
London Borough of Tower Hamlets Local Plan Examination - Hearing Statement

Matter 8 - Heritage, Design & Tall Buildings, issues 8.4 and 8.7

Prepared by Barton Willmore LLP on behalf of Sainsburys Supermarkets Ltd.

July 2018

London Borough of Tower Hamlets Local Plan Examination

Hearing Statement

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1.0 INTRODUCTION

- 1.1 We act on behalf of Sainsburys Supermarkets Limited ('Sainsbury's') in relation to their existing Sainsbury's Store at Cambridge Heath Road, Whitechapel (the boundary of which is identified in red on the Site Location Plan attached at **Appendix 1**, "the Site").
- 1.2 As freehold owners of the Site, Sainsbury's are a key stakeholder in Whitechapel and therefore well placed to provide comment on the emerging Local Plan ('LP') given their interest and investment in the area.
- 1.3 This Statement relates to Matter 8 and important tall building considerations under Policy D.DH6 'Tall Buildings' and Issues 8.4 and 8.7.

Summary

- 1.4 The approach to Tall Buildings 1 in Policy D.DH6 is not:
- a. Positive: As the Tall Building Study and Policy D.DH7 have not been positively prepared and are negative in that they seek to resist tall buildings in the first instance.
 - b. Justified: The Policy is not consistent with the wider Development Plan and the change of position is not justified based on proportionate evidence nor would it be the most appropriate strategy to achieve the London Plan and NPPF core policy objectives.
 - c. Effective: The Policy in its application at Whitechapel as a designated 'transformation' opportunity area would also be ineffective relative to the wider LP, London Plan objectives and NPPF.
 - d. Consistent with NPPF policy: The Policy and evidence base is inconsistent with paragraph 17 (third and eighth bullets), paragraph 58 and paragraph 111 of the NPPF which encourage the effective use of previously developed land.
- 1.5 Therefore, for the reasons listed above, the Policy is not sound as it is not positively prepared, not justified and would not be effective in achieving local and strategic plan outcomes, nor is it consistent with the NPPF or in conformity with relevant London Plan policies.
- 1.6 In conformity with the London Plan for the purposes of Sections 20(5)(a) and 24(1) Planning & Compulsory Purchase Act 2004, [because it imposes constraints to delivery which will undermine optimisation of output and density and wider regeneration objectives].

Background

- 1.7 The Site extends to some 1.9 hectares (4.695 acres) and is bound by Brady Street to the west; Merceron Street to the north; Darling Row and Collingwood Street to the east; and Cambridge Heath Road to the south east. It lies within the City Fringe / Tech City

¹ which includes "any building that is significantly taller than their [existing] surroundings and/ or have a significant impact on the skyline" (LP Glossary)

Opportunity Area as identified in the London Plan (March 2016) and the City Fringe Opportunity Area Planning Framework (December 2015). Within this area, [London Plan policy requires] development proposals [to optimise residential and non-residential output and densities; contain a mix of uses; and support wider regeneration of the area by improvements to environmental quality.

- 1.8 The Site currently consists of a single storey Sainsbury's store opened in 1996 comprising 3,995 sq m of net retail floorspace and temporary decked car park containing 258 car parking spaces. Vehicular access and egress to the customer car park and delivery area is from Cambridge Heath Road, with a secondary customer entrance to the store accessed off Brady Street. Whilst the supermarket is open and operational, the Site has been compromised by the construction of Crossrail, with the south eastern part of the site (part of the former supermarket car park) being utilised as a Crossrail construction site.
- 1.9 The Site is surrounded by a mix of uses with Commercial uses focused on Whitechapel Road to the south and Swanlea School located immediately to the west fronting Brady Street. Land to the north, north east and east comprises residential properties including the Collingwood Estate. The surrounding buildings range in height from three to five storeys. In the wider area, there is evidence of taller buildings most notably the Royal London Hospital at 19 storeys.
- 1.10 It should also be noted that planning permission has been granted for a number of schemes in the immediate vicinity of the Site, which once delivered, will reflect the significant changes to the Whitechapel area as part of the City Fringe / Tech City Opportunity Area and the arrival of Crossrail. In summary, the schemes include:
1. **Whitechapel Central, Raven Row (PA/15/01789):** LBTH granted planning permission on 6th January 2017 for the demolition of existing buildings and the erection of three blocks ranging from **4 to 25 storeys in height** comprising 564 residential units, comprising 388 private market and 176 affordable housing units, commercial floorspace, 70 off-street car parking spaces, communal courtyards, associated landscaping and associated ancillary works.
 2. **100-136 Cavell Street (PA/16/00784/A1):** An application was submitted to LBTH in March 2016 for the demolition of existing buildings and erection of two buildings rising to **8 and 24 storeys** in height to provide 4,893 sq m GEA non-residential use floorspace (comprising 1,136 sq m GIA flexible commercial/retail/community use (A1/A3/B1/D1 use) at ground floor level and 3,138 sq m GIA B1 office space above ground floor level), and 113 residential units, plus landscaped public space, private amenity space, communal amenity space, child play space, cycle parking and all associated works.
 3. **The Former Royal London Hospital, Whitechapel Road (PA/17/02825 & PA/17/02828):** LBTH submitted a full application with associated Listed Building Consent application for the Partial demolition, including removal of the remaining west wing and the grocer's wing (behind retained facade), alteration and

refurbishment of the former Royal London Hospital and erection of a **part four storey and part seven-storey** extension (including partial basement) to provide a new Tower Hamlets Council Civic Centre, comprising; office space (Use Class B1) on upper floors; a library and other customer facing functions (Use Class D1), council chamber, conference, exhibition and/or function space (Sui Generis) and an ancillary café on the ground floor; bicycle-parking spaces, refuse store and associated facilities within the basement; blue badge car-parking spaces, a new sub-station, landscaping and associated work. The application was considered at the Strategic Development Committee on 8th February 2018 and granted permission on 8th May 2018 following referral to the GLA.

4. **Whitechapel Estate, Varden Street (LPA Ref: PA/2015/02959):** An application was submitted to LBTH in October 2015 for the demolition of all existing buildings and redevelopment to provide 12 buildings ranging from ground plus **2-23 storeys**, comprising 343 residential dwellings (Class C3), 168 specialist accommodation units (Class C2), flexible office and non-residential institution floorspace (Class B1/D1) and retail floorspace (Class A1-A3), car parking, cycle parking, hard and soft landscaping and other associated works. The application was refused by LBTH on 17th October 2016 albeit subsequently allowed at appeal on 21st February 2018 following a public inquiry.

Previous Planning History and Appeal Scheme

- 1.11 The existing store was constructed under planning permission Ref: TH215/BG/93/81 in October 1996 and has subsequently been enhanced over time.
- 1.12 Sainsburys has held a long-term aspiration to redevelop the site for a mixed-use scheme combining a new food store and significant residential development and public realm works to coincide with the opening of Crossrail (now scheduled for December 2018).
- 1.13 In March 2015 a full planning application was submitted to LBTH for the comprehensive redevelopment of the Site (LPA Refs: PA/15/00837). The application proposed the replacement of the existing supermarket along with 559 residential units arranged in eight blocks ranging from eight to 28 storeys. Planning Permission was refused primarily on heritage and daylight and sunlight grounds, with the decision notice issued on 11th May 2017. The refusal was subsequently appealed albeit that appeal was later withdrawn.
- 1.14 A subsequent application was submitted for full planning permission (LPA Ref: PA/17/01920) in response to the refused 2015 Scheme (LPA Ref: PA/15/00837) to address the perceived issues that led to the refusal of the 2015 scheme.
- 1.15 The Application Description of Development is:

“Demolition of the existing store and decked car park to allow for a replacement Sainsbury's store; an 'Explore Learning' facility; flexible retail/office/community floorspace; 471 residential units arranged in 8 blocks; an energy centre and plant at basement level; 240 'retail' car parking spaces and 40 disabled car parking spaces for use by the proposed residential units; two additional disabled units proposed at Merceron Street; creation of an east-west public realm route from Cambridge Heath Road to Brady Street and public realm provision and enhancements; associated highway works to Brady Street, Merceron Street, Darling Row and Collingwood Street, and Cambridge Heath Road.”

- 1.14 The scheme proposes buildings ranging from 4 to 14 storeys. In this context they are considered to be ‘Tall Buildings’.
- 1.15 An Appeal against the non-determination of planning application PA/17/01920 was submitted in December 2017 (PINS Ref. APP/E5900/W/3190685). The Inquiry for this Appeal is due to commence on 9th October 2018.

Current Policy Position

- 1.16 The adopted Development Plan currently provides a supportive framework for achieving the optimisation of density and output that the London Plan and the NPPF (paragraph 58) require. This is summarised below. Sainsbury's concern is that the proposed LP is not consistent and the change of position is not justified based on proportionate evidence nor would it be the most appropriate strategy to achieve the London Plan and NPPF core policy objectives.

Core Strategy (July 2010)

- 1.17 The adopted Core Strategy includes a chapter on ‘placemaking’ focusing on specific town centres in Tower Hamlets. Each place is presented with a specific vision, priorities and principles that will guide development in these areas. The Site falls within Local Area Partnership (LAP) 3 & 4 which has the following vision for Whitechapel (**Appendix 3**):

“A historic place set around Whitechapel Road with Crossrail and the Royal London Hospital providing a regional role Whitechapel will be a thriving regional hub set along the historic and vibrant Whitechapel Road. It will be home to a bustling, diverse economy offering a variety of job opportunities for local people, and capitalising on the benefits brought about by the 2012 Olympic Games, the Royal London Hospital expansion, Crossrail and the London Overground.”

- 1.18 The development priorities for the area are identified as providing more housing, and redeveloping identified areas; improving Whitechapel District centre and links to it; delivering improvements to the market; improving the streetscape on Whitechapel Road; and improving accessibility and streetscape quality of Cambridge Heath Road connecting to the proposed cycle hire hub around Whitechapel Station. The Sainsbury's site is identified within an area of expansion and intensification in Whitechapel town centre.

Whitechapel Vision Masterplan SPD (2013)

- 1.19 The Whitechapel Vision Masterplan Supplementary Planning Document (SPD) was adopted by LBTH in 2013 and remains part of the evidence base for the preparation of the new LP. The Document forms part of the Council's current Local Development Documents and guides new development within the Whitechapel area up to 2025 (and is stated in the LP to continue to provide an important source of ongoing guidance).

- 1.20 The Vision is underpinned by three guiding principles; namely to strengthen Whitechapel District Centre, to promote sustainable communities, and to deliver high quality places. These principles will guide the delivery of amongst other matters:

- 3,500 new homes including substantial amounts of new family and affordable homes;
- 5,000 new local jobs;
- 7 new public squares and open spaces;
- New streets and public routes;
- A destination shopping and leisure experience on Whitechapel Road; and
- Expansion and improvement to the street market.

- 1.21 To deliver the Vision, the Masterplan identifies 6 areas for 'Key Place Transformation'. Area 6, the 'Cambridge Heath Gateway' includes the Appeal Site. Within this area, the Masterplan envisages (**Appendix 4**):

- Redevelopment of the existing Sainsbury's site with a new larger store and high density residential development above providing new homes especially affordable and family homes;
- Opportunities to provide new leisure facilities, education, skills and training space to benefit local residents and businesses on the site;
- Provision of new public space where Durward Street meets the site with a direct connection thorough to the new station and Cambridge Heath Road; and

- Active frontages along these spaces and to Cambridge Heath Road street frontage creating animated streets.
- 1.22 Page 14 of the Masterplan discusses 'Landmark Buildings' and suggests *"taller buildings design with high quality architecture provide an opportunity to positively contribute to the new built form and character of Whitechapel"*.
- 1.23 The Masterplan categorised the redevelopment of the existing store "with a new larger store and a high density residential development above" as 'high' priority and envisaged the redevelopment of the Site within the short term, namely between 2015-2018 (pages 36 and 38).

City Fringe Opportunity Area Planning Framework ('CFOAPF')

- 1.24 The CFOAPF (2015) seeks to enable the growth of business within the Opportunity Area while also delivering housing and other supporting uses such as retail and leisure. Within the OAPF, the Sainsburys Site falls within the 'Commercial Core of City Fringe (Tech City)' boundary (Figure 1.5) and the 'Outer Core' area (Figure 3.1) which seeks to balance employment and residential uses.
- 1.25 The document identifies a number of key sites, which includes the Sainsburys Site (Whitechapel, Key Site 2), referring to the Whitechapel Vision SPD as a mechanism to guide its development (paragraph 5.93). It sets out a number of Strategic Design Principles (on page 72) (**Appendix 5**) which include the potential for tall buildings to *"provide significant additional floorspace as well as helping articulate the importance of Whitechapel town centre"* (page 72) and improve the legibility and prominence of White chapel High Street.
- 1.26 Within this extant policy context we make the following comments in relation to the Council's proposed tall buildings policies. Section 2 provides our comments in relation to the Inspector's Questions under Matters 8. Section 3, then sets out our recommendations for Policy D.DH6 in order that the Plan can be found sound.

2.0 EXAMINATION ISSUES & RECOMMENDATIONS

- 2.1 Sainsbury's case is outlined below with reference made to their previous representations (**Appendix 2**) and to the specific questions identified by the Inspector in her Schedule of Matters and Issues for the Examination (ID-05).
- 2.2 The present position of Sainsbury's is set out below under the relevant questions of the Inspector's Matter 8. We then outline recommended amendments to elements of Policy D.DH6 in order for the Plan to be found sound.

Matter 8: Heritage, Design and Tall Buildings

Issue 8 - Does the LP take a justified and suitable evidence based approach to heritage, design and tall buildings? Is the LP consistent with national policy in relation to these matters and will it be effective in implementation?

Question 8.4 – In relation to Policy D.DH6 – Is the policy wording as currently drafted specific and effective?

- 2.3 The policy seeks to guide and manage the development of tall buildings within the borough, with part 1 of the policy requiring all applicants to demonstrate compliance with several criteria. However, there is no supporting text for each criteria to justify the rationale for each test set out in the LP or Tall Building Study (which provides the Council's Evidence Base document).
- 2.4 As submitted, we believe the wording of some criteria is unsound. The restrictive approach has not been justified, or properly tested, in the evidence base. Those elements are therefore not Justified.
- 2.5 They would also cut across other aspects of the Plan and the London Plan (and NPPF) in relation to achieving optimum densities. They are therefore unlikely to be effective and are not Consistent with the following:
- NPPF paragraph 17 (third and eighth bullets), paragraph 58 and paragraph 111 for example), for the purposes of NPPF182 and Sections 20(5)(a) PCPA 2004 ;
 - The London Plan (Policy 7.7) for the purposes of Section 24(1) and 20(5)(a) Planning & Compulsory Purchase Act 2004, [because it imposes constraints to delivery which will undermine optimisation of output and density and wider regeneration objectives].
- 2.6 The following policy wording included with Policy D.DH6 is considered unsound without modifications:
- c) Development is required to enhance the character of an area without adversely affecting established 'valued' townscapes.

However, there is no indication of what constitutes a 'valued' townscape. This should be amended to make the criterion more precise stipulating 'designated' townscapes. This criterion is also inconsistent with the balanced approach to design and visual impact in NPPF paragraphs 64 and 65, for the purposes of NPPF paragraph 182.

- e) Development is required to 'not prejudice' future development potential of adjacent/neighbouring buildings.

No supporting justification is set out to determine compliance with this criterion due to the interpretation of 'prejudice' being varied and open. Its application at Whitechapel, which is a designated 'transformation' opportunity area would also be ineffective relative to the wider LP and London Plan objectives (and inconsistent with the NPPF policies note above) for the purposes of NPPF 182.

- j) Development is required to demonstrate that there will be 'no adverse' impact on the microclimate and the amenity of the proposal site and surrounding area.

The wording has been amended by LBTH with the submission of the LP (Schedule of Minor Modifications, SD3a) to remove reference to the Site. However as drafted the wording of the criterion still infers that any adverse impact on the surrounding area would form the basis for a refusal. The wording of the policy should be modified accordingly.

2.7 Therefore, for the reasons listed above, the Policy is not sound as it is not positively prepared, not justified and would not be effective in achieving local and strategic plan outcomes, nor is it consistent with the NPPF or in conformity with relevant London Plan policies.

2.8 As set out in our previous representations, we support the inclusion of Part 3 which provides criteria for development of tall buildings outside of designated tall building zones.

Question 8.7 – Is policy D.DH6 sufficiently clear, capable of effective implementation and consistent with national policy and guidance? Is the policy supported by a robust evidence base?

2.9 For the reasons given above, modifications are needed to ensure that Policy D.DH6 is sufficiently clear, capable of effective implementation and consistent with national policy and guidance.

2.10 In addition, the evidence base (Tall Building Study) which has informed Policy D.DH6 and the Proposals Map fails to properly consider the changing (transforming) nature of the designated Opportunity Areas over the LP period and the development already taking place. As such it is not properly justified and does not propose the most appropriate strategy based on a sound evidence base.

- 2.11 A number of policies in the LP have been informed by the Tall Buildings Study (February 2018). The NPPF and PPG requires local planning authorities to ensure the LP is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area (paragraph 158).
- 2.12 The Planning Practice Guidance (Paragraph: 014 Reference ID: 12-014-20140306) suggests the evidence needed to support the policies in a LP should not be collected retrospectively and should also be kept-up-to-date. In addition, the Tall Building Study has not undergone public consultation, despite the document being heavily relied on to inform the emerging Plan. As such, it is untested and there is no justification for the character areas assessed as capable of accommodating a tall building, which are contrary to Policy 7.7 of the London Plans designations, and the subsequent conclusions. The Document also gives limited consideration to potential areas of change, which will significantly change the planning context for future years.
- 2.13 Given the emerging clusters of tall buildings within the borough, LBTH consider the existing policy framework 'inadequate as a means to resist applications that are too large or in inappropriate locations' (page 7). For these reasons, we considered the tone of the document to be negative in that it seeks to resist tall buildings in the first instance and this starting point has influenced the preparation of the emerging Local Plan policies. Consequently, we believe these policies cannot be described as positively prepared, nor is it justified as required by NPPF paragraph 182.
- 2.14 Section 6 seeks to identify parts of LBTH which are appropriate for tall buildings. The Study analyses locations which could accommodate tall buildings which is limited to the London Plan Opportunity Areas. This is contrary to London Plan Policy 7.7 which directs tall buildings to sites in the Central Activities Zone (CAZ), opportunity areas, areas of intensification or town centres that have good access to public transport. The locations considered appropriate are largely located in areas where tall buildings are already in existence, for example in the Isle of Dogs and South Poplar (i.e. Canary Wharf and Blackwall) and Aldgate. In the City Fringe however, the sites assessed are either considered inappropriate for tall buildings or where appropriate, it is heavily caveated that any tall building should respond to heritage sensitivities and avoid impact on London View Management Framework strategic views.
- 2.15 This does not acknowledge:
- the transformational nature of changes in Opportunity Areas envisaged by both the London Plan and evidence base documents such as the Vision Masterplan SPD in order to optimise density and output as part of wider regeneration around the new Crossrail station;
 - the recent planning permissions for Tall Buildings within Whitechapel and in the wider Opportunity Area which reflect that policy and evidence base.

- 2.16 The [characterisation study] of Whitechapel focusses on the existing environment and identifies the prevailing character of 4-6 storeys, with little consideration given to the pipe-line developments (detailed at paragraph of 1.8 of this statement or the framework noted at [2.15] above).
- 2.17 The Study suggests that Tall buildings in Whitechapel Centre should be located where they can aid legibility and deliver other enhancements to pedestrian connectivity in the centre.
- “Equally a tall building at the Sainsbury site could be considered but only if it brings with it improvement to the public realm and pedestrian experience in that part of the centre enhancing access to the station, school and the sports centre and is in itself of a high design quality.”(page 129)*
- 2.18 This contradicts the Section 6 findings which considered that Whitechapel is not considered an appropriate location for tall buildings.
- 2.19 The message within the Study is therefore that tall buildings are unlikely to be acceptable outside of areas in which tall buildings are already located. As such, the Study is inconsistent with the London Plan Policy 7.7 and the NPPF paragraph 182 requirement for effectiveness and Section 20(5)(a) Planning & Compulsory Purchase Act 2004 (conformity with the London Plan).
- 2.20 It is considered therefore that the Tall Buildings Study does not provide an appropriate and robust evidence base to inform clear and effective emerging Local Plan policies consistent with national policy and guidance.

3.0 CONCLUSIONS AND RECOMMENDATIONS

3.1 From the case outlined in Section 2 and the response to the Inspector's issues and questions, we believe that there are a number of modifications necessary to the LP in order for it to be found Sound and in conformity with the London Plan in the context of the guidance provided in the NPPF. We set these out below:

1. To revise the wording of Policy D.DH6 criteria and additional supporting text to allow applicants to determine compliance with the policy as set out at paragraph 2.6 of this Statement.
2. The Tall Buildings Study is not a robust evidence base to inform the relevant emerging Local Plan policies in particularly how it relates to the City Fringe Area and Whitechapel District Centre.

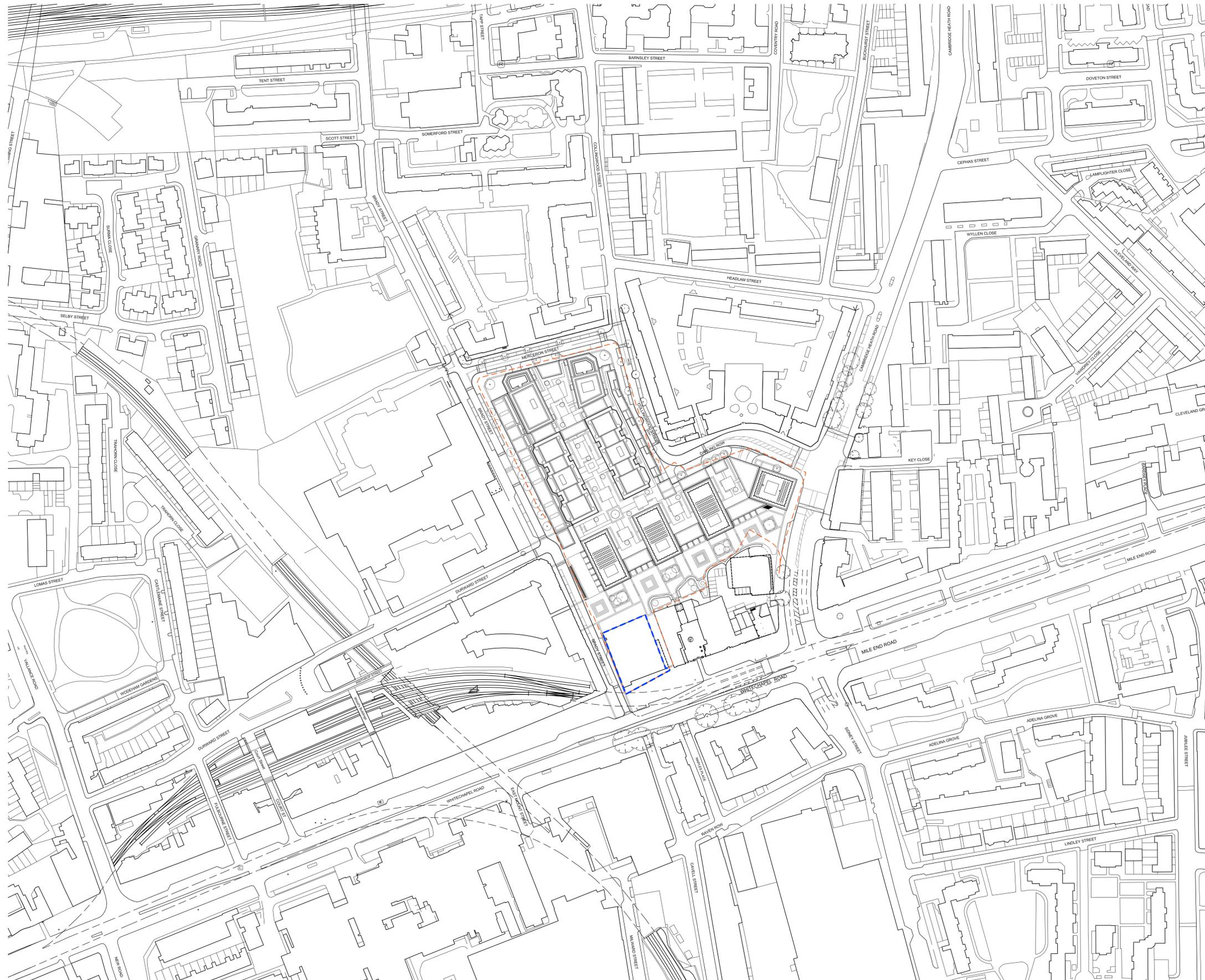
3.2 The changes we recommend are considered to be justified, effective and consistent with the NPPF.

APPENDIX 1
SAINSBURYS SUPERMARKETS LIMITED SITE PLAN

Do not scale from drawings
 All dimensions are in mm unless otherwise stated
 All dimensions to be verified on site before proceeding with the work
 Any discrepancies to be notified in writing to Architect immediately
 All boundaries indicative only and to be confirmed by others

Key

- - - Application Boundary
- - - Land Within Applicant Ownership Outside Application Boundary



REV	DATE	NOTES	JW
-	26.07.18	Issued to the London Borough of Tower Hamlets.	JW
			INT

STAGE 03

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JOB TITLE
Whitechapel Square, Tower Hamlets

DRAWING TITLE / LOCATION
Proposed Site Location Plan

DRAWN BY	CHECKED	SCALE	STATUS
MH	JW	1:1250 at A1/ 1:2500 at A3	PRELIMINARY
PROJECT	DRAWING NO		REVISION
17014	ASK012		-

CLIENT

WHITECHAPEL SQUARE
 Sainsbury's



APPENDIX 2
REGULATION 19 DRAFT LOCAL PLAN REPRESENTATIONS, DATED 13TH
NOVEMBER 2017

26393/A3/KH

13th November 2017

REPRESENTATION TO REGULATION 19 DRAFT LOCAL PLAN CONSULTATION ON BEHALF OF SAINSBURY'S SUPERMARKETS LTD.

Introduction

1. We act on behalf of Sainsbury's Supermarket Limited ("Sainsbury's") in relation to the existing Sainsbury's Store at Cambridge Heath Road, Whitechapel ("the Site") and have been instructed to submit the following representation to the Regulation 19 Draft Local Plan.

Background

2. As you will be aware, Sainsbury's are the freehold owners of the Site which is the subject of a Planning Application (Ref: PA/17/01920) and Planning Appeal (Ref: APP/E5900/W/17/3188581) which are currently being considered by your authority and the Planning Inspectorate respectively. As such, Sainsbury's are well placed to provide comment on the emerging Draft Local Plan given their interest in the area. The extent of the overall Site is illustrated in red and blue on the Site Location Plan attached at **Appendix 1**. The Site extends to 3.11 ha.
3. Against this background, we set out our comments on the emerging Plan below.

Representations

Part 3 - Policies

Policy D.DH6: Tall Buildings

4. The policy seeks to guide and manage the development of tall buildings within the borough and requires applicants to demonstrate compliance with several criteria. There is no supporting text for the criteria which would justify the rationale for each test. We believe the wording of some criteria to be unsound. The restrictive approach has not been tested in the evidence base and would cut across other aspects of the Plan and the London Plan in relation to achieving optimum densities. They are therefore neither justified nor effective:
 - c) Development is required to enhance the character of an area without adversely affecting established 'valued' townscapes. There is no indication of what constitutes a valued townscape. It is recommended therefore that the criterion provides a more precise



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wording by stipulating 'designated' townscapes. This criterion is also inconsistent with the balanced approach to design and visual impact in NPPF paragraphs 64 and 65, for the purposes of NPPF paragraph 182.

- e) Development is required to 'not prejudice' future development potential of adjacent/neighbouring buildings. Again, there is no supporting justification to determine compliance with this criterion given that the interpretation of 'prejudice' is varied and open.
- j) Development is required to demonstrate that there will be no adverse impact on the microclimate and the amenity of the proposal site and surrounding area. The wording of the criterion would infer that any adverse impact on the site and surrounding area would form the basis for a refusal. The wording of the policy should be reviewed accordingly.

5. On the basis of the above, the Policy is not sound as it is not positively prepared, not justified and would not be effective in achieving local and strategic plan outcomes, nor is it consistent with the NPPF.
6. We support the inclusion of Part 3 which provides criteria for development of tall buildings outside of designated tall building zones. This is a more positive approach in comparison to the Regulation 18 Consultation (November 2016) which restricted tall buildings to the identified Tall Building Zones only.

Policy D.DH7: Density

7. Policy D.DH7 seeks to manage higher density development. The supporting text at paragraphs 3.78 and 3.79 reflects the position within the London Plan and Housing SPG (2016) that where the upper range of the density matrix is exceeded, justification should be provided in terms of high accessibility levels and exemplary design. The policy itself does not reflect this and instead requires that development does not result in over-development and does not offer flexibility for providing justification for exceeding the top of the density range. The policy should be reviewed and amended accordingly.

Part 4 – Delivering Sustainable Places

8. Part 4 of the emerging Local Plan sets out the principles for development within the City Fringe. Reference is made to relevant policy documents which should be considered alongside the guidance within this section of the Plan including the Whitechapel Vision Masterplan SPD. The SPD identifies a number of 'Key Place Transformation' sites which will form part of the Whitechapel Masterplan.
9. Part 4 also identifies specific site allocations within the City Fringe opportunity area. The Site is not however an identified allocation despite being earmarked for development within the SPD. Given that the Site is identified as a 'Key Place Transformation' within the Whitechapel Vision Masterplan SPD, we recommend that it is included as a site allocation for the City Fringe opportunity area and enshrined in Local Plan policy. This will provide further certainty for the site and local community that LBTH support the development of the site.

Tall Buildings Study

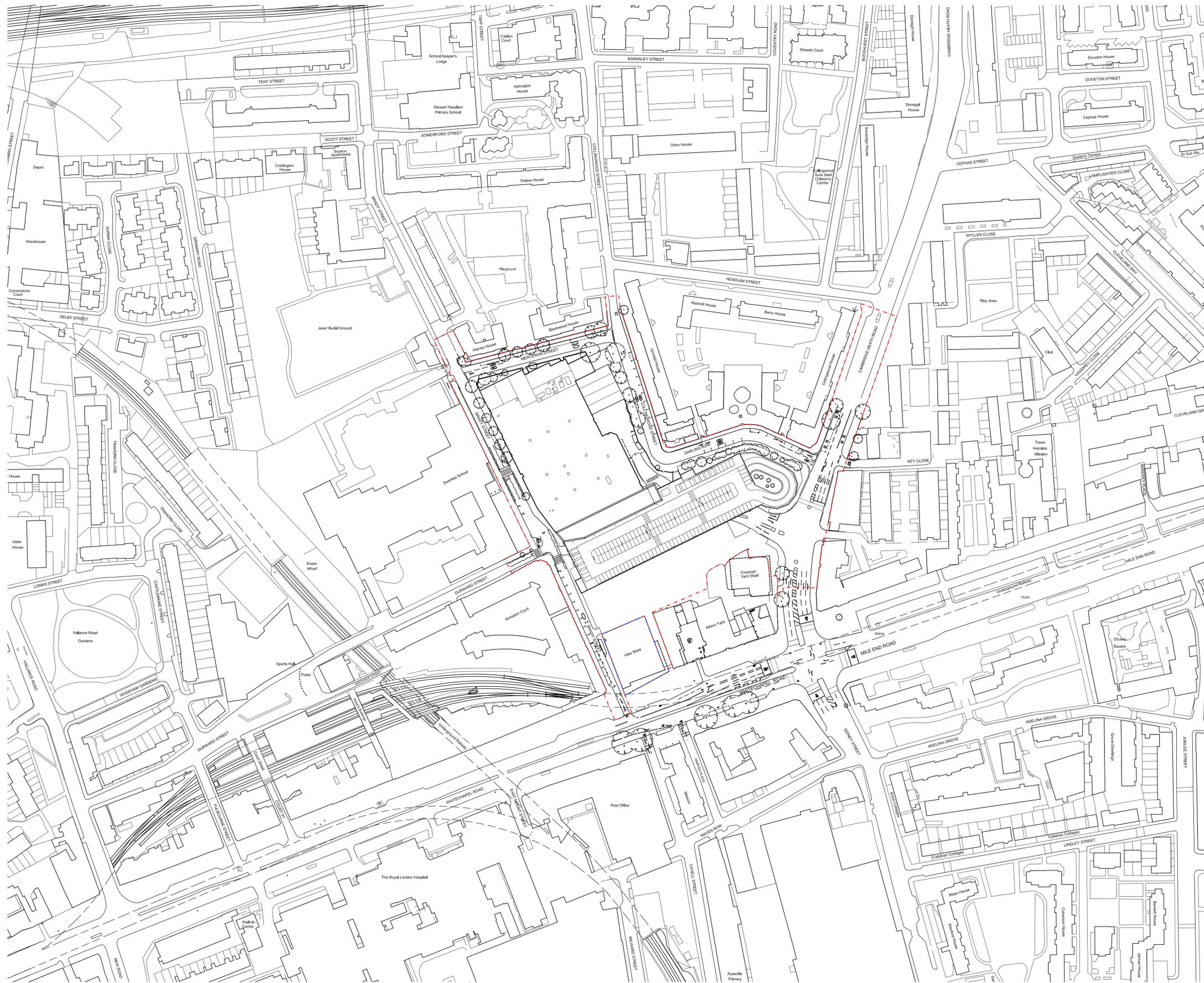
10. A number of policies (above) have been informed by the Tall Buildings Study (July 2017). Public consultation has not been undertaken on this document which is heavily relied on to inform the emerging Plan. As such, it is untested and there is no justification for the character areas assessed as capable of accommodating a tall building and the subsequent conclusions.
11. It is considered that the tone of the document is negative in that it seeks to resist tall buildings in the first instance. Given the emerging clusters of tall buildings within the borough, the existing policy framework is considered *'inadequate as a means to resist applications that are too large or in inappropriate locations'*. It is from this starting point that the emerging Local Plan policies have been prepared and consequently, we believe these policies (D.DH4 – Shaping and Managing Views; D.DH6 – Tall Buildings) cannot be described as positively prepared, nor is it justified as required by NPPF paragraph 182.
12. Section 6 seeks to identify parts of LBTH which are appropriate for tall buildings. The Study analyses locations which could accommodate tall buildings which is limited to the London Plan Opportunity Areas. Those locations which are considered appropriate are largely located in the Isle of Dogs and South Poplar where tall buildings are already in existence (i.e. Canary Wharf and Blackwall). In the City Fringe however, the sites assessed are either considered inappropriate for tall buildings or where appropriate, it is heavily caveated that any tall building should respond to heritage sensitivities and avoid impact on LMVF strategic views. The only exception to this is Aldgate which is already a focus for tall buildings. The message within the Study is therefore that tall buildings are unlikely to be acceptable outside of areas in which tall buildings are already located. As such, the Study is inconsistent with the London Plan, which seeks to focus future growth in opportunity areas, for the purposes of the NPPF paragraph 182 requirement for effectiveness and Section 20(5) (a) Planning & Compulsory Purchase Act 2004 (conformity with the London Plan).
13. The characterisation study of Whitechapel identifies the prevailing character of 4-6 storeys. The arrival of Crossrail is considered to make Whitechapel a target for tall buildings. Tall buildings in Whitechapel Centre should however be located where they can aid legibility and deliver other enhancements to pedestrian connectivity in the centre. *"Equally a tall building at the Sainsbury site could be considered but only if it brings with it improvement to the public realm and pedestrian experience in that part of the centre enhancing access to the station, school and the sports centre and is in itself of a high design quality"*. The concluding comments are seemingly contradictory in that Whitechapel is not an appropriate location for tall buildings but instead a sensitive location that could accommodate tall buildings if appropriately sited to respond to heritage sensitivities.
14. It is considered therefore that the Tall Buildings Study does not provide an appropriate and robust evidence base to inform the relevant emerging Local Plan policies.

Conclusion

15. In summary, to ensure soundness it is requested that the Submission Regulation 19 version

of the Local Plan is amended:

1. To revise the wording of Policy D.DH6 criteria and additional supporting text to allow applicants to determine compliance with the policy.
 2. To include the site as a specific allocation within the City Fringe opportunity area reflecting the aspirations set out in the adopted Whitechapel Vision SPD.
 3. To reconsider the Tall Buildings Study as a robust evidence base to inform the relevant emerging Local Plan policies.
16. We wish to be kept informed of the progress of the Local Plan. If you require any further information in the meantime, please do not hesitate to contact Katie Harley at this office. Otherwise please direct all correspondence regarding this Site to the aforementioned.



Key
 - - - Application Boundary
 - - - Land Within Applicant Ownership Outside Application Boundary

-	07.2017	Issued to the London Borough of Tower Hamlets.	MH
REV	DATE	NOTES	INT

PLANNING

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job title
Whitechapel Square, Tower Hamlets

drawing title / location
Existing Site Location Plan

drawn by	checked	scale	status
MH	JW	1:1250@A1 / 1:2500@A3	PLANNING
project	drawing no		revision
17014	01 AP 0100 100		-

client

WHITECHAPEL SQUARE
Sainsbury's



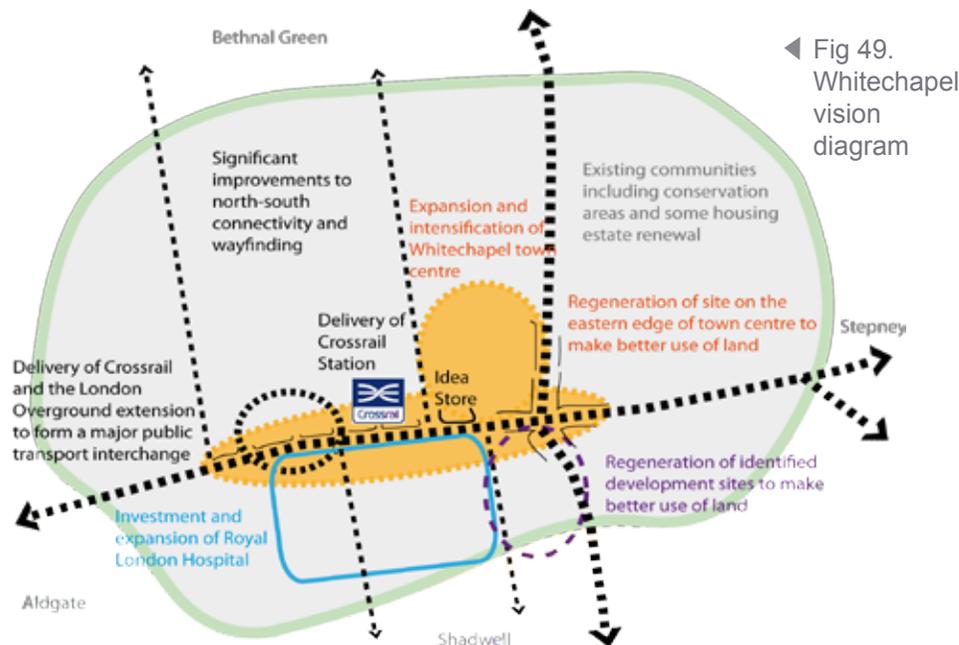
APPENDIX 3
LBTH CORE STRATEGY EXTRACT

Vision

A historic place set around Whitechapel Road with Crossrail and the Royal London Hospital providing a regional role

Whitechapel will be a thriving regional hub set along the historic and vibrant Whitechapel Road. It will be home to a bustling, diverse economy offering a variety of job opportunities for local people, and capitalising on the benefits brought about by the 2012 Olympic Games, the Royal London Hospital expansion, Crossrail and the London Overground.

Whitechapel Road will maintain its important local function, providing services to the community through the offer of the market, shops, restaurants, café and the Idea Store. Public realm improvements, a cycle hire scheme and better north-south pedestrian and cycling linkages will improve the local environment, making Whitechapel an easier and safer place for people to move around and enjoy.



Opportunities and growth

The Crossrail station will be completed in 2017 alongside the expansion of the Royal London Hospital. The Whitechapel Masterplan is delivering and co-ordinating these opportunities and ensuring benefits are enjoyed by the local people in the short- and long-term.

How we are going to get there

Priorities

1. To progress with the Crossrail engineering works with minimal disruption to local businesses and residents.
2. To support the international role of the Royal London Hospital and Queen Mary University London's research and educational role.
3. To reinforce its regional role by providing more housing, and redeveloping identified areas.
4. To improve the town centre and links to it.
5. To deliver improvements to the market to better serve local communities.
6. To improve the streetscape of Whitechapel Road and wider area via the High Street 2012 programme alongside wider environmental improvements.
7. To improve the accessibility, crossings and streetscape quality of Cambridge Heath Road, Vallance Road, New Road, Cavell Street and Turner Street, connecting to the proposed cycle hire hub around Whitechapel Station.

Principles

1. Large development sites should provide improved connections.
2. Medium-rise development will be focused in and around the Whitechapel transport interchange.
3. The scale and design of buildings should frame and provide active frontages onto Whitechapel Road.
4. Derelict buildings should be bought back into use and optimised by the use of all floors, particularly the upper-floors.

APPENDIX 4
WHITECHAPEL VISION MASTERPLAN EXTRACT

KEY PLACE TRANSFORMATION 6: CAMBRIDGE HEATH GATEWAY

Challenges and Opportunities

The Baseline findings, Urban Design analysis, and Consultation messages reveal challenges and exciting opportunities including:

- Lack of public spaces
- Examples of poor public realm and inactive frontages
- Opportunities to expand and diversify market
- Need for new homes especially affordable and family homes
- Need for addition community facilities relating to education, skills and training linked to the IDEA store.

Masterplan Initiatives

The safeguarded second entrance to the Crossrail station will need to be opened once the Durward Street entrance reaches capacity, which is expected around 2021, to relieve pressure of overcrowding. The station entrance will also create a new gateway to the area.

20: Sainsburys Redevelopment

- Potential to redevelop the existing Sainsbury's site with a new larger store and a high density residential development above providing new homes especially affordable and family homes
- Opportunities to provide new leisure facilities, education, skills and training space to benefit local residents and businesses on the site

21: New public space and active frontages

- Redevelopment of Sainsbury's site should provide a new public space where Durward Street meets the site (21a) with a direct connection through to the new station and Cambridge Heath Road (21b).
- Active frontages should be provided along these spaces and to Cambridge Heath Road street frontage creating animated streets

Key Urban Design and Planning principles for Cambridge Heath Gateway

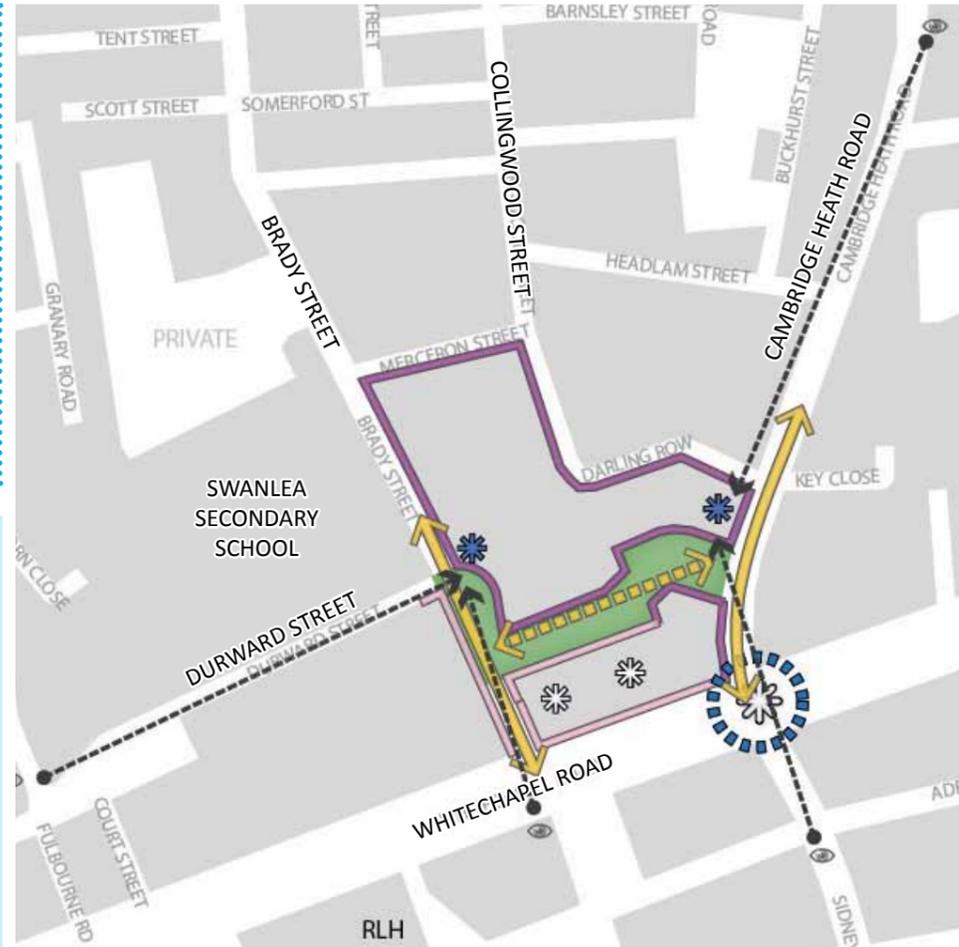


Figure 31

- Existing Key Routes
- Proposed Key Routes
- Potential Active Frontage Upgrade
- Proposed Active Frontage
- ⊗ Existing Landmarks
- ⊗ Proposed Landmarks
- Proposed Open Space
- Important View Lines
- ⊗ Gateway

Illustrative Masterplan Interventions for Cambridge Heath Gateway

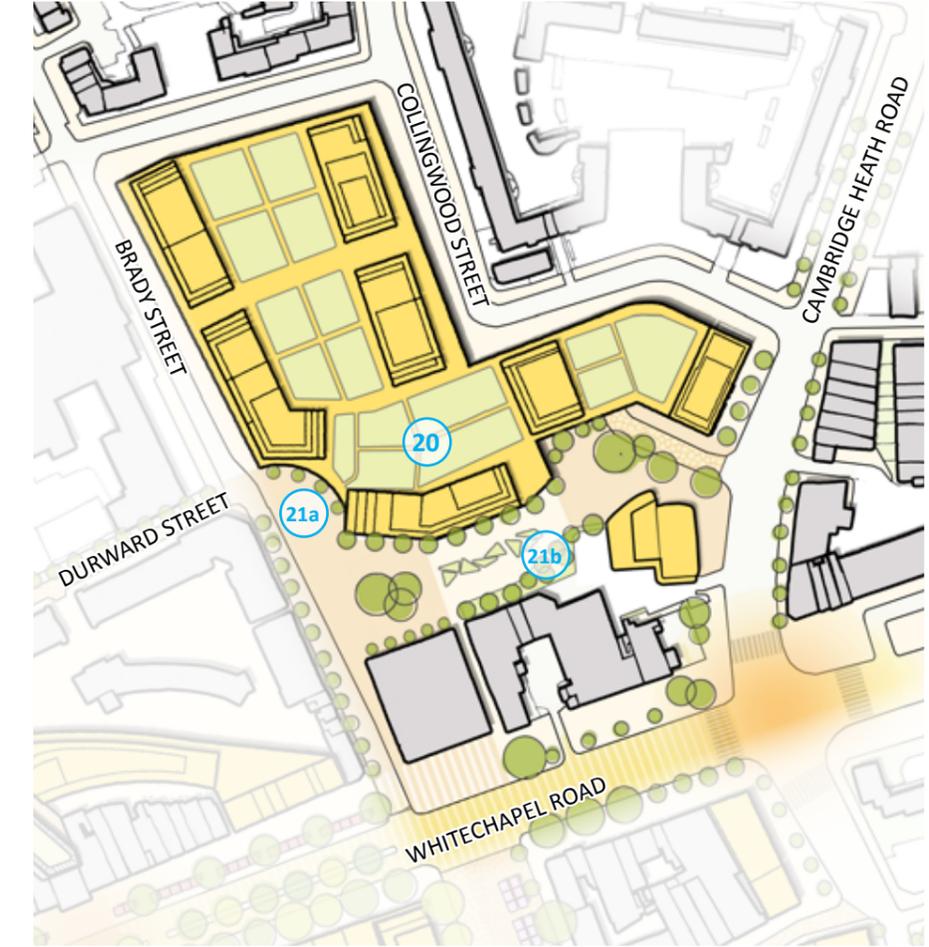


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KEY PLACE TRANSFORMATION 6: CAMBRIDGE HEATH GATEWAY

What the Cambridge Heath Gateway might look like?



Figure 33 View looking east from Brady Street towards Cambridge Heath Road across new public space behind existing IDEA store



Current view looking east from Brady Street towards back of IDEA store

KEY INTERVENTIONS

- New public space
- Second Crossrail entrance
- Redeveloped Sainsbury's
- Potential for new leisure centre
- New homes
- Community facilities



Location plan showing viewpoint

KEY PLACE TRANSFORMATION 6: CAMBRIDGE HEATH GATEWAY

DELIVERY SCHEDULE

The delivery schedule below sets out how this key place transformation of Cambridge Heath Gateway will be delivered over the lifetime of the SPD, setting out the individual projects, their priority, timescales, potential delivery agents/partners and funding streams.

Plan Ref	Project Description	Project rationale	Delivery Partners	Funding streams	Priority	Timescale
20	<p>Sainsbury's site (Cambridge Heath Road)</p> <p>Reconfiguration of the existing food store to provide a residential mixed use scheme:</p> <ul style="list-style-type: none"> New enlarged retail food superstore New Residential development above New public open space at south of site and around Cambridge Heath Crossrail entrance New and improved pedestrian routes from Durward Street to Cambridge Heath Road Potential new community facilities including community, education and leisure uses 	<ul style="list-style-type: none"> Opportunity for comprehensive redevelopment of the site and surrounds once Crossrail construction works are completed in 2018 Mixed use scheme offers higher density development with new homes, especially affordable new homes New mix of uses including potential community, education and leisure uses with active frontages at lower levels Enhance permeability through area and public realm, with provision of new public space 	<p>Landowners</p> <p>Developers</p> <p>TfL</p> <p>LBTH</p> <p>Registered Providers</p>	<p>Private sector funding, including public realm improvements.</p> <p>S106/CIL</p>	High	Short Term (2013-2018)
21a 21b	<p>Public realm improvements - New Crossrail Gateway</p> <ul style="list-style-type: none"> New Brady Street Square Cambridge Heath Road Square 	<ul style="list-style-type: none"> Will act as an important gateway to Whitechapel from the east, and create a sense of arrival into the area 	<p>Developers</p> <p>Landowners</p> <p>TfL</p>	<p>Private sector funding</p> <p>S106/CIL</p> <p>TfL funding</p>	Medium	Medium term (2019-2023)

APPENDIX 5
CITY FRINGE OPPORTUNITY AREA PLANNING FRAMEWORK EXTRACT

WHITECHAPEL

5.88 The new Crossrail station will increase the strategic significance of Whitechapel station and improve accessibility of the local area. The benefits of the new Crossrail station should be maximised. High density development is supported where appropriate, including overstation development, as a means of promoting sustainable development and reducing the need for onward travel. Interchange between different modes of transport should also be improved.

5.89 The aspiration is that Whitechapel realise its full potential as an employment location as well as a centre for retail, culture, leisure and the night-time economy. Whitechapel's urban grain, built form and mix of uses mean that it already shares many of the characteristics of the other successful employment areas of the City Fringe, such as Shoreditch and Spitalfields. It is anticipated that the regeneration of Whitechapel will see it become a more attractive place to live and work, especially for those currently working in the nearby employment areas of the City Fringe. That this is already happening can be evidenced by the recent opening of co-working spaces in Whitechapel by businesses previously operating in Shoreditch/ Old Street.

Life-sciences campus

5.90 London is the only global life-science centre that is a global financial hub and is also the seat of government for a G7 country. Globally, this mix of science, money and regulation is unique, and with Cambridge and Oxford only an hour away, there is potential for London to emerge at the centre of an internationally recognised centre for research and innovation in sectors such as biotech and pharmaceuticals. The Mayor has set up the Med City organisation to promote the Cambridge-London-Oxford triangle as the world's premier region for life-sciences. Modelled on Tech City UK, Med City will drive investment from around the world and provide a coherent voice to governments and the EU. It will identify gaps in the triangle's offer, and seek to fill them by bringing together the key actors.

5.91 London's Life Science offer is characterised by a 'corridor' of clusters roughly aligning with Crossrail, with Imperial West at one end and Whitechapel at the other. These clusters contain a mix of world-class academic centres such as UCL, Oxford, King's, the Queen Mary and Imperial College, large NHS facilities with unparalleled access to data to patients, public and private sector research facilities, institutions such as the Wellcome Trust and the Crick Institute, start-ups

and microbusinesses.

5.92 Although nearby Kings Cross has the potential to make a major contribution to strengthening the London life-sciences corridor, the key Med City opportunity within the City Fringe is at Whitechapel. Whitechapel not only has significant potential to accommodate start-ups and businesses spilling out from Tech City, but it is already home to the Royal London hospital, Queen Mary University, the Blizzard Institute, Queen Mary Bio-innovation Centre and a number of smaller university and hospital uses. Significantly the area has potential development sites close to these existing facilities and in close proximity to the Crossrail station.

KEY SITES

- 1 Whitechapel Liesure Centre
- 2 Sainsbury's Cambridge Heath Road
- 3 Whitechapel/ Vallance Road junction
- 4 Whitechapel over station
- 5 Safe store/ Cavell Street/ Raven Row
- 6 Barclays
- 7 Royal Mail
- 8 Old Royal London Hospital
- 9 Royal London hospital (New Road)
- 10 Former Barts and the London Trust site
- 11 118-120 Vallance Road/ 2-4 Hemming Street

Whitechapel Vision

5.93 The aspiration is for Whitechapel to capitalise on the opportunities provided by the expanding Tech City cluster and the proposed Life-sciences campus. The Whitechapel Vision SPD was adopted by Tower Hamlets Council in December 2013. It is a masterplan sits alongside and is complementary to the City Fringe OAPF and sets out in detail how development here should be informed to ensure that Whitechapel realises its potential to deliver 3,500 new homes and 5,000 new jobs with significant new workspaces and a world-class research cluster. Central to this vision is the delivery of the Life-sciences campus on land to the south of a new civic-hub on Whitechapel Road, opposite the station.

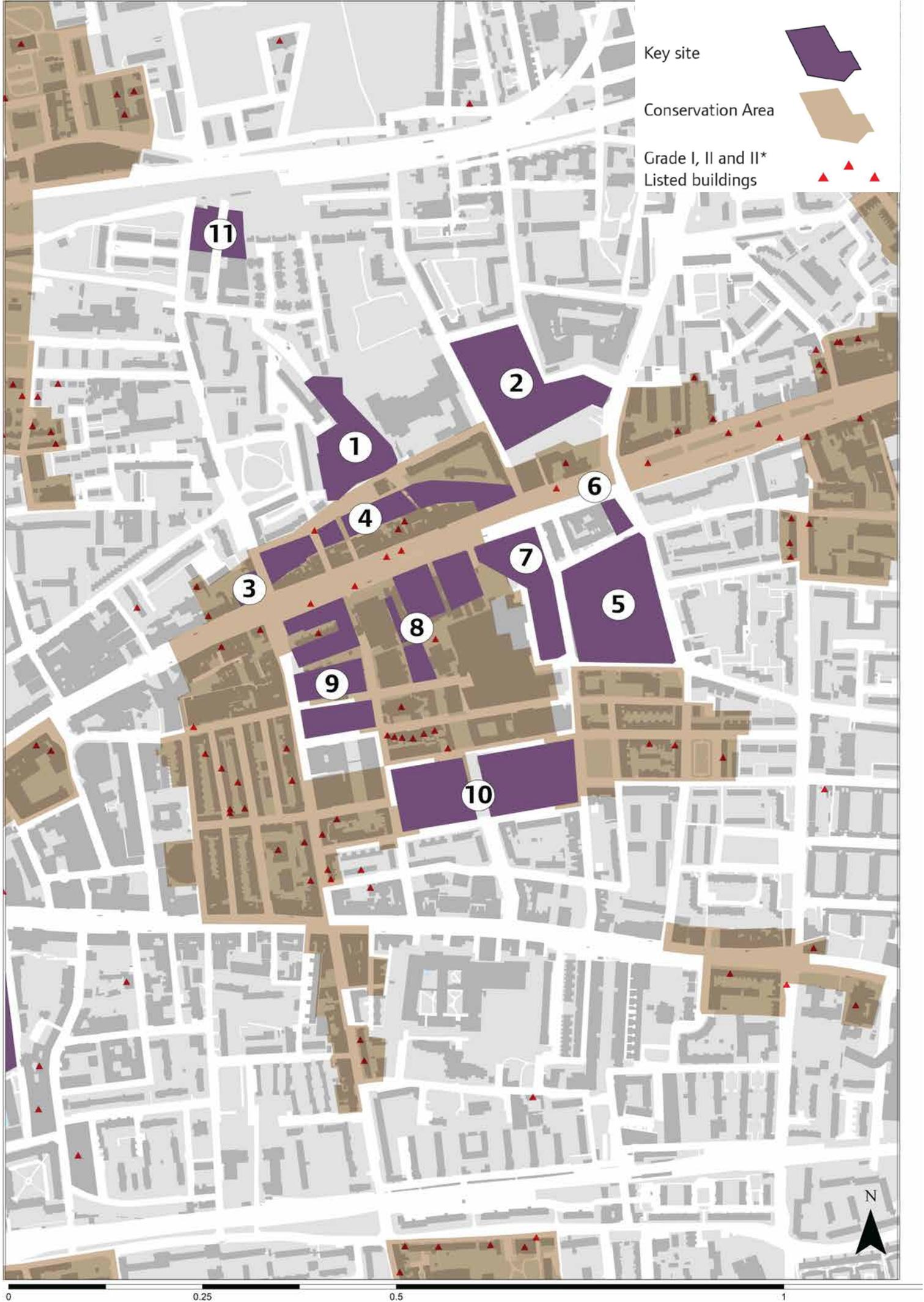


Figure 5.15 Key sites for Whitechapel

Connections to the wider area

5.94 Along with Whitechapel High Street, the key strategic routes in figure 5.16 are currently the main pedestrian and cycling connections between Whitechapel and the core growth areas of the City Fringe. Improvements to junctions, particularly the junction at Valance Road/ Whitechapel High Street are strongly supported. The link along Hanbury street could also become a more important strategic pedestrian connection, linking Whitechapel to Brick Lane, Spitalfields, Shoreditch and Liverpool Street station.

5.95 Improved linkage between Whitechapel and the rest of the City Fringe area should be achieved through improved way-finding, better quality walking and cycle links together with attractive and consistently high quality public realm from Whitechapel to Aldgate. The separation of cyclists from motor traffic should be considered, where appropriate, in line with proposals for the Cycle Superhighway. Consideration should also be given to how cycle infrastructure can be integrated with loading facilities to support the market and other businesses on Whitechapel Road.

5.96 The pattern of post-war development to the north of Whitechapel station makes an illegible and impermeable public movement network, especially from east to west. Improved, legible and coherent east-west links for pedestrians and cyclists should be delivered, where development allows, in the areas to the north of the station towards Bethnal Green.

STRATEGIC DESIGN PRINCIPLES

1 Whitechapel High Street will be the town centre's primary retail hub. It will continue to be characterised by its vibrancy, fine grain historical terraces, small footprint retail units, independent businesses and the street market. Development in this area should contribute to this through the provision of small affordable retail units, a diverse mix of uses, support for small independent traders and sensitive refurbishment of historical buildings. The provision of cafes, restaurants and bars are encouraged to add to the areas character and encourage a developing leisure and night time economy.

2 Durward Street will become an important town centre public space, parallel but linked to Whitechapel High Street. A generous number of pedestrian and visual connections between Whitechapel High Street and Durward Street should be provided to ensure any additional floorspace or mix of uses along Durward

Street will compliment and not compete with the existing vibrancy and vitality of the high street. Development along here should contrast with the scale and character of Whitechapel High Street and reflect the high accessibility and importance of the town centre. Tall buildings may provide significant additional floorspace as well as helping articulate the importance of Whitechapel town centre. Consideration will need to be given to how development along here will interface with the residential areas to the north.

3 These two crossroads mark the edges of the central core of Whitechapel High Street, and there is an aspiration for the eastern gateway to house a potential second entrance/ exit for the Crossrail station. Development in these locations should provide small public open spaces and taller buildings to improve the legibility and prominence of Whitechapel High Street and encourage a focus of activity around its core. Proposals in these areas should also contribute towards improving these junctions for pedestrians and cyclists.

4 These streets provide important connections across Whitechapel High Street connecting it to areas further afield such as Bethnal Green and Wapping. Development along them needs to contribute to this role by improving their quality and legibility. This can be done by providing active frontages, a strong building line, a mix of residential and non-residential uses and buildings which are slightly higher than contextual height. Public realm changes should improve the quality for pedestrians and cyclists.

5 Development here should provide uses that contribute towards the Mayor's Med City vision for a globally significant research cluster. A north-south linear park should form the spine of the campus and provide a generous green open space to the wider community. Development along this space is expected to reflect its importance both in building height and ground floor uses. It is important that this park has a strong presence on Whitechapel High Street and a creative approach to how this can be achieved through the Hospital Building will be required.

6 Improved east-west pedestrian and cycle permeability should be encouraged in this area. A potential strategic route across this area can be created through the blocks between Durward Street and Dunbridge Street/ Cheshire Street connecting the existing east-west routes. Development in this area should contribute to creating these connections.