

Committee: Strategic Development	Date: 21 July 2014	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Shay Bugler	Ref No: PA/13/3049
	Ward: Whitechapel

1. APPLICATION DETAILS

Location: 100 Whitechapel road and land rear at Fieldgate Street & Vine Court

Existing Use: Car showroom (sui generis), vehicle workshops (Class B2) and associated basement parking/servicing.

Proposal: Demolition of existing vehicle workshop and car showroom; erection of a residential development comprising a total of 221 dwellings (comprising 46 studios; 92 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), café (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 and documents: Sk14-03-14/01; P2000 Rev F; PS001 Rev N; P2002 Rev K; P2003 Rev L; P2004 Rev K; P2005 Rev J; P2007Rev J; P2008 Rev J; P2009 Rev K; P2010 Rev E; P2011; P2012 Rev A; P2013; P2020 Rev G; P2021 Rev F; P2022 Rev F; P2023; P2024; P2050 Rev E; P2051 Rev E; P2053 Rev C; P2300 Rev A; P2301 Rev A; P2302 Rev A

- 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
- Child Playspace Strategy
- Viability Assessment

Applicant:	Alyjiso and Fieldgate Ltd
Ownership:	Alyjiso and Fieldgate Ltd.
Historic Building:	N/A Adjoining Tower House
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), Managing Development Document (2013), the London Plan (2011) and Government Planning Policy Guidance 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 (2011), the Councils Core Strategy (2010) and Managing Development Document (2013).
- 2.3. The proposed Mosque prayer hall extension would provide an enlarged community facility which would meet a demonstrable need in the local the area.
- 2.4. The proposed layout would improve permeability through the area and the proposed new public links between Whitechapel Road, Fieldgate Street and Vine Court are supported in principle.
- 2.5. The height, scale and appearance of the proposed 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. The proposed development would not preserve or enhance the character and appearance of Myrdle Street Conservation Area and would not create an effective transition in scale, also harming the setting of Whitechapel Market Conservation Area.

- 2.6. The report explains that the proposed development would result in a significant proportion of 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; loss of privacy and sense of enclosure.
- 2.8. The development would provide 29% affordable housing which is a reasonable reflection of the maximum level of affordable housing that is viable and deliverable for the proposed development.
- 2.9. The proposed mix of housing types would be skewed towards single bedroom flats and studios with a low overall percentage of family accommodation, resulting in substantial departure from adopted policies.
- 2.10. The scheme would make provision for 10% wheelchair accessible housing across all tenures.
- 2.11. The scheme would make adequate provision for cycle parking and wheelchair accessible car parking. The proposed servicing and refuse collection arrangements would be acceptable in principle.
- 2.12. The proposal would make adequate provision for private and communal amenity space within the site. The proposal also makes adequate provision for child play space onsite for 0-5 year olds. The applicant play space Strategy identifies suitable areas for offsite child play space for 6-11 years olds within appropriate distances from the site.
- 2.13. On balance, the proposal would make adequate provision for planning obligations to mitigate the development.
- 2.14. The applicant has identified benefits of the development which include employment during construction; contribution to the local economy; employment resulting from the commercial unit and creation of a new access road and pedestrian /cycle routes through the site in line with the Whitechapel Vision Masterplan.
- 2.15. The proposal has attracted both significant local support and some 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 arising from the scale, design, impact on surroundings, impact on neighbouring properties and poor quality accommodation 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.
- 2.16. The proposal makes provision for 360 cycle parking spaces and 20 accessible car parking spaces in accordance with policy.

- 2.17. The proposal is recommended for refusal and the reasons are set out in Section 4 of this report.

3. BACKGROUND

- 3.1. This proposal was presented to the Strategic Development Committee Members on 10 April 2014 with a recommendation for refusal. It was recommended that the application be refused for the following reasons:

- Insufficient information has been submitted to demonstrate that the proposal would provide the maximum amount of affordable housing that could be achieved on site.
- 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.
- 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 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.
- Insufficient information was submitted to demonstrate that proposal could provide adequate refuse collection arrangements and fire appliance access to serve the needs of the development.
- 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, excessive sense of enclosure and loss of privacy.
- 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 offset the issues associated with poor quality residential accommodation.
- Insufficient information was submitted to demonstrate that the proposed residential development would not result in undue noise disturbance to occupiers of the future residential development.
- Insufficient information was submitted to demonstrate that design solutions are incorporated into new developments to minimise exposure to poor air quality.
- Insufficient information was submitted to demonstrate that the proposed development meet the necessary financial contributions, to be secured as planning obligations, necessary to mitigate the impact of the development on social and community infrastructure, transport and the environment.

- 3.2. On a vote of 4 in favour of the Officer recommendation to refuse planning permission and 5 against, the Committee resolved to overturn Officers recommendation and were minded to grant planning permission for the following reasons:
- That the proposal would provide additional affordable and private housing and would meet the requirements in policy regarding inclusive access.
 - That the concerns around the child play space could be mitigated by improving the quality of the amenity space provided elsewhere in the scheme recognising the site constraints.
 - That the impact on daylight and sunlight was marginal recognising the site constraints and the Borough's density level.
- 3.3. In accordance with Development procedure Rules, the application was deferred to enable Officers to prepare a further report to a future meeting of the committee, setting out proposed detailed reasons for approval and conditions on the application. As this is a new committee, Officers are required to represent the scheme again by way of a full committee report and subsequent presentation to Members on 3rd July.
- 3.4. Following the committee, further information has been received to support the application, which seeks to address the previously recommended reasons for refusal. Officers and the applicant, together with various consultees have been working closely to try to resolve some of the previously identified reasons for refusal. The applicant has submitted further information on matters surrounding viability (affordable housing and Section 106 contributions); amenity, child playspace, servicing and refuse details.
- 3.5. Officers have had an opportunity to consider the Committee's previous reasons for approval in light of the additional information provided by the applicant. Officers are now satisfied that, on balance, the proposal makes adequate provision for affordable housing and child playspace for the 0-5 year old cohort. However Officers are still of the opinion that the impact on neighbouring daylight and sunlight levels would be significant and not marginal. These matters are discussed further in Section 9 of the report.
- 3.6. There has been a minor change to the scheme since it was presented to Members in April. Overall the number of units has reduced from 223 to 221. Two private studio units were removed at block 1 (fronting Fieldgate Street) to accommodate a small café space and suitable holding bay for refuse collection. However, there has been no fundamental changes to the overall design of the scheme
- 3.7. Whilst the minor changes and additional information address some of the reasons for refusal, officers continue to recommend that the application be refused. The retained reasons for refusal can only be resolved if significant design changes are made to the scheme.

4. RECOMMENDATION

- 4.1. That subject to any direction by the London Mayor, Planning Permission is REFUSED for the following reasons:

- 4.2. 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. 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.
- 4.3. 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.
- 4.4. 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.
- 4.5. 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, excessive sense 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.

5. PROPOSAL AND LOCATION DETAILS

Site and surroundings

- 5.1. 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.

- 5.2. 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 is 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.
- 5.3. 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. Streets lined with three storey Georgian and Victorian terraced houses run southwards off Fieldgate Street.
- 5.4. 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.
- 5.5. 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

- 5.6. 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).
- 5.7. 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).
- 5.8. 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).

DETAILS OF PROPOSAL

- 5.9. 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:
- 5.10. Erection of a 300 sqm. 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.

- 5.11. Erection of an 18 storey building fronting onto Fieldgate Street, with the top three storeys set back (proposed block 1). This building would accommodate 134 private residential flats with one small café (Class A3) units of 65 sqm at ground floor fronting Fieldgate Street and one retail unit of 60 sqm fronting Fieldgate Street. The proposal also makes provision for a storage, caretaker accommodation and plant room also at ground floor.
- 5.12. Erection of a building rising from 8 to 12 storeys (proposed 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 (353 sqm) at ground floor and mezzanine level fronting Whitechapel Road and a new north/south pedestrian/cycle link, with a mix of private, intermediate and affordable rented accommodation above.
- 5.13. 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. A new hard and soft landscaped north south route is proposed, linking Whitechapel Road with Fieldgate Street and connecting into Vine Court. The new public route would be defined by the positioning of the proposed blocks either side, plus the side elevation of Tower House and the Ibis Hotel. The new route would have 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.
- 5.14. 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. A bin store and holding area is proposed at ground floor of Block 1 where bins would be stored for collection.
- 5.15. A total of 221 residential units are proposed in the development, which would comprise:
- 171 private sale / private rent residential units - 46 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
 - 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 PLANNING 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

Draft Further Alterations to the London Plan, 2014 (FALP)

- 6.4 On 15 January 2014, the London Mayor published the draft GLA *Further Alterations to the London Plan* (FALP) for a 12 week period of public consultation. Examination in public is scheduled for autumn 2014, with adoption anticipated by spring 2015. The main changes material to this scheme are greater densification of the Opportunity Areas to promote greater growth to housing need and jobs with a draft target set to deliver 560,000 additional jobs and 300,000 new homes. The Borough's new minimum housing target, as set by the London May would be 3,931 per year.

- 6.5 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. Environment Agency has reviewed the application and confirm they have no formal comments to make.

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 (62% overall) compared with an overall provision of family sized units of 31%. 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 should be secured in the Section 106 Agreement towards upgrading of footways and £70,000 towards delivering cycle hire capacity.

London Fire and Emergency Authority (LFEA)

- 7.17. In the event of a fire emergency, a fire brigade vehicle would access the site via Fieldgate Street and Whitechapel Road. The emergency Fire Brigade vehicles would not be able to enter the site via Vine Court.
- 7.18. The applicant proposes sprinklers to all buildings and horizontal mains for cores which both Building Control and London Fire and Emergency Authority confirmed they do not object against. Following the Committee meeting in April, Officers have further discussions with the LFEA and LBTH Building Control team. The applicant would be required to submit a robust Fire Control Strategy prior to the occupation of the development which addresses Sections 15 & 16 of the Building Control Regulations 2000. LFEA request they be consulted on any future submission. This would be secured by way of condition should Members be minded to grant planning permission.

London Metropolitan Police

- 7.19. With reference to the proposed link route, the Metropolitan Police note that increasing permeability could increase opportunities for crime. In their opinion the "alleyway" created is not wide enough nor it a welcoming access route. There would be no alternative, safe route for future residents to take. There would not be sufficient natural surveillance available in the created space to reduce crime and/or the fear of crime.
- 7.20. Whilst Officers note London Metropolitan Police concern, there is no strong evidence to suggest that permeability onsite would increase opportunities for crime.

Internal consultees

Access officer

- 7.21. The proposal would 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.

- 7.22. All affordable units comply with Lifetime Homes standards which are supported by Officers. The proposal makes provision for 10% affordable units across all tenures in accordance with policy.

Biodiversity

- 7.23. 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 and sunlight

- 7.24. 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

- 7.25. The independent assessment does not 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.
- 7.26. 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.
- 7.27. The 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. Members 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.
- 7.28. 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.
- 7.29. The applicants' results show that 30 flats in Tower House will have living rooms and bedrooms with levels of ADF below the minimum recommended for the room uses. In addition, there will be 15 flats that have living rooms or bedrooms located on the east elevation of Tower House that will have very poor levels of ADF, substantially below the minimum recommended by the BRE.
- 7.30. The worst affected is the flat located in the centre of the east elevation of Tower House on each floor, which is a one bed flat which has all habitable rooms reduced to levels of ADF substantially below the minimum

recommended and this particular flat on each floor will have substandard levels of light and will require supplementary electric lighting for much of the year. The impact on Tower House cannot be considered to meet planning policy.

Internal daylight and sunlight within the proposed development

- 7.31. 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. The 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)

- 7.32. 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

- 7.33. 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.
- 7.34. If permission is granted a financial contribution should be secured 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 should be secured 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.

Environmental Health

- 7.35. LBTH Environment Health have raised objection 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.
- 7.36. Insufficient information and evidence has been submitted to demonstrate that the proposed noise and vibration levels and associated mitigation measures would be acceptable.
- 7.37. Insufficient information was submitted to the Council to demonstrate that the impacts on air quality are acceptable.

- 7.38. Insufficient information has been submitted to determine whether the development would not result in unacceptable wind conditions onsite.

Energy Efficiency and Sustainability

- 7.39. 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.
- 7.40. 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 that *'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.'*
- 7.41. It is recommended that a contribution of £31,464 is sought for carbon offset projects in the vicinity of the proposed development.
- 7.42. 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.

Affordable housing programme team

- 7.43. The application is providing 29% affordable housing. This falls below our minimum requirement of 35% affordable housing by habitable rooms. However, this has been fully tested through a viability appraisal and the proposal level of affordable housing is a reasonable reflection of what is viable and deliverable onsite.
- 7.44. The tenure split within the affordable is 77:23 in favour of rented. This split fits broadly with the Council's target of 70:30, compared to the target set by the London Plan of 60:40.
- 7.45. 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.
- 7.46. 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%.
- 7.47. 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

- 7.48. 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 legal agreement prohibiting all occupiers of the new residential units from obtaining on-street parking permits issued by LBTH.
- 7.49. Segregated non-residential cycle parking does not appear to have been provided in the basement area.
- 7.50. Transportation and Highways support the pedestrian and cycle link through the site but would not seek to adopt these
- 7.51. The proposed loading bay servicing arrangement off Fieldgate Street is considered acceptable.

Waste Management

- 7.52. Transportation and Highways and the Council's Waste Management team confirm that the proposed waste collection strategy is acceptable in principle provided that the bins are placed for collection within the site but not on any part of the car park access ramp.
- 7.53. The proposal makes provision for a bin store hoist where an onsite care taker would bring bins up to the holding area incrementally as they get full rather than waiting until all full on collection day. It is recommended that a collection Management plan be secured by way of condition.

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.

Support for the application

- 8.3. Seven individual letters of support were received from Greatorix Business Centre (business Hub Trade Forum), Islamic Relief shop at 135-137 Whitechapel road; Tower Hamlets Community Housing and occupiers of three addresses in Tower Hamlets and one outside the borough. The letters support the development for the following reasons:

- 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. In addition to the above, 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 schemes that THCH have completed themselves. 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.
- 8.5. One petition received in support with 7292 signatures. Not all signatures are from residents within the Borough.
- 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 to the application

- 8.6. Six letters of objection received from local residents in Mears Close, Davenant Street and the owners of 104-106 Whitechapel Road and 7, 11-14 Vine Court. Objections raise the following issues:
- 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 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 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;
- Lack of public consultation prior to submission
- The proposal café use would contribute to the overprovision of cafes in the area.
- Given that there will be substantial number of new residents, the proposal would add further pressure to the local sewage system.
- The proposal would disproportionately larger number of single home owners/renters and a lack of provision for family sized accommodation.
- There is a lack of active frontage and subsequent potentially impact on community safety, anti-social behaviour and natural passive surveillance.

8.7. All representations received from internal and external consultees and local residents have been considered and available to view at the committee meeting upon request.

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

9.2. The main land use issues to consider are as follows:

Proposed residential and mixed use development

- 9.3. The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles: an economic role – contributing to the economy through ensuring sufficient supply of land and infrastructure; a social role – supporting local communities by providing a high quality built environment, adequate housing and local services; and an environmental role – protecting and enhancing the natural, built and historic environment. These economic, social and environmental goals should be sought jointly and simultaneously.
- 9.4. 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. The draft Further Alterations of the London Plan with revised early minor alterations (January 2014) sets a greater borough housing target, of which Tower Hamlet's is 3,931 additional homes per year up to 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.
- 9.7. The site is adjacent to the Blackwall Local Office Location (LOL) and the surrounding uses are commercial in nature which aligns with the proposal. Although the site lies outside the LOL, the redevelopment of the site for employment uses outside of the spatial policy area and would provide a welcomed supporting role to the Local Office Location. Furthermore, the Core Strategy identifies the proposed development site as a civic and commercial area as part of the vision for Blackwall.

Loss of employment floor space

- 9.8. 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 within 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 actively 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

- 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 Vision 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, a second unit further along the Fieldgate Street frontage 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 uses 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. Given the location within the THAA and the small scale of the proposed units, this element of the scheme is considered acceptable in policy terms for local shops and retail related uses outside of town centres.

Gym use

- 9.19. The proposal makes provision a private gym (68 sqm) for residents at block 1 only at second floor level. The inclusion of a gym facility of a building of this scale would promote healthy living and be acceptable in policy terms.

Design

- 9.20. 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.
- 9.21. Chapter 7 of the London Plan places an emphasis on robust design in new development.
- 9.22. 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 responds 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

- 9.23. 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.
- 9.24. 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 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.
- 9.25. 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. Of the amended plans remove the previously proposed single aspect studio apartments from the ground floor facing Fieldgate Street.
- 9.26. In summary the layout of the scheme has some merit but it fails to adequately adhere to 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 state that new development in the City Fringe area 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. Further 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 are related 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. As noted in the previous report to Members in April, the applicant has provided non-verified CGI images to address the visual information requested. However these do not address concerns that 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.

- 9.32. The impact of the scale of the proposed building in these views is exacerbated by the fact that the upper floors of Block 1 – e.g levels 3 to 15. would project approximately 4 metres forward of the building line established by the Maryam Centre and approximately 6 metres forward of the building line to the east established Tower House. This adds unacceptably to the overall bulk of the building and contributes to it being unduly prominent in the street scene.
- 9.33. 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.
- 9.34. 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 stark contrast in built form.
- 9.35. 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 specifically 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.
- 9.36. 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

- 9.37. The elevation treatment and material palette of the proposed development is an important component of its overall standard and quality of architecture and affects the way the development will be experienced within the local

environment. 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.

- 9.38. 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.
- 9.39. 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.
- 9.40. 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

- 9.41. 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.

Impact on the significance of nearby heritage assets

- 9.42. 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 must be given substantial weight and requires clear and convincing justification.

- 9.43. 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.
- 9.44. 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.
- 9.45. 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, in this case the Committee, should give considerable weight.
- 9.46. The Heritage Statement includes a consideration of the impact of the proposed development on a number of nearby Listed Buildings, including the Grade 1 listed Bell Foundry at Whitechapel Road. Whilst this assessment is somewhat limited, officers are satisfied that there is sufficient information to exercise judgement as required by Section 66 of the Act and that the development would preserve the setting of the listed building.
- 9.47. In terms of the effect on the character and appearance of adjacent conservation areas and the requirements of Section 72 of the Act, the detailed assessment set out above is comprehensive and concludes that the proposed development would fail to preserve or enhance the character and appearance of the conservation areas that directly adjoin the site. In light of this identified harm, there is a presumption against the grant of planning permission and Members must give considerable weight to the harm caused.

Housing

- 9.48. 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.

- 9.49. 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.
- 9.50. 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.
- 9.51. 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.
- 9.52. 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.
- 9.53. 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
- 9.54. 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 and unacceptable levels of internal daylight.

Affordable housing

- 9.55. 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.

- 9.56. The Council's Core Strategy (2010) requires a minimum of 35% affordable housing provision. Out of the 221 proposed units, 50 would be provided as affordable (36 as affordable rent and 14 as intermediate) equivalent to 29% affordable housing by habitable rooms, or 22% by units). This would be below the minimum requirement in the Core Strategy.
- 9.57. The applicant has provided a viability assessment that has been subject to an Independent review by the Council's retained consultants (Deloitte's). Following the previous committee in April, there has been further discussion with the applicant's team; Council Officers and the viability consultants working on behalf of the applicant. At the time of the report to SDC in April, the independent consultant identified elements of the applicant's assessment that either could not be agreed or were not reasonably substantiated. The applicant's team have since provided additional information and advice to substantiate their position.
- 9.58. There are three key issues identified by the Council's independent review of development viability. Firstly, the Council's consultants do not agree the applicant's benchmark land value due to the 30% premium above exiting use value, which they consider is excessive. In order to be pragmatic the Council's consultants have assumed the benchmark land value is within a lower range. Secondly they have identified above average costs associated with the internal specification of the accommodation, but note that this may be to off set some of the less desirable aspects of the scheme, for example where there are single aspect flats with poor quality outlook, daylight and privacy. Finally the Council's consultants have not been able to substantiate the estimated cost put forward by the applicant of building the prayer hall extension to the mosque.
- 9.59. However, taking all of the above into account, the Council's independent consultants conclude that it is reasonable for the Council to proceed on the basis of the applicant's affordable housing offer of 29%. In terms of proposed tenure mix within the affordable offer, 77% of the affordable housing would be affordable rent at Tower Hamlets preferred rent (POD) and 23% intermediate (shared ownership). Whilst this is a higher proportion of rented units than the Council's preferred split of 70/30, it would represent a significant contribution to the strategic delivery of affordable rented accommodation.
- 9.60. On the basis of this information and the review that has been taken and advice from the independent consultant, officers are satisfied that the applicants offer of 29% affordable housing (by habitable rooms) is a reasonable reflection of the maximum level of affordable housing that may viably be delivered by the proposed development and would therefore comply with policy 3.13 of the London Plan
- 9.61. Officers recognise that the surrounding area is the focus of a wider regeneration strategy the 'Whitechapel Vision masterplan' and it is

reasonable to assume, in light of the current strong market conditions, that this will further improve local market confidence and activity. The independent viability review notes that there is potential for relatively small fluctuations in costs or values to affect the overall viability position. To that effect, if planning permission were to be granted, officers recommend that a review mechanism is included within any Section 106 agreement to ensure that any improvements to development viability that could help to deliver an increase to the level of affordable housing is appropriately captured. Should members be minded to grant planning permission, it is recommended that this review mechanism be secured in the legal agreement.

Dwelling mix

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

Unit size	Affordable Rented			Intermediate			Private Sale		
	Units	%	Target	Units	%	Target	Units	%	Target
Studio	0	0	0	0			46	27	
1 bed	12	33	30%	7	50	25%	73	43	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	-		171	100	

- 9.63. 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.
- 9.64. 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. The Mayor of London and the GLA have also drawn attention to the generally low provision of family units within the scheme.
- 9.65. Officer's view is that given the scale of development proposed in the application, there is a significant opportunity missed for the scheme to more effectively meet local housing needs by providing a balanced mix of smaller and larger units more closely aligned to the Council's adopted housing mix as set out in policy DM3. Officers are concerned by this aspect of the proposals and do not support the mix of dwellings as currently proposed.

Wheelchair accessible housing and lifetime homes

- 9.66. 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. Information has been submitted to demonstrate that the proposed units would meet lifetime homes standards.
- 9.67. With reference to wheelchair accessible housing; one 3 bed and one 1 bed on the ground floor; one 2 bedroom on the second floor and one x 3 bedroom on the third floor (4 units in total) are proposed within the affordable rented accommodation. A further 19 wheelchair accessible units are proposed within the market housing.
- 9.68. The overall provision for wheelchair accessible accommodation across all tenures would be 23 units which equates to slightly over 10% across all tenures or 11% within the affordable tenure. This provision would meet London Plan and Tower Hamlets Local Plan policy.

Standard of residential accommodation

- 9.69. 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." The SPG also requires consideration to be given to the number of single aspect units and the design, environmental and comfort benefits of housing with more than one aspect.
- 9.70. 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.
- 9.71. 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'.
- 9.72. 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.
- 9.73. A total of 106 flats would be single aspect, although 14 are south facing over Fieldgate Street. This represents 48% of all units proposed. 88 out of 173 private flats would be single aspect, which represents 57% of the total and 11 out of 36 affordable rented flats would be single aspect representing 31% of

the affordable rented provision. 7 out of 14 intermediate flats would be single aspect, which amounts to 50% of the intermediate provision.

- 9.74. Of the above, 47 of the total single aspect flats on the ground floor and first to ninth floors of Blocks 1 and 2 have extremely poor outlook because they face onto either the side elevation of the 10 storey hotel only 6 metres away with hotel bedroom windows opposite, or they would facing the west or north elevation of Tower House between 6.5 and 9 metres away with habitable room windows opposite. Officers appreciate the constraints of the site, but consider that a scheme design that includes such a high proportion of single aspect flats with much compromised outlook would not correspond with the London Plan, the London Plan SPG or local plan policies to ensure good quality accommodation.

Internal daylight and sunlight and outlook

- 9.75. The internal daylight and sunlight results of the development itself were independently assessed by the Council's retained consultants Delva Patman Redler. 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. The recommended standards are 2% for kitchens; 1.5% for living rooms and 1% for bedrooms. 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.
- 9.76. 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.
- 9.77. 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 receive inadequate levels of internal daylight, 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 that would receive no sunlight at all.
- 9.78. 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.
- 9.79. 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 6 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.

- 9.80. There is a close correlation between the single aspect flats, the poor quality outlook and low levels of daylight arising from the close relationships between the buildings. In conclusion, the high numbers of units affected by poor daylight, overlooking, poor outlook and 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

- 9.81. 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 have an 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.

Effects on neighbouring amenity

- 9.82. 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.
- 9.83. 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 indicates 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.
- 9.84. In order to better understand impact on daylighting conditions, if the VSC for a habitable room is reduced materially, the daylight distribution test otherwise known as the no skyline test (NSL) can be used which 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.
- 9.85. A further indicator is average daylight factor (ADF). 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 effect of glazing, reflective values and frame correction factors

should be agreed with the local authority prior to the assessment being carried out. This was not the case with this application.

9.86. 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 the key indicators described above, notably the reduction in 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 in daylight term, 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

9.87. 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.

9.88. 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.

- 9.89. 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. The applicants' assessment shows that 30 flats would have living rooms and bedrooms with levels of ADF below the minimum recommended for the room uses. In addition, there will be 15 flats that have living rooms or bedrooms located on the west elevation of Tower House that will have very poor levels of ADF, substantially below the minimum recommended by the BRE. The worst affected is the flat located in the centre of the west elevation of Tower House on each floor, which is a one bed flat which has all habitable rooms reduced to levels of ADF substantially below the minimum recommended and this particular flat on each floor will have substandard levels of light and would require supplementary electric lighting for much of the year.
- 9.90. 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.
- 9.91. Members contended at the previous Committee in April that the impact's on daylight and sunlight was 'marginal'. Officers do not consider that this is a reasonable reading of the results and Officers advice is that the impacts are 'significant' for both the surrounding properties and the development itself. 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 existing and future occupiers of adjoining properties and would conflict with 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.

Outdoor open space and child play space

- 9.92. 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

- 9.93. 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 by policy would be 1188 sqm. In total the scheme would provide approximately 2367 sqm.

- 9.94. In terms of private amenity space for the market housing, 2 studios and 2 x 2 bed private units have no private amenity space. These units would also have poor internal poor Daylight and Sunlight levels. Furthermore, 11 affordable one bed units have no private amenity space onsite in Block 2.

Communal amenity space

- 9.95. For all developments of 10 units or more, 50sqm of communal amenity space for the first 10 units plus 1sqm for every additional unit should be provided. As such, a minimum of 261 sqm is required for a development of 221 flats.
- 9.96. The proposal makes provision for approximately 80 sqm of communal amenity space on the 15th floor at block 1 (Fieldgate Street) and approximately 70 sqm of communal amenity space for residents on the 11th floor at block 2 (Whitechapel road).
- 9.97. Whilst there is a shortfall of communal space in numerical terms, the proposed designed communal amenity spaces have been located to be accessible to occupiers of each of the two blocks and subject to detailed design have the potential to provide good quality outdoor space. The site is irregularly shaped and constrained by the relationship to surrounding buildings. It is also situated in a highly built up, urban location where it is not always possible to provide policy compliant levels of amenity space. The scheme includes an overprovision of private amenity spaces in the forms of balconies, terraces or small gardens, taking into account the above factors into account, the overall provision for communal amenity space would be acceptable.

Child play space

- 9.98. 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.
- 9.99. Policy 3.6 'children and Young people's play and informal recreation facilities' of the London Plan specifically identifies the requirement for the provision of play and informal recreation within London as well as the need for London boroughs to undertake audits of existing play and informal recreation and assessment of needs in their areas. All children and young people should have access to places for play within reasonable and safe walking distance of new residential developments.
- 9.100. Paragraph 3.40 of the London Plan states in new developments, the use of roofs and terraces may provide an alternative to ground floor open space where they are safe, large enough, attractive and suitable for child to play,

careful consideration should be given to these options, including the need for supervision any restrictions that this might put on the use of the facilities. Indoor space can also provide a role in providing sufficient play space for 0-5 year olds.

- 9.101. The London Plan also advises that in areas of deficiency, there will be a requirement for new provision to be made to meet the benchmark standards for accessibility to play provision. The local context needs to be considered in establishing how deficiencies are identified and states that existing places for play and areas of deficiency should be identified for the three age bands in the play strategy within the identified walking distances. Furthermore, the London Plan states that in assessing the needs arising from new development, it will be important to identify existing play facilities within the identified distance bands. This will determine whether there will be potential for enhancing existing provision to accommodate the additional needs arising from the proposed development as an alternative to new provision.
- 9.102. The GLA's 'Play and Informal Recreation SPG' confirms the benchmark standards are recommended in respect of different age bands in determining whether there is accessibility to existing play provision to serve the needs of the existing population and new residents in the area. Table 4.4 sets out 'Accessibility to Play Space' and confirms that the maximum walking distance from residential units for play space for under 5s is 100m, for 5-11 year olds 400m and for 12+ 800m.
- 9.103. The SPG also refers to the provision of play space to meet the need of new development and confirms that where there is existing provision in an area, which is, in the case of 5-11 year olds is within 100-400m of a development site and in the case of 12+ is within 400-800m, off-site contributions towards improvements to play space can be made in lieu of on-site provision.
- 9.104. Using the LBTH Child yield calculations, the development is anticipated to yield 54 children. (26 under 5's; 17 between 6-10 years and 11 between 11-15 years). Accordingly a total of 540 sqm of child playspace should be provided to meet London Plan policies. With specific reference to 0-5 year olds, the overall provision onsite should be 290 sqm. The proposal makes provision for approximately 270 sqm which is broadly in accordance with policy. Taking the expected child yield arising from the housing mix in the two proposed blocks, the policy requirement for children would be 90 sqm for 0-5 year olds; 36 sqm for 6-10 year olds and 14 sqm for 11-15 year olds.
- 9.105. The proposal makes provision for approximately 90 sqm of child playspace to the rear of Block 1 (beneath an overhang; close to the back of the hotel (including refuse area). Whilst the surrounding context of this playspace is not considered of high quality amenity, in numerical terms, it makes appropriate provision for children within the 0-5 year cohort. 80 sqm of playspace is also proposed at 2nd floor level which is accessed off a central core area.
- 9.106. With specific reference to block 2, the policy requirement for child playspace would be 200 sqm for 0-5 year olds; 150 sqm for 6-10 year olds and 100 sqm for 11-15 year olds.

- 9.107. The proposal would make provision for approximately 100 sqm of external playspace on the 11th floor for under 5's in block 2. Children at this block also have access to the 190 sqm of child playspace to the rear of block 1. Moreover, there are opportunities for children's play in the 70 sqm communal garden on the 11th floor.
- 9.108. Whilst the spaces provided may be compromised by the constrained nature of the site, they do represent appropriate use of the available outdoor space to meet this policy requirement. Further consideration of the detailed design of these spaces will be required to ensure they are safe, attractive places to play given the challenging environment (particularly the space adjacent to the hotel refuse area) in which they are located. Overall a total of 270 sqm is proposed. It is therefore concluded that the proposal adequately makes provision for sufficient playspace for the 0-5 year old age cohort across the site.
- 9.109. With reference to 6-15 year olds, the proposal does not make provision for child playspace for this cohort onsite. However, there are a number of open spaces near the application site where off site play space can be accommodated. The applicant has provided a detailed Playspace Strategy to evidence existing playspace facilities within the vicinity of the site for the 6-15 year olds as requested by both Council Officers and the GLA.
- 9.110. Valance road gardens are located approximately 241 metres from the site, and have a site area of approximately 0.55ha and provide a children's play area for mixed ages.
- 9.111. There is also an opportunity for child playspace at Rope Walk Gardens, approximately 500/600 metres away which contains a children's play area (mixed ages), with a hard surface pitch which has a children's play area and a multi use games area. Gosling Gardens is located approximately 612 metres away from the site which has children's play area and multi-use games area.
- 9.112. As such, it is considered that surrounding parks do make provision for appropriate existing child playspace facilities for children aged between 6-15 years. Notwithstanding officers recommendation that planning permission should be refused for other defendable reasons,
- 9.113. On balance, the quantity and quality of outdoor housing amenity space, communal amenity space, child playspace and open space are acceptable given the urban nature of the site and accords with policy 3.6 of the London Plan (2011); policy SP02 of the adopted Core Strategy (2010) & DM4 of the Managing Development Document (2013) which seeks to ensure that adequate amenity space is provided.

Open space

- 9.114. Officers acknowledge that the proposal makes provision for of public open space provided within the north/south public route and on the corner of the new route with Fieldgate Street, in front of the proposed café. This would space would provide a benefit to the scheme and the surrounding area. Further details of the treatment of this open space and the pedestrian linked walkway would be required should Members be minded to grant planning permission.

Transport, Access and Highways

- 9.115. 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.
- 9.116. 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.
- 9.117. 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.
- 9.118. 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.

Additional trip generation as a result of extension to Mosque

- 9.119. LBTH Highways have considered this matter in detail and conclude that the proposal would generate approximately an additional 300 worshippers. The applicant has noted that the addition capacity will relieve existing internal congestion within the mosque rather than cater for an expanded congregation. Officers consider that additional pressure would be placed on the footways adjoining the site on Whitechapel Road and Fieldgate St. TfL have not raised any concerns over this matter and as the footway immediately adjoining the Mosque on Fieldgate Street is reasonably expansive, Officers are content that this, along with the capability to distribute impacts via having two access/exit points, should not result in unacceptable levels of footway congestion. Should members be minded to grant planning permission, a Mosque travel plan would be required to ensure these impacts are effectively managed. This would be secured by way of condition.

Car parking

- 9.120. 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.

- 9.121. 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

- 9.122. 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.
- 9.123. 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

- 9.124. 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).
- 9.125. The Council's Highways Service has raised no objection to the use of the existing bay on Whitechapel Road for servicing. The proposed bay on Fieldgate Street would provide enough space for goods vehicles to enter and exit in a forward gear within the space designated for vehicle movements. LBTH Highways have confirmed that the proposed servicing bay is sufficient for waste vehicles to adequately access the site. Fieldgate Street is one-way east-west and it is considered that the proposal would provide sufficient inter-visibility between vehicles leaving the service bay, and vehicles/cyclists exiting the basement car park.
- 9.126. The main refuse store would be at basement level, but on collection day's provision would be made for the bins to be transferred to an area on the ground floor and placed in an area within the site in front of the retail unit at the Fieldgate Street end of the site. This would allow our refuse collection teams to collect the waste from Fieldgate St and would be acceptable in Highways terms.

Environmental considerations

Noise

- 9.127. 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.
- 9.128. 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.
- 9.129. 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.
- 9.130. Should members be minded to approve the application, it is recommended that a condition be attached which requires the applicant to submit further details of the noise and vibration details 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

- 9.131. 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, landscaping and secured through conditions.

Air Quality

- 9.132. 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.
- 9.133. 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.
- 9.134. Should members be minded to grant planning permission, a robust Air Quality Management Plan which adequately details mitigation measures would need to be submitted and approved in writing to demonstrate that the future residents would not be exposed to undue poor air quality.

Energy and Sustainability

- 9.135. 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.
- 9.136. 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.
- 9.137. 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 requirement by approximately 8% which equates to 22.8 tonnes of CO₂.
- 9.138. 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.

- 9.139. 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.
- 9.140. 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.
- 9.141. 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

- 9.142. 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.
- 9.143. 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.
- 9.144. 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

- 9.145. 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.
- 9.146. 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.
- 9.147. 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.
- 9.148. 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;
 - Health;
 - Sustainable Transport Environmental Sustainability
- 9.149. The overall financial contribution the Planning Obligations SPD would seek to secure would be £1,947,125. The overall contribution the applicant considers to be an appropriate and viable option would be £1,323,272. As such, there is a shortfall of £619,252 between the Planning Obligations SPD (2012) requirement and the applicants offer
- 9.150. The Councils independent viability assessment considered the overall financial contribution offered by the applicant. Considering the overall deliverability of affordable housing, the independent viability review confirmed that it was a reasonable reflection of what can be considered viable and deliverable onsite. As such, should Members seek to secure the full financial contribution, this could reduce the overall percentage of affordable housing due to scheme viability.
- 9.151. It is recommended that a viability review' mechanism should to be included in the s106 agreement in the event Members resolve to approve the application. This viability review mechanism would be designed to be similar to an overage clause whereby the Council captures any additional value up to the equivalent of 35% affordable housing provision and full planning contributions, in the scheme once

the scheme costs and sales values are fully known. Such a clause would require the scheme costs to be subject to an independent review by a quantity Surveyor (Cost Consultant).

9.152. The proposal was discussed by the Councils Planning Contributions Overview Panel (PCOP). It was concluded that the applicants overall contribution of £1,323,272 would be acceptable and that should members be minded to grant permission, the contribution should be apportioned as per table below.

Planning Obligations (Financial) Heads of Terms	LBTH Requirement In accordance with the Supplementary Planning Document on Planning Obligations	PCOP's recommended Contributions (in accordance with the total amount of applicants Section 106 Offer)	Match Between LBTH Requirement and Recommended Allocation (%)
Crossrail SPG Contribution	0	0	0
Construction Phase Skills and Training	£55,851	£46,077	82.5%
End-User Phase Skills and Training	£3,606	£2,975	82.5%
Idea Stores, Libraries and Archives	£52,972	43,702	82.5%
Leisure Facilities	£171,633	£141,597	82.5%
Primary School Facilities	£318,622	£318,622	100%
Secondary School Facilities	£219,112	£219,122	100%
Health Facilities	£263,099	217,056	82.5%
Smarter Travel	£6,240	£6,240	100%
Public Open Space	£289,477	£101,317	35%
Streetscene and the Built Environment	£76,870	£26,904	35%
CO2 Reduction	£31,464	25,958	82.5%
Upgrade to public highway (TfL)	£350,000	£122,500	35%
Delivering cycle hire capacity (TfL)	£70,000	£24,500	100%
Monitoring (2%)	£38,179	£25,946	68%
Total	£1,947,125	£1,323,272	

9.153. Should members be minded to approve the scheme, it is recommended that £1,323,873 be secured to mitigate the development. Notwithstanding, it is suggested that the Council secure a Planning Obligations Review mechanism requiring the applicant to submit an Updated Appraisal with all relevant financial information including certified copies of all Residential Unit sales and all Scheme Costs. Should members be minded to resolve to approve this application, it is recommended that the above contributions are secured in a legal agreement with the applicant. In addition, non financial contributions would be secured. These include the submission of a Travel Plan; the developer would exercise best endeavours to ensure that 20% of the construction phase workforce would be local residents of Tower Hamlets. To ensure local businesses benefit from this development, with 20% goods/services procured during the construction phase would be achieved by businesses in Tower Hamlets.

Local Finance Considerations

9.154. 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.”

9.155. 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.

9.156. 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.;

9.157. 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 approximately £698,810.

9.158. 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. Assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £333,270 in the first year and a total payment approximately £1,999,619 over 6 years. There is no policy or legislative requirement to discount the new homes bonus against the planning obligation contributions.

Human Rights Considerations

- 9.159. 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:
- 9.160. 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".
- 9.161. 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.
- 9.162. 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.
- 9.163. 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.
- 9.164. 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

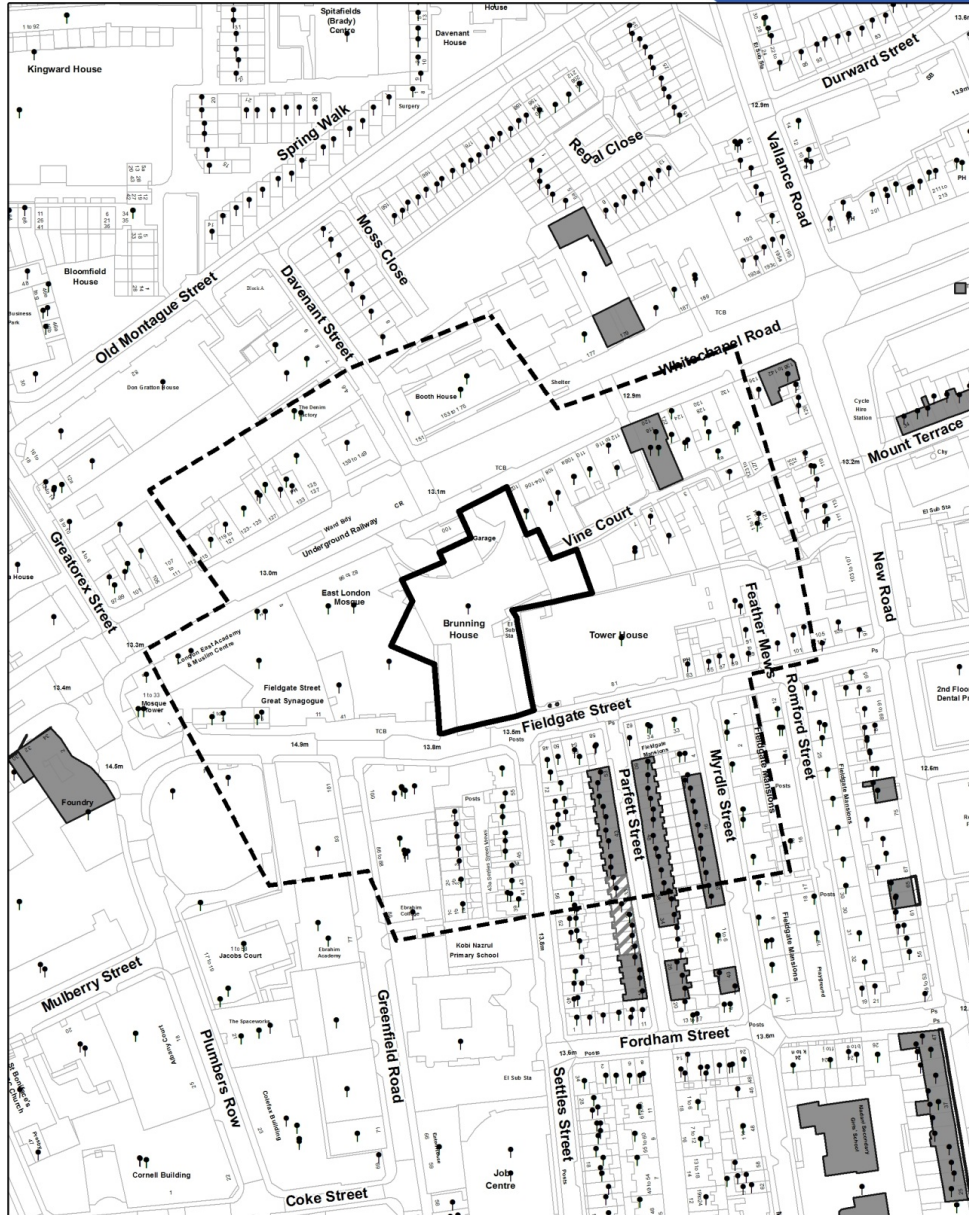
- 9.165. The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due 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.
- 9.166. 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.
- 9.167. A detailed Equalities Assessment has been carried out by Council Officers with regard to the potential effects of the proposed development on each of the protected diversity characteristics. The assessment concludes that the proposed development would have a neutral effect in terms of race, gender, gender reassignment, sexual orientation, age, marriage and civil partnership, pregnancy and maternity.
- 9.168. In terms of faith, given the proposed extension to a prayer hall at the adjoining mosque, the assessment recognises that the Muslim faith is well established in the area and that 34% of people in Tower Hamlets identify themselves as Muslim. The proposed development would have beneficial effect on the Muslim faith, but would not have any beneficial or adverse effect on other faiths. Hence the assessment concludes the proposal would have a neutral effect in terms of faith.
- 9.169. The assessment also concludes that the proposed development would have a positive effect in terms of disability and other socio-economic indicators. No negative equalities impacts have been identified.
- 9.170. 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.

10. CONCLUSION

- 10.1. The merits of the proposed development have been carefully considered and assessed against relevant development plan policies, taking into account other material considerations and evidence provided from statutory consultees, internal consultees and retained independent consultants. The level of support and objection in terms of letters and petitions received from local residents and businesses has also been taken into account.
- 10.2. The applicant has identified benefits of the development which include employment during construction; contribution to the local economy; employment resulting from the commercial unit and creation of a new access road and pedestrian /cycle routes through the site in line with the Whitechapel Vision Masterplan.
- 10.3. However, Officers have found that the scheme exhibits 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 and that these would conflict with development plan policies and outweigh the benefits of the scheme.
- 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 4 of the report.

Planning Application Site Map
PA/13/03049



- | | | |
|------------------------------------|----------------------------|---------------------|
| Planning Application Site Boundary | Locally Listed Buildings | Land Parcel Address |
| Consultation Area | Statutory Listed Buildings | OSLine |
- 0 50 m

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