Committee:	<b>Date:</b> 12 <sup>th</sup> April 2016	Classification: Unrestricted	Agenda Item Number:		
Strategic	12" April 2016	Offiestricted			

Report of:

Director of Development and

Renewal

**Title:** Applications for Planning Permission

Ref No: PA/15/01231

Case Officer:

Jermaine Thomas

Ward: Spitalfields and Banglatown

# 1. <u>APPLICATION DETAILS</u>

**Location:** 120 Vallance Road & 2-4 Hemming Street, London, E1

**Existing Use:** Light industrial buildings housing the body repair

workshops, parts department and administrative

offices of KPM, a taxi related business.

Proposal: Demolition of existing buildings at 120 Vallance Road

and 2-4 Hemming Street and erection of two buildings to provide 1,311 sqm (GEA) of commercial space, 144 residential units and new public realm, landscaped amenity space, cycle parking and all associated works

**Drawing and documents:** See appendix

**Applicant:** One20 Developments Limited

Ownership: One 20 developments Limited

**London Borough of Tower Hamlets** 

Historic

toric No

**Building:** 

None

Conservation

None

Area:

### 2. EXECUTIVE SUMMARY

2.1. The Council has considered the particular circumstances of this application against the Council's Development Plan policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010) and Managing Development Document (2013) as well as the London Plan (MALP) 2016 and the National Planning Policy Framework and relevant supplementary planning documents.

- 2.2. The proposed redevelopment of this site for a residential-led mix use development is considered to optimise the use of the land and as such, to be in accordance with the aspirations of the development plan policies.
- 2.3. The proposed tall buildings would be of an appropriate scale, form and composition for the surrounding context and townscape. They would be of high quality design, provide a positive contribution to the skyline and not adversely impact on strategic or local views.
- 2.4. The density of the scheme would not result in significantly adverse impacts typically associated with overdevelopment and there would be no unduly detrimental impacts upon the amenities of the neighbouring occupants in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure. The high quality accommodation provided, along with and external amenity spaces would create an acceptable living environment for the future occupiers of the site.
- 2.5. The development would provide a suitable mix of housing types and tenure including an acceptable provision of affordable housing. Taking into account the viability constraints of the site the development is maximising the affordable housing potential of the scheme.
- 2.6. Transport matters, including parking, access and servicing are on balance considered acceptable.

#### 3. RECOMMENDATION

- 3.1. That the Committee resolve to **GRANT** planning permission subject to:
- 3.2. Any direction by The London Mayor.
- 3.3. The prior completion of a Section 106 legal agreement to secure the following planning obligations:

### Financial Obligations:

- a) A contribution of £56,512.00 towards employment, skills, training and enterprise and construction stage;
- b) A contribution of £34,080.75 towards employment skills and training to access employment in the commercial uses within the final development;
- c) A contribution of £5,500 (£500 per head of term) towards monitoring compliance with the legal agreement.

Total Contribution financial contributions £96,092.75

# Non-financial contributions

- d) Delivery of 35% Affordable Housing comprising of 12 intermediate units, and 25 affordable rented units (12 Borough Framework and 13 Social Target Rent)
- e) Affordable housing delivery and phasing;
- f) Viability review mechanism;g) Permit Free for future residents;
- h) Apprenticeships and work placements:
- i) Access to employment and construction 20% local procurement, 20% local jobs at construction phase and 20% end phase local jobs:
- j) Public access retained for all public realm, walking, cycling and vehicular routes;
- k) Implementation and monitoring of the carbon emission reductions (Energy Statement)

- I) Bond for laying out disabled parking spaces (x2) on street
- 3.4. That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within normal delegated authority.
- 3.5. That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:

# Prior to Commencement' Conditions:

- 1. Noise mitigation measures to ensure satisfactory relationship to adjacent Network Rail Route:
- 2. Sound insulation scheme;
- 3. Access arrangement to basement (including wheelchair accessibility);
- 4. Construction Environmental Management plan;
- 5. Surface water drainage scheme;
- 6. Water Supply infrastructure in consultation with Thames Water
- 7. Ground contamination remediation and mitigation
- 8. Biodiversity mitigation and enhancements;
- 9. Compensatory habitat creation scheme;
- 10. Waste management strategy to ensure compliance with waste hierarchy;
- 11. District energy and heating strategy;
- 12. Piling Method Statement

### Prior to completion of superstructure works conditions:

- 13. Secure by design principles;
- 14. Details of all external plant and machinery including air quality neutral measures;
- 15. Details of all external facing materials, including balconies
- 16. Details of public realm, landscaping and boundary treatment;
- 17. Child play space strategy
- 18. Details of all external CCTV and lighting;
- 19. Details of extraction and ventilation for Class A3 uses
- 20. Waste Management Plan
- 21. Scheme of highway works surrounding the site (Section 278 agreement)

### Prior to Occupation' Conditions:

- 22. Details of all shop fronts and entrances to ground floor public spaces;
- 23. Details of step free and wheelchair access arrangements;
- 24. Surface water management system
- 25. Travel Plan;
- 26. Permit free development;
- 27. Site management inclusive of a cleaning regime
- 28. Delivery and servicing plan;
- 29. Details of cycle parking, inclusive of visitors cycle parking and associated facilities;
- 30. Wheelchair accessible residential units
- 31. Delivery of BREEAM Excellent for commercial element of the scheme
- 32. Updated energy assessment

# Compliance' Conditions -

- 33. Permission valid for 3yrs
- 34. Development in accordance with approved plans;
- 35. Hours of operation of commercial units (A1-A3, B1 use class)

- 36. Restriction on total floor area of A1-A3 retail units to 500sqm
- 37. Any individual A1/A3 use shall be limited to 100sqm
- 38. Internal Noise Standards
- 39. Renewable energy technologies in accordance with approved Energy Strategy

#### **Informatives**

- 1. Subject to s278 agreement
- 2. Subject to s106 agreement
- 3. CIL liable
- 4. Environmental Health informatives

### 4. PROPOSED DEVELOPMENT, SITE AND SURROUNDINGS

### **Proposal**

- 4.1. The applicant is seeking planning permission for the comprehensive development of the site to provide a residential led mix use scheme.
- 4.2. The development comprises of the following uses:
  - 144 residential units (Use class C3)
  - 1,214sqm GIA Commercial Use (Use class A1/A3 and B1)
- 4.3. The proposed scheme comprises of two main building blocks known as the Vallance Road Building (Building A) and the Hemming Street Building (Buildings B and C).
- 4.4. The building blocks are both designed to increase in height towards the north of the site.
- 4.5. The proposed site layout seeks to provide increased connectivity to Vallance Road and Hemming Street with the creation of a new west to east pedestrian link under the proposed Vallance Road building.
- 4.6. The Hemming Street building situated to the eastern edge of the site would front Hemming Street and range in height from 5 to 8 storeys. This building would comprise of residential uses only.
- 4.7. The Hemming Street building would be designed with maisonettes at ground and first floor level. The building would be set away from the neighbouring properties to the east, which allows for the creation of ground floor private rear gardens of the maisonettes at ground floor level.
- 4.8. The Vallance Road building situated to the western edge of the site would be located between Hemming Street and Vallance Road and would range in height from 7 10 storeys. This building would comprise of the A1/A3 and B1 floor space on the ground floor and basement level.
- 4.9. The proposed non-residential uses within the Vallance Road building would provide active frontages on along both Vallance Road and Hemming Street. The layout of the commercial spaces includes the creation of voids to allow for the basement to receive maximum levels of natural light.

- 4.10. The foot print of the Vallance Road building designed with a significant set back from Hemming Street allows for the creation of a public realm provision adjacent to Hemming Street and breathing space for the building.
- 4.11. The proposed residential use would comprise of 144 residential units, 35% of which would be affordable housing, calculated by habitable room. In dwelling numbers this would comprise of 107 private units, 12 intermediate units, and 25 affordable rented units. This provision is set out below, as well as the mix by tenure.

# Number and Percentage of units and habitable rooms by tenure

	Number of units	% units	Habitable Rooms	% hab rooms
Open Market	107	74%	248	65%
Affordable rent	25	17%	95	25%
Intermediate	12	8%	39	10%
TOTAL	144	100%	382	100%

### Dwelling numbers and mix by tenure

	Studio	1 bed	2 bed	3 bed	4 bed
Open Market	28	31	34	14	0
Affordable rent	0	7	5	13	0
Intermediate	0	3	6	3	0
TOTAL	28	41	45	30	0
Total as %	19.5	28.5	31	21	0

4.12. The proposal would also include cycle parking spaces, refuse provisions and landscaping works.

# Site and Surroundings

4.13. The following plan shows the extent of the application site outlined in red.



4.14. The application site is spilt into two parts by Hemming Street known as 120 Vallance Road and 2-4 Hemming Street which are situated to the south of the railway viaduct which carries the mainline railway east out of Liverpool Street Station.

- 4.15. The site 0.39 hectares and currently comprises light industrial buildings housing the body repair workshops, parts department and administrative offices of KPM, a taxi related business.
- 4.16. The existing 120 Vallance Road site is occupied by a single and two-storey industrial/commercial building which has been vacant since 24 September 2014.
- 4.17. The 2-4 Hemming Street site is occupied by a two storey building housing the taxi related business.
- 4.18. The existing buildings across the application site provide 2,389sq.m (GIA) of commercial floor space, although only 1,095sq.m is currently occupied.
- 4.19. The adjacent viaduct space to the north and land to the east at Trent Street is identified as a Spitalfields Viaduct and bank local open space and habitat. Weavers field is situated to the north of the viaduct.
- 4.20. To the east of the application site Surma Close which consists of three storey residential buildings.
- 4.21. To the south of the site is 6-8 Hemming Street which comprises of a 3 storey commercial buildings. Further south is a four storey residential development situated adjacent to the Hemming Street and Selby Street junction.
- 4.22. To the west of the site is 2 -7 storey residential buildings at the land at Pedley Street and Fakruddin Street.
- 4.23. The site is served by bus routes with stops on Vallance Road and Bethnal Green Road, 380 metres to the north. The nearest station is Bethnal Green, approximately 280m metres to the north east which provides access to national rail and London Overground services between Liverpool Street and Enfield Town/Cheshunt.
- 4.24. Whitechapel station is also within reasonable walking distance and provides access to District, Hammersmith & City and Overground services.
- 4.25. The application site has a very good Public Transport Accessibility Level (PTAL) of 5 and is highly accessible.

# **Spatial policy designations**

- 4.26. The site is located within the 'wider hinterland of the City Fringe Opportunity Area and also designated as a 'Place to Live' within the Whitechapel Vision SPD.
- 4.27. The site is within an Environment Agency designated Flood Zone 1
- 4.28. The site, as with the whole Borough, is within Air Quality Management Area.
- 4.29. The site is within the London Plan Crossrail SPG Charging Zone.

# **Relevant Planning History**

Application site

No relevant Planning History

### 6-8 Hemming Street

### PA/13/01813

Redevelopment of the site to provide a five storey mixed use development comprising office accommodation (Use Class B1) at ground floor level and 34 residential units (Use Class C3) comprising 16 x 1 bedroom, 10 x 2 bedroom, 7 x 3 bedroom and 1 x 4 bedroom.

### Approved 24/10/2014

#### 5. POLICY FRAMEWORK

- 5.1. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that the determination of these applications must be made in accordance with the plan unless material considerations indicate otherwise.
- 5.2. The list below sets out some of the most relevant policies to the application, but is not exhaustive.

# **National Planning Policy Guidance/Statements**

National Planning Policy Framework (March 2012) (NPPF) National Planning Guidance Framework (March 2014) (NPPG)

# Spatial Development Strategy for Greater London - London Plan 2015 (MALP 2016)

### **Policies**

- 2.1 London
- 2.9 Inner London
- 2.13 Opportunity Areas
- 2.14 Areas for Regeneration
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 3.3 Increasing Housing Supply
- 3.4 Optimising Housing potential
- 3.5 Quality and Design of housing developments
- 3.6 Children and young people's play and informal recreation facilities
- 3.7 Large Residential Developments
- 3.8 Housing Choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.11 Affordable housing targets
- 3.12 Negotiating affordable housing on individual and mixed use schemes
- 3.13 Affordable housing thresholds
- 3.16 Protection and enhancement of social infrastructure
- 3.18 Education uses
- 4.1 Developing London's economy
- 4.4 Managing Industrial land and premises
- 4.8 Supporting a successful and diverse retail sector
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling

- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.1 Strategic approach to transport
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London's transport connectivity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing traffic flow and tackling congestion
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.7 Location and design of tall and large buildings
- 7.10 World heritage sites
- 7.11 London view management framework
- 7.12 Implementing the London view management framework
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.18 Protecting local open space and addressing local deficiency
- 7.19 Biodiversity and access to nature
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy (CIL)

# Tower Hamlets Core Strategy (adopted September 2010) (CS)

- SP01 Refocusing on our town centres
- SP02 Urban living for everyone
- SP03 Creating healthy and liveable neighbourhoods
- SP05 Dealing with waste
- SP06 Delivering successful employment hubs
- SP08 Making connected Places
- SP09 Creating Attractive and Safe Streets and Spaces
- SP10 Creating Distinct and Durable Places
- SP11 Working towards a Zero Carbon Borough
- SP12 Delivering placemaking
- SP13 Planning Obligations

#### 5.3. Managing Development Document (adopted April 2013) (MDD)

- DM0 Delivering Sustainable Development
- DM2 Local shops
- DM3 Delivery Homes
- DM4 Housing standards and amenity space
- DM9 Improving air quality

DM11 Living buildings and biodiversity

DM13 Sustainable drainage

DM14 Managing Waste

DM15 Local job creation and investment

DM20 Supporting a Sustainable transport network

DM21 Sustainable transportation of freight

DM22 Parking

DM23 Streets and the public realm

DM24 Place sensitive design

DM25 Amenity

DM26 Building heights

DM27 Heritage and the historic environments

DM28 World heritage sites

DM29 Achieving a zero-carbon borough and addressing climate change

DM30 Contaminated Land

# **Supplementary Planning Documents**

Planning Obligations SPD (January 2012)

Draft Planning Obligations SPD (March 2015)

CIL Charging Schedule (April 2015)

Sustainable Design and Construction SPG (July 2013)

Shaping Neighbourhoods: Character and Context - draft (February 2013)

Housing Supplementary Planning Guidance (November 2012)

Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy (April 2013)

Shaping Neighbourhoods: Play and Informal Recreation (September 2012)

London View Management Framework SPG (March 2012)

London World Heritage Sites - Guidance on Settings SPG (March 2012)

SPG: Planning for Equality and Diversity in London (October 2007)

SPG: Sustainable Design and Construction (May 2006)

SPG: Accessible London: Achieving an Inclusive Environment (April 2004)

SPG: London Housing Guidance

# **Tower Hamlets Community Plan**

The following Community Plan objectives relate to the application:

A Great Place to Live

A Prosperous Community

A Safe and Supportive Community

A Healthy Community

### 5.4. Other Material Considerations

EH Guidance on Tall Buildings

Seeing History in the View

Conservation Principles and Practice

### 6. CONSULTATION RESPONSES

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

#### Internal Responses

### **LBTH Environmental Health - Contaminated Land**

6.3. A condition is recommended to ensure any contaminated land is appropriately dealt with.

### **LBTH Environmental Health - Air Quality**

- 6.4. The air quality assessment is accepted. The assessment shows that the development will not have a significant adverse impact on the air quality and the development is air quality neutral.
- 6.5. The construction section of the assessment is accepted provided that the mitigation methods recommended are included in the Construction Environmental Management Plan, which is to be submitted prior the construction commencing.

#### LBTH Environmental Health – Noise and Vibration

6.6. Subject to the attachment of conditions, no objection to the approval of the development.

#### **LBTH Refuse**

6.7. Subject to the attachment of a safeguarding condition to secure a detailed service and waste management plan, the proposed development would comply with policy requirements.

# **LBTH Highways**

Car parking

- 6.8. The applicant has proposed that the development will be car and permit free, this is welcomed. Highways require a S106 condition to be attached for "car and permit" free agreement for the development as it is located in very good PTAL area (PTAL 5).
- 6.9. The applicant has proposed to provide two disabled bay on public highway. This is acceptable in principle. However, the applicant will be required to meet the costs to deliver this proposal. This should be secured via condition.

#### Cycle spaces

- 6.10. The number of cycle spaces provided within the site complies with the Local and the London Plan. However, Highways require further details about each cycle spaces. Especially, design and specification of the cycle stands and dimensions for each of the cycle spaces to ensure users have sufficient space to manoeuvre their bikes.
- 6.11. In addition, there are a number of cycles stands are proposed on the public highways. This was not agreed with the highway. From the submitted drawing available width of the footpath appears to be very narrow. Therefore, Highways require the applicant provide these spaces within the site boundary.

#### Change of use

6.12. The applicant is proposing to change the existing industrial usage into residential. Highways require further information about where the existing occupants will be relocated (if they are relocated) in order for highway to assess the impact on the borough's highway network in full.

# Transport Assessment

6.13. Highways accept the forecasts in the TA that shows there will be significant reduction in vehicular trips to and from the site as a result of the proposals.

Residential and work place travel plan

6.14. Highways are satisfied with the submitted travel plans. However, the implementation of the Travel Plan should be secured through condition.

Highway works

- 6.15. The proposals seek to change the nature of Hemming Street from one of largely commercial/light industrial character to one of largely residential in nature with some retail employment. The nature of the highway environment will need to be enhanced including, but not limited to, flush kerbing and tactile paving at crossing points, modernising street lighting including the railway underpass and for both Vallance Road and Hemming Street, ensuring the footways and carriageways are left in good order using materials of a style suitable for a residential road. A legal agreement under Section 278 of the Highways Act 1980 will be necessary and this will enable the above works.
- 6.16. In addition, the applicant is proposing some changes to Hemming Street. The applicant is required to provide further information about the type of crossing they are proposing. The Highways design team will only support an informal crossing at Hemming Street.
- 6.17. Moreover, the parking bays appear to be on the footway, the applicant is required to confirm what changes are proposed to existing carriageway layout.

### Requested conditions

- 6.18. Highways require that a condition is attached to any permission that no development should start until Highways has approved in writing the scheme of highway improvements necessary to serve this development (including those mentioned above). The applicant is required to consult Wajid Majid to discuss the highway's improvement work required for this development and agree a S278 agreement.
- 6.19. The applicant is required to make contributions towards street scene and built environment enhancements within the Weavers area in addition to the street scene adjacent to the proposed development. This should be secured via Section 106.

# **LBTH Biodiversity**

- 6.20. The application site consists entirely of buildings and hard surfaces, and the existing buildings are unsuitable for bat roosts. There will therefore be no significant adverse impacts on biodiversity.
- 6.21. A safeguarding condition would be required to secure biodiversity enhancements.

#### **LBTH Economic Development**

6.22. The existing site generates 15 full time and 6 part time jobs.

- 6.23. The planning statement indicates that over 70 direct jobs will be created from the commercial space and supports the proposal's reduction in floorspace, which still overweight the existing active employment.
- 6.24. However, in principle, Economic Development cannot support this as it means a physical reduction in active employment floorspace and they should meet the criteria and requirements specified in policy DM15. In addition, commercial space calculated for the uses given indicates that only 51 direct jobs will be generated from the operational phase of the development.
- 6.25. In the event the application is supported by officers conditions and financial contributions will be required.
- 6.26. The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. We will support the developer in achieving this target through providing suitable candidates through the Skills match Construction Services.

#### External responses

#### **Crossrail Limited**

6.27. No response received

### **Natural England**

6.28. Natural England has no objection to the proposed development.

# **Historic England**

6.29. The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.

#### Historic England Archaeology (GLAAS)

- 6.30. The proposal is unlikely to have a significant effect on heritage assets of archaeological interest.
- 6.31. No further assessment or conditions are therefore necessary.

### **National Grid**

- 6.32. National Grid has identified that it has apparatus in the vicinity of your enquiry which may be affected by the activities specified.
- 6.33. Can you please inform National Grid, as soon as possible, the decision your authority is likely to make regarding this application.
- 6.34. If the application is refused for any other reason than the presence of National Grid apparatus, we will not take any further action.

#### **Environment Agency (EA)**

6.35. No objection received.

# **London Fire and Emergency Planning Authority**

6.36. No response received

# **Metropolitan Police - Crime Prevention officer**

- 6.37. No objections to the development proceeding, however it is requested that conditions shall secure measures to minimise the risk of crime and achieve Secured by Design throughout the development. Full details of these can be found within the New Homes guide 2014 and via the Secured by Design website.
- 6.38. The reason for this is to reinforce the committed approach and interest in the long term sustainability of both security and crime prevention measures throughout the development for the benefits of all future residents.

### **London Bus Services Ltd**

6.39. No comments received.

### **TFL London Underground**

6.40. Response received confirming no comments to make on this application.

### Network Rail Infrastructure Ltd.

- 6.41. The developer/applicant must ensure that their proposal, both during construction and after completion of works on site, does not:
  - encroach onto Network Rail land
  - affect the safety, operation or integrity of the company's railway and its infrastructure
  - undermine its support zone
  - damage the company's infrastructure
  - place additional load on cuttings
  - adversely affect any railway land or structure
  - over-sail or encroach upon the air-space of any Network Rail land
  - cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

#### **Docklands Light Railway**

6.42. No comments received

# The Victorian Society

6.43. No comments received

#### **Commission for Architecture and Built Environment CABE**

6.44. No comments received.

#### Thames Water Utilities Ltd.

6.45. There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair

and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.

- 6.46. Thames Water would advise that with regard to sewerage infrastructure capacity, they would not have any objection to the above planning application.
- 6.47. Thames Water have recommended a piling method statement to be submitted to and approved in writing by the local planning authority to ensure potential to impact on local underground sewerage utility infrastructure is suitably addressed.

### **Greater London Authority**

6.48. The following is a summary of the Stage I response received prior to the submission of substantial amendments to the scheme:

### Principle of development

- 6.49. The principle of development of the site as a residential led mixed use development with reasonable level of commercial floor space is acceptable.
- 6.50. Any net loss of commercial space within the City Fringe Opportunity Area is a concern, however, in this instance, the proposal optimises the commercial offer which has increased from 624sq.m (at the pre-application stage) to 1,311sq.m.
- 6.51. This proposal will have a positive impact on the regeneration of this part of the city fringe, through the delivery of modern competitive office floorspace and new housing in a landmark development with associated improvements to the public realm.

### **Employment**

- 6.52. This site is identified as being within the 'wider hinterland' of the City Fringe Opportunity Area and is an area allocated for residential led mixed use development. The London Plan identifies Whitechapel as an area with 'significant development capacity', and encourages the growth/uplift in capacity of such areas benefitting from Crossrail.
- 6.53. This replacement floorspace will be far more suited to current demands, will represent a much more efficient use of space, and yield more jobs than is currently provided on site. In response to the pre-application recommendations put to the applicant by GLA officers, with regard to the numbers of jobs to be created by the scheme; it is noted that upto 70 jobs will be created, against the current 18 jobs. The uplift in jobs through the replacement of the inefficient buildings being used at a sub-optimal level are therefore supported.

### Housing

- 6.54. The development contains 152 units. The proposal provides 30% affordable housing by habitable room, with a tenure split by habitable room of 70% affordable and 30% intermediate.
- 6.55. The applicant has indicated in the planning statement that the full amount of affordable housing (35% local policy target) is not considered practical or viable on-site in this location. A financial viability assessment should be shared with the GLA prior to the application being

determined. It is understood that the acceptability of the 30% affordable housing offer by the applicant will be subject of an independent viability review by the Council. As above, GLA Officers would request that the findings of this review are shared prior to a stage 2 referral.

### Density

6.56. The density is towards the top of the range set by the London Plan density matrix, which for a central site such as this with excellent public transport accessibility, suggests a range of 650 – 1100 habitable rooms per hectare. The London Plan density matrix is intended to be applied flexibly taking into account a number of factors. On the basis of the advice provided at the pre-application stage, the proposed density of this development is appropriate given its location and the need to maximise the development potential of sites with excellent public transport accessibility.

### Play space

6.57. The applicant has specified that the scheme will provide 2,079.8sq.m of private space in the form of balconies and terraces. The scheme will also provide 1,185sq.m of communal amenity space, including 400sq.m of play space which will also exceed the required provision. This overall quantum is generous and is supported. The applicant should provide a playspace strategy setting out how this will be achieved, how play space features will be arranged and accessed. It is noted that the development is in close proximity to a range of public open spaces, sports and recreation facilities and playgrounds, which is of further benefit to potential residents and addresses the pre-application request to applicants.

### Design

- 6.58. The scheme is generally well thought and has been subject to a number of design iterations throughout the pre-application process. A key strategic issue is the ability of the scheme to provide east/west connectivity between Vallance Road and the northern end of Sutra Place and this is also highlighted as a key aspiration of the Whitechapel Vision Masterplan SPD. This would significantly address barriers to east-west movement, improve pedestrian permeability and help reintegrate currently isolated residential development. Future development opportunities could further augment this to create a new strategic east-west pedestrian route linking Scott Street all the way to Cheshire Street via Pedley Street and the bridge over the railway lines to the north-east of Allen Gardens.
- 6.59. Following pre-application discussion, the applicant has amended the scheme to include a double height link through block A which is welcomed however it is disappointing that this link is not continued to enable full connection to Sutra Place.
- 6.60. GLA officer would welcome further discussion on this point as it is understood that the Council also have concerns about the usability of the private amenity space. The boundary treatment is not specified and it is not clear whether this is solely for residents or for the general public.
- 6.61. The residential quality across the scheme appears high and the applicant has responded to pre-application comments to adjust the layout of upper floors to ensure that each core serves no more than eight units. This is welcomed and has also contributed to maximising the proportion of dual aspect units.
- 6.62. The form and massing approach is broadly supported with a varied heights strategy ranging between five and twelve storeys to respond to both the immediate and wider context of the site.

- 6.63. The positioning of the tallest element at the northern end of block A and alongside the railway viaduct ensures that any overshadowing of the wider site from this block will be minimised while also denoting the transition point in townscape terms between Whitechapel and Bethnal Green town centres. The southern end of blocks B and C gradually decrease in height from eight to five storeys to acknowledge and align with the scale of the neighbouring nos. 6-8 development which is supported.
- 6.64. In response to pre-application discussion, the appearance of the buildings have been simplified and this results in a more refined and calmer composition which is welcomed. The proposed use of a limited palette of materials, including facing brickwork, aluminium window frames and varying glass and brick fronted balconies will further contribute to a clean-lined and residential aesthetic. The Council is encouraged to secure key details such as protruding balconies, curtain walling and parapet lines to ensure the highest quality of architecture is secured within the application.

#### Access

6.65. The application includes 19 accessible residential units, equating to 12.5% of provision which is strongly supported. All the homes will also meet Lifetime Homes standards and thus meets the requirements of policy 3.8. Although typical flat layouts have been provided, the corridor widths appear to be narrow and should be 1.5m to ensure wheelchair access with ease.

### Energy

6.66. The applicant has stated that the CO2 savings will exceed the target set within Policy 5.2 of the London Plan. However, the applicant should provide the required tables detailing the carbon emissions in tonnes per annum for each stage of the energy hierarchy. See Table 1 and Table 2 in the latest GLA assessment guidance for the correct format: https://www.london.gov.uk/sites/default/files/GLA%20guidance%20on%20preparing%20ener gy%20assessments%20April%202015.pdf

### **Transport**

6.67. TfL are satisfied with the provision of car parking, number of cycle parking spaces and impact on Bus and Underground capacity. However, the applicant should reconsider the basement cycle parking arrangements, provide shower and changing facilities for the commercial employees, assess kerb heights of the nearest bus stops, reassess public realm on Vallance Road, allow cyclists access to the new pedestrian route and revise the workplace Travel Plan.

# **Transport for London**

- 6.68. TfL are satisfied with the provision of car parking, number of cycle parking spaces and impact on Bus and Underground capacity. However, the applicant should reconsider the basement cycle parking arrangements, provide shower and changing facilities for the commercial employees, assess kerb heights of the nearest bus stops and revise the workplace Travel Plan
- 6.69. Subject to the attachment of safeguarding conditions, TfL raise no objections.

### 7. LOCAL REPRESENTATION

7.1. At application stage, a total of 82 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The

application has also been publicised on site and in the local press. The number of representations received from neighbours and local groups in response to notification and publicity of the application to date are as follows:

No of individual responses 1 Objecting: 0 Supporting: 1 No of petitions received: 0

- 7.2. The received response was raised in representations is material to the determination of the application. The full representation is available to view on the case file.
- 7.3. The following is a summary of the comment received.

# **Support**

- The proposal is well designed
- The scheme includes improvement works to Vallance Road / Hemming Street
- The proposal provides good quality housing, social housing, jobs and improved townscape

### 8. PLANNING CONSIDERATIONS AND ASSESSMENT

- 8.1. The main planning issues raised by the application that the committee must consider are:
  - The Environmental Impact Assessment
  - Land Use
  - Density / Quantum of Development
  - Design
  - Heritage
  - Housing
  - Amenity Space and Public Open Space
  - Neighbouring Amenity
  - Transport
  - Waste
  - Energy and Sustainability
  - Environmental Considerations
  - Flood risk and water resource
  - Biodiversity
  - Television and Radio Reception
  - Health
  - Impact on Local Infrastructure and facilities
  - Planning Contributions and Community Infrastructure Levy
  - Local Finance Considerations
  - Human Rights Considerations
  - Equalities Act Considerations
  - Conclusion

### The Environmental Impact Assessment

#### Legislation

8.2. The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended) (hereafter referred to as 'the EIA Regulations') require that for certain planning

applications, an Environmental Impact Assessment (EIA) is undertaken. EIA is a procedure which serves to provide information about the likely effects of proposed projects on the environment, so as to inform the process of decision making as to whether the development should be allowed to proceed, and if so on what terms.

8.3. Schedule 1 of the EIA Regulations lists developments that always require EIA, and Schedule 2 lists developments that may require EIA if it is considered that they could give rise to significant environmental effects by virtue of factors such as its nature, size or location.

### EIA Screening

- 8.4. A formal EIA Screening Opinion was submitted on 10<sup>th</sup> April 2015. Upon the review of EIA request, the Councils EIA officer confirmed that the proposed development does not require an EIA to be undertaken to accompany the planning application.
- 8.5. The scheme therefore does not constitute an EIA development.

#### Land use

### General Principles

- 8.6. At a national level, the National Planning Policy Framework (NPPF 2012) promotes a presumption in favour of sustainable development, through the effective use of land driven by a plan-led system, to ensure the delivery of sustainable economic, social and environmental benefits. The NPPF promotes the efficient use of land with high density, mixed-use development and encourages the use of previously developed, vacant and underutilised sites to maximise development potential, in particular for new housing. Local authorities are also expected boost significantly the supply of housing and applications should be considered in the context of the presumption in favour of sustainable development.
- 8.7. The London Plan policy 1.1 seeks to realise the Mayors vision for London's Sustainable Development to 2036 and commitment to ensuring all Londoners enjoy a good.
- 8.8. The London Plan policy 2.13 deals with Opportunity Areas, map 2.4 gives their indicative locations and Annex 1 sets out the strategic policy direction of each opportunity area. The site is identified as being within the 'wider hinterland' of the City Fringe Opportunity Area and is an area allocated for residential led mixed use development. The London Plan identifies Whitechapel as an area with 'significant development capacity', and encourages the growth/uplift in capacity of such areas benefitting from Crossrail.
- 8.9. The site is also designated as a 'Place to Live' within the Whitechapel Vision SPD.
- 8.10. The proposed development would result in the net loss of employment floor space and provide a mix use residential scheme (Use class C3) with commercial space (use class A1/A3 and B1).

# Loss of employment uses

8.11. The Managing Development Document Policy (DM15) (Local job creation and investment) paragraph 1 states 'the upgrading and redevelopment of employment sites outside of spatial policy areas will be supported. Development 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, accessibility, size and condition'.

- 8.12. Policy (DM15) Paragraph 2 also states 'Development which is likely to adversely impact on or displace an existing business must find a suitable replacement accommodation within the borough unless it can be shown that the needs of the business are better met elsewhere'.
- 8.13. The proposed development would comprise of B1, A1 and A3 floorspace.
- 8.14. The ground floor level and basement level would provide 361sqm and 651sqm of commercial floorspace, respectively. The total level of A1/A3 floor space provided on site would not exceed 500sqm and no individual A1/A3 unit would exceed 100sqm either.
- 8.15. The development is estimated to generate up to 70 direct permanent jobs (based on typical employment yields for A Use Class (500sqm) and B1 Use Class (501sqm). This would represent an increase in employment by nearly 4 times.
- 8.16. The applicant has not provided suitable replacement accommodation for the existing business to be displaced. While, the scheme would also result in a net loss of employment space. The proposal however, providing an uplift in employment provisions on site, significant regeneration and delivering housing in accordance with the 'Place to Live' aspiration of the Whitechapel Vision SPD would provide significant public and economic benefits.
- 8.17. On balance, it is therefore considered that the loss of the existing employment uses and floor space, which in part is vacant to facility, the delivery of the proposed mix use residential development would be broadly acceptable in principle.

### Residential development

- 8.18. 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" and "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."
- 8.19. London Plan Policies 3.3 (Increasing Housing Supply) and 3.4 (Optimising housing potential) states the Mayor is seeking the maximum provision of additional housing in London.
- 8.20. Tower Hamlets annual monitoring target as set out in the London Plan 2015 is 3,931 units whilst the housing targets identified in policy SP02 (1) of the Core Strategy indicate that Tower Hamlets is aiming to provide 43,275 new homes between 2010 to 2025.
- 8.21. The proposed development would provide 144 residential units as part of a mixed use scheme.
- 8.22. The introduction of a residential led development on site is considered acceptable in principle, subject to the assessment of the relevant planning considerations discussed later in this report.

#### Retail uses

8.23. The NPPF classifies a Retail Use as a main town centre use and requires applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.

- 8.24. Development Managing Document Policy DM2 (Local Shops) states development for Local shops outside of town centres will only be supported where:
  - a. There is demonstrable local need that cannot be met within an existing town centre
  - b. They are of an appropriate scale for their locality
  - c. They do not affect amenity or detract from the character of the area; and
  - d. They do not form part of, or encourage, a concentration of uses that would undermine nearby town centres
- 8.25. The proposed development would result in the creation of 144 residential units and the nearest Tower Hamlets neighbourhood centre is Whitechapel District Centre which is situated over 350m away. The total level of retail floorspace provided would not exceed 500sqm and no individual retail unit would exceed 100sqm either. The above limitations to the floor area of the retail provisions would ensure that an appropriate level of vitality to the northern end of Vallance Road would be secured in the form of local shops without undermining any existing Tower Hamlets town centre. The resulting level of activity is therefore suitable for this locality. While, any proposed local shops would meet the new local need which results from the introduction of new residential units on site and within the immediate vicinity. The introduction of active frontages in the form of shop fronts would also allow for the activation of space and enhance the character of the area.
- 8.26. It is therefore considered that subject to the above floor area conditions and the retail uses (A1 / A3) shop front being implemented in the first phase of the development and appropriate servicing arrangements being provided, the proposed retail uses are acceptable in principle.

# Density and level of development

- 8.27. Policies 3.4 of the London Plan (2015) and SP02 of the Core Strategy (2010) seek to ensure new housing developments optimise the use of land by relating the distribution and density levels of housing to public transport accessibility levels and the wider accessibility of the immediate location.
- 8.28. The London Plan (policy 3.4 and table 3A.2) sets out a density matrix as a guide to assist in judging the impacts of the scheme. It is based on 'setting' and public transport accessibility as measured by TfL's PTAL rating.
- 8.29. Officers consider that given the sites close proximity to Whitechapel the setting of the site can be reasonably regarded as 'Urban'. The PTAL of the site is 5. The suggested density for an urban location with a PTAL of 4-6 is 200 700 hr/ha in accordance with London Plan Density Matrix.
- 8.30. The proposed density for the 144 residential units (382 habitable rooms) scheme calculated on a developable site area of 0.38767 hectares is 985 ha/hr.
- 8.31. This part of London has undergone enormous change and investment, and as a consequence the density proposed is broadly in keeping with these changes. While, the existing high PTAL level, does not take into consideration the forthcoming Whitechapel Crossrail Station.
- 8.32. London Plan policy 3.4 also states that it is not appropriate to apply the matrix mechanistically to arrive at the optimum potential of a given site. Generally, development should maximise the housing output while avoiding any of the adverse symptoms of overdevelopment.

- 8.33. The proposed density of 985 hr/ha however would be greater than the London Plan density range of 200 to 700 hr/ha stated within the density matrix.
- 8.34. The London Plan Housing SPG advises that development outside density ranges will require particularly clear demonstration of exceptional circumstances (taking account of relevant London Plan policies) and it states that unless significant reasons to justify exceeding the top of the appropriate range can be demonstrated rigorously, they should normally be resisted and it recognises that making decisions on housing density requires making a sensitive balance which takes account of a wide range of complex factors. The SPG outlines the different aspects which should be rigorously tested, these include:
  - inadequate access to sunlight and daylight for proposed or neighbouring homes;
  - sub-standard dwellings (size and layouts);
  - insufficient open space (private, communal and/or publicly accessible);
  - unacceptable housing mix;
  - unacceptable sense of enclosure or loss of outlook for neighbouring occupiers;
  - · unacceptable increase in traffic generation;
  - detrimental impacts on local social and physical infrastructure; and,
  - detrimental impacts on visual amenity, views or character of surrounding area.
- 8.35. An interrogation of this proposal against these standards in the London Plan Housing SPG is set out in the following sections of this report.

### Design

- 8.36. The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 8.37. CABE's guidance "By Design (Urban Design in the Planning System: Towards Better Practice) (2000)" lists seven criteria by which to assess urban design principles (character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability and diversity).
- 8.38. Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the local character, pattern and grain of the existing spaces and streets. Policy 7.6 seeks the highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and to optimise the potential of the site.
- 8.39. Core Strategy Policy SP10 and Policies DM23 and DM24 of the MDD seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 8.40. Policy DM26 of the MDD requires that building heights be considered in accordance with the town centre hierarchy. The policy seeks to guide tall buildings towards Aldgate and Canary Wharf Preferred Office Locations.

### Local context

8.41. The site is situated to the south of an existing Viaduct and fronts Hemming Street and Vallance Road.

- 8.42. The built environment and townscape of Hemming Street and Vallance Road is experiencing significant change as former commercial sites are being redeveloped with mix use residential schemes in accordance with the Whitechapel Vision to create the locality into a place to live.
- 8.43. To the south of the site at 2- 4 Hemming Street which is a 3 storey high industrial building. Further to the south is a 4 storey high residential block.
- 8.44. To the east of the site is 1-3 Trent Street which was formally in use as a buildings yard and remains undeveloped.
- 8.45. The residential area around Surma Close which is characterised by three storey residential buildings is located to the south of 1-3 Trent Street and east and south east of the application site.
- 8.46. To the south of the application site at 118 Vallance Road is a two storey commercial building and further south is the existing petrol station.
- 8.47. To the west of the site is the Land at Fakruddin Street and Pedley Street which now comprises of 2 7 storey residential buildings.
- 8.48. The above assessment of the local context allows for a number of conclusions about the townscape in this area to be drawn.
- 8.49. The developments in the immediate vicinity are of modest heights ranging from 2 7 storeys. The footprints of the neighbouring buildings vary in scale and form. The existence of the viaduct creates a bookend to the Vallance Road and Hemming Street towards the northern edge of the site.
- 8.50. The proposed existence of the viaduct and its visual impact on the townscape would allow for the potential introduction of tall buildings of a reasonable scale. Having said that, it is considered any building along Hemming Street should be subordinate in scale to that proposed on Vallance Road, as Vallance Road is more of a strategic north to south route than Hemming Street.
- 8.51. It is within this existing and emerging context, that this proposal must be considered.

### The Proposal

8.52. The proposed scheme comprises of two building blocks known as the Vallance Road Building (Building A) and the Hemming Street Building (Buildings B and C).

### Hemming Street building

- 8.53. The Hemming Street building would consist of residential dwellings only and range in height from 5 to 8 storeys.
- 8.54. The 5 storey element of the building would be at the southern end of the site and adjacent to no. 2-4 Hemming Street which is of a similar scale. The building would also be constructed in brick to be of a form and appearance similar to the neighbouring 2-4 Hemming Street building. The building would also be designed with overhanging balconies constructed with either predominantly brick or glass detailing.
- 8.55. The proposed building would provide 12 market sale units, 12 Intermediate units and 25 affordable rents units.

- 8.56. The proposed residential units would exist in the form of duplexes and flats which are broadly orientated to face east and west.
- 8.57. The ground floor residential units would benefit from private gardens and the upper floor units would be designed with private amenity space in the form of balconies.
- 8.58. The building would be set back from the highway to allow for the creation of defensible space in the form of front gardens.
- 8.59. The proposed roofs of the building would provide amenity space and child play space.

### Vallance Road building

- 8.60. The Vallance Road building would consist of A1/A3 and B1 commercial floor space at basement and ground floor level and 95 market sale residential units on the upper floors.
- 8.61. The building would range in height from 7 to 10 storeys. The tallest element of the proposal at 10 storeys would be adjacent to the existing viaduct. The reduction in height of the building to the south would in part mirror the stepping down massing approach of the proposed Hemming Street building.
- 8.62. The appearance of the building fronting Vallance Road is designed with three main components, which includes a small recessed central element. The northwest corner of the building would also be designed without a bricked edge, which is a key design characteristic of the building.
- 8.63. The appearance of the eastern side of the Vallance Road building fronting Hemming Street is informed strongly by its footprint. The buildings footprint comprises of the majority of the building block set well back from Hemming Street with two projecting elements at either side, which would read as book ends.
- 8.64. The central recessed element also consists of a west to east passageway, which provides a new pedestrian link between Vallance Road and Hemming Street.
- 8.65. The proposed commercial units would be accessed via Vallance Road and secondary entrances under the proposed passage. The commercial floor space is characterised by the introduction of voids which provide double height space to the basement. The commercial floor space within the proposed basement would be accessed via internal staircases accessed from first floor level.
- 8.66. The proposed residential units would be accessed from both Vallance Road and Hemming Street. The majority of the proposed flats would be orientated to face east and west, and single aspect. All of the proposed units would be designed with private amenity space.
- 8.67. The set back of the building allows for the creation of a public realm offer which includes child play space.
- 8.68. The proposed roofs of the building would also provide additional amenity space and child play space.
- 8.69. The building would be of a modern and contemporary appearance, which is characterised by floor to ceiling glazed elevations throughout, and recessed balconies situated within the envelope of the building.

### Ground Floor Design

- 8.70. The recession of the central element of the Vallance Road building would provide a new public space located at the heart of the development.
- 8.71. The public space would be accessible directly from both Hemming Street and Vallance Road.
- 8.72. The proposed location of the A1/A3 and B1 use at ground floor level of the Vallance Road building would provide a degree of commercial activity and active frontages along both Vallance Road and Hemming Street.
- 8.73. The existence of two highways, one to the west (Vallance Road) and one through the centre of the site (Hemming Street) combined with the designs of the building ensures that all of the entrances to the residential accommodation are located on the highway network.
- 8.74. The proposed development blocks positioned on existing brownfield sites and set back from the public highway would preserve the north south vehicle and pedestrian routes of Vallance Road and Hemming Street.
- 8.75. A proportion of the shared amenity space and child play space would also be located at ground floor level.

#### **Building Heights**

- 8.76. Policy 7.7 of the London Plan states that applications for tall or large buildings should include an urban design analysis that demonstrates the proposal is part of a strategy which meets the following criteria:
  - Generally be limited to sites in the Central Activity Zone, opportunity areas, areas of intensification or town centres that have good access to public transport;
  - Only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building;
  - Relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level;
  - Individually or as a group, improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate, and enhance the skyline and image of London;
  - Incorporate the highest standards of architecture and material, including sustainable design and construction practices;
  - Have ground floor activities that provide a positive relationship to the surrounding streets;
  - Contribute to improving the permeability of the site and wider area, where possible;
  - Incorporate publicly accessible areas on the upper floors, where appropriate;
  - Make a significant contribution to local regeneration.
- 8.77. Policy DM26 of the Managing Development Document provides the criteria for assessing the acceptability of building heights. However, it is important to note that the criteria for tall buildings are not a standalone test but should be read as a whole with the spatial strategy that focuses on the hierarchy of tall buildings around town centres.

- 8.78. The hierarchical approach for building heights directs the tallest buildings to be located in preferred office locations of Aldgate and Canary Wharf. The heights are expecting to be lower in Central Activity Zones and Major Centres and expected to faller even more within neighbourhood centres. The lowest heights are expected areas of outside town centres. This relationship is shown within figure 9 of the Managing Development Document, which is located below and referenced within policy DM26 of the MDD.
- 8.79. The following is an assessment of the proposal against policy DM26.



Figure 9: Illustration showing building heights for the Preferred Office Locations and the town

- 8.80. The application site is located within an area which is neither a designated 'Major centre', 'district centre' or 'neighbourhood centres and main streets'. The surrounding area however is not a typical of 'areas outside of town centres' which would often be characterised by small buildings and a coherent human scale townscape.
- 8.81. The immediate setting of application site as previously discussed includes a viaduct to the north of the site and residential and commercial building blocks with large foot prints to the south of the site.
- 8.82. The application site is also considered to be in an 'urban location' with regards to density matrix which is characteristic more a typical of a 'district centre' or 'neighbourhood centre' than 'areas outside of town centres'. On balance, it is therefore considered that the site could deliver appropriately scaled and formed tall buildings without being detrimental to the skyline or surrounding townscape.
- 8.83. The following CGI of the proposed development provides an indication of the heights and scale of the buildings proposed with the existing surrounding context.



- 8.84. The proposed location of the taller buildings adjacent to neighbouring service yards, the viaduct at the northern end of the site and the proposed public realm would provide breathing space for the tallest elements.
- 8.85. The location of the tallest element of the Vallance Road building (10 storeys) at the north west corner of the site would also allow for a maximum separation distance to the neighbouring residential properties of Surma Close which are 3 storey high to be achieved. The proposed separation distance would ensure the development would not be overbearing on the neighbouring small scale residential estate located to the east and south east.
- 8.86. The reduced heights of the Vallance Road building adjacent to the a development site of 118 Vallance Road and heights of the Hemming Street building which are deliberately designed to relate to the existing and approved heights along Hemming Street are also considered appropriate.
- 8.87. This is a view shared by the GLA which stated in the Stage 1 response:

'The positioning of the tallest element at the northern end of block A and alongside the railway viaduct ensures that any overshadowing of the wider site from this block will be minimised while also denoting the transition point in townscape terms between Whitechapel and Bethnal Green town centres. The southern end of blocks B and C gradually decrease in height from eight to five storeys to acknowledge and align with the scale of the neighbouring nos. 6-8 development which is supported'.

- 8.88. The delivery of high quality urban design with improved legibility and permeability, enhanced public realm, new active frontages and pedestrian route through the site would also provide an appropriate setting for tall buildings.
- 8.89. It is therefore considered that the staggered heights, mass, form, design of the buildings would enhance the surrounding area, provide a human scale of development and make a significant contribution to regeneration in accordance with the criteria of London Plan policy 7.7 and MDD policy DM26.

#### Setting and Local Views

8.90. With any tall buildings, there is an expectation that it would be situated within a high quality public realm commensurate with its height and prominence.

- 8.91. As previously discussed, the introduction of public realm along Hemming Street, which elsewhere is broadly characterised by buildings built up to the highway would provide a welcomed visual relief and breathing space for the development.
- 8.92. The proposed stepped heights of the Hemming Street building and subordination to the scale of the proposed heights of the Vallance Road building would ensure that the development would not be overbearing or insensitive to the surrounding area.
- 8.93. The Vallance Road building was previously designed with a height of 12 storeys. Officers, due to the overall scale, height and relationship with the 2 7 storey development at the land at Fakruddin Street and Pedley Street, did not support such a height. The proposed height of the Vallance Road building was therefore reduced in scale by two storeys by the applicant. The above revision to the scheme combined with further amendments to the ground floor access arrangements ensure that the development would be of appropriate in scale in local views and of a human scale viewed from the public highway and Weavers Fields to the north.
- 8.94. The Local Plan rationale for managing building heights at the local and strategic levels is to ensure that places are respectful of the local area whilst serving the strategic needs to frame and manage tall building clusters. The local views of the scheme illustrate how compatible a scheme of this scale is with the surrounding area when viewed at the local level.
- 8.95. The following is a view of the proposed development from the north overlooking the viaduct from the west along Pedley Street looking east.





- 8.96. The development with its dual frontage commercial units is also designed to maximise the level of active and engaging frontages at ground floor level on Vallance Road and Hemming Street. It is considered that such an arrangement would only enhance local views in comparison to the existing situation.
- 8.97. The provisions for waste, cycle and plant are located to directly fronting Hemming Street on projecting bookend elements instead of adjacent to the new public realm offer. Such an arrangement is considered acceptable, as the success of the public realm would be reliant on ensuring that active uses such as the commercial uses and residential entrances face the public realm.

#### Architecture

8.98. In so far as one can divorce the architecture of the building from its context and how it relates at street level, it is considered that the elevation treatment of the proposed buildings are of a high standard.

- 8.99. The design and appearance of the Hemming Street building would provide a coherent, high quality built environment, especially when read in conjunction with the approved 5 storey development at 6-8 Hemming Street.
- 8.100. The design and appearance of the Vallance Road building alternatively would read as deviation from the established and emerging character of Hemming Street. The contrast in designs however would be welcomed, as it would add visual interest and enhance the character of the emerging residential area as a whole.

Relationship to neighbouring buildings and sites

- 8.101. The Vallance Road building abuts 118 Vallance Road which is located to the south of the application site. The absence of any habitable room windows, combined with the recessed hallway windows on the southern elevation would ensure that no habitable room would be reliant on sunlight, daylight or outlook from the neighbouring site to be deemed acceptable. The proposal as a consequence would safeguard the development potential of no. 118 Vallance Road.
- 8.102. The limited level of separation distance and introduction of north facing habitable rooms (bedrooms) and terraces along the northern elevation of the 10 storey element of the Vallance Road building however would potentially impact on the development potential of the former 160-168 Vallance Road site to the north. In this instance however, as the north facing bedrooms in any event would receive the lowest levels of sunlight and daylight within the proposed of a dual aspect flats, any proposed development at 160-168 Vallance Road would have a limited impact on the living conditions of the future occupants overall. While, it is also acknowledged that as the neighbouring site provides access to the railway arches, it is considered unlikely a large scale development would be likely to come forward on the site in any event.
- 8.103. The proposed southern elevation of the Hemming Street building would be designed with south facing habitable room windows. This arrangement however is considered acceptable, as the proposed southern elevation and shared boundary positioned 4m away would negate the requirement for the proposed habitable windows to rely on a neighbouring site for sunlight, daylight and outlook. The proposed development would be compatible with the approved scheme at 6-8 Hemming Street.
- 8.104. The proposed northern end of the Hemming Street development alternatively would have the potential to impact on the development potential of the Trent Street site. The proposed development as a consequence is designed with saw tooth windows on the east facing elevation to limit the reliance on the neighbouring site to provide high quality living conditions for future occupants.
- 8.105. The proposed introduction of northeast facing saw tooth windows would ensure that no windows within the development would directly face the neighbouring north facing habitable room windows of the existing properties of Surma Close. The proposed arrangement as a consequence would also reduce any concerns regarding overlooking and perceived overlooking from the development.
- 8.106. The proposed location of the commercial uses within the Vallance Road building would be appropriately situated between and fronting two different highways. The positioning of residential units at ground floor level of the Hemming Street building would also appropriately respond to the fact that the site abuts the residential properties and gardens of Surma Close located to the east.

8.107. In light of the above, it is considered that the proposed layout of the scheme characterised by the well thought-out positioning of building blocks and uses on site would appropriately interface with the surrounding land uses, contribute positively to making places better for people, and as a consequence achieve a high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. The development as a consequence would accord to London Plan Policy 7.1 and the NPPF.

# Secure by Design

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

# Inclusive Design

- 8.111. Policy 7.2 of the London Plan (2015), Policy SP10 of the CS and Policy DM23 of the MDD seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.
- 8.112. A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'.
- 8.113. The proposed public realm would be provided at a level access and provide links to Hemming Street, Vallance Road and the wider area. All of the communal amenity space and child play space, inclusive of those located on the roofs of the buildings would also be accessible for all and flat.
- 8.114. The proposed commercial floor space within the basement at present would not be wheelchair accessible. A condition would therefore be attached to any approval to secure the installation of a wheelchair accessible lift.
- 8.115. Subject to the above condition, it is therefore considered that the proposed scheme would be well connected with the surrounding area and broadly constitute a development that can be used safely and easily and dignity by all regardless of disability, age, gender, ethnicity or economic circumstances in accordance with polices 7.2 of the London Plan (2015), Policy SP10 of the CS and Policy DM23 of the MDD.

### Design Conclusions

8.116. The proposal would provide a new public realm provision, which would result in a high quality setting commensurate of buildings of such moderate, varying heights. The proposed development would be broadly in keeping with the scale of surrounding developments and where notably taller at 10 storeys than the immediate townscape mark the location of the primary north to south route of Vallance Road within the immediate vicinity, which includes a vehicle/pedestrian link under the viaduct.

- 8.117. The proposed development designed with a variation in heights, duplex with front and rear gardens and appropriate levels of breathing space would provide a human scale of development at street level. The introduction of double frontage retail uses would also enhance levels of activity on site.
- 8.118. The proposed buildings and uses would be compatible with the neighbouring sites and provide a comprehensive development.

# Housing

### **Principles**

- 8.119. 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" and "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."
- 8.120. The application proposes 144 residential units as part of a mixed use scheme and the site allocation supports the principle of residential-led re-development. Tower Hamlets annual monitoring target as set out in the London Plan 2015 is 3,931.
- 8.121. Policy 3.3 of the London Plan seeks to increase London's supply of housing, requiring Boroughs to exceed housing targets, and for new developments to offer a range of housing choices, in terms of the mix of housing sizes and types and provide better quality accommodation for Londoners.
- 8.122. The following table details the housing mix proposed within this application.

### Dwelling numbers and mix by tenure

	Studio	1 bed	2 bed	3 bed	4 bed
Open Market	28	31	34	14	0
Affordable rent	0	7	5	13	0
Intermediate	0	3	6	3	0
TOTAL	28	41	45	30	0
Total as %	19.5	28.5	31	21	0

8.123. The quantum of housing proposed would assist in increasing London's supply of housing and meeting the Council's housing target, as outlined in policy 3.3 of the London Plan. The proposal would therefore make a contribution to meeting local and regional targets and national planning objectives.

### Affordable Housing

8.124. The London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and provides 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 which can be expressed in absolute terms or as a percentage.

- 8.125. Policy 3.12 is considered to be of particular relevance as it provides guidance on negotiating affordable housing provision on individual sites. The policy requires that the maximum reasonable amount should be secured on sites, having regard to:
  - Current and future requirements for affordable housing at local and regional levels:
  - Affordable housing targets;
  - The need to encourage rather than restrain development;
  - The need to promote mixed and balanced communities;
  - The size and type of affordable housing needed in particular locations; and,
  - The specific circumstances of the site.
- 8.126. The supporting text to the policy encourages developers to engage with an affordable housing provider to progress a scheme.
- 8.127. The Local Plan seeks 35%-50% affordable housing by habitable room to be provided, but subject to viability as set out in part 3a of the Core Strategy. The London Plan and NPPF also emphasise that development should not be constrained by planning obligations. Paragraph 173 of the NPPF states that: "the sites and scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened." Policy 3.12 of the London Plan is clear that viability is a consideration when negotiating affordable housing "negotiations on sites should take account of their individual circumstances including development viability" and the need to encourage rather than restrain development.
- 8.128. Core Strategy Policy SP02 (3) set an overall strategic target for affordable homes of 50% until 2025. This will be achieved by requiring 35%-50% affordable homes on sites providing 10 new residential units or more (subject to viability). The preamble in 4.4 states that "given the extent of housing need, Tower Hamlets has set an affordable housing target of up to 50%. This will be delivered through negotiations as a part of private residential schemes, as well as through a range of public initiatives and effective use of grant funding. In some instances exceptional circumstances may arise where the affordable housing requirements need to be varied. In these circumstances detailed and robust financial statements must be provided which demonstrate conclusively why planning policies cannot be met. Even then, there should be no presumption that such circumstances will be accepted, if other benefits do not outweigh the failure of a site to contribute towards affordable housing provision".
- 8.129. Managing Development Document Policy DM3 (3) states 3. Development should maximise the delivery of affordable housing on-site.
- 8.130. The applicants submitted viability appraisal was independently reviewed by the Council's financial viability consultants. The findings of the appraisal based on the amended scheme confirmed that a 34.6% affordable housing scheme would only be viable if all of the affordable rented units would be provided at Borough Framework Rents. The delivery of the 3 bedroom units at Social Target Rent for example would impact on the viability of the scheme and reduce the viable affordable housing provision down to 29.7%.
- 8.131. The applicant however has made a commercial decision following negotiations with officers to provide an affordable housing offer of 35% (based on habitable rooms) and also provide 3 bedrooms at Social Target Rent level.
- 8.132. The affordable housing offer at 35% which is above and beyond what the Council's viability consultants have confirmed viable is therefore welcomed and considered acceptable in accordance to London Plan Policy 3.10, Core Strategy Policy SP02 and MDD Policy DM3.

- 8.133. The affordable housing is being delivered at a 71:29 split between affordable-rented units and shared ownership units, respectively. The London Plan seeks a ratio of 60:40, whilst Local Plan policy seeks a 70:30 split.
- 8.134. The proposed percentage of shared ownership units is broadly in alignment with the Local Plan. Officers support such a mix, as it would secure the delivery of a greater proportion of affordable rented units.
- 8.135. The 1 and 2 bedroom affordable rented units would be provided at the following LBTH borough framework levels:

- 8.136. The Social Target Rent levels for the 3 bedroom affordable rented units would be £158.06.
- 8.137. The delivery of Social Target Rent 3 bed units optimises the level of affordable housing whilst also seeking to maximise the affordability of that housing, especially with regards to family housing.

Housing Mix

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

			Affordable Housing						Market Housing		
Unit size	Total Units	Affordable Rented			Intermediate						
		Scheme Units	% Scheme	Core Strategy Target %	Scheme Units	% Scheme	Core Strategy Target %	Scheme Units	% Scheme	Core Strategy Target %	
Studio	28	0	0	0	0	0	0%	28	26%	0%	
1 Bed	41	7	28%	30%	3	25%	25%	31	29%	50%	
2 Bed	45	5	20%	25%	6	50%	50%	34	32%	30%	
3 Bed	30	13	52%	30%	3	25		14	13%		
4 Bed	0	0	0%	15%	0	0	25%	0	0	20%	
5 Bed	0	0	0	0	0	0		0	0	1	
Total	144	25	100%	100%	12	100%	100%	107	100%	100%	

Dwelling numbers and mix by tenure

8.140. The proposed percentage of one bedroom affordable rented units at 28% would broadly be in alignment with the 30% policy requirement. The percentage of three bedrooms (52%) would exceed the combined target levels for 3 and 4 bedrooms of 45%. In this instance, the

- significant over provision of affordable family housing is supported, as it would maximise the quantum of affordable Social Target Rent family sized units delivered.
- 8.141. Within the Shared Ownership element of the scheme, the proposed split complies with policy requirements.
- 8.142. The proposed market sale housing would consist of an over provision of studios / one beds. This is considered acceptable however, as the advice within London Mayor's Housing SPG in respect of market housing which argues that it is inappropriate to be applied crudely "housing mix requirements especially in relation to market housing, where, unlike for social housing and most intermediate provision, access to housing in terms of size of accommodation is in relation to ability to pay, rather than housing requirements".

Quality of residential accommodation

- 8.143. LP policy 3.5 seeks quality in new housing provision, this is supported by policies SP02(6) and SP10(4) of the CS which supports high quality well-designed developments.
- 8.144. Part 2 of the Housing SPG provides advice on the quality expected from new housing developments with the aim of ensuring it is "fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the changing needs of occupants throughout their lifetime". The document reflects the policies within the London Plan but provides more specific advice on a number of aspects including the design of open space, approaches to dwellings, circulation spaces, internal space standards and layouts, the need for sufficient privacy and dual aspect units.
- 8.145. All of the proposed flats meet or exceed the London Plan (MALP) minimum internal space standards and the Minimum National Floorspace standards.
- 8.146. The Housing SPG recommends that no more than 8 flats should be served by a core to ensure that the development provides the required sense of ownership for future occupiers.
- 8.147. The development would consist of only one core which serves more than 8 units. This core is situated on the second floor within the Vallance Road Building and serves 9 units. The proportion of units failing the recommended threshold is therefore considered marginal.
- 8.148. The proposed development would not consist of any north facing single aspect residential units.
- 8.149. The proposal includes 17 wheelchair accessible units, 3 of which are social target rent duplexes within the Hemming Street building. The proportion of wheel chair accessible units would exceed the policy requirement of 10%. The housing officer advised that there is a waiting list within the Borough for wheelchair accessible units. A condition would therefore be attached to any approval to ensure that the wheelchair accessible lifts are installed in the maisonettes prior to occupation of the development.
- 8.150. The proposed flats would not be unduly overlooked by neighbouring properties. Subject to appropriate conditions securing appropriate glazing specifications and ventilation, the development would not result in subject to undue noise or vibration to the proposed residential units.
- 8.151. The positioning of shared amenity space adjacent to habitable room windows however would result in privacy issues and unacceptable living conditions for future occupants. A condition would therefore be attached to ensure a physical barrier in the form of defensible space between communal amenity space and habitable room windows is delivered prior to

- occupation of the development. The full details would be secured as part of an updated landscape strategy.
- 8.152. The minimum floor-to-ceiling height exceeds 2.5m which is in accordance with relevant policy and guidance.
- 8.153. Subject to safeguarding conditions, it is considered that the proposed development would provide high quality residential accommodation for future occupants in accordance with LP policy 3.5 and policies SP02(6) and SP10(4) of the CS.

Internal Daylight and Sunlight

- 8.154. DM25 of the MDD seeks to ensure adequate daylight and sunlight levels for the future occupants of new developments.
- 8.155. The Building Research Establishment (BRE) Handbook 'Site Layout Planning for Daylight and Sunlight 2011: A Guide to Good Practice' (hereinafter called the 'BRE Handbook') provides guidance on the daylight and sunlight matters. It is important to note, however, that this document is a guide whose stated aim "is to help rather than constrain the designer". The document provides advice, but also clearly states that it "is not mandatory and this document should not be seen as an instrument of planning policy."
- 8.156. Where the assessment considers neighbouring properties yet to be built then Average Daylight Factor (ADF) may be an appropriate method to supplement VSC and NSL. British Standard 8206 recommends Average Daylight Factor (ADF) values for new residential dwellings, these being:
  - >2% for kitchens;
  - >1.5% for living rooms; and
  - >1% for bedrooms.
- 8.157. For calculating sunlight the BRE guidelines state that sunlight tests should be applied to all main habitable rooms which have a window which faces within 90 degrees of due south.
- 8.158. In relation to sunlight, the annual probable sunlight hours (APSH) considers the amount of sun available in both the summer and winter for each given window which faces within 90° of due south. If the window reference point can receive more than one quarter (25%) of APSH and at least 5% of APSH during the winter months, between 21st September and 21st March, then the room should still receive enough sunlight.

Vertical Sky Component

- 8.159. Of the 482 windows serving 381 habitable rooms assessed for the VSC only 28% of the windows (137) would achieve above BRE guidance.
- 8.160. The level of failings however, is common for a high density development in an urban location as this application falls within. While, officers acknowledge that in many cases the failings are marginal and in part a consequence of the location of windows below balconies.

Average Daylight Figures

8.161. The proposed scheme consists of north to south building blocks, primarily served by windows on the east and west facades which reduces the number of north facing units. The potential for good sunlight to the west and the east is lower than that for south facing windows. The proposed development as a consequence broadly provides some direct

- sunlight to the vast majority of the units rather than good sunlight to some with others receiving none at all.
- 8.162. The results of the ADF assessment show that of the 381 rooms assessed, 95.3% of the rooms (363) achieve the BRE Guidelines. This is considered exceptionally high for a development of this size in an urban location.
- 8.163. It is also acknowledged that of the 18 rooms with ADF levels below the guide lines, 13 are combined living room / kitchens, 1 is a living room and 4 are bedrooms which are broadly positioned at the lower levels of the building. The failures experienced would also be marginal breaches.

#### Conclusions

8.164. On balance, it is considered that the proposed dwellings by reason of the general layout of the scheme and orientation of the building blocks would broadly receive good levels of interior daylighting, which is considered acceptable for a high density development in an urban setting such as this.

### Outdoor amenity space and public open space

8.165. For all major developments, there are four forms of amenity space required: private amenity space, communal amenity space, child amenity space and public open space. The 'Children and Young People's Play and Information Recreation SPG (February 2012) provides guidance on acceptable levels, accessibility and quality of children's play space and advises that where appropriate child play space can have a dual purpose and serve as another form of amenity space. This is particularly apt for very young children's play space as it is unlikely that they would be unaccompanied.

### Private Amenity Space

- 8.166. Private amenity space requirements are a set of figures which is determined by the predicted number of occupants of a dwelling. Policy DM4 of the MDD sets out that a minimum of 5sqm is required for 1-2 person dwellings with an extra 1sqm provided for each additional occupant. If in the form of balconies they should have a minimum width of 1500mm.
- 8.167. The application proposes private balconies or ground floor private gardens for all of the proposed residential dwellings. All of the proposed forms of private amenity would comply with the minimum space requirements in accordance with Policy DM4 of the MDD.

# Communal Amenity Space

- 8.168. Communal open space is calculated by the number of dwellings within a proposed development. 50sqm is required for the first 10 units with an additional 1sqm required for each additional unit. Therefore, the required amount of communal amenity space for the development would be 184sqm.
- 8.169. Paragraph 4.7 of the Managing Development Document states 'communal amenity space should be overlooked, and support a range of activities including space for relaxation, gardening, urban agriculture and opportunities to promote biodiversity and ecology'
- 8.170. The proposal would provide approximately 184sqm of communal amenity space within the six proposed gardens, one of which is located at ground floor level to the south of the Hemming Street building.

- 8.171. The proposed communal amenity spaces would be predominantly positioned on the roofs of the proposed buildings. The proposed massing and heights of the buildings broadly reducing to the south would minimise the level of overshadowing. While, the proposed communal amenity space at ground floor level is also located to the south of the proposed buildings. The proposed communal amenity spaces as a consequence would benefit from appropriate levels of sunlight and daylight.
- 8.172. Officers however do have concerns regarding the relationship and the location of communal amenity space abutting proposed habitable rooms. The requirement for the submission of an updated landscape strategy which ensures that all private units have a reasonable level of defensible space and no privacy issues arise would be secured by condition.
- 8.173. Subject to the attachment of conditions, it is considered that the quantum and quality of the shared communal amenity space is acceptable for the enjoyment of future residents.
- 8.174. The following plan illustrates the ground floor public realm, communal amenity space, child play provisions and ground floor private amenity space.



## Public Open Space

- 8.175. Public open space is determined by the number of residents anticipated from the development. The planning obligations SPD sets out that 12sqm of public open space should be provided per person. Where the public open space requirement cannot fully be met on site, the SPD states that a financial contribution towards the provision of new space or the enhancement of existing spaces can be appropriate.
- 8.176. The proposed development would provide 950sqm of public open space in the form of the new public square and public realm positioned to the west of Hemming Street.
- 8.177. The design of the public realm and settings of the buildings has been carefully considered throughout the pre application discussions and planning process to maximise its accessibility and usability.
- 8.178. The benefits of the scheme would include improving accessibility to Vallance Road to Hemming Street and creating a new public space along Hemming Street.
- 8.179. The design strategy for the ground floor ensures that the buildings facing the proposed public realm have an active frontage in the form of residential entrances and commercial frontages to secure a visual connection with the public space. Such a strategy would maximise activity and animation within this space.
- 8.180. The introduction of a new public space in an area characterised by buildings typically built up to the highway is a welcomed design feature and enhances the overall quality of the scheme. Having said that, it is noted that the proposal would not provide the required 12sqm of public realm per person contrary to the planning obligations SPD. The failure to provide the required level of public realm as a consequence would be off-set with the securement of a borough CIL payment.
- 8.181. On balance, it is therefore considered that the proposed public realm offer combined with a CIL payment would result in sufficient public benefits and an appropriate quantum of high quality public realm for the enjoyment of future occupants of a scheme of such density.

# Child play space

- 8.182. Play space for children is required for all major developments. The quantum of which is determined by the child yield of the development with 10sqm of play space required per child. The London Mayor's guidance on the subject requires, inter alia, that it will be provided across the development for the convenience of residents and for younger children in particular where there is natural surveillance for parents.
- 8.183. The scheme is predicted to contain 40 children (0-15 years of age) using LBTH yields methodology. The following is a breakdown of the expected number of children per age group

0-4 years5-10 years1611-15 years8

8.184. In accordance with LBTH methodology a total child play space provision of 400sqm is required on site for all three age groups, respectively.

- 8.185. The proposed development as previously discussed the proposal would provide 410sqm of play space on site for all age groups.
- 8.186. The applicants approach is for the play space for each age group to be separated across the site.
- 8.187. The child play for the over 12 age group would consist of two 45sqm of play space within the proposed public realm adjacent to Hemming Street.
- 8.188. A larger child play space provision of 185sqm would be positioned on the 5<sup>th</sup> floor of the Hemming Street building within the communal amenity space. This space would accommodate over 5 11 year olds and over 12 years.
- 8.189. The roof of the Vallance Road building at 7<sup>th</sup> floor level would also provide 140sqm of play space for all age groups.
- 8.190. The proposed 30sqm of 0-4 age group play space would be provided at 6<sup>th</sup> floor level on the Hemming Street building. The positioning of the door step play space on a podium would provide a safe and secure environment set away from the highway.
- 8.191. The inclusion of door step play space across the site is welcomed in accordance with the London Plan and The Shaping Neighbourhoods: Play and informal Recreation SPG which states:
  - '3.4 if children and young people are to have the chance to play out in the fresh air, to be physically active and to socialise with friends and peers, they need access to out of doors space. The first step to securing this is ensuring there is sufficient physical space, of quality in the neighbourhoods where children live'.
- 8.192. The location of child play space on the roofs of the ground floors of the building blocks is also considered acceptable, in accordance with Children and Young People's Play and Information Recreation' SPG which states:
  - "3.8 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 children to play, careful consideration should be given to these options, including the need for supervision and any restrictions that this might put on the use of the facilities"
- 8.193. For the reasons above, the proposed child play space strategy would provide external play space that is accessible for all, delivers an appropriate provision for play and meets the requirements of the child population generated by the scheme and an assessment of future needs.
- 8.194. Given the sites close proximity to Weavers Field situated 140m away to the north, the absence of an on-site large aggregated recreational area such as a multi-use games area for the 11 years plus age group in this instance would also be acceptable.
- 8.195. The proposed child play space provision is therefore considered acceptable in accordance with the development plan policies.

## Heritage

# Strategic Views

- 8.196. Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan (2015) and the draft London World Heritage Sites Guidance on Settings SPG (2015) policies SP10 and SP12 of the CS and policies DM24, DM26, DM27 and DM28 of the MDD seek to protect the character, appearance and setting of heritage assets and the historic environment, including World Heritage Sites.
- 8.197. London Plan (2015) policies 7.11 and 7.12, policy SP10 of the Core Strategy Development Plan Document (2010) and policies DM26 and DM28 of the Managing Development Document seek to ensure large scale buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views
- 8.198. The proposed development by reason of its positioning, scale and maximum height at 10 storey would not affect a designated Strategic view within the London View Management Framework.
- 8.199. Historic England, the GLA and the LBTH Design officer raised no concerns regarding the heights, scale and prominence of the development when viewed from Strategic viewpoints. It is therefore considered that the proposed development would safeguard the integrity and importance of the World Heritage Sites.

# Surrounding Conservation Areas and Listed Buildings

- 8.200. When determining listed building consent applications and planning applications affecting the fabric or setting of listed buildings, Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special regard should be paid to the desirability of preserving the building or its setting, or any features of special interest. A similar duty is placed with respect of the appearance and character of Conservation Areas by Section 72 of the above mentioned Act.
- 8.201. The relevant London Plan policies are policies 7.4, 7.6 and 7.8 which broadly aim to ensure the highest architectural and design quality of development and require for it to have special regard to the character of its local context. More specifically, any development affecting a heritage asset and its setting should conserve the asset's significance, by being sympathetic in form, scale, materials and architectural detail.
- 8.202. Core Strategy Policy SP10 seeks to preserve and enhance the wider built heritage and historic environment of the borough, enabling the creation of locally distinctive neighbourhoods. Ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high quality, sustainable, accessible, attractive, durable and well integrated with their surrounds.
- 8.203. Core Strategy Policy SP12 seeks to improve, enhance and develop a network of sustainable, connected and well-designed places across the borough through retaining and respecting features that contribute to each places' heritage, character and local distinctiveness.
- 8.204. Managing Development Document Policy DM24 seeks to ensure that design is sensitive to and enhances the local character and setting of the development by taking into account the surrounding scale, height and mass, and providing a high quality design and finish.

- 8.205. Managing Development Document Policy DM27 states that development will be required to protect and enhance the borough's heritage assets, their setting and their significance as key elements of developing the sense of place of the borough's distinctive 'Places'.
- 8.206. The proposed development is positioned 284m and 334m away from the nearest listed buildings of St Matthews Church (Grade II\* listed) and St Anne's Presbytery (Grade II\* listed), respectively. The level of separation and limited height of the proposal ensures that the setting of the listed buildings would not be impacted upon.
- 8.207. The nearest conservation area is Fournier Street Conservation Area which positioned 91m away to the north east of the application site and on the other side of the existing viaduct. The proposed development would not be visible from parts of the conservation however by reason of its scale and separation distance, it would not impact on the appearance or character of the council's heritage asset.
- 8.208. The proposed development would therefore be in accordance with the NPPF, policies 7.4, 7.6 and 7.8 of the London Plan, policies SP10 and SP12 of the Core Strategy and policies DM24 and DM27 of the DMM.

#### Archaeology

- 8.209. The National Planning Policy Framework (Section 12) and the London Plan (2015) Policy 7.8 emphasise that the conservation of archaeological interest is a material consideration in the planning process. Paragraph 128 of the NPPF says that applicants should be required to submit appropriate desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development.
- 8.210. Historic England Archaeology officer (GLAAS) confirmed that the proposal would be unlikely to have a significant effect on heritage assets of archaeological interest.
- 8.211. The proposed scheme would therefore comply with the requirements of the National Planning Policy Framework (Section 12) and Policy 7.8 of the London Plan (2015).

# **Neighbours Amenity**

8.212. Adopted policy SP10 of the CS and policy DM25 of the MDD seek to protect residential amenity by ensuring neighbouring residents are not adversely affected by a loss of privacy or a material deterioration in their daylighting and sunlighting conditions. New developments will also be assessed in terms of their impact upon resident's visual amenities and the sense of enclosure it can create.

# Daylight, Sunlight and Overshadowing

- 8.213. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011).
- 8.214. The application site is surrounded by a number of residential properties, which can be impacted by the development. Having said that, as the neighbouring residential properties are positioned primarily to the east, west and south of the application site is considered that any impacts should be marginal.
- 8.215. A sunlight and daylight study which sets out the impacts for the neighbouring properties was submitted as part of the application and reviewed by officers accordingly.

8.216. The findings of the Sunlight and Daylight Study are discussed below.

# Receptors

- 8.217. The Sunlight and Daylight report identified the properties and windows which should be tested for sunlight and daylight based on land use and proximity to the site.
- 8.218. The following is a list of the properties tested for Daylight and Sunlight:
  - 1 Fakruddin Street
  - 32 Fakruddin Street
  - 20 Selby Street
  - 1-3 Surma Close
  - 4-7 Surma Close
  - 11 Surma Close
  - 12 Surma Close
  - 18 Surma Close
  - 24-34 Cheshire Street
  - 170 Vallance Road
  - 16 Menotti Street
  - Land at Pedley Street / Fakruddin Street
  - 6-8 Hemming Street

## Daylight

- 8.219. For calculating daylight to neighbouring properties affected by the proposed development, the primary assessment is the vertical sky component (VSC) method of assessment together with the no sky line (NSL) assessment where internal room layouts are known or can reasonably be assumed. These tests measure whether buildings maintain most of the daylight they currently receive.
- 8.220. ADF is a measure of interior daylight used to establish whether a room will have a predominantly daylit appearance.
- 8.221. BRE guidelines recommend the following ADF values for dwellings:
  - 2.0% Kitchens
  - 1.5% Living Rooms
  - 1.0% Bedrooms
- 8.222. BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be reduced by more than 20% of the former value, to ensure sufficient light is still reaching windows. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value.
- 8.223. The following table is a summary of the VSC and ADF results:

	Assessed	Above	% Compliant	Below	% Compliant
1 Fakruddin Street	3	3	100%	0	0%
32 Fakruddin Street	4	4	100%	0	0%
20 Selby Street	3	3	100%	0	0%
1-3 Surma Close	9	9	100%	0	0%
4-7 Surma Close	20	20	100%	0	0%
11 Surma Close	3	3	100%	0	0%
12 Surma Close	8	8	100%	0	0%
18 Surma Close	1	1	100%	0	0%
24-34 Cheshire Street	25	25	100%	0	0%
170 Vallance Road	5	5	100%	0	0%
16 Menotti Street	5	5	100%	0	0%
Pedley Street Development	8	0	0%	8	100%
6-8 Hemming Street Development	23	11	47.8%	12	52.2%
Total	117	97	82.9%	20	17.1%

Table 5.1: Summary of VSC results for neighbouring properties

	Assessed	Above	% Compliant	Below	% Compliant
Land at Pedley Street /Fakruddin Street	8	7	87.5%	1	12.5%
6-8 Hemming Street	9	9	100%	0	0%
Total	17	16	94.1%	1	5.9%

Table E.O. Cummers of ADE secults for painthousing developments

- 8.224. The results of the daylight analysis illustrates that all of the windows serving existing properties would comply fully with BRE guidance of ambient daylight.
- 8.225. The proposal would result in 20 windows serving the new residential developments at Pedley Street and no. 6-8 Hemming Street failing the guidelines. The failing of some windows following the proposal of a new development in an urban environment however is expected
- 8.226. The ADF study also confirms that all but one of the rooms requiring assessment within the Pedley Street and no. 6-8 Hemming Street developments would comply with the BRE guidelines for ADF.
- 8.227. The single room that would experience a lower level of interior daylight is a bedroom which would receive an ADF level of 0.84% with the development in place. The impact is therefore confirmed to be isolated and marginal.
- 8.228. In summary, it is considered that effects of the proposed scheme on the daylight levels experienced by existing neighbouring properties and emerging development are acceptable in the context of the BRE guidance.

Sunlight

8.229. The BRE report recommends that for existing buildings, sunlight should be assessed for all main living rooms of dwellings and conservatories, if they have a window facing within 90 degrees of due south. If the centre of the window can receive more than one quarter of

annual probable sunlight hours (APSH), including at least 5% of annual probable sunlight hours in the winter months between 21 September and 21 March, then the rooms should still receive enough sunlight. If the available sunlight hours are both less than the amount above and less than 0.8 times their former value then the occupants of the existing building will notice the loss of sunlight

8.230. The following table is a summary of the outline sunlighting conditions for the following residential properties which are relevant for assessment:

Neighbouring Property	Assessed	Above	% Compliant	Below	% Compliant	Marginal
1 Fakruddin Street	0	-	-	-	-	-
32 Fakruddin Street	0	-	-	-	-	-
20 Selby Street	0	-	-	-	-	-
1-3 Surma Close	0	-	-	-	-	-
4-7 Surma Close	0	-	-	-	-	-
11 Surma Close	0	-	-	-	-	-
12 Surma Close	3	3	100%-	0	0%	-
18 Surma Close	1	1	100%-	0	0%	-
24-34 Cheshire Street	25	25	100.00%	0	0.00%	-
170 Vallance Road	5	5	100.00%	0	0.00%	-
16 Menotti Street	5	5	100.00%	0	0.00%	-
Pedley Street Development	6	6	100.00%	0	0.00%	-
6-8 Hemming Street Development	0	-	-	-	-	-
Total	45	45	100%	0	0%	0
Winter Sunlight						
Neighbouring Property	Assessed	Above	% Compliant	Below	% Compliant	Marginal
1 Fakruddin Street	0	-	-	-	-	-
32 Fakruddin Street	0	-	-	-	-	-
20 Selby Street	0	-	-	-	-	-
1-3 Surma Close	0	-	-	-	-	-
4-7 Surma Close	0	-	-	-	-	-
11 Surma Close	0	-	-	-	-	-
12 Surma Close	3	3	100%-	0	0%	-
18 Surma Close	1	1	100%-	0	0%	-
24-34 Cheshire Street	25	25	100.00%	0	0.00%	-
170 Vallance Road	5	5	100.00%	0	0.00%	-
16 Menotti Street	5	5	100.00%	0	0.00%	-
Pedley Street Development	6	6	100.00%	0	0.00%	-
6-8 Hemming Street Development	0	-	-	-	-	-
					0%	

8.231. The results presented in the table above confirm that all of the 63 windows assessed comply with the BRE guide levels for annual and winter sunlighting (100% compliance). While, it was

not considered necessary to assess the impacts of the development on the properties of Fakruddin Street, Selby Street, 6-8 Hemming Street and 1-3, 4-7 and 11 Surma Close due to their position and orientation to the development.

8.232. The full compliance with the guidelines in relation to neighbouring properties sunlight conditions is considered to be a merit of the scheme, especially given its location in an inner London environment.

Conclusion

8.233. The proposed development would result in insignificant impacts on neighbouring properties and is broadly complies with BRE Guidance.

Overshadowing

- 8.234. The submitted sunlight and daylight report confirms that all of the gardens and amenity spaces serving neighbouring properties would comply with the BRE guide lines with the proposed development in place.
- 8.235. The ecological habitat / open space on the adjacent viaduct would also benefit from good levels of sunlight with the development in place.
- 8.236. In light of the above, officers have no concerns the impact of the development regarding the overshadowing of neighbouring sites.

Privacy

- 8.237. Officers are satisfied that the proposed development has been sensitively designed to ensure acceptable separation distances would exist between the proposed new buildings and the existing facing buildings on neighbouring sites.
- 8.238. Overall, it is considered that the proposed development is suitably designed to ensure privacy is preserved.

Visual amenity / sense of enclosure

8.239. Given the location and separation distance of surrounding facing residential properties, the proposal would not unduly result in a detrimental impact upon the amenity of the residents of the surrounding properties in terms of loss of outlook and sense of enclosure.

# **Landscaping and Biodiversity**

- 8.240. The London Biodiversity Action Plan (2008), policy 7.19 of the LP, policy SP04 CS and policy DM11 of the MDD seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity.
- 8.241. The application site consists entirely of buildings and hard surfaces, and the existing buildings are unsuitable for bat roosts.
- 8.242. The proposed redevelopment of the site would therefore not result in any significant adverse impacts on biodiversity.

- 8.243. The Landscape Strategy includes a number of improvement works which would contribute to objectives and targets in the LBAP. The most significant of these is 936 square metres of bio-diverse roof of two different types, one of which would be associated with photovoltaics.
- 8.244. The Bio diversity officer confirmed that the proposed planting for both types of bio-diverse roof is acceptable and advised the addition of a few piles of stones and/or logs should be secured to provide additional habitat for invertebrates.
- 8.245. The other aspects of the development which would contribute to LBAP targets include ornamental landscaping with a good diversity of nectar-rich plants to provide forage for bumblebees and other invertebrates, and the provision of bat boxes and nest boxes for swifts, house sparrows and black redstarts.
- 8.246. The Bio-diversity officer and Natural England raised no objection to the scheme or its impact on the habitat on the viaduct, subject to the securement of the discussed bio-diversity assessment.
- 8.247. Subject to the securement such conditions, it is therefore considered that the proposal would comply with the London Plan policy 7.19, policy SP04 CS and policy DM11 of the MDD.

# **Highways and Transportation**

# **Policy Context**

- 8.248. The NPPF and Policy 6.1 of the London Plan 2015 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 8.249. Core Strategy policies SP08 and SP09, together with policy DM20 of the MDD seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 8.250. Policies 6.13 of the London Plan, spatial policy SP09 of the CS and Policy DM22 of the MDD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 8.251. The site has a public transport accessibility level (PTAL) of 5. The proposed development includes 253 cycle parking spaces and zero car parking spaces, with the exception of 2 disabled parking bays.

#### Access

8.252. The site would only be accessible via Vallance Road and Hemming Street. The development would enable pedestrian and cycle access between the two highways.

# Car Parking and access

8.253. The applicant has proposed that the development would be car and permit free which is welcomed. A S106 agreement would ensure that the development is "car and permit" free scheme.

8.254. The applicant would be required to meet the costs to providing two disabled bay on public highway which would be secured via s106 Agreement.

## Highway works

- 8.255. The proposals seek to change the nature of Hemming Street from one of largely commercial/light industrial character to one of largely residential in nature with some retail employment.
- 8.256. The nature of the highway environment would therefore need to be enhanced. The improvement works would include, but not be limited to, flush kerbing and tactile paving at crossing points, modernising street lighting including the railway underpass and for both Vallance Road and Hemming Street, ensuring the footways and carriageways are left in good order using materials of a style suitable for a residential road.
- 8.257. A legal agreement under Section 278 of the Highways Act 1980 would therefore be necessary to enable the above works.
- 8.258. The proposal includes crossings along Hemming Street. The Boroughs Highway officer would only support an informal crossing arrangement at Hemming Street. The details of the crossing would therefore be secured by condition and any works required will be secure through a s278 Agreement.

# **Public Transport**

Buses

8.259. TfL are satisfied that this development would not have a detrimental impact on bus capacity however, the kerb heights of the two local bus stops (Fakruddin Street- stop SG and Fakruddin Street- stop V) should be at least 125mm high in line with TfL's bus stop accessibility guidelines.

Cycle Hire

- 8.260. The closest cycle hire station is Selby Street and Whitechapel has a total of 17 docking points.
- 8.261. TfL stated that it expects the cycle hire capacity and operation to be constrained by the cumulative level of development within the local area and as a consequence requested that the Council allocate £70,000 of CIL funding towards increasing its capacity by an additional 15 docking points.
- 8.262. The allocation of CIL however cannot be secured as part of the assessment of a planning application.
- 8.263. The failure to a deliver cycle hire station or additional capacity would also not result in highway and transport issues which would outweigh the overall merits of scheme.

# Servicing and construction

- 8.264. The refuse and waste collections would take place along Hemming Street whilst household deliveries would be managed by the on site concierge.
- 8.265. The submission of a delivery and servicing plan would be secured via condition to ensure that site is appropriately serviced in accordance the development plan.

- 8.266. A construction management plan (CMP) and construction logistics plan (CLP) would also be secured by condition.
- 8.267. The required plans would be required to identify the efficient, safe and sustainable arrangements to be employed at each stage of implementation the development, to reduce and mitigate impacts of freight vehicle movements arising from the scheme, including impacts on the expeditious movement of traffic, amenity and highway safety.

# Travel Plans

- 8.268. The submission and implementation of a finalised work place and residential travel plans would be secured by s106 agreement by Tower Hamlets Council.
- 8.269. Subject to the attachment of the above conditions and s106, it is considered that the proposed development would not result in any highway or transport issues in accordance with the NPPF, policies 6.1 and 6.13 of the London Plan 2015, Core Strategy policies SP08 and SP09 and policy DM22 and DM22 of the MDD.

#### Waste

Container Numbers and Frequency

8.270. A waste management plan would ensure that the development is future proofed for potential and upcoming changes in policy and collection methodologies.

Commercial waste

8.271. The LBTH Waste and Recycling Officer also raised no concerns with the proposed commercial waste provisions which would be separated from the residential waste provisions accordingly.

Residential waste

- 8.272. All of the residential building blocks would comprise of their own refuse storage space which would be directly accessible from the highway and positioned in close proximity to the main entrances to the shared lobbies.
- 8.273. The proposed arrangement and positioning of the storage spaces would maximise the use of the storage space and reduce the likelihood of waste being left on the highway. The proposed arrangement is therefore considered acceptable.

Strategy and Waste Hierarchy

8.274. The Waste and Recycling Officer has confirmed that the information submitted was sufficient to confirm that the required waste hierarchy would be implemented.

Conclusions

- 8.275. Subject to the submission of a detailed service and waste management plan secured by condition, the Waste and Recycling Officer raised no objection to the proposed scheme.
- 8.276. The proposed development which would implement the waste management hierarchy is therefore considered acceptable and in accordance with Policy DM14 of the MDD.

## **Energy & Sustainability**

- 8.277. At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2015, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.278. The London Plan sets out the Mayor's energy hierarchy which is to:
  - Use Less Energy (Be Lean);
  - · Supply Energy Efficiently (Be Clean); and
  - Use Renewable Energy (Be Green).
- 8.279. The Managing Development Document Policy DM29 includes the target to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. From April 2014 the London Borough of Tower Hamlets have applied a 45 per cent carbon reduction target beyond Part L 2013 of the Building Regulations, as this is deemed to be broadly equivalent to the 50 per cent target beyond Part L 2010 of the Building Regulations.
- 8.280. The applicant must ensure that they comply with Policy 5.6 of the London Plan 2015 and install energy systems in accordance with the following hierarchy:
  - 1) Connect to existing heating or cooling networks.
  - 2) Site wide CHP
  - 3) Communal heating and cooling.

### Proposed Carbon Emission Reductions

- 8.281. The submitted Vallance Road Energy Strategy has followed the principles of the Mayor's energy hierarchy, and seeks to focus on reducing energy demand, utilising a CHP system and integration of renewable energy technologies. The current proposals are anticipated to achieve CO2 emission reductions of 6.4% through Be Lean Measure, 20% through a CHP site wide heat network and 19% from a photovoltaic solar panel system. The cumulative CO2 savings form these measures are proposed to be in accordance with policy DM29 requirements at 45.8%
- 8.282. To ensure the delivery of the carbon emission reductions in accordance with the approved energy strategy the applicant shall submit an updated energy assessment, including final calculations with Building Control approval. Should the 45% reduction in CO2 emissions not be deliverable, the applicant shall provide a carbon offsetting financial contribution to fulfil the 'Carbon Gap'.
- 8.283. The 'Carbon Gap' is the amount of carbon that remains when applying the policy target reduction in carbon emissions beyond that required by Part L of the Building Regulations.
- 8.284. The mechanism to secure a financial contribution in the event that there is a 'Carbon Gap' would be secured via a legal agreement.

## Whitechapel District Energy Masterplan Considerations

8.285. The submitted Energy Strategy identifies that the applicant has looked into the potential for connecting to a district heating system through consulting the London Heat map. The applicant has identified that there are no existing heat networks to connect with; however, the Council are currently producing an Energy Masterplan for the Whitechapel area to deliver a district heating system. It is recommended that a Condition be applied relating to the district heating proposals for further discussions to be undertaken with the Council and an updated district energy strategy submitted. This is to ensure that the scheme is compliant with London Plan Policy 5.6 and connects to an existing district heating system where available.

#### Sustainability

8.286. Policy DM 29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all non-residential to achieve BREEAM Excellent. The applicant has submitted a BREEAM pre-assessment which shows the scheme is designed to achieve a BREEAM Excellent rating with a score of 72.87%. The delivery of BREEAM excellent should be secured via Condition to ensure the scheme is compliant with Policy DM29.

## Summary and Securing the Proposals

- 8.287. The current proposals have sought to implement energy efficiency measures, a site wide heating system and renewable energy technologies to deliver CO2 emission reductions in accordance with policy DM29 requirements. Whilst the current proposals are anticipated to achieve policy compliant carbon emission savings, the scheme must also ensure it is compliant with London Plan policy 5.6 and connect to a district heating system where feasible.
- 8.288. The Whitechapel area is currently undergoing significant transformation and a district energy system is currently being investigated by the Council. It is acknowledged that a key challenge of delivering a district heating network is the timing between the delivery of the new network and the completion of new developments, which would be connected to the network. Where the heat heatwork is delivered late, new developments may need to secure contingency supplies of heat, or they may have to commit to alternative heat supply solutions.
- 8.289. Given the uncertainty of timeframes for both the Whitechapel district heat network and the proposed Vallance Road Development, it is considered appropriate to re-evaluate the connection potential post any approval when both parties would be more informed on delivery timeframes and heating load timings.
- 8.290. Subject to safeguarding conditions, the proposed development would comply with the NPPF, climate change policies as set out in Chapter 5 of the London Plan 2015, Core Strategy policies SO24 and SP11 and the Managing Development Document Policy DM29

#### **Environmental Considerations**

#### Noise and Vibration

8.291. Chapter 11 of the NPPF gives guidance for assessing the impact of noise. The document states that planning decisions should avoid noise giving rise to adverse impacts on health and quality of life, mitigate and reduce impacts arising from noise through the use of

- conditions, recognise that development will often create some noise, and protect areas of tranquillity which have remained relatively undisturbed and are prized for their recreational and amenity value for this reason.
- 8.292. Policy 7.15 of the London Plan, policies SP03 and SP10 of the CS and policy DM25 of the MDD seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 8.293. The Council's Environmental Health Noise and Vibration officer reviewed the submitted Noise report and raised no objection, subject to the attachment of safeguarding conditions to ensure the relevant standards are met.
- 8.294. Subject to safeguarding conditions, officers consider that the proposed development would therefore not result in the creation of unacceptable levels of noise and vibration during the life of the development in accordance with the NPPF, policy 7.15 of the London Plan, policies SP03 and SP10 of the CS and policy DM25 of the MDD.

Air Quality

- 8.295. 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 SP03 and SP10 of the CS and Policy DM9 of the MDD seek to protect the Borough from the effects of air pollution, requiring the submission of air quality assessments demonstrating how it would prevent or reduce air pollution in line with Clear Zone objectives.
- 8.296. The LBTH Environmental Health Officer accepted the findings of the air quality assessment which confirmed there would not be a significant adverse impact on the air quality.
- 8.297. The proposed development is considered to be air quality neutral.
- 8.298. The compliance of the development with the Sustainable Design and Construction 'Air Quality Neutral Appendix' would also be secured by condition.
- 8.299. In light of the above and subject to safeguarding conditions, officers considered that the resulting associated air quality would comply with policy 7.14 of the LP, Policy SP02 of the CS and Policy DM9 of the MDD, which seeks to reduce air pollution.

#### Microclimate

- 8.300. Tall buildings can have an impact upon the microclimate, particularly in relation to wind. Where strong winds occur as a result of a tall building it can have detrimental impacts upon the comfort and safety of pedestrians and cyclists. It can also render landscaped areas unsuitable for their intended purpose.
- 8.301. A Wind and Micro-climate Analysis Report was submitted as part of the application.
- 8.302. The results of the wind assessment for the development did not indicate any major adverse effects on local wind conditions when the proposed development was assessed either in isolation or along with future developments.
- 8.303. Given the proposed limited scale of the development and the findings of the report, officers consider that the resulting impact of the development on the microclimate would be acceptable without the requirement for mitigation.

#### Demolition and Construction Noise and Vibration

- 8.304. The demolition and construction works would be likely to result in temporary, short-term effects to occupants on the surrounding streets particularly with regards to the occupants at Surma Close and Fakruddin Street.
- 8.305. The submission of a construction management plan and environmental plan via condition would therefore be required to reduce the noise and vibration impacts on the neighbouring properties and ensure that all works are carried out in accordance with contemporary best practice.
- 8.306. The Councils Environmental Officers raised no objections on ground for demolition and construction noise and vibration.
- 8.307. Subject to safeguarding conditions, officers consider that the proposed development would therefore not result in the creation of unacceptable levels of noise and vibration during demolition and construction in accordance with the NPPF, policy 7.15 of the London Plan, policies SP03 and SP10 of the CS and policy DM25 of the MDD.

#### Contaminated Land

- 8.308. The Council's Environmental Health Contamination Officer has reviewed the documentation, and advises that there are no objections on the grounds of contaminated land issues, subject to, the attachment of safeguarding conditions to ensure that appropriate mitigation measures are in place.
- 8.309. Subject to safeguarding conditions, it is considered that the proposed development would not result in any land contamination issues in accordance with the requirements of the NPPF and policy DM30 of the MDD.

#### Flood Risk and Water Resources

- 8.310. The NPPF, policy 5.12 of the London Plan, and policy SP04 of CS relate to the need to consider flood risk at all stages in the planning process. Policy 5.13 of the London Plan seeks the appropriate mitigation of surface water run-off.
- 8.311. The site is located within Flood Zone 1 and the proposal is therefore at minimal risk of fluvial flooding.
- 8.312. A Preliminary Drainage Strategy Design Statement was submitted as part of the application.
- 8.313. The Statement confirms that the one viable option available for the disposal of surface water from the site would be to discharge into the existing combined sewer running along Hemming Street. While, it also recommends that the green roofs and subsurface storage be used for rainwater attenuation.
- 8.314. The Council's Surface Water Run Off officer confirms that the approach stated within the Preliminary Drainage Strategy is acceptable, however; it was advised that the preferred approach should be as reasonably practicable to the Greenfield Qbar run-off rate.
- 8.315. A condition would also be attached to secure the submission of strategy which demonstrates how any SuDS and/or attenuation features would be suitable maintained for the lifetime of the development.
- 8.316. The Environment Agency raised no objection to the proposed development.

8.317. Subject to the above condition, it is considered that the development would comply with the NPPF, policy 5.12 of the London Plan, and policy SP04 of CS relate to the need to consider flood risk at all stages in the planning process. Policy 5.13 of the London Plan seeks the appropriate mitigation of surface water run-off.

### Television and Radio Service

- 8.318. The impact of the proposed development on the television reception of surrounding residential areas must be considered and incorporate measures to mitigate any negative impacts should it be necessary.
- 8.319. Officers consider that the proposed development by reason of its limited scale at 10 storeys would be unlikely to have a significant upon broadcast radio reception, satellite television reception and terrestrial television.
- 8.320. In the event any television receptors problems arise either during construction or upon practical completion, the installation of taller satellites or the rotation satellites would address such impacts.

#### **Health Considerations**

- 8.321. 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.
- 8.322. Policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 8.323. Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
  - Working with NHS Tower Hamlets to improve healthy and active lifestyles.
  - Providing high-quality walking and cycling routes.
  - Providing excellent access to leisure and recreation facilities.
  - Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
  - Promoting and supporting local food-growing and urban agriculture.
- 8.324. The proposed development would promote sustainable modes of transport, improve permeability through the site and provide sufficient play space for children. It is therefore considered that the proposed development as a consequence would broadly promote public health within the borough in accordance with London Plan Policy 3.2 and Policy SP03 of the Council's Core Strategy.

### Impact upon local infrastructure / facilities

- 8.325. Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's Draft 'Planning Obligations' SPD (2015) sets out in more detail how these impacts can be assessed and appropriate mitigation.
- 8.326. The NPPF requires that planning obligations must be:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and,
- (c) Are fairly and reasonably related in scale and kind to the development.
- 8.327. Regulation 122 of the CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.
- 8.328. Securing appropriate planning contributions is further supported policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.
- 8.329. The Council's Draft Supplementary Planning Document on Planning Obligations carries weight in the assessment of planning applications. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. The document also set out the Borough's key priorities being:
  - Affordable Housing
  - Employment, Skills, Training and Enterprise
  - Community Facilities
  - Education
- 8.330. The Borough's other priorities include:
  - Public Realm
  - Health
  - Sustainable Transport
  - Environmental Sustainability
- 8.331. The proposal would also be liable to pay the LBTH Community Infrastructure Levy. This is dealt with in the following section on financial considerations.
- 8.332. The development is predicted to generate extra demand for school places. The development is also predicted to generate jobs once the development is complete. Therefore, the development will place additional demands on local infrastructure and facilities, including local schools, health facilities, idea stores and libraries, leisure and sport facilities, transport facilities, public open space and the public realm and streetscene.
- 8.333. As outlined in the following section financial contribution section of the report LBTH CIL is now applicable to the development would help mitigate the above impacts.
- 8.334. The applicant has agreed to the full financial contributions as set out in the s106 SPD in relation to:

Enterprise and Employment Skills and Training;

End User;

Monitoring contribution

8.335. The applicant has also offered 35% affordable housing by habitable room with a tenure split of 71/29 between affordable rented/ social target rent and shared ownership housing. This offer has been independently viability tested and is considered to be above the maximise affordable housing levels in accordance with relevant policy.

- 8.336. A Development viability review clause to identify and secure any uplift of Affordable Housing if the development has not been implemented within 24 months from the grant of permission (with the definition of 'implementation' to be agreed as part of s.106 negotiations) would also be secured should permission be granted.
- 8.337. The developer has also offered to use reasonable endeavours to meet at least 20% local procurement of goods and services, 20% local labour in construction and 20% end phase local jobs, a permit-free agreement (other than for those eligible for the Permit Transfer Scheme) and residential and workplace travel plans.
- 8.338. The financial contributions offered by the applicant are summarised in the following table:

Heads	Planning obligation financial contribution
Employment, Skills, Construction Phase	£56,512.00
Skills and Training	
End User	£34,080.75
Monitoring	£5,500
Total	£96,092.75

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

# 9. FINANCIAL CONSIDERATIONS

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

- 9.1. Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the relevant authority to grant planning permission on application to it. Section 70(2) requires that the authority shall have regard to:
  - The provisions of the development plan, so far as material to the application;
  - Any local finance considerations, so far as material to the application; and,
  - Any other material consideration.
- 9.2. Section 70(4) defines "local finance consideration" as:
  - A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
  - Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
- 9.3. In this context "grants" might include New Homes Bonus.
- 9.4. These are material planning considerations when determining planning applications or planning appeals.
- 9.5. As regards Community Infrastructure Levy considerations, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and would be payable on this scheme if it were approved.
- 9.6. 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.

9.7. Using the DCLG's New Homes Bonus Calculator, this development, if approved, would generate in the region of £213,636 in the first year and a total payment of £1,281,813 over 6 years.

#### 10. HUMAN RIGHTS CONSIDERATIONS

- 10.1. In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-
- 10.2. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
  - Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
  - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and,
  - Peaceful enjoyment of possessions (including property). This does not impair the
    right to enforce such laws as the State deems necessary to control the use of
    property in accordance with the general interest (First Protocol, Article 1). The
    European Court has recognised that "regard must be had to the fair balance that has
    to be struck between the competing interests of the individual and of the community
    as a whole".
- 10.3. This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 10.4. Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified.
- 10.5. 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.
- 10.6. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

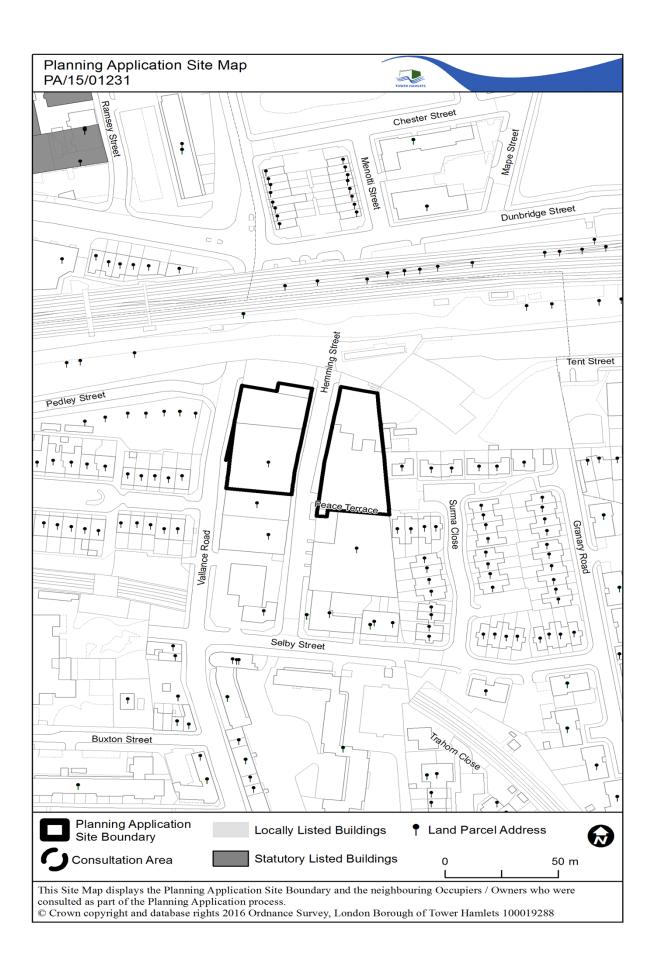
- 10.7. As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 10.8. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

### 11. EQUALITIES ACT CONSIDERATIONS

- 11.1. The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty, inter alia, when determining all planning applications. In particular the Committee must pay due regard to the need to:
  - 1. Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  - 2. Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and,
  - 3. Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 11.2. The provision of residential units and commercial floor space, within the development meets the standards set in the relevant regulations on accessibility. In addition, all of the residential units would comply with Life Time Home Standards. Of the residential units proposed within the development, over 10% would be wheelchair accessible/adaptable. These design standards offer significant improvements in accessibility and would benefit future residents or visitors with disabilities or mobility difficulties, and other groups such as parents with children.
- 11.3. In terms of employment, the commercial floorspace would provide an up lift in employment opportunities, including a proportion that could provide jobs for local people requiring entry level jobs and those secured during the construction phase.
- 11.4. The introduction of a publically accessible route from Hemming Street to Vallance Road and a new public realm would also increase permeability and promote social cohesion across the site and within the borough generally.
- 11.5. The proposed development and uses as a consequence are considered to have no adverse impacts upon equality and social cohesion.

# 12. CONCLUSIONS

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



### **APPENDIX 2**

# List of plans for approval

- 120 GA Basement Level P03
- 121 GA Ground Floor Level P04
- 122 GA First Floor Level P04
- 123 GA Second Floor Level P04
- 124 GA Third Floor Level P05
- 125 GA Fourth Floor Level P04
- 126 GA Fifth Floor Level P04
- 127 GA Sixth Floor Level P04
- 128 GA Seventh Floor Level P04
- 129 GA Eighth Floor Level P04
- 130 GA Ninth Floor Level P04
- 131 GA Roof Plan P04
- 410 GA Section A-A Looking North P03
- 411 GA Section B-B Looking South P02
- 613 Vallance Road Elevation to Buildings A1 & A2 P03
- 0600 GA Elevations 0 614 Hemming Street Elevation to Buildings A1 & A2 P03
- 0600 GA Elevations 0 615 Hemming Street Elevation to Buildings B & C P02
- 0600 GA Elevations 0 616 East Elevation to Buildings B & C P03
- 0600 GA Elevations 0 617 North Elevation to Buildings B & A1 P03
- 0600 GA Elevations 0 618 South Elevation to Buildings A2 & C P03
- 1100 Apartment\_10\_0BT1 P02
- 1101 Apartment\_10\_0BT2 P02
- 1102 Apartment 10 0BT3 P02
- 1103 Apartment\_10\_0BT4 P02
- 1104 Apartment\_10\_0BT5 P02
- 1105 Apartment\_10\_0BT6 P02
- 1106 Apartment 10 0BT7 P01
- 1110 Apartment\_10\_1BT1 P02
- 1111 Apartment\_10\_1BT2 P02
- 1112 Apartment\_10\_1BT3 P02
- 1113 Apartment\_10\_1BT4 P02
- 1114 Apartment\_10\_1BT5 P02
- 1115 Apartment\_10\_1BT6 P04
- 1116 Apartment\_10\_1BT7 P02
- 1117 Apartment\_10\_1BT8 P03
- 1118 Apartment\_10\_1BT9 P02
- 1119 Apartment\_10\_1BT10 P01
- 1120 Apartment\_10\_1BT11 P01
- 1121 Apartment\_10\_1BT12 P01
- 1130 Apartment\_10\_2BT1 P03
- 1131 Apartment\_10\_2BT2 P02
- 1132 Apartment\_10\_2BT3 P02
- 1133 Apartment\_10\_2BT4 P02
- 1134 Apartment 10 2BT5 P02
- 1135 Apartment\_10\_2BT6 P02
- 1136 Apartment\_10\_2BT7 P03
- 1137 Apartment\_10\_2BT8 P02
- 1138 Apartment\_10\_2BT9 P02

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10 1139 Apartment_10_2BT10 P02
1140 Apartment_10_2BT11 P03
1141 Apartment 10 2BT12 P03
1142 Apartment 10 2BT13 P03
1143 Apartment_10_2BT14 P03
1144 Apartment_10_2BT15 P01
1150 Apartment_10_3BT1 P02
1151 Apartment_10_3BT2 P02 Planning Application * Amendment to apartment layout
1152 Apartment 10 3BT3 P02 Planning Application ** Renumbered flat type
10 1153 Apartment 10 3BT4 P01 Planning Application *** New flat type
1100 Apartment _20_1BT1 P02
1101 Apartment _20_1BT2 P02
1102 Apartment _20_1BT3 P02
1103 Apartment _20_1BT4 P02
1104 Apartment_20_1BT5 P01
1110 Apartment 20 2BT1 P02
1111 Apartment 20 2BT2 P03
1112 Apartment _20_2BT3 P02
1113 Apartment _20_2BT4 P02
1114 Apartment _20_2BT6 P03
1115 Apartment 20 2BT7 P02
1116 Apartment 20 2BT8 P02
1117 Apartment_20_2BT9 P02
1120 Apartment 20 3BT1 P03
1121 Apartment _20_3BT2 P03
1122 Apartment _20_3BT3 P05
1125 Apartment _20_3BT6 P02
1127 Apartment 20 3BT8 P03
1128 Apartment _20_3BT10 P02
1000 Flat Plans 20 1129 Apartment _20_3BT11 P04
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1000 Flat Plans 20 1130 Apartment \_20\_3BT12 P03