 Improving health and addressing health inequalities
 - 3.3 Increasing housing supply
 - 3.4 Optimising housing potential
 - 3.5 Quality and design of housing developments
 - 3.6 Children and young people’s play and informal recreation facilities
 - 3.7 Large residential developments
 - 3.8 Housing choice
 - 3.9 Mixed and balanced communities
 - 3.10 Definition of affordable housing
 - 3.11 Affordable housing targets
 - 3.12 Negotiating affordable housing on individual private residential and mixed use schemes
 - 3.13 Affordable housing thresholds
 - 3.14 Existing housing

- 3.16 Protection and enhancement of social infrastructure
- 3.17 Health and social care facilities
- 3.18 Education facilities
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy networks in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood Risk Management
- 5.13 Sustainable drainage
- 5.14 Water quality and wastewater infrastructure
- 5.16 Waste self sufficiency
- 5.17 Waste capacity
- 5.21 Contaminated land
- 6.1 Strategic approach
- 6.2 Providing public transport capacity and safeguarding land for transport
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London's transport connectivity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.2 An Inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.7 Location and design of tall and large buildings
- 7.8 Heritage assets and archaeology
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.18 Protecting local open space and addressing local deficiency
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

6.4 Tower Hamlets Core Strategy (adopted 2010)

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

6.4 Managing Development Document (2013)

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

6.7 Supplementary planning documents and other guidance

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

7 CONSULTATION RESPONSES

External consultees

English Heritage (archaeology)

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

Environment Agency

- 7.2 No comments received.

Greater London Authority

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

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

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

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

Transport For London (TfL)

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

London Fire and Emergency Planning Authority

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

Metropolitan Police - Crime Prevention

- 7.21 No response.

Internal consultees

Access officer

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

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

Biodiversity Officer

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

Daylight & Sunlight (retained consultant)

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

Impact on neighbouring properties

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

Internal daylight and sunlight within the proposed development

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

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

Directorate of Communities, Localities and Culture (CLC)

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

Economic Development

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

Environmental Health (Noise and air quality)

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

Energy and Sustainability

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

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

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

Affordable Housing Team

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

Transportation and Highways

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

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

Waste Management

- 7.56 No comments received.

8 LOCAL REPRESENTATION

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

Comments in support

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

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

Objections received

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

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

9. MATERIAL PLANNING CONSIDERATIONS

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

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

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

Land Use

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

Proposed residential and mixed use development

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

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

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

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

Loss of employment floor space

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

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

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

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

Extension to the Mosque Prayer Hall

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

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

Proposed café and restaurant floor space.

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

Design and heritage

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

Site layout

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

Scale and massing

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

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

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

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

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

Elevation treatment and material palette

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

Supporting information

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

Impact on the significance of nearby heritage assets

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

Housing

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

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

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

Affordable housing

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

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

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

Dwelling size mix

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

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

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

Wheelchair Accessible Housing and Lifetime Homes

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

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

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

Standard of residential accommodation

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

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

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

Internal daylight and sunlight and outlook

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

Conclusion

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

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

Effect on the amenity of surrounding properties

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

Daylight and sunlight

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

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

Tower House

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

Outdoor open space and child play space

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

Private amenity space

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

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

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

Communal amenity space

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

Child play space

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

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

Transport, Access and Highways

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

Car parking

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

Cycle parking

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

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

Servicing and refuse collection

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

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

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

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

Environmental considerations

Noise

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

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

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

Wind

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

Air Quality

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

Energy and Sustainability

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

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

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

Health considerations

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

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

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

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

Planning Obligations

9.126 Planning obligations may be used to mitigate the impact of the development or to control certain aspects of the development, such as affordable housing. The NPPF requires that planning obligations must be:

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

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

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

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

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

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

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

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

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

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

Local Finance Considerations

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

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

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

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

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

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

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

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

Human Rights Considerations

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

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

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

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

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

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

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

Equalities Act Considerations

9.144 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal

duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:

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

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

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

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

10. CONCLUSION

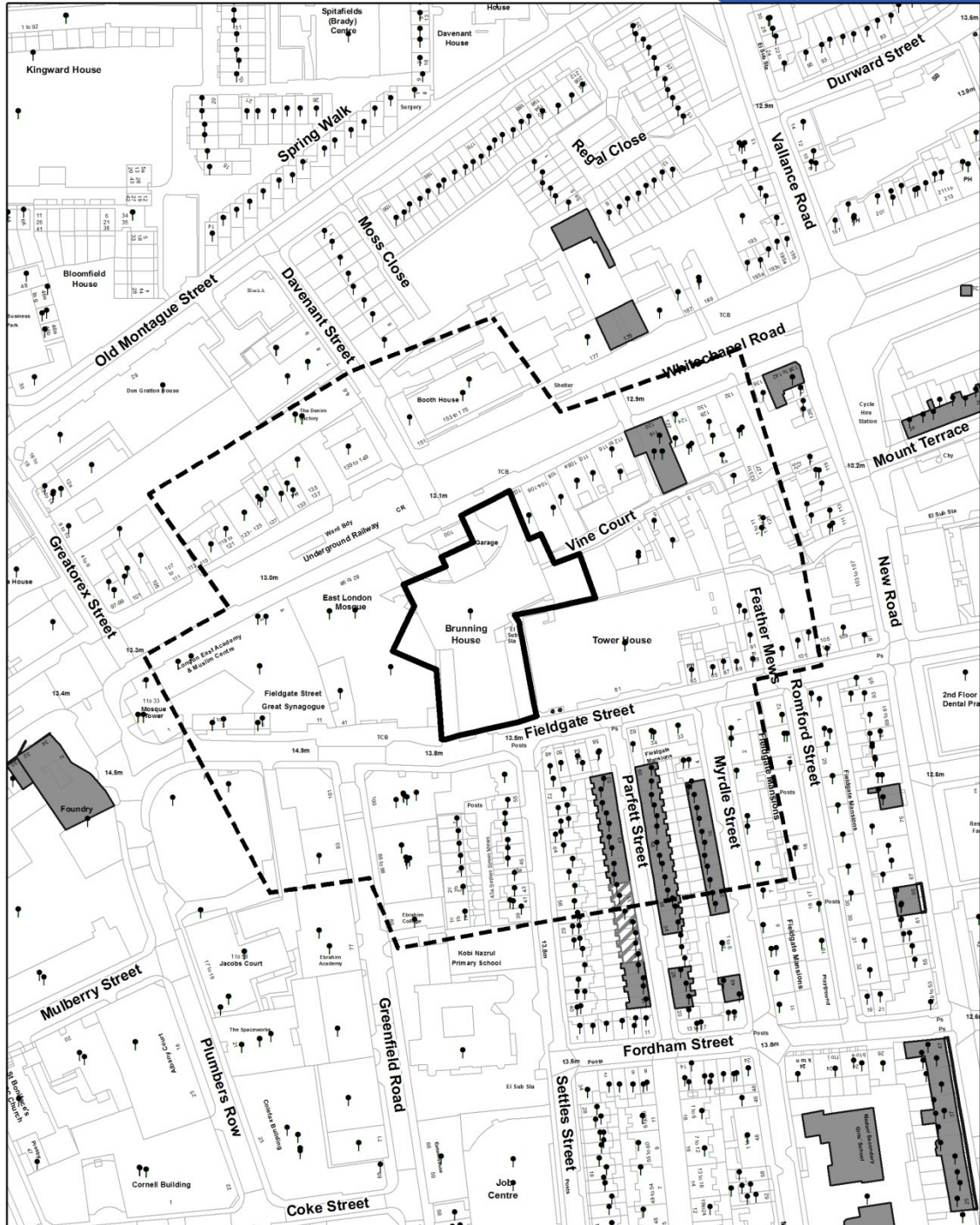
10.1 The merits of the proposed development have ben carefully considered and assessed against relevant development plan policies, taking into account other material considerations and evidence provided from statutory consultees, internal consultees and retained independent consultants. The level of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

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

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

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

Planning Application Site Map
PA/13/03049



- Planning Application Site Boundary
- Consultation Area

- Locally Listed Buildings
- Statutory Listed Buildings

- Land Parcel Address
- OSLine



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

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