

Whitechapel Estate, between Varden Street and Ashfield Street, E1

in the London Borough of Tower Hamlets

planning application no. PA/15/02959

Strategic planning application stage 1 referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

The proposal

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

The applicant

The applicant is **Londonewcastle**, and the architects are **PLP** and **Adjaye Associates**.

Strategic issues

The principle of the housing-led mixed-use redevelopment of this site within the **City Fringe Opportunity Area** is supported. However, there are a number of significant outstanding strategic planning concerns relating to **employment and life science use, specialist housing, affordable housing, urban design, climate change** and **transport**.

Recommendation

That Tower Hamlets Council be advised that, whilst the principle of a residential-led mixed use development of the site is supported and the amendments go some way to overcoming earlier concerns, the application still does not comply with the London Plan, for the reasons set out in paragraph 39 of this report. However, the resolution of those issues could lead to the application becoming compliant with the London Plan.

Context

1 On 30 October 2015 the Mayor of London received documents from Tower Hamlets Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under the following categories of the Schedule to the Order 2008:

- Category 1A: “Development which comprises or includes the provision of more than 150 houses, flats, or houses and flats”.

- Category 1C: “Development which comprises or includes the erection of a building more than thirty metres high and outside the City of London”.

2 On 20 January 2016 the Mayor considered planning report D&P/3418/01 (attached to this report), and subsequently advised Tower Hamlets Council that whilst generally acceptable in strategic terms, the application did not fully comply with the London Plan, with the reasons and remedies set out in paragraph 84 of the above-mentioned report.

3 On 4 March 2016 the Mayor of London received documents from Tower Hamlets Council notifying him of amendments to the above application, as described in this report. The purpose of this update report is for the Mayor to consider the amendments made and provide the Council with an updated statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. The Mayor may also provide other comments. This report sets out information for the Mayor’s use in deciding what decision to make.

4 Once Tower Hamlets Council has resolved to determine the application, it is required to refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own determination; or allow the Council to determine it itself.

5 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 has been taken into account in the consideration of this case.

6 The Mayor of London’s statement on this case will be made available on the GLA website www.london.gov.uk.

Amendments to the proposal

7 The applicant has amended the scheme to increase the proportion of specialist housing at the expense of residential units, resulting in a reduction of 53 residential units and an increase of 94 specialist housing units. All specialist housing units are now proposed within Use Class C2. Amendments have also been made to the housing mix and changes are proposed to parking and cycle facilities and the energy centre. The changes do not impact upon the external size or massing of the building envelopes to the proposed 12 buildings.

8 The revised description of development is therefore:

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

Updated comments

9 The comments below are in response to the amendments made and consulted upon, along with other matters addressed by the applicant in written responses, and do not cover all relevant issues. This updated report should therefore be read in conjunction with the original Stage 1 report dated 20 January 2016.

Principle of development and land use mix

10 At initial consultation stage, the principle of a residential-led mixed use redevelopment of the site was generally supported, although concerns were raised with regard to the provision of certain land uses, particularly employment and life science uses, as well as specialist housing.

Employment and life science uses

11 At consultation stage, the applicant was encouraged to engage with potential end users of the proposed office space, such as Queen Mary University (QMU) or Barts, to explore the possibility that some of this floorspace (3,269 sq.m. in total) could be used for a specific life sciences use, such as biomedical incubation space. The applicant states that Barts intend to occupy this space for administrative purposes, but this has not been confirmed by the Trust. The applicant should provide a further update on these discussions, including an explanation of how the Class B1 space can accommodate Barts needs. It is therefore still not evident from the submission that the space has been designed to accommodate life science uses, which is a requirement of this scheme given the key objective of the City Fringe Opportunity Area Planning Framework (CFOAPF) and WVM for this site. This issue therefore remains outstanding.

12 At initial consultation stage, concerns were raised over the new residential uses proposed in close proximity to existing (and potentially proposed) life science uses, in particular the Wingate Building, which is used for important research activities. In light of the representations made by QMU there was concern that neighbouring uses could give rise to amenity impacts on future residents of the scheme, by way of noise, vibration and air quality. Given the strategic priority to safeguard life science uses in Whitechapel and the unique nature of activities taking place in the Wingate Building, it would not be appropriate to simply impose conditions requiring mitigation measures to be approved. It is necessary to ensure, prior to determination of the application that the proposed residential uses are able to coexist with established research uses. It is understood that the applicant has been in discussions with QMU, but detailed modelling of potential mitigation measures have not progressed. This issue therefore remains outstanding.

Loss of existing non-residential institutions

13 As raised in the initial Stage 1 response, there is currently 340 sq.m. of D1 non-residential institutional space on the site, in the form of a vacant and unused police interview suite of 68 sq.m. and a ICT training centre located within a temporary building. The applicant has stated that they understand that these facilities have either been re-provided, but this has not been confirmed by Barts. This issue therefore remains outstanding and the applicant should provide confirmation that these uses do not need to be re-provided as part of the development.

Specialist housing

14 At initial consultation stage, concerns were raised regarding the net loss of specialist housing across the site contrary to London Plan Policy 3.14, which recognises that staff accommodation is a valuable and finite resource that may be threatened by higher value uses. In response, the applicant has increased the proportion of specialist housing at the expense of the private and intermediate residential units. Table 1, below, sets out a revised breakdown of existing and proposed specialist accommodation, based on figures provided by the applicant:

accommodation type	existing		proposed		change	
	sq.m.	units	sq.m.	units	sq.m.	units
student and nursing staff	3,101	117	3,096	74 (C)	-5	-43
short term staff and patient	2,648	84	3,529	94 (A + I)	+881	+10
total	5,749	201	6,625	168	+876	-33

Table 1: staff accommodation schedule (floorspace figures are GLA)

15 The additional short term staff accommodation would replace the current provision in John Harrison House of 64 units and is proposed on the first to third floors of Block I in the form of 60 studio units. This would be at the expense of 27 private residential units. The additional patient accommodation would replace the current provision in Horace Evans House with 34 studio units in Block A. This would be at the expense of 11 intermediate residential units.

16 This additional specialist housing accommodation is welcomed, but there would still be an overall loss of 33 specialist housing units across the scheme, given that there has been no amendments to increase the student and nursing staff accommodation. Furthermore, Barts most recent representations state that there are currently 32 units in Horace Evans House, rather than 20 as stated by the applicant. This will need to be clarified by the applicant, but if this is the case then there would be a total net loss of 50 specialist housing units. Overall, given the acknowledged need for such accommodation across London, as well as more specifically as part of the Whitechapel life sciences campus, GLA officers consider that the scheme does not comply with London Plan policy 3.14. Further dialogue will be required between the applicant and Barts to confirm requirements for specialist housing and the applicant should increase the amount of student and nursing staff units to address this shortfall.

17 The applicant has stated that Barts may not require all three floors of Block I and that there may be the potential to reduce the specialist accommodation following grant of planning permission. A S106 obligation has been proposed to enable this, but GLA officers have significant concerns with such an approach. Any amendment to the quantum of specialist accommodation should come forward as a new planning application and be assessed on its merits and on the basis of adopted planning policy at the time.

18 Following discussions with GLA officers, the applicant is now proposing all specialist housing as Use Class C2 institutional housing and give first right of refusal to existing residents, which is welcomed. The management and occupancy of the specialist housing should be controlled through the S106 agreement, or by condition limiting the duration of occupancy for the short term accommodation.

19 At consultation stage, clarification was sought over the proposed rent levels, to ensure that the specialist housing will be affordable. The applicant explains that current rent levels in the existing student and nursing staff accommodation range between £130-150 per week. Proposed rents for the new units, which it is acknowledged would be larger and of better quality, are £180 per week. This equates to around 60% of market rent, based on a comparison with private student housing schemes in the locality. However, comparison with other student housing is not strictly relevant in this case, as the staff accommodation is required to meet a specific healthcare need. Proposed rents for the short term accommodation are £165 per week, although no comparison has been provided with existing or similar accommodation. GLA officers therefore request further confirmation that the proposed rent levels for all types of specialist accommodation would be affordable for the intended occupiers. This

would be expected to be evidenced through correspondence with Barts, student and nursing staff groups and the Council's housing officers.

Housing

20 As a result of changes to the scheme to accommodation additional specialist housing and amendments to the housing mix, the number of residential units has reduced from 396 to 343. A detailed housing schedule is provided in Table 2 below.

unit type	number	% of total scheme
studio	6	2
1 bed	146	42
2 bed	136	40
3 bed	46	13
4 bed	9	3
total	343	100

Table 2: revised housing schedule

21 It should be noted that there are a total of 47 existing residential units across the site, so the proposal would result in a net increase of 296 units. Despite the reduction in housing following amendments, the proposal would still make a welcome contribution towards meeting London's housing need and is supported in line with London Plan Policy 3.3.

Affordable housing

22 Following the removal of the intermediate units, the applicant now proposes 57 social rented units, equating to 21% of the total residential provision when measured by habitable room. As mentioned at consultation stage, the Council will need to confirm that this is the maximum reasonable contribution, as well as secure a review mechanism in the S106.

23 The proposal would now not contain any intermediate units, although it is noted that this is a constrained scheme with a number of land use issues, so overall this is considered acceptable. It is understood that the mix of social rented/affordable rented units has been amended in response to concerns raised by the Council about the lack of family housing in this tenure. Family affordable housing now comprises 39% of the total social rented offer and the Council should confirm that the mix adequately addresses local need.

Density

24 Following discussions with the Council, the applicant has altered the red line site boundary for the purposes of calculating density. The area at the northern end of Philpot Street has been omitted and the applicant has recalculated the density to be 984 habitable rooms per hectare. This is within the London Plan guidance range of 650 to 1,100 habitable rooms per hectare for central sites with a public transport accessibility level of 5/6, as set out in London Plan Policy 3.4.

Urban design

25 In the initial Stage 1 report, concern was raised with regard to the security of the entrance to Block Ha, which is through a narrow undercroft with a convoluted route around a proposed stairwell. The applicant has confirmed that the alley is in their ownership and that improvements will be carried out including a lighting scheme. The applicant has also indicated that they would explore a gated

solution to improve security, which is welcomed. The Council should impose a condition requiring a detailed scheme for improvements to this space to be approved, in consultation with local Secured by Design officers.

26 Following the amendments to the scheme to incorporate the additional C2 specialist accommodation, the housing mix and layout in Block I has been amended. This overcomes concerns raised at initial consultation stage about the proposed north-facing single aspect studio units in this block, as well as the unit to core ratios, which is welcomed.

Inclusive design

27 In response to concerns raised at initial consultation stage, the applicant has provided a detailed schedule of the proposed wheelchair accessible residential units, which is welcomed. This schedule demonstrates that the accessible units will be split across different floors throughout the scheme and that the development achieves at least 10% wheelchair accessibility across private market and social rented tenures. This schedule also confirms that each of the units would have access to the basement car park where the blue badge spaces are located.

28 In response to concerns raised at initial consultation stage, the applicant has increased the number of blue badge spaces from 13 to 28, which is welcomed.

Climate change – mitigation

29 At Stage 1, the applicant was requested to provide evidence of correspondence (with the Tower Hamlets Council energy officer and other relevant parties) to demonstrate that opportunities for connection to wider networks have been fully investigated. The applicant has provided evidence of correspondence with the local borough energy officer regarding the potential Whitechapel network. The energy officer has provided further information on the proposals for a future heat network, and it is understood that the borough are currently undertaking an energy masterplan to identify whether a district heating network is feasible. The applicant is proposing a CHP system which will be designed for future connection, the applicant has also discussed a flexible approach where the energy strategy is revisited and including re-evaluating connection to the potential network. The local energy officer has said that this approach is appropriate and the borough is considering including a condition to revisit the energy strategy should the development receive consent. This approach is supported.

30 At consultation stage, the applicant was requested to clarify running hours and operational arrangements for the CHP units, as well as ensuring that carbon savings are correctly calculated. The applicant has revisited the CHP calculation and is now proposing a single 140kWe rather than a number of individual units. The applicant has provided updated running hours of the CHP and the proportion of heat met by the CHP. The applicant has provided updated figures using the SAP conversion factor for net to gross efficiencies. Updated carbon emission figures have been provided based on the revised CHP engine and using gross figures. This updated information is acceptable and nothing further is required.

31 Following the above amendments, the applicant is now reporting an improvement in carbon emission savings at 31% reduction from Part L 2013. The shortfall is now estimated to be in the order of 28.4 tonnes of carbon dioxide per annum. It is accepted that there is little further potential for carbon dioxide reductions on site, in liaison with the Council the developer should ensure the short fall in carbon dioxide reductions is met off-site.

Transport

Parking

32 In response to concerns raised at initial consultation stage, the applicant has increased the number of blue badge spaces from 13 to 28, which is welcomed. The applicant proposes a flexible management strategy to enable blue badge spaces to be converted back to standard spaces should there be limited demand. The total parking provision in the revised scheme is 33 spaces (28 blue badge and 5 standard), with 6 of these spaces available for use by the social rented housing element of the scheme or the Council's Permit Transfer Scheme. TfL considers the revised arrangements to be acceptable, subject to a car parking management plan being secured by condition by the Council.

Cycling

33 Following TfL comments at Stage 1, the applicant has amended the scheme to accommodate the long stay cycle parking internally. Shower and changing facilities for the office use has been incorporated and the applicant has confirmed that the staff of the retail units would be entitled to use the gym facilities. The applicant has also clarified how cyclists will be accommodated within the public realm. TfL are satisfied that the revised proposal accords with London Plan policy on cycle facilities.

Trip generation

34 The applicant has responded to requests for clarification over trip generation to the satisfaction of TfL officers.

Public transport

35 The applicant has confirmed agreement in principle to the S106 contribution of £40,000 towards additional bus capacity, but has sought clarification over how the figure has been calculated. In response, TfL confirm that there is an existing issue with bus capacity in the Whitechapel area, which will be exacerbated by the development envisaged in the Whitechapel Vision. TfL have been working with the Council to agree a methodology by which Section 106 contributions to bus capacity are calculated – however, in this case it is acknowledged that the development is providing significant quantities of specialist hospital accommodation and as such TfL investigated whether any lower cost interventions would deliver similar levels of benefit. In this case, TfL are considering the potential to extend bus route 115 close to the site which, if taken forward, would provide an additional bus route for residents and therefore additional capacity.

36 As such, TfL request £40,000 as the cost of delivering a pair of bus stops (for each direction) should this be taken forward. However, any such change to bus routing is subject to technical assessment and consultation and TfL therefore request that there is sufficient flexibility in the wording of any Section 106 clause to allow this contribution to be put towards alternative measures should the extension not be taken forward.

Legal considerations

37 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a

direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor's statement and comments.

Financial considerations

38 There are no financial considerations at this stage.

Conclusion

39 The principle of the housing-led mixed-use redevelopment of this site is supported and the amendments made to the scheme go some way to overcoming concerns raised in the Mayor's initial Stage 1 response. However, a number of strategic concerns remain, and consequently the application does not accord with London Plan Policy:

- **Employment and life science use:** the applicant should provide further clarification about how the proposed employment space can contribute to the strategic priority of the Whitechapel life science campus and address concerns over the management and affordability of the employment space, to satisfy London Plan Policies 2.13, 4.10 and the City Fringe Opportunity Area Planning Framework. The applicant should also confirm that the existing institutional uses on site will be accommodated elsewhere, to satisfy London Plan Policy 3.18.
- **Specialist housing:** the applicant should ensure that there is no overall net loss of specialist housing units and confirm the requirements of life sciences institutions in Whitechapel for this accommodation. The applicant should also demonstrate that this housing would be affordable for the intended occupants, in order to ensure compliance with London Plan Policy 3.14.
- **Affordable housing:** it is not possible at this stage to determine whether the proposal provides the maximum reasonable amount of affordable housing, in accordance with London Plan Policy 3.12.
- **Urban design:** the Council should impose a condition requiring a scheme to enhance the 80-82 Ashfield Street alleyway, to ensure compliance with London Plan Policies 3.5 and 7.3.
- **Climate change:** the majority of energy matters have been overcome, but the Council should impose a condition requiring the development to be capable of connection to a future wider district heating network and ensure that the carbon dioxide reduction shortfall is met off-site through the S106 agreement, in accordance with London Plan Policies 5.2 and 5.6.
- **Transport:** the majority of transport matters have been overcome, but the Council should secure a £40,000 contribution towards buses through the S106 agreement. Conditions relevant to servicing, construction and infrastructure protection need to be secured by condition by the Council, whilst travel plans should be secured through the S106 agreement.

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