



DEVELOPMENT COMMITTEE

12th March 2020

Report of the Corporate Director of Place

Classification: Unrestricted

Application for Planning Permission

[click here for case file](#)

Reference	PA/19/00804
Site	De Paul House, 628-634 Commercial Road, London, E14 7HS
Ward	Limehouse
Proposal	Demolition of existing building and erection of a building of seven storeys, inclusive of two set back floors, plus a lower ground floor to provide 109 rooms for short-term hostel and HMO accommodation. (amended description)
Summary Recommendation	Refuse planning permission
Applicant	Wayview Limited
Architect/agent	Rapleys
Case Officer	Aleksandra Milentijevic
Key dates	<ul style="list-style-type: none">- Application registered as valid on 26/04/2019- Public consultation started on 27/04/2019- Significant amendments received on 17/10/2019- 14 days re-consultation started on 30/10/2019- Financial viability assessment received on 20/12/2019

EXECUTIVE SUMMARY

The proposed development seeks to replace the existing 52-bedroom hostel with a 109-bedroom mix of hostel and housing in multiple occupation (HMO). Out of the total number of the proposed rooms, 25 would be associated with the hostel use situated on the lower ground and ground floor levels. Additionally, 84 rooms are proposed to be provided for a long-term residential accommodation in the form of HMO (housing with shared facilities). This will consist of residents having exclusive use of their ensuite bedrooms whilst sharing communal facilities that include living, kitchen, dining and amenity spaces. Some of the bedrooms on the fifth and sixth floors would have private balconies.

The existing hostel has the capacity to accommodate 263 occupants in a number of 2 and 3 bed rooms and multi-bed dormitories. The applicant is proposing a total number of 185 occupants in the currently proposed scheme to be apportioned as follows: 41 in hostel rooms and 144 in the shared living accommodation. Officers have identified a number of issues associated with the proposed land use. These include the lack of justification for the need of the HMO use, its unaffordability and lack of effective management arrangements. The proposal also fails to provide appropriate affordable housing contributions as required by planning policy.

Notwithstanding that the proposed HMO use is not supported in principle, the quality of the proposed HMO accommodation is not considered to be acceptable given the proposal's failure to provide sufficient communal amenity space for the future residents and adequately lit communal indoor amenity spaces.

The existing building is predominantly three storeys along Commercial Road with a staircase enclosure on the north-eastern corner which reaches four storeys. At the rear, the building steps down to two and one storey with a concrete boundary wall. The existing building has limited value in terms of its external appearance and its replacement with an appropriately designed building is acceptable in principle.

The proposed building would be seven storeys in height with the two top floors set back on all sides. The scale, height and massing of the proposed development are considered to be excessive and the top floors would be characterised by a poor fenestration pattern. As such, the proposed building would have a harmful impact on the character and appearance of the St Anne's Church conservation area, in which the application site also lies. Further, the applicant has not submitted an archaeology assessment as required by planning policy.

The proposal would further fail to provide an adequate amount of cycle parking linked to the HMO use. In addition, the proposed cycle storage would comprise of a shared space within a general storage area which lacks a clear and obvious purpose. This is considered unacceptable in principle due to the safety concerns and likely obstructions.

Whilst on-street servicing has been previously agreed and as such is considered acceptable in principle, the proposal has not provided an adequate delivery and servicing strategy that would ensure that adverse impact on the transport network would be mitigated. The applicant has also not provided sufficient information to satisfy the policy requirement that the proposed development would incorporate sufficient waste storage capacity to cater for the future occupiers, there are also concerns about the placement of the disabled car parking space. The refuse would be collected via an on-street platform lift, however, the proposal failed to provide adequate details to ensure that the waste management and collection can be successfully achieved.

The application site is in an area of a particularly low air quality. The applicant has failed to submit an air quality assessment to demonstrate that the proposal would achieve the air quality neutral standard and has also not submitted sufficient information to satisfy the relevant requirements contained in the energy and sustainable policies.

Overall, it is considered that the proposed development does not constitute sustainable development as required by the NPPF. It would fail to comply with the relevant policies in terms of land use, quality of the proposed accommodation, design and heritage, highways, waste, and environmental matters. Accordingly, the proposal would fail to secure the relevant financial and non-financial contributions.

Officers recommend the proposed development be refused planning permission.

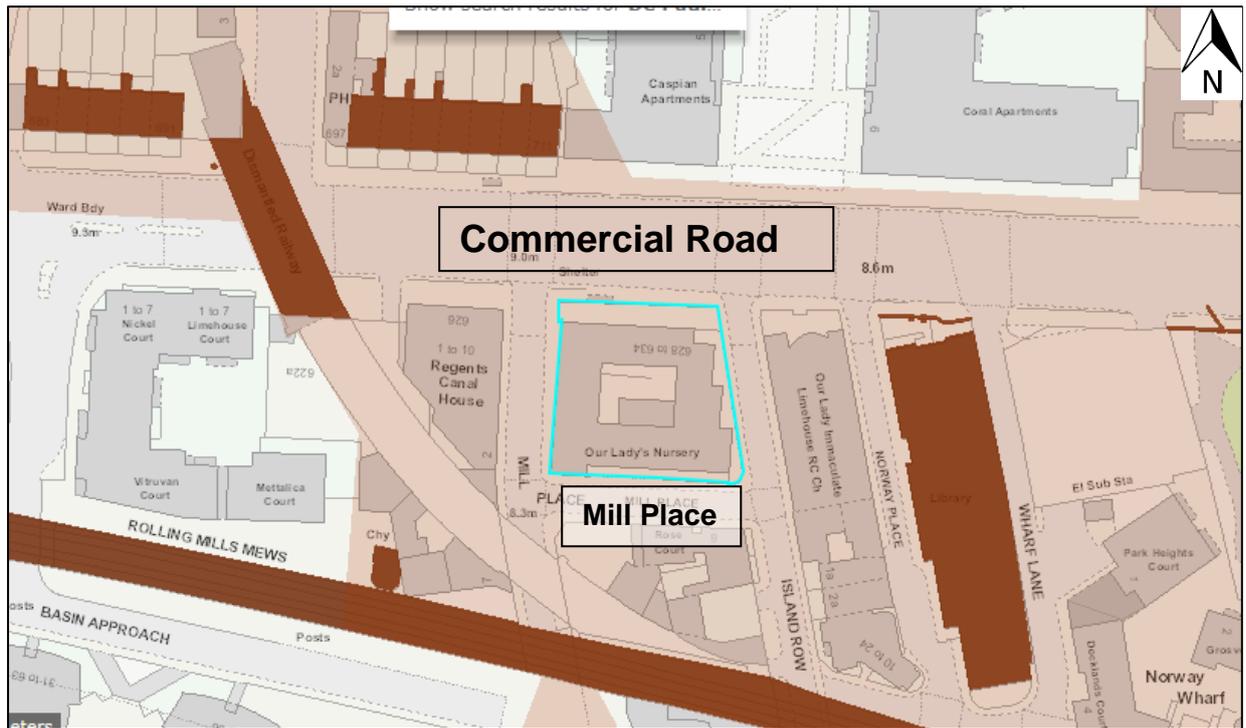


Figure Two: Conservation Area Plan

The application site is outlined in blue and the St Anne's Conservation Area is shaded. The buildings shaded with dark brown are statutorily listed buildings.

1. SITE AND SURROUNDINGS

- 1.1 The application is approximately 0.09 hectares in size and is located on the south side of Commercial Road. Mill Place is to the south and west and Island Row is to the east.
- 1.2 The site comprises of one existing building which is 3 storeys in height to the front but rises to 4 due to a stair overrun on its north-eastern corner. The building steps down to 2 storeys and a single storey with a concrete boundary wall at the rear. The site has an established hostel land use (Sui Generis Use Class) comprising 52 bedrooms. The surrounding area is predominantly residential in character, but includes a mix of other uses including commercial uses, and leisure and educational uses further to the west.
- 1.3 The site is not listed but does lie within the St Anne's Church conservation area and is also within an Archaeological Priority Area (Tier 2). Our Lady Immaculate and St Frederick Roman Catholic Church is situated immediately to the east of the site and is a non-designated heritage asset due to being a local landmark.
- 1.4 The application site is surrounded by a number of other heritage assets. Adjacent to the Church to the east is the grade II listed Limehouse District Library with its gate piers and iron railings. The railway viaduct further to the south is grade II listed, as well as the railway bridge on Commercial Road situated to the north-west of the site. Georgian terraces on the opposite side of Commercial Road are also grade II listed.
- 1.5 The application site is situated in an area of very good public transport facilities and has a PTAL of 5, 1 being (very poor) and being 6b (excellent). Limehouse Station is situated within 400m of the site to the west and offers connections to the City of London via Docklands Light Railway and c2c trains to the Essex Coast. There are a number of bus routes along Commercial Road offering connections to Central and East London.
- 1.6 In terms of other planning designations, the application site sits in an area of particularly low air quality while the whole of the borough falls within an Air Quality Management Area. The site is also part of the Green Grid buffer zone.
- 1.7 The site is also within the Central Sub-Area and the Limehouse Neighbourhood Planning Area.

2. PROPOSAL

- 7.1 The proposal seeks to demolish the existing building on site and to provide a seven storey building with a basement to accommodate a mix of hostel use and large houses in multiple occupation (HMO) accommodation. A total of 109 rooms are proposed which would generate 185 occupants.
- 7.2 The proposal originally proposed 31 hostel bedrooms on the lower ground and ground floor levels and 78 HMO rooms on the upper floors. The revised accommodation schedule dated 17th October 2019 includes the provision of 25 hostel rooms on the lower ground and ground floor levels and 84 HMO rooms on the upper floors. In total, the revised proposal results in a maximum capacity total of 41 hostel occupants and 144 occupants associated with the HMO use.
- 2.1 The proposed seven storey building would occupy the majority of the application site. A large lightwell is proposed to the front of the site which continues through the glass landing along the building's entrance. Another lightwell of a smaller scale is proposed at the rear of the site. To the east of the site a triangular pavement area under the applicant's ownership would

provide space for refuse storage, cycle lifts and a single wheelchair accessible car parking space.

- 2.2 The proposed building is of a geometrically regular shape. The two top floors are set back on all sides; the highest floor includes corner setbacks. The proposed fenestration includes floor to ceiling windows arranged in a regular fenestration pattern across the majority of the building however the two setback floors do not follow the same pattern.
- 2.3 The proposed building would be finished in London multi-stock brick on floors ground to fourth and rain-screen cladding on the two top floors. A glass balustrade is proposed along the parapet level of the sixth and seventh floor balconies. All windows would be made of aluminium frames.
- 2.4 The proposed building would be accessed on Commercial Road via steps which continue onto the glass landing entrance into the building. The ground floor comprises of the reception area, kitchen and dining areas, six single bed hostel rooms and seven double bed hostel rooms. The basement includes three single bed hostel rooms, nine double bed hostel rooms and the servicing area which includes the following: luggage room, cycle and general storage, waste storage for hostel and HMO use arranged in separate areas, gym and a cinema room.
- 2.5 Proposed floors 1-4 comprise of four single bed HMO rooms, fifteen double bed HMO rooms and one communal room. Floors 2-4 include a protruding balcony fronting onto Commercial Road which is contained within the site's red line boundary. Five single bed HMO rooms and three double bed HMO rooms are proposed on the fifth floor which is set back from the floors below. The setback space provides private terraces for the fifth floor rooms in addition to one communal area on the floor. Three single bed HMO rooms, three double bed HMO rooms and one communal amenity space are provided on the sixth floor. Four corner terraces serve as private amenity space for three double bed rooms and one single.



Figure Three: CGI of the proposed development

The image above shows the proposed development fronting onto Commercial Road and its surrounding area. The building to the right of the application site is Regent's Canal House and the building to the left with a tower is Our Lady Immaculate and St Frederick Roman Catholic Church. Further to the left is the Grade II listed Limehouse District Library.

3. RELEVANT PLANNING HISTORY

3.1 The application site was subject to previous planning applications which sought to extend the existing hostel building and redevelop the site. Relevant planning history in the surrounding area has also been included.

Application site

3.2 Temporary planning permission under reference PA/00/01481 was granted on 21st January 2002 for the retention of use as a hostel for the occupation of homeless persons (retrospective application).

3.3 Planning permission under references PA/04/00062 and PA/04/00426 were submitted for the demolition of former hostel and redevelopment to provide an eight storey building comprising 58 residential units and 195sqm of commercial space on the ground floor. The two applications were withdrawn.

3.4 Planning application under reference PA/05/01822 was granted on 14th August 2006 for the removal of condition 1 of planning permission ref PA/00/01481. The removal of condition 1 allowed the continued use of the property as a hostel.

3.5 Planning permission under reference PA/11/02318 was granted on 25th June 2012 for the refurbishment and extension to the existing hostel building to increase the height to between three and five storeys with set-back upper floors to provide an additional 33 rooms (resulting in an increase from 41 to 74 rooms) with associated improvements to communal areas, elevations and landscaping, together with provision of enhanced refuse / recycling storage, cycle storage and motorcycle parking.

3.6 Planning permission under reference PA/15/01882 was refused on 13th July 2017 (delegated decision) for the demolition of existing building and erection of a building up to six storeys plus basement for use as short term accommodation (100 rooms). The planning application was refused for the following reasons:

- Failure to demonstrate the need for additional hostel accommodation
- Visual intrusion and harm caused to the St Anne's Church conservation area as a result of the proposed height, bulk and detailed design
- Adverse impact on residential amenities in terms of loss of outlook and unneighbourly sense of enclosure
- Failure to demonstrate adequate servicing and delivery arrangements and the provision of an off-street blue badge spaces
- Absence and failure of demonstrating an air quality neutral assessment

Surrounding area

767-785 Commercial Road, London, E14 7HG

3.7 Planning permission under reference PA/16/03657 was granted on 29th March 2019 for the demolition of 785 Commercial Road (behind retained façade) and 767 Commercial Road and

mixed-use redevelopment of site to accommodate 2,459sqm of Class B1(a) office space within restored Sailmaker's Warehouse, 134-room sui generis communal living accommodation and associated facilities on east and west sites, and 272dqm of Class B1(a) office space and 9 no. self-contained Class C3 residential flats on the corner site of 767 Commercial Road.

4. PUBLICITY AND ENGAGEMENT

4.1 The applicant engaged in pre-application discussions with the Council in 2018. The applicant did not submit a Statement of Community Involvement or Consultation with this application, as such there is no evidence submitted to demonstrate the applicant's engagement on the proposal with the local community.

4.2 The Council notified the local community about the proposed development by:

- sending neighbour letters on 27th April 2019;
- advertising the application in the local press on 2nd May 2019; and
- putting up a site notice in front of the site on Commercial Road on 22nd May 2019.

4.3 Following the receipt of additional information in October 2019, the Council re-consulted on the application on 30th October 2019.

4.4 A total of 76 representations were received.

4.5 In total, 36 individual representations were received in objection to the proposed development. An objection from a Member was also received along with two petitions (one with 41 signatures and one with 27 signatures (all from local residents)) Objections were received from residents living in Regent's Canal House (Commercial Road), properties along the northern side of Commercial Road including Caspian Apartments, apartment blocks, properties along Island Row, Grosvenor Court adjacent to the Limehouse Cut Canal (Wharf Lane) and from the adjacent church.

4.6 The objectors raised the following concerns:

- Poor management, breach of planning conditions and noting negative online reviews of the current hostel
- Anti-social behaviour (ASB) and crime issues in the current hostel
- Concerns over the proposed land use and whether it comprises a traditional hostel use
- Concerns over the proposed use being a hotel and continued provision for the most vulnerable people
- No justification for the proposed short-term accommodation
- Lack of affordable housing provision
- No clear management for the proposed development
- Impact on social cohesion from the increased transient population
- Overdevelopment of the site
- Lack of any public benefits

- Failure of the proposed development to address reasons for refusal of the previous planning application (PA/15/01882)
- Location of the wheelchair units and difficulty during potential evacuation
- Harm to the character and appearance of the St Anne's Church conservation area, Lowell Street conservation area, and Our Lady Immaculate Church
- Insensitive design to the local character of the area
- Impact on the amenity of the surrounding residential properties, in particular loss of daylight and sunlight, loss of privacy, outlook and view; dust, pollution and traffic impacts during the construction stage
- The cumulative effect of other construction works in the area
- The risk of increased ASB and noise in the area
- Provision of substandard short-term accommodation on the lower ground floor
- Insufficient outdoor space for the proposed development
- Impact on the capacity and safety of the surrounding transport network including the DLR, on-street car parking, pick-ups/drop offs, servicing and deliveries
- Insufficient waste facilities and management
- Environmental impact including the creation of a wind tunnel, increase in noise and air pollution
- Impact on the infrastructure
- Consultation issues including no consultation carried out to Island Row residents, 14 days timescales, late receipt of the consultation letter, communication language (only English) and lack of bilingual site notice
- No consultation carried out by the applicant
- Incorrect information presented by the applicant
- Issues over previous Committee decisions not respecting residents' opinion

Officer comment: The application underwent the necessary consultation processes as required by the adopted Statement of Community Involvement.

4.7 37 letters of support were received from residents living in apartment blocks (Aithan, Cheadle, Elland and Britley Houses) on Copenhagen Place, properties and apartment blocks (Ashpark, Midhurst and Newdigate Houses) along Norbiton and Carbis Roads. These were collated and sent to the Council in one pack by the applicant. The supporters stated that the application is in need of regeneration and the old hostel should be replaced with modern accommodation. Particular comments were made to the following:

- Provision of accommodation for tourists on a moderate budget
- Provision of short-term co-living spaces for people on shorter contracts and medium-term tourists not being able to rent a flat in the area
- Transport accessibility

- Increase in height resulting in the decrease in occupants
- Positive impact of the ground floor café on the street scene.

5. CONSULTATION RESPONSES

External consultees

Crime Prevention Design Officer (Metropolitan Police)

- 5.1 There are a number of areas of concern that need mitigation on the site. These include the following:
- Lower ground courtyard – this area is vulnerable to attack and appropriate levels of glazing and construction of the light well to offer no hand or foot holds should be achieved
 - Luggage rooms – robust construction needed
 - Lower ground bin store – CCTV coverage required
 - Lower ground cycle store – access controlled required and appropriate doorset
 - Ground floor light well boundary treatment – 1.5m high and made of glass or laminate to frustrate climbing
 - Reception area – lobby should be a secure space with robust doorsets subject to access control; protection of staff members by appropriately designing work station with a fall back room; CCTV coverage of the reception; appropriate outer and second doorset required
 - All external doorsets to be CCTV covered and each lift lobby doorset to use a certified doorset
 - Suitable privacy panel for balconies and roof terraces
- 5.2 A pre-occupational condition was suggested to require the developer to engage with both the police and the local authority to achieve 'Secured by Design' accreditation/status.
- 5.3 A number of general recommendations were made in relation to external lighting, windows, communal mail provision, residential apartment entrance doors, fire release buttons / break glass / green mushroom push to exit control, bin stores and CCTV.
- 5.4 A number of general recommendations in relation to the design of public realm were provided. This includes external furniture, clear legible signage, exterior visitor cycle stands, planers design and limiting blank façades.

Crossrail Safeguarding

- 5.5 Application is within the Crossrail limits. The detailed design of the proposed development needs to take account of the construction of Crossrail.
- 5.6 Conditions were recommended for additional information to be submitted regarding foundation design, noise, vibration and settlement, concurrent working and transmitted groundbourne noise and vibration.

Docklands Light Railway

5.7 No comments received.

Environment Agency

5.8 No comments received.

Greater London Archaeology Advisory Service (GLAAS)

5.9 The application site is situated in a Tier 2 Archaeological Priority Area. There is evidence that Ratcliffe/ Limehouse was the site of a Roman settlement, being sited on the contemporary Roman route now called The Highway and based on spot finds made in the general area. The site is also marked as a Congregationalist chapel on the First Edition OS map, which raises the prospect of human remains being present.

5.10 A desk-based archaeological assessment of the site is required in order to inform a planning decision. The proposed lower ground floor suggests a bulk groundworks impact on any buried remains and the impact from any existing basement is not clear.

Historic England

5.11 No comments to make.

London Fire and Emergency Planning Authority

5.12 No comments received.

Thames Water Authority

5.13 No objections in terms of waste overall. No objections to following the sequential approach to the disposal of surface water. Suggested the installation of a positive pumped device (or equivalent reflecting technological advances) to avoid risk of backflow at a later date. An informative for groundwater risk management permit should be applied.

5.14 No objections in terms of water. An informative for minimum pressure in the design of the development should be applied.

Transport for London

5.15 There should be no impact on the footway and carriageway on Commercial Road during any works on the site. No general car parking, one blue badge parking space and proposed cycle parking is in accordance with the draft London Plan. TfL requests the blue badge space to be delivered with the inclusion of an electric vehicle charging point. TfL agrees the C1 (hotel) standard is the appropriate standard to be applied to this proposal. TfL requests cycle parking to be in accordance with the London Cycling Design Standards.

5.16 TfL requests a Delivery and Servicing Plan and a detailed Construction Logistics Plan to be secured by condition.

Internal consultees

LBTH Biodiversity Officer

5.17 The application consists largely of existing building and hard surfaces. A preliminary bat roost assessment should be provided before the application is determined given the proximity to the basin. If no bat roosts are present, there will be no significant impacts on biodiversity.

5.18 The proposals include a limited amount of planting at ground level and on the building; however, no details are provided. The inclusion of a green roof should be explored. Other

appropriate biodiversity enhancements include bat boxes and nest boxes for sparrows, swifts and house martins; these should be secured via condition.

LBTH Design and Conservation

- 5.19 As stated in the reasons for refusal for application PA/15/01882, a building of six storeys and above is not appropriate. This stance still remains, seven storeys is not appropriate in this location. The building is visually intrusive, detrimental to the character and appearance of the St Anne's Church conservation area and the nearby listed buildings.
- 5.20 The existing building is modest in scale and this allows the massing of the Church to be fully appreciated in views into the conservation area. There is a preference to retain a building of this scale. Any proposal should be subordinate in height and mass to the Our Lady Immaculate Roman Catholic Church and the adjacent listed library.
- 5.21 The height of the building, particularly the upper set back floors, and the building mass fail to allow the tower to be read as the most prominent tall and standalone feature in the townscape. This impacts the character and distinctiveness of this area of the conservation area. The sensitivity concerns the impact of the building on the grouping of the significant public building and their prominence in the conservation area.
- 5.22 The original building line was level with the Church and pulling the building forward is not acceptable due to the impact on the Church. In addition, the stepping forward creates a pinch point in the public realm to the north east of the site. Pulling the building line to the existing partially addresses this concern.
- 5.23 The building has been dropped so that the ground floor is lower than the street level. More public areas such as communal facilities should be orientated to face Commercial Road.
- 5.24 Overall, the proposal represents overdevelopment. In addition, the building has a generic boxy appearance and lacks any design detailing.

LBTH Energy Efficiency Unit & Sustainability Officer

- 5.25 The proposals are anticipated to achieve a 44% reduction in emissions against the baseline. However, the submitted energy strategy is based on Part L 2013 calculations. This is not supported as the scheme should be assessed following the GLA Energy Assessment guidance and recommendations for the use of SAP10 carbon factors.
- 5.26 The applicant is proposing a CHP to supply the development; however, given the scale of the development and CO2 emissions (in light of grid decarbonisation) and air quality issues, this is not considered suitable. The applicant should undertake a review of the energy proposals utilising the revised carbon factors of SAP10. Alternative low carbon heating methods (e.g. heat pumps) should be investigated and the currently proposal strategy should be revised.

LBTH Environmental Health Team

- 5.27 An air quality assessment demonstrating the development to be at least air neutral should be secured via a pre-commencement condition. The applicant should also submit details of how dust and emissions during the construction phase is to be controlled.
- 5.28 A pre-commencement condition should be secured to identify the extent of the contamination and the measures to be taken to avoid risk to the public, buildings and environment when the site is developer.
- 5.29 Premises must comply with relevant statutory requirements including the Housing Act 2004, or comply with relevant Building Regulations. Any odour nuisance from the premises may be subject to action under relevant legislation including the Environmental Protection Act 1990.

LBTH Housing Strategy Group

- 5.30 The applicant needs to confirm and clearly demonstrate whether the HMO units would be affordable for people on low incomes. Should they not be able to demonstrate that they will be affordable, they would be required to meet the Council's standard affordable housing requirements. At least 10% of all units, across tenures, should be wheelchair accessible, with fully adaptable as required in the rented tenure. Further information is required.

LBTH Occupational Therapist

- 5.31 No comments on this type of accommodation.

LBTH Parking Services

- 5.32 The removal of one of the three bays to introduce a loading bay of 8m (to operate 24 hrs for deliveries and waste collection) on Island Row can be accepted as the developer would provide an off-street disabled parking space. The other two resident parking spaces on Island Row including the existing disabled space should be retained in their original positions.
- 5.33 The removal of the parking bay on Mill Place (southern section) may cause issues to the egress for vehicles from the yard on the south side. The extension of the parking bay on Mill Place (western section) may cause further constriction for swept paths and possible turning issues to the off-street car park entrance nearest Commercial Road. It is recommended to keep this section as it is at present.
- 5.34 It is not clear how refuse would be collected with a parking bay between the refuse lift. The proposed development would require all the current yellow lines surrounding the site to be converted to double yellow lines.

LBTH Transportation & Highways

- 5.35 In the past, on street servicing has been agreed and on some occasions objected to. Servicing can only take place in areas where legally permitted and the area proposed is subject to waiting and loading restrictions currently which prevents loading at certain times. The applicant has not covered this in their strategy. The applicant has no jurisdiction over the use of public highway which in terms of service use can be used by anybody legally loading / unloading where allowed and so space may not be available for vehicles servicing this development. There are also concerns over the 9m refuse vehicles accessing the site and causing a potential safety issue by overhanging the footway.
- 5.36 The proposed development should be secured as 'Permit free'. There are concerns over the location of the proposed disabled bay. Large cars would be unable to turn out of the bay. Further details are required regarding the additional sight line and stage 1 road safety audit.
- 5.37 Cycle parking is proposed in the basement and this exceeds the numbers required for a hotel use as accepted by TfL. Access to cycle store is unclear; it is stated that it will be by lift but this is shown inconsistently in documents. It appears as this could be a platform lift which raises concerns over security.
- 5.38 The basement plans also show the cycle store doubles up as a 'general store'. This is unacceptable from a security point of view. The applicant is required to provide for larger / adapted cycles to provide inclusivity within the cycle provision. All access including lifts, doors and aisles must be to the London Cycle Design Standards and these details should be provided prior to the application being determined and not left to condition. Clarification is required with regards the visitor cycle parking as this appears to be outside the site boundary and on public highway. The Transport Statement says that staff cycle parking is also proposed and this will require washing / changing facilities which are not indicated on the plans.

- 5.39 The applicant has provided trip generation based on surveys carried out on a Liverpool hostel 10 years ago. This data is too old to use and it is not clear why direct data from surveys carried out at the existing development could not be used. It would appear that this has been done for the servicing demand.
- 5.40 Any construction work or changes to the basement be proposed adjacent to public highway will require the submission of details for approval in principal and a full technical assessment to the Council's Highway Structures Group. The applicant should be informed that this process is separate to the planning process and the granting of any planning permission does not guarantee acceptance of the basement proposals by the highway authority.

LBTH Viability Team

- 5.41 The submitted Financial Viability Assessment found that the scheme is unable to viably provide a policy-compliant 35% affordable housing offer, demonstrating a deficit of £6.88 million. The applicant also modelled a 0% affordable (i.e. all-private) scheme and found this to also be unviable at a similar deficit of £6.29 million; however, the report states that the scheme is still commercially viable for the applicant for which no robust justification has been provided.
- 5.42 Further queries and concerns raised relate to the applicant's assumptions to their appraisal inputs. This includes the Existing Use Value of £8m and the methodology behind this, particularly the income, occupancy, and capitalisation rate adopted.

LBTH Waste Policy and Development

- 5.43 The applicant's waste capacity appears to be lower than the current Council's guidelines. The applicant may use the British Standard 5906 document for waste capacity for the hostel and administrative element of the development. The applicant is required to ensure residential and commercial bins are stored separately. The applicant is required to provide bulky waste store separate from bins to avoid issues around obstruction of bins.
- 5.44 The swept path analysis appears to show the waste collection vehicles over run the footway. The applicant is required to address how the waste collection vehicles can safely access to service the proposed development. The applicant is required to provide a dropped kerb of 1.2m wide at the kerbside where there are no suitable dropped kerbs or shared surfaces where the waste collection vehicles will service the proposed development.
- 5.45 Bin stores are required to be accessed directly from the public highway. The waste collection operatives are not required to access the development to collect bins. The applicant is required to address the issue of what happens in the case the refuse lift is out of order.

6. RELEVANT PLANNING POLICIES AND DOCUMENTS

6.1 Legislation requires that decisions on planning applications must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise.

6.2 In this case the Development Plan comprises:

- The London Plan 2016 (LP)
- Tower Hamlets Local Plan 2031 (TH)

6.3 The key development plan policies relevant to the proposal are:

Land Use – LP3.3, LP3.8, LP3.9; TH S.H1, TH D.H7

(housing, shared living accommodation)

Design – LP7.1, LP7.2, LP7.3, LP7.4, LP7.5, LP7.6; TH S.DH1, TH D.DH2

(layout, townscape, appearance, public realm, safety)

Heritage – LP7.8; TH S.DH3, TH D.DH4

(historic environment)

Housing – LP3.5; TH S.H1, TH D.H2, TH D.H3, TH D.H7

(housing quality)

Amenity – LP7.6; TH D.DH8

(privacy, outlook, daylight and sunlight, noise, construction impacts)

Transport – LP6.9, LP6.10, LP6.13; TH S.TR1, TH D.TR2, TH D.TR3, TH D.TR4

(sustainable transport, highway safety and capacity, car and cycle parking, servicing)

Waste – LP5.17; TH D.MW3

(waste capacity and collection)

Environment – LP5.2, LP5.3, LP5.18, LP7.14, LP7.15, LP7.19; TH S.ES1, TH D.ES2, TH D.ES3, TH D.ES5, TH D.ES7, TH D.ES8, TH D.ES9

(air quality, biodiversity, contaminated land, energy efficiency and sustainability, sustainable drainage)

6.4 Other policy and guidance documents relevant to the proposal are:

- National Planning Policy Framework (2019)
- National Planning Practice Guidance (updated 2019)
- LP Affordable Housing and Viability SPG (2017)

- LP Draft New London Plan (2018)
- LBTH Planning Obligations SPD (2016)
- St Anne's Church Conservation Area Character Appraisal and Management Guidelines (2007)
- Building Research Establishment (BRE) "Site layout planning for daylight and sunlight: a guide to good practice" (2011)

6.5 Historic England's guidance documents relevant to the proposal are:

- Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment (2008)
- The Setting of Heritage Assets Historic Environment Good Practice Advice in Planning Note 3 (Second Edition) (2017)
- Managing Significance in Decision-Taking in the Historic Environment Good Practice Planning Advice Note 2 (2015)
- Conservation Area Designation, Appraisal and Management – Historic England Advice Note 1 (2016)
- Making Changes to Heritage Assets, Historic England Advice Note 2 (2015)

6.6 On the 9th of December, the Mayor of London published his 'intend to publish' version of the London Plan. This version of the Plan is now being considered by the Secretary of State, who may, on or before 16th March 2020, issue a direction to the GLA to amend the Plan if required. The Plan cannot be published (adopted) until any such direction has been addressed. It is anticipated therefore that the final Plan will be published circa April 2020. The policies in this emerging document, given its advanced stage, carry substantial weight.

6.7 The key emerging development plan policies contained in the draft New London Plan relevant to the determination of this proposal are:

Land Use – H1, H4, H16 (previously H18)

(housing, shared living accommodation)

Design – D3, D4, D5, D8, D11

(layout, scale, public realm, safety)

Heritage – HC1

(historic environment)

Housing – H6

(housing quality)

Transport – T5, T6, T6.1, T7

(car and cycle parking, servicing)

Environment – G6, SI1, SI2, SI13

(air quality, biodiversity, energy efficiency and sustainability, sustainable drainage)

7. PLANNING ASSESSMENT

7.1 The key issues raised by the proposed development are:

- i. Land Use
- ii. Housing & Quality of accommodation
- iii. Design & Heritage
- iv. Neighbour Amenity
- v. Transport
- vi. Environment
- vii. Infrastructure Impact
- viii. Equalities and Human Rights

LAND USE

Proposal

- 7.2 The application site has a lawful use as a hostel (Sui Generis Use Class). Whilst planning permission PA/00/01481 only allowed for a temporary use of the property as a hostel, subsequent permissions confirmed the continued lawful use of the site as a hostel. The existing 52 hostel rooms are a mixture of 2 and 3 bed rooms and multi-bed dormitories with a max total of 263 occupants.
- 7.3 In terms of the proposed development, the revised accommodation schedule dated 17th October 2019 includes the provision of 25 hostel rooms of the lower ground and ground floor with a total number of 41 occupants and 84 HMO rooms on the upper floors 1-6 with a total number of occupants of 144.
- 7.4 The proposed hostel and HMO uses would be under single management. The applicant's Building Management Plan (BMP) states that short-term leases would be up to three months for the hostel use and 12 months Assured Shorthold tenancies for the HMO use. The proposed HMO use is not a traditional HMO i.e. not a single dwellinghouse with multiple people occupying it, but rather is a large scale HMO (akin to co-living as referred to by the applicant in their BMP) which provides bedrooms and communal spaces and other supporting services like laundry, cinema room etc.
- 7.5 The proposal seeks to introduce a long-term HMO residential use; however, the applicant disagrees with Council officers regarding which policies in the Development Plan apply to this use. The Planning Statement submitted by the applicant in April 2019 states that draft New London Plan policy H18 (now H16 in the latest draft and hereafter referred to as such) is relevant to the scheme.
- 7.6 However, a further supporting letter submitted in October 2019, prior to the adoption of the new Local Plan, stated:
- That there is no adopted policy for affordable housing and HMO uses;
 - Emerging policy D.H7(c) from the Council's draft Local Plan does not apply to this proposal – "*we are low cost housing, so no affordable housing is required*"; and

- Emerging policy H16 from the Draft London Plan (July 2019 update) relates to large-scale shared living (co-living). *“It is clear from paragraph 4.18.1 that this policy does not relate to HMO and therefore does not apply to this proposal.”*

7.7 Officers disagree and this is assessed further below.

Planning policy

- 7.8 London Plan policy 4.5 seeks to ensure that new visitor accommodation is in appropriate locations.
- 7.9 Local Plan policy D.TC6 supports developments of visitor accommodation in locations within the Central Activities Zone, Canary Wharf Major Centre, Tower Hamlets Activity Areas and District Centres or along primary routes where adjacent to transport interchanges.
- 7.10 London Plan policy 3.8 seeks to ensure that new developments offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups.
- 7.11 Local Plan policy S.H1 seeks to achieve the housing target of 3,931 new homes per year across the borough by ensuring that development does not undermine the supply of self-contained housing – in particularly family homes.
- 7.12 Local Plan policy D.H7 sets out the policy approach towards housing with shared facilities (inclusive of HMOs) and states that they will be supported where they meet an identified need and can be secured as a long-term addition to the supply of low cost housing, or otherwise provide an appropriate amount of affordable housing. In addition, housing with shared facilities should be situated in an area of high transport accessibility and are subject to the relevant housing space standards in policies D.H3 and D.DH8. This is a borough specific policy that is not captured within the current London Plan.
- 7.13 Furthermore, Local Plan policy D.H7 states that the proposed rent levels of this type of accommodation would be assessed to ensure that this type of accommodation provides housing with shared facilities for people with low incomes. Where proposals would not meet the housing needs of those on low incomes, development will be required to meet the affordable housing requirements as outlined in policy S.H1 and D.H2 which require a mix of unit sizes in accordance with the local housing need.
- 7.14 Draft New London Plan policy H16 lists a set of criteria to be considered when assessing planning applications for large-scale purpose-built shared living which generally includes at least 50 units and should be of acceptable quality, well-managed and integrated into their surroundings.
- 7.15 The Mayor of London’s response to main matters¹ at the examination of the draft New London Plan states that *‘The reference to 50 units is indicative to assist decision makers in identifying developments where policy is applicable, given the that there is no formal planning definition for LSPBSL [large-scale purpose-built shared living]’*. The response further states that *‘It is also important to differentiate between LSPBSL developments from more traditional large-scale houses of multiple occupation that do not provide services to residents’*.
- 7.16 The draft New London Plan policy particularly states that this type of accommodation is seen as providing an alternative to traditional flat shares and includes additional services and

¹ https://www.london.gov.uk/sites/default/files/mayor_of_london_-_m33_large_scale_living.pdf

facilities, such as room cleaning, bed linen, on-site gym and concierge services. The policy states that tenancies should be for a minimum of three months to ensure large-scale purpose-built shared living developments do not effectively operate as a hostel. In addition, the policy requires a financial contribution towards affordable housing however the Local Plan policy, as stated above, goes further than this and requires on-site affordable housing contributions.

- 7.17 Given that the proposed HMO use is for more than 50 units and would include supporting services i.e. amenities such as on-site gym and cinema rooms, both the emerging New London Plan policy H16 and Local Plan policy D.H7 would be applicable to the proposal. Policy D.H7 incorporates traditional HMO proposals and modern co-living/large scale HMOs/shared accommodation.
- 7.18 Whilst it should be acknowledged that the terms large-scale HMO and shared living accommodation can be used interchangeably, for the purposes of clarity and consistency with the consultation and submission documents, the proposed long-term residential use would be referred to as HMO. The relevant planning policies have been listed above.

Assessment

- 7.19 The proposed redevelopment seeks to re-provide the hostel use on the site in a reduced capacity. Given that the principle of the hostel use has already been established, there are no objections to the re-provision of the hostel use.

Need

- 7.20 The Strategic Housing Market Assessment states that there has been increase in the number of sharing households. However, the applicant has not provided an assessment to demonstrate the need for this type of accommodation in the area. Whilst the application site is situated in an area of good access to public transport services, the lack of information indicates the applicant's failure to address policy D.H7 which requires housing with shared facilities to meet an identified need and as such contribute towards the borough's housing targets.
- 7.21 It should be noted that the applicant has not taken into consideration the approved scheme at 767-785 Commercial Road which would provide a similar type of shared accommodation. This application included an adequate assessment regarding need for this type of accommodation which the applicant should have taken into consideration in their own need assessment. The need provided through the approved proposal should have been included in the assessment to understand the actual need for this type of accommodation in the area.

Affordability

- 7.22 In accordance with policy D.H7, in order to provide affordable shared accommodation, the proposal would need to meet the housing needs of those on low incomes. According to the Strategic Housing Market Assessment (2017), this would include people with housing benefit support. The Local Housing Allowance (LHA) for the area in which the application site is situated (referred to as the Inner East London Broad Rental Market Area) equates to £108.30 per week/ £469.30 per month (February 2020) for shared accommodation rate² (single room). The local housing allowance is expected to increase in April 2020 and would be £110.14 per week/ £478.52 per month for shared accommodation.
- 7.23 The applicant submitted the rental prices per calendar month for the whole E14 postcode area which includes the areas of Poplar, Isle of Dogs, Limehouse, Canary Wharf, Blackwall and

² <https://lha-direct.voa.gov.uk/SearchResults.aspx?Postcode=e14%2b7hs&LHACategory=999&Month=2&Year=2020&SearchPageParameters=true>

Cubitt Town. This information is supported by the applicant's statement in the Building Management Plan that the strategy is to have rents at affordable rents below the current market rents.

- 7.24 The monthly rental price for the proposed HMO use would be £1,083. This significantly exceeds the monthly LHA figure. By comparison, a one bedroom flat on London Affordable Rent (2019/2020) is £155.13 per week / £672.23 per month, and Tower Hamlets Living Rent (2019/20) £197.18 per week / £854.45 per month.
- 7.25 As a result of the above comparison assessment, officers conclude that the proposed rental levels do not meet the need of people of low incomes and as such would not contribute towards meeting the borough's affordable housing need as required by policy D.H7. A further requirement of this policy, the proposal would be required to contribute towards the provision of affordable housing in accordance with policy D.H2 which requires a minimum of 35% and a 70/30 social/ intermediate split.
- 7.26 The applicant has submitted a Financial Viability Assessment (FVA) to justify the provision of 0% of affordable housing. An internal review of the FVA by officers in the Viability team found a fairly similar deficit for a policy compliant development providing 35% affordable housing (£6.88 million deficit) and for a modelled 0% affordable scheme (£6.29 million deficit).
- 7.27 The LBTH viability officer is of the opinion that the information presented is inaccurate or the scheme as proposed is not deliverable in reality.
- 7.28 In summary, the proposed accommodation cannot be secured as low cost housing given the high level of proposed rents and as there is no affordable housing contributions provided. The proposal also has not provided sufficient information to justify the lack of affordable housing. As such, the proposed development fails to comply with policy D.H7 which requires new HMOs to be secured as a long-term addition to the supply of low cost housing, or otherwise provide an appropriate amount of affordable housing. Accordingly, the proposal fails to comply with policies S.H1 and D.H2 which require the provision of a minimum of 35% affordable housing.

Management and services

- 7.29 A number of services would be provided to the building's occupiers such as laundry, cinema and gym. It should be noted that emerging New London Plan policy H16 promotes the provision of these facilities. However, concerns are raised in relation to the proposed use of these facilities as it is not clear from the submission documents if these would be available to all occupiers of the building, or if their use would be exclusive to the long-term occupiers.
- 7.30 Whilst the applicant has offered some information on the tenancies management, the BMP also states that short term use is envisaged on the lower floors with occasional medium-term use for upper floors. Officers are concerned about this lack of commitment to providing a long-term residential use in perpetuity.
- 7.31 Policy D.H7 requires that an assessment of amenity, specifically with regards to transport, are taken into consideration. The information presented in the submitted BMP does not appear to be sufficiently detailed. While this element is discussed in detail in the Transport section of this report, the applicant has failed to demonstrate through the management plan that it would ensure adequate deliveries and servicing arrangements, this could cause amenity impacts to neighbouring properties.
- 7.32 Officers consider that insufficient information has been presented to ensure effective management arrangements of the HMO accommodation on the site which is not acceptable and fails to accord with Local Plan policy D.H7 of the Tower Hamlets Local Plan 2031 (2020).

Conclusions

- 7.33 In summary, whilst the retained hostel use is acceptable the proposal fails to demonstrate the need and provide affordable housing contributions for the proposed HMO use as required by policy D.H7. In addition, the proposed development would constitute a poorly managed mix of hostel and HMO use on the site which is unacceptable and contrary to policy D.H7 which requires new HMOs to ensure that there is no unacceptable impact on the amenity and transport network in the surrounding area.

HOUSING & QUALITY OF ACCOMMODATION

Quality of accommodation

- 7.34 London Plan policy 3.5 and Local Plan policy D.H3 requires developments to incorporate requirements for accessibility, adaptability and minimum space standards. Emerging New London Plan policy H16 acknowledges that there are no minimum standards for communal and private areas of shared living accommodation. The policy, however, states that communal amenity spaces are important elements in ensuring that the quality of the overall residential amenity is acceptable given the generally small size of the private space in these developments.
- 7.35 Local Plan policy D.H7 states that HMO accommodation should comply with relevant standards and satisfy the housing space standards outlined in policy D.H3.
- 7.36 When assessing shared living accommodation, of particular importance is the set of amenity and room size standards adopted by the Council in October 2018³ (Environmental Health HMO guidance), it is noted that the standards set out in DH.3 do not relate to this type of HMO use, except for communal amenity space which requires 50sqm of communal amenity space for 10 or more residential units. The minimum room standards set out in the HMO guidance are as follows:

Number of occupiers	Minimum bedroom size for sleeping Kitchen facilities in a separate room [m²]
One	8.5
Two	13

Table One: Council standard room sizes

- 7.37 According to the standards, a communal living room should be at least 13 m² for three people, plus 1 m² for every additional person. If dining facilities are combined with the living room, the room should be at least 14 m² for three people, plus 1 m² for every additional person. Kitchen facilities should be no more than one floor away from the letting. Where this is not practicable, a dining area of a size suitable for the number of occupiers should be provided on the same floor as, and close to, the kitchen satisfying the following standards:

³ https://www.towerhamlets.gov.uk/Documents/Housing/Housing-provision/Additional_licensing_scheme/Tower_Hamlets_Housing_Standards.pdf

Number of sharers	Kitchen size [m ²]
Up to 3	5.5
4-7	7.5
6-7	9.5
8-10	11.5

Table Two: kitchen size requirements

7.38 Whilst it should be acknowledged that the mentioned guidance is an environmental health document, rather than a planning standard, its adoption in October 2018 aimed to raise the housing standards in the private rented sector to ensure that privately managed properties provide appropriate living accommodation. As such, it is considered appropriate to use the guidance in the assessment of the shared living accommodation given that there are no planning standards at present. The HMO standards have been taken into consideration for the purposes of the assessment of a similar shared living proposal at 767-785 Commercial Road listed in the relevant planning history section of this report.

7.39 Planning policy does not provide details on the quality of the hostel accommodation.

Assessment

Space standards

7.40 The majority of the proposed shared living accommodation proposed room sizes of the shared living accommodation would satisfy the above minimum requirements for both single and double bedrooms. The smallest room sizes would be 12.6sqm for a single bedroom and 17.5sqm for a double bedroom.

7.41 All rooms on the fifth floor and four out of six rooms on the sixth floor would have private terraces. Given that the proposed type of accommodation does not represent self-contained traditional housing, it seems appropriate to provide private amenity spaces where feasible.

7.42 The table below represents an assessment of the provided communal areas against the HMO standards. The proposal would satisfy the minimum communal space standards for all occupiers; however, these would be provided on different floors. Whilst the guidance incorporates some flexibility for providing kitchen areas one floor away from the letting rooms, concerns are raised with regards to the living and dining areas not being sufficiently large on the letting floors as required by the standards.

Floor / No. of occupiers	Required space areas	Provided space areas
1 st floor/ 34 occupiers	42m ² kitchen 45m ² living and dining	28.5m ² kitchen/dining 33.1m ² lounge
2 nd floor/ 34 occupiers	42m ² kitchen 45m ² living and dining	28.5m ² kitchen/dining 33.1m ² lounge
3 rd floor/ 28 occupiers	34.5m ² kitchen	50.9m ² kitchen/dining

	39m2 living and dining	65.3m2 lounge
4 th floor/ 28 occupiers	34.5m2 kitchen 39m2 living and dining	50.9m2 kitchen/dining 65.3m2 lounge
5 th floor/ 11 occupiers	17m2 kitchen 22m2 living and dining	15.4m2 kitchen/dining 30.8m2 lounge
6 th floor/ 9 occupants	11.5m2 kitchen 20m2 living and dining	15.4m2 kitchen/dining 30.9 lounge
Total occupiers (floors 1-6) 144	181.5m2 total kitchen area 210m2 total living and dining area	189.6m2 total kitchen area 258.5sqm total living and dining area

Table Three: assessment of proposed scheme

- 7.43 In terms of communal outdoor amenity space, the proposed development would require a minimum of 124sqm in order to comply with the minimum standards as set out in policy D.H3.
- 7.44 The proposal would provide 65.3sqm of communal outdoor space in the form of a rooftop on the fifth floor. This would result in the provision of 0.78sqm for each room of the shared living accommodation and would fall short to provide the minimum requirement as stated above by 58.7m². As a comparison, the shared living accommodation at 767-785 Commercial Road included 310sqm of communal outdoor amenity spaces for 134 rooms. This resulted in an average of 2.3sqm per room and satisfied the minimum policy requirements.

Number of rooms	Required communal outdoor amenity space	Provided communal outdoor amenity space
84	125sqm	65.3sqm

- 7.45 As mentioned in the land use section, it appears that the hostel and shared living accommodation would have access to the same amenities on the site. As such, the provided indoor and outdoor communal amenity space would not be available solely to the long-term residents which would additionally put the pressure on the availability of this space.
- 7.46 Eight wheelchair accessible rooms would be provided for the shared living accommodation on south-western and south-eastern corners of the building on floors 1-4. It is accepted that the proposed provision satisfies the policy requirements of 10% for wheelchair accessible residential units.
- 7.47 As a result of the above assessment, officers consider that the proposed development would not provide a sufficient amount of communal amenity spaces. As such, the proposal fails to provide high quality living accommodation which is contrary to policy London Plan policy 3.5, and Local Plan (2016) policies D.H3 and D.H7 of the Tower Hamlets Local Plan 2031 (2020).

Daylight and sunlight

- 7.48 The BRE guidance on daylight and sunlight requires new developments to achieve the minimum Average Daylight Factor (ADF) of 2% or more for kitchens, 1.5% for living rooms and 1% for bedrooms.

- 7.49 The applicant subsequently provided the daylight and sunlight assessment for the proposed development itself, undertaken by Rapleys. Given the timing of the receipt of the subsequent assessment and the in principle objection to the development, this has not been reviewed by Council's external consultants, BRE. However, it has been assessed by internal officers.
- 7.50 The table below shows the levels of daylight and sunlight that the proposed shared living accommodation would achieve.

Floor	North facing windows	%	Satisfactory ASPH for remaining windows	%	Satisfactory ADF	%
Lower Ground	7 out of 14	50%	0 out of 7	0%	0 out of 14	0%
Ground	10 out of 20	50%	10 out of 10	100%	16 out of 20	80%
First	10 out of 18	56%	8 out of 8	100%	15 out of 18	83%
Second	10 out of 18	56%	8 out of 8	100%	16 out of 18	89%
Third	10 out of 18	56%	8 out of 8	100%	17 out of 18	94%
Fourth	10 out of 18	56%	8 out of 8	100%	18 out of 18	100%
Fifth	4 out of 9	44%	5 out of 5	100%	9 out of 9	100%
Sixth	3 out of 7	43%	4 out of 4	100%	7 out of 7	100%
Aggregate	64 out of 122	52%	51 out of 58	88%	98 out of 122	80%

Table Four: Table taken from the Applicant's Daylight and Sunlight Amenity (Internal) Report

- 7.51 Both living/kitchen/dining (LKD) windows on the first and second floors would fail to achieve the minimum ADF of 2%. Out of these, the south-facing LKD windows would achieve ADF close to 2% (1.75% - first floor and 1.94% - second floor); however, the north-facing LKD windows would achieve significantly less than 2% (0.81% - first floor and 0.95% - second floor). Similarly, the north facing LKD window on the third floor would achieve 1.07% against the 2% minimum ADF requirement.
- 7.52 The proposed LKD areas would serve as a primary social space for a number of occupiers. As such, it is considered that all of the communal spaces should meet the minimum ADF requirements. In light of this, the results therefore presented are unacceptable with regards to Local Plan policy D.DH8 which requires all new residential development to achieve adequate levels of daylight and sunlight.
- 7.53 In total, all bedrooms windows but one, situated on the first floor, would fail to achieve the minimum ADF target of 1%. However, it has been acknowledged that its ADF level of 0.94% would be fairly close to the minimum requirement.
- 7.54 With regards to sunlight, one sixth floor bedroom window would fail to achieve the minimum 25% of APSPH while one first floor and one fifth floor bedroom windows would fail to achieve the minimum 5% of APSPH in the winter months.
- 7.55 Overall, the daylight and sunlight compliance for bedrooms windows is considered acceptable on balance given that the application site is constrained by the existing surrounding

developments. However, given that the social spaces would serve a significant number of occupiers, it is considered that all spaces should meet the minimum daylight and sunlight requirements as promoted by the BRE's guidance.

Noise

- 7.56 Commercial Road is a very busy road with a significant amount of traffic that has the potential to create very high levels of noise and adversely impact the quality of the proposed accommodation. Also, the proximity to the DLR to the south of the site could have an adverse impact in terms of noise.
- 7.57 The applicant has not submitted the relevant information to demonstrate that the noise level within the proposed development would be acceptable and in accordance with the standards. However, the submitted Design & Access Statements states the applicant's commitment to provide the relevant acoustic details through a pre-commencement condition. Officers consider this to be appropriate and an acceptable scheme would include the relevant condition.

Summary

- 7.58 In summary, the proposal would fail to provide sufficient levels of communal outdoor amenity space. In addition, the communal indoor amenity spaces would fail to achieve the minimum daylight requirements. Based on the information presented and the assessment carried out by officers, it is considered that the proposed development would fail to achieve the required space standards and adequate daylight and sunlight conditions for the proposed accommodation. As such, the proposal is contrary to Local Plan policy D.H3, D.H7 and D.DH8 of the Tower Hamlets Local Plan 2031 (2020) which require all housing developments to meet space standards and provide adequate levels of daylight and sunlight.

DESIGN

- 7.59 Chapter 12 of the NPPF states that good design is a key aspect of sustainable development, creates better places in which to live and work, and helps make development acceptable to communities (paragraph 124).
- 7.60 London Plan policies 7.1 to 7.3 have strategic aims to ensure that neighbourhoods should have a good quality environment based on the lifetime neighbourhoods principles (7.1), that developments should achieve the highest standards of accessible and inclusive design (7.2), and that boroughs and others should seek to create safe, secure and appropriately accessible environments (7.3).
- 7.61 London Plan policy 7.4 'Local character' requires development to have regard to the form, function and structure of an area, and the scale, mass and orientation of surrounding buildings. Development should build on the positive elements that contribute to establishing an enhanced character for the future function of the area. Five assessment criteria are provided. Boroughs should consider the different characteristics of their area where character should be sustained, protected and enhanced through managed change.
- 7.62 London Plan policy 7.6 'Architecture' which states that architecture should make a positive contribution to a coherent public realm, streetscape and wider cityscape. It should incorporate the highest quality materials and design appropriate to its context.
- 7.63 Policy D1 of the draft New London Plan requires development to respond to local context, be of high quality, aim for high sustainability standards, respect, enhance and utilise heritage assets and features, maximise urban greening and achieve comfortable living environments.

- 7.64 Policies D3 and D7 of the draft New London Plan seeks to deliver an inclusive environment to meet the needs of all Londoners and to ensure a high quality public realm.
- 7.65 Policy S.DH1 'Delivering high quality design' states that '*Development is required to meet the highest standards of design, layout and construction which respects and positively responds to its context, townscape, landscape and public realm at different spatial scales, including the character and distinctiveness of the borough's 24 places ... and their features.*' To achieve this buildings must:
- be of an appropriate scale, height, mass, bulk and form in its site and context;
 - represent good urban design;
 - have regard to their immediate and wider surroundings etc.
- 7.66 Policy D.DH2 'Attractive streets, space and public realm' states that development is required to contribute to improving and enhancing connectivity, permeability and legibility across the borough, ensuring a well-connected, joined-up and easily accessible street network and wider network of public spaces through and that development should contribute positively to the public realm.

Assessment

Layout, public realm and landscaping

- 7.67 The position of the existing building steps back as the building gets closer to Commercial Road. The small area of open space to the front along Commercial Road appears to be used as an occasional car park. A proposed site plan is shown within Figure four below.
- 7.68 The originally submitted drawings indicated that the front of the proposed building was pushed forward onto Commercial Road further than the existing building. This was considered inappropriate due to the adverse impact to the neighbouring Church to the east. The applicant has revised the proposal to set back the front building line to an acceptable position.
- 7.69 The proposed building seeks to follow the existing building line to the south, west and north. To the east, the proposed building line seeks to regularise the existing step backs to Commercial Road. This arrangement results in more 'public realm' to the south-east part of the site; however, the created space would be used to accommodate a disabled car parking space with refuse and cycle lifts in the remaining part of the space. As such, Officers do not consider that this space would form public realm as it would be used for servicing purposes of the proposed development.
- 7.70 The proposed layout and building alignment would result in the creation of a pinch point in the north-eastern corner of the site (corner with Island Row) which is not acceptable given Commercial Road is a busy road with a high level of footfall. The existing building step backs towards the northern side of the site to provide more pedestrian space as they approach Commercial Road. The proposed building fails to enhance connectivity due to the poor layout arrangement.
- 7.71 The ground floor level, including the main entrance, is proposed below the street level. This would result in reduced visibility of the main entrance and a poor presence of the communal spaces along the streetscape. As such, the proposed development fails to provide natural surveillance and contribute to the creation of a lively and attractive street as required by policy. A discrepancy between the submitted information must be noted given that the CGI on page 33 of the Design and Access Statement appears to show the main entrance levelled with the street which is not the case.

- 7.72 Officers acknowledge that the proposed landscaping would have both design and environmental benefits, and in the case of an acceptable proposal, details would be secured via condition. However, as noted above the proposed 'public realm', would not function as such as would instead serve the servicing requirements of the proposed development. In addition, it is considered that the proposal misses the opportunity to provide public realm improvements along Commercial Road to enhance the permeability and streetscape views within the Conservation Area.
- 7.73 Overall, the site layout shows signs of over-development and does not comply with the above mentioned policies. The proposed 'public realm' areas which not serve as such and do not form part of a cohesive scheme design. As such, the proposal fails to incorporate good design principles and ensure optimal plot coverage.



Figure Four: Ground Floor Plan

The plan above shows the plot coverage and layout of the proposed development.

Townscape, Massing and Heights

- 7.74 The existing building in terms of its height and scale has a subservient relationship with the Our Lady Immaculate and St Frederick Roman Catholic Church, a non-designated heritage asset, and its tower situated immediately to the east of the site. The church completes a grouping of principal public buildings to the east which together form the prevailing character of the conservation area, including the Grade II listed Limehouse District Library.
- 7.75 The predominant height in the area varies from six storeys to three storeys. The residential block immediately adjacent to the west of the application site is six storeys and steps down to three storeys along its southern boundary. To the south, there is a part three part four storey residential building on the corner of Island Row and Mill Place.

- 7.76 To the east of the site along Island Row, the Our Lady Immaculate and St Frederick Roman Catholic Church has a predominant height of four storeys and immediately adjacent to its southern edge is the three storey Presbytery. Further along the eastern side of Island Row, there are three and four storey buildings. The grade II listed library to the east of the Church is three storeys in height.
- 7.77 On the opposite side of Commercial Road, the modern residential blocks are six storeys reaching twelve and fourteen storey in height further at the rear of the site. These properties are not within the conservation area and the higher elements have been placed away from the Commercial Road frontage and the conservation area.
- 7.78 At present, the existing building allows the Our Lady Immaculate and St Frederick Roman Catholic Church tower to form a key local landmark. In addition, the lower height provides breathing space and creates a deferential relationship that reinforces the visual prominence and importance of the church within its townscape and streetscape setting, which includes the wider conservation area and designated heritage assets.
- 7.79 The proposal is for a seven storey building which is two storeys taller than the consented scheme in 2012 (reference PA/11/02318) and taller than the previously refused scheme in 2017 (reference PA/15/01882, reason for refusal included height). The height of the proposed building at seven storeys, particularly the upper set back floors would be overly dominant on the townscape and streetscape. This would result in an incongruous relationship with the adjoining church which would no longer be the most prominent tall feature in the townscape.
- 7.80 The applicant's response to these design concerns includes comparisons of the building's height to the residential blocks across Commercial Road, over Mill Place and further afield. However, these are not considered to be as relevant given that the immediate surrounds of the application site represent a highly sensitive historic environment.
- 7.81 In summary, the proposed development is contrary to the above policies given it is not of an appropriate scale, height and massing. The proposal would result in adverse impacts on the townscape and streetscape in this part of Commercial Road. The impact of the proposed development on heritage assets is covered in the 'Heritage' section of this report.



Figure Five: CGI of the proposed development

The image above shows the proposed development fronting onto Commercial Road and its surrounding area. The building to the right of the application site is Regent's Canal House and the building to the left with a tower is Our Lady Immaculate and St Frederick Roman Catholic Church. Further to the left is the Grade II listed Limehouse District Library.

Appearance & Materials

- 7.82 Whilst the proposal falls short of addressing fundamental issues arising from the overall scale, bulk, height and massing, concerns were also raised about the overall appearance of the building. The proposed fenestration is considered excessive and does not respect the local character which is characterised by more rationalised window proportions. Also, the two set back floors fail to achieve consistency with the lower floors and as such they appear out of context and do not help to articulate the building's form.



Figure Six: Proposed North Elevation (Commercial Road)

The drawing above shows the elevation along Commercial Road.

- 7.83 The proposed balconies along the central part of the northern elevation do articulate the proposed building form to some extent; however, officers raise concerns with regards to their usability. Given the high levels of air and noise pollution along Commercial Road, including potentially unusable balconies is not considered to be a good design principle. Air Quality and Noise are discussed in more detail elsewhere in this report.
- 7.84 With regards to materials, the proposed development incorporates a variety of materials including aluminium windows and metal balustrades, London multi-stock brick for the lower storeys and rain-screen cladding and glass balustrades for the two upper setback floors. Whilst there is no particular objection to the proposed materials, and samples would have been required via condition had the application been acceptable, it is considered that due to the incoherent fenestration pattern, the overall appearance of the building is also not of sufficient quality and therefore does not comply with the above mentioned policies.

Safety & Security

- 7.85 The crime prevention officer (Met Police) suggested a number of scheme specific amendments to ensure that the proposal incorporates the design principles to improve safety and perception of safety. In order to ensure that the suggested amendments have been

incorporated into the proposal, the Metropolitan Police suggested a pre-occupational condition.

- 7.86 The suggested amendments mainly relate to the access control measures which would have been secured via condition. Nonetheless, it should be noted that officers are not satisfied with the proposed floor arrangements which result in the ground floor below located below street level. This does not promote good passive surveillance or result in an active street frontage.

Summary

- 7.87 The existing building does not make a positive contribution to the character of the St Anne's Church conservation area however its current scale, massing and location allow the adjacent heritage assets to be read as important focal points of the Conservation Area. No objection is raised to the principle of replacing the existing building; however any replacement should provide a sympathetic response to the sensitive context of the application site which includes a predominant building height of 4 storeys, a conservation area and designated heritage assets. It should be noted that the previously refused six storey replacement building was not considered as an appropriate design response due to the harm caused to the heritage assets.
- 7.88 Officers consider that the proposed building does not provide an acceptable response to the existing context and local character due to its overbearing scale, height and massing, and the site layout does not follow principles of good urban design. In addition, there are concerns about the lack of high quality design detailing and the public realm offer. Therefore, the proposed development would not accord with chapter 12 of the NPPF (2019), London Plan (2016) policies 7.4 and 7.6, and Local Plan policies S.DH1 and D.DH2 of the Tower Hamlets Local Plan 2031 (2020) which seek to promote good design principles.

HERITAGE

- 7.89 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 sets out the general duty with respect to listed buildings in exercise of planning functions:
- In considering whether to grant planning permission... for development which affects a listed building or its setting, the local planning authority... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*
- 7.90 Chapter 16 of the NPPF states that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations (paragraph 184).
- 7.91 Paragraph 189 of the NPPF states that *'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting.'*
- 7.92 Paragraph 190 of the NPPF states *'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.'*
- 7.93 Paragraph 193 of the NPPF states that *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should*

be). *This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*'

- 7.94 As discussed further below, the Local Planning Authority considers the overall harm from the application to be 'less than substantial'. Paragraph 196 of the NPPF sets out that *'Where a development proposal lead to less than substantial harm to the significance of a designated heritage assets, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'*.
- 7.95 Paragraph 197 of the NPPF relates to the non-designated heritage assets and states that *'In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset'*.
- 7.96 The weight to be given to harm remains a matter of planning judgement for the Local Planning Authority and it is shown above that Paragraph 196 states that harm can be weighed in the balance against the public benefits of the proposal. The Planning Practice Guidance also now advises that within the less than substantial harm category, *'the extent of the harm may vary and should be clearly articulated'*. So whilst considerable weight should be attached to any less than substantial harm, it may still be affected by the extent of the harm.
- 7.97 Paragraph 200 also states that proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably. Local Planning Authorities should also look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance.
- 7.98 London Plan policy 7.8 states that development affecting heritage assets and their settings should conserve their significance by being sympathetic to their form, scale, materials and architectural detail. This is continued in policy HC1 of the draft New London Plan which states that *'Development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed. Development proposals should seek to avoid harm and identify enhancement opportunities by integrating heritage considerations early on in the design process.'*
- 7.99 An applicable policy from the Local Plan is S.DH3 'Heritage and the historic environment' which states that developments must preserve historic assets in a manner appropriate to their significance (S.DH3(1)). Policy 2 also states that proposals that would affect the setting of a heritage asset will only be permitted where:
- a. they safeguard the significance of the heritage assets, including its setting, character, fabric or identity;
 - b. they are appropriate in terms of design, height, scale, form, detailing and materials in their local context;
 - c. they enhance or better reveal the significance of assets or their settings;
 - d. they preserve strategic and locally important views, as defined in Local Plan policy D.DH4;
 - e. in the case of a change of use from a use for which the building was originally designed, a thorough assessment of the practicability of retaining its existing use has been carried out outlining the wider public benefits of the proposed alternative use.

- 7.100 Local Plan policy S.DH3(3) states that applications affecting the significance of a heritage asset will be required to provide sufficient information to demonstrate how the proposal would contribute to the asset's conservation. Any harm to the significance of a heritage asset must be justified having regard to the public benefits of the proposal: whether it has been demonstrated that all reasonable efforts have been made to sustain the existing use, find new uses, or mitigate the extent of the harm to the significance of the asset; and whether the works proposed are the minimum required to secure the long term use of the asset. Factors that will be considered can include:
- a. the significance of the asset, architecturally, historically and contextually;
 - b. the adequacy of efforts made to retain the asset in use; and
 - c. the merits of any alternative proposal for the site.
- 7.101 Local Plan policy S.DH3(4) states that substantial harm to or the total loss of significance of a designated heritage asset will only be supported where it is necessary to achieve substantial public benefits that outweigh that harm or loss. Statutory consultees do not consider that the proposal will result in substantial harm or loss; as such this policy does not apply.
- 7.102 Local Plan policy S.DH3(5) sets an expectation that alterations, extensions or changes of use, or development in the vicinity of listed buildings will have no adverse impact on those elements which contribute to their special architectural or historic interest, including their settings.
- 7.103 Local Plan policy S.DH3(6) requires significant weight to be given to the protection and enhancement of the borough's conservation areas, including their setting.
- 7.104 Local Plan policy S.DH3(8) requires applications affecting the significance of the archaeology to provide sufficient information to demonstrate how the proposal would contribute to the asset's conservation.
- 7.105 A heritage asset is defined in the Glossary of the NPPF as '*A building, monument, site, place, area or landscape identified as having a degree of significant meriting consideration in planning decisions, because of its heritage interest*'. It includes designated heritage assets and assets identified by the local planning authority (including local listing). Historic England's advice *Managing Significance in Decision-Taking in the Historic Environment* states that '*Heritage assets include designated heritage assets and non-designated assets identified by the local planning authority as having a significance justifying consideration in a planning decision*'.
- 7.106 The setting of a heritage asset is defined in the Glossary of the NPPF as follows: '*The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and the surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral*'.

Assessment

- 7.107 As stated in the St Anne's Church Conservation Area Appraisal and Management Guidelines (CAAMG), the prevailing character of the conservation area is defined by various buildings surrounding St Anne's Church (ecclesiastical grade I listed) which represents a focal point and visual marker in Limehouse. The area also illustrates the maritime history and strong industrial character associated with the viaducts and the Limehouse Cut dividing the area.
- 7.108 Along the southern side of Commercial Road, a number of principal public buildings frame the prominence and importance of St Anne's Church. This includes the Limehouse Town Hall

(grade II listed) and former British Sailors Society (grade II listed; also known as The Nelson's Wharf) on either side of Newell Street; the Limehouse District Library (grade II listed) situated between Wharf Lane and Norway Place, and Our Lady Immaculate and St Frederick Roman Catholic Church immediately adjacent to the library building. The south-eastern side of the conservation area is characterised by residential blocks of varying heights and a Victorian terrace along East India Dock Road.

- 7.109 Along the northern side of the conservation area, various grade II listed and non-listed buildings in a terrace that runs from 789-821 Commercial Road contribute to the appreciation of the conservation area with their varying facades and a staggered streetscape frontage which is of a predominant height of three storeys.
- 7.110 On the opposite side of St Anne's Church is the former ships chandler's workshop and sail loft known as the Former Caird and Rayner Premises (grade II listed). Along with the Limehouse Cut and grade II listed viaduct along the southern edge of the conservation area, these elements illustrate the area's rich industrial past.
- 7.111 As noted in the CAAMG, Our Lady Immaculate and St Frederick Roman Catholic Church is of particular importance as it completes this grouping of significant public buildings and is located directly adjacent to the application site which sits to the west. The church is of an Italianate inter-war style and its tower represents a landmark in the area given its height and prominent location on Commercial Road.
- 7.112 Limehouse District Library to the east of the church is two storeys in height. Whilst the stair enclosure of the existing application building reaches four storeys in its north-eastern corner which is adjacent to the church, the predominant height is three storeys. This arrangement allows for the Church and its tower to be appreciated in its entirety.
- 7.113 Given the Our Lady Immaculate and St Frederick Roman Catholic Church's notable mention in the CAAMG and its positive contribution to the character and appearance of the conservation area, it is considered to be a non-designated heritage asset in the conservation area. In accordance with planning policies, the impact on the church and the conservation area are afforded great weight and form part of a balanced decision as required by legislation.
- 7.114 The street elevation of the Our Lady Immaculate and St Frederick Roman Catholic Church consists of the flank semi-circular apse and a northeast tower. Three distinct sections of the tower can be defined: base (bottom), lantern (window) and pyramidal roof spire (top).
- 7.115 The highest part of the adjacent library and the existing building on the application site sit well below the lantern part. The low-scale nature of the existing buildings on each side of the Church ensure that its local landmark position is preserved.
- 7.116 The overall height of the proposed building would reach the top part of the tower's lantern section. In particular, the two setback floors would introduce the massing which would undermine the Church's strong presence along the townscape. This would disrupt the full appreciation of the church as an important focus in this particular location. As such, the Church would lose its landmark position which positively contributes to the character and appearance of the St Anne's Church conservation area by framing the public buildings that define the setting of the St Anne's Church.
- 7.117 In addition, the excessive scale, height and massing and poor fenestration pattern of the proposed development would have a harmful impact on the wider conservation area which is characterised by low-rise built environment that provide an appropriate context for the significance of the St Anne's Church.

7.118 As a result, it is considered that the proposal would cause harm to the conservation area and the heritage assets contained within it, albeit less than substantial. In accordance with the national planning policy, the identified harm should be weighed against the public benefits of the scheme.

Balancing harm and public benefits

7.119 The starting point for any proposal involving heritage assets is to 'do no harm' to the significance of the asset. Where harm would occur and this is found to be less than substantial, the harm can be balanced against the public benefits of the scheme as required by para 196 of the NPPF.

7.120 The applicant stated within their application documents that they believe there would be no harm to any heritage assets and as such has not undertaken a specific public benefit analysis with regards to para 196 of the NPPF. As set out above, officers disagree with this and attribute less than substantial harm to the proposal.

7.121 The public benefits arising from the proposed development would include:

- The replacement of the existing building which aside from its scale and massing, does not contribute positively to the conservation area;
- The provision of public realm along the eastern part of the site;
- The provision of a disabled wheelchair space on site and cycle parking;
- The provision of wheelchair accessible accommodation;
- Future landscaping and biodiversity upgrades;
- Uplift of new jobs on the site, including six full-time and two part-time jobs; and
- Employment and enterprise contributions.

7.122 Officers however attribute limited weight to the replacement of the existing building given the proposed development has not demonstrated that it would comply with policies that seek to preserve the environment, including air quality and energy efficiency and sustainability. Also, officers do not consider the proposed public realm along the eastern part of the site to be a public benefit given it would be used for servicing requirements of the scheme, therefore offering up limited public benefit. In addition, the proposed development is likely to have an adverse impact on the safety and capacity of the transport network given that the applicant failed to provide an appropriate strategy which would seek to mitigate any adverse impacts. This is discussed further below in the Transport section.

7.123 Officers also do not consider that the proposed mix of HMO and hostel uses on site to be a public benefit given there is no demonstrated need for this housing requirement, there is no affordable housing offer and as the quality of these facilities is lacking with regards to policy requirements. This also diminishes the public benefit of the proposed wheelchair units within the scheme.

7.124 Whilst the provision of a disabled wheelchair space on the site is welcomed, concerns have been raised in relation to its location and potential adverse impact on the surrounding transport network, discussed further below. In addition, the proposal would fail to provide appropriate accessibility and capacity arrangements for cycle and waste storage.

7.125 In summary, it is considered that the public benefits are extremely limited given the amount of issues that have been identified with the schemes. The public benefits therefore do not

outweigh the less than substantial harm caused to the St Anne's Church conservation area and the above noted heritage assets. As such, the proposed development fails to comply with paragraph 196 of the NPPF. Accordingly, the proposal also fails to satisfy the requirements of London Plan (2016) policy 7.8, and Local Plan policy S.DH3 of the Tower Hamlets Local Plan 2031 (2020) which require developments to preserve or, where appropriate, enhance the borough's designated and non-designated heritage assets.

Archaeology

- 7.126 The application site forms part of a Tier 2 Archaeological Priority Area which holds specific evidence indicating the presence or likely presence of heritage assets of archaeological interest. As noted by GLAAS, this includes a Roman settlement in the area and the prospect of human remains from a Congregationalist Chapel on the site as indicated on the First Edition OS map. GLAAS recommend further work is undertaken prior to determining the application.
- 7.127 Unfortunately, the Council did not consult GLAAS originally on the application and the above comments were received the week prior to this committee report being published and as such have not been shared with the applicant. Notwithstanding this, the applicant has failed to submit a desk-based assessment as required for all major applications within Archaeological Priority Zones. As such, it is considered that there is insufficient information to ensure policy S.DH3 is met.

NEIGHBOUR AMENITY

- 7.128 Development Plan policies seek to protect neighbour amenity safeguarding privacy, not create unacceptable levels of noise and ensuring acceptable daylight and sunlight conditions.

Daylight, Sunlight & Overshadowing

- 7.129 For daylight the tests are "Vertical Sky Component" (hereafter referred to VSC) which assesses daylight to the windows, and the "No Sky Line" test (hereafter referred to as NSL - also known as daylight distribution) which assesses daylight within the room. Both the VSC and NSL tests should be met to satisfy daylight according to the BRE guidelines as outlined in the Summary box (Figure 20) paragraph 2.2.21 of 'Site Layout Planning for Daylight and Sunlight' (2011). This text is directly quoted below. Summary (Figure 20) of BRE guidelines:

"If any part of a new building or extension, measured in a vertical section perpendicular to a main window wall of an existing building, from the centre of the lowest window, subtends an angle of more than 25° to the horizontal, then the diffuse daylighting of the existing building may be adversely affected. This will be the case if either:

- The VSC measured at the centre of an existing main window is less than 27%, and less than 0.8 times its former value*
- The area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value."*

- 7.130 VSC is a metric that determines the amount of light falling on a particular point, in this case, on the centre point of the window. The calculations for VSC do not take into account window size, room dimensions or the properties of the window itself.
- 7.131 NSL assesses where daylight falls within the room at the working plane (850mm above floor level in houses), Daylight distribution assessment is only recommended by the BRE Report where room layouts are known.

- 7.132 The BRE guidelines recommend sunlight tests be carried out to windows which face 90 degrees of due south (windows which fall outside this do not need to be tested). The main requirement for sunlight is in living rooms and conservatories. The targets under the BRE guidelines require a south facing window to receive 25% of Annual Probable Sunlight Hours (APSH) with at least 5% of these sunlight hours being in the winter months.
- 7.133 The applicant has been submitted with a Daylight and Sunlight Assessment, by Right of Light Consulting, which included the result of the impact of the proposed scheme, as well as the impact of the consented scheme on the surrounding residential properties.
- 7.134 The submitted Daylight and Sunlight report has been reviewed by the Council's independent consultants, Building Research Establishment (BRE). The daylight and sunlight review provided a comparison between the consented scheme and current proposal. However, it should be noted that the consented scheme is not extant as it was never implemented.
- 7.135 There is no definitive categorisation for impacts that exceed BRE guidelines. However, for both VSC and ASPH, the Council consistently uses the following categories:
- Negligible: reduction less than 20% or retained VSC over 27%
 - Minor adverse: reduction of 20% - 29.9%
 - Moderate adverse: reduction of 30% - 39.9%
 - Major adverse: reduction greater than 40%
- 7.136 The applicant's Daylight and Sunlight Report identified the likely impacts which will be discussed site by site below. The Council's consultants considered the following properties to meet the BRE guidelines in all cases and as such they will not be discussed in detail:
- 1 Island Row – three storey Presbytery to the Our Lady Immaculate and St Frederick Roman Catholic Church adjoining the southern part of the Church, situated to the south-east of the application site;
 - 709 Commercial Road – three storey Georgian dwellinghouse to the north-west of the application site on the northern side of Commercial Road; and
 - 711 Commercial Road – end-terrace three storey Georgian dwellinghouse to the north-west of the application site on the northern side of Commercial Road
- 7.137 1 Mill Place, situated to the south-west of the application site, is commercial in nature and as such, the impact on this property has not been considered because it does not contain habitable windows and the impacts are less important. The loss of direct sunlight to the amenity area to the north on the other side of Commercial Road would not be unacceptable as it would continue to receive at least two hours on 21st March which is in accordance with the BRE's guidance.
- 7.138 The impact on the Our Lady Immaculate and St Frederick Roman Catholic Church has also been considered by the Council's consultants. Whilst it seems appropriate to consider that the stained glass window would require certain levels of daylight to be fully appreciate, it should be noted that these are not classified as habitable windows. In addition, the impact on the amenity of the Church in terms of daylight and sunlight would be similar to the impact of the consented scheme. As such, this is considered acceptable.

Regent's Canal House, 626 Commercial Road

- 7.139 626 Commercial Road, also known as Regent's Canal House, sits immediately to the west of the application site, on the opposite side of Mill Place. The property has an established

residential use and is six storeys in height; the sixth storey is slightly set back along the western, northern and eastern elevations. 77 windows were tested.

7.140 Some of the windows along the eastern elevation have been classified as secondary by the applicant in their daylight and sunlight assessment. BRE questioned this decision given that these windows appear to be of the same dimensions as the windows on the northern elevation. In the additional information submitted in the form of a letter dated 9 September 2019, the applicant agreed with the conclusion of the BRE report regarding the classification of these windows in that they are not secondary.

7.141 Of all of the windows in the assessment, 24 windows would not achieve the BRE guidelines for loss of daylight. As indicated in the table below for the currently proposed scheme, one third of the impacted windows would have minor adverse, one third moderate adverse and one third major adverse impact. For the consented scheme, this was five minor adverse, five moderate adverse and five major adverse impacts.

	Minor adverse	Moderate adverse	Major adverse
Consented scheme	5	5	5
Proposed scheme	8	8	8

Table Five: Comparison in the number of worst affected windows in terms of daylight losses

7.142 Six out of eight of the major adversely impacted windows are on the first floor and have a mitigating factor in the form of an overhang (the first two floors are cantilevered beneath the upper floors). The applicant has not re-analysed the windows without the overhangs; however, BRE conclude that the results would be expected to be similar to those on the ground and second floors on the same elevation, i.e. moderate to major adverse, but with a smaller relative loss. The other two major adverse windows are on the second floor and would have experienced a moderate adverse impact under the consented scheme and a major adverse impact with the proposed scheme.

7.143 Whilst the applicant has stated that the proposal would have a similar impact to the consented scheme for 626 Commercial Road, which was assessed as acceptable, this is not agreed by the Council's consultants. A similar impact would exist for the affected windows under the overhang; however, some of the windows which do not have any mitigating factors would have a larger impact. This includes windows 43 and 73 where the impact of the consented scheme is negligible and worsens to moderate adverse for the proposed scheme.

7.144 A total of 13 windows would fail to comply with the BRE guidelines for sunlight; this includes two windows with minor adverse, two windows with a moderate and eight windows with a major impact. Two minor adverse impact would be within the guidelines for annual APSH and outside for winter sunlight.

7.145 Six out of eight windows with a major adverse impact are under the overhang whilst the other two windows are deeply recessed into the building so that the shape of the building provides a substantial obstruction. Therefore, all of the major adverse impacts have mitigating factors.

7.146 The consented scheme would count one window with a moderate adverse impact and six with a major adverse impact. However, it appears that the proposed development is more similar to

the consented for sunlight as most of the windows would have mitigating factors or would retain the recommended annual APSH.

7.147 It has been acknowledged that the proposed development would lead to the major losses of daylighting and sunlighting conditions to the residential block. However, given that the majority of the worst affected windows at Regent’s Canal House would have a mitigating factor, it is considered that the adverse impact experienced would not be unacceptable.

Rose Court, 6 Mill Place

7.148 6 Mill Place, known as Rose Court, is a residential building situated immediately to the south of the application site, on the opposite side of Mill Place. The building is three storeys in height along its western part (reaching four storeys to the rear when including the excavated floor) and four storeys along the eastern part. 39 windows were tested.

7.149 Eleven windows would suffer losses of daylight outside the guidelines for both consented and proposed schemes. The table below indicates the difference between the two.

	Minor adverse	Moderate adverse	Major adverse
Consented scheme	2	4	5
Proposed scheme	3	/	8

Table Six: Comparison in the number of worst affected windows in terms of daylight losses

7.150 Whilst the identified minor adverse impacts would be similar to the consented scheme, the severity of the impact for moderate and major impacted window would vary between the two schemes. Three windows would experience an impact change from moderate to major adverse.

7.151 There is no requirement for the sunlight analysis as the relevant windows are north-facing. The changes of the daylight distribution had been analysed by the applicant. The impact would be similar for both consented and proposed schemes as the three of the worst results would be for bedrooms where daylight distribution is considered less important.

7.152 As a whole, it is considered that the proposed development would result in the material deterioration of the daylighting conditions to the residential units at 6 Mill Place. However, given that the majority of the worst affected windows serve bedrooms and non-habitable spaces, it is not considered that the impact would be unacceptable.

Caspian Apartments (713 Commercial Road)

7.153 Caspian Apartments, referred in the applicant’s report as 713 Commercial Road and the BRE’s report as 713, 715 and 717 Commercial Road, has an established address under 5 Salton Square. It is a six storey residential building situated immediately to the north of the application site. The top floor is slightly set back and its most western part is part three part four storeys in height. 51 windows were tested.

7.154 Four windows would be outside the guidelines for loss of daylight with minor adverse impact. However, these windows are all recessed into the building behind balconies. It is likely that these windows would be within the guidelines if the calculations were based on the balconies

being removed. As a comparison to the consented scheme, only one window would be marginally outside the guidelines.

- 7.155 One window, which was not been identified by the applicant, would have a loss of sunlight with a minor adverse impact. However, the existence of an overhang above this window creates a mitigating factor and without its contribution it is likely that the loss would be within the guidelines.
- 7.156 Overall, the proposed development would not result in the material deterioration of the daylighting and sunlighting conditions to the analysed habitable windows of the residential units in Caspian Apartment. As such, the indicated daylight and sunlight losses are acceptable.

Summary

- 7.157 In summary, the proposed development would result in the deterioration of the daylighting and sunlighting conditions to the surrounding residential properties. Regent's Canal House and Rose Court would be the worst affected properties. The assessment of the applicant's Daylight and Sunlight report indicates that the majority of the worst affected windows would have a mitigating factor. As such, the indicated losses would not result in an unacceptable material deterioration of the daylighting and sunlighting conditions to the surrounding residential properties, which is considered acceptable.

Privacy & Outlook

- 7.158 Local Plan policy D.DH8 promotes a distance of 18 metres between windows of habitable rooms. However, this figure is a guideline depending upon the design and layout of developments.
- 7.159 The separation distance between the application site and properties along northern side of Commercial Road significantly exceeds the 18m guideline which is considered acceptable.
- 7.160 The current distance between the Presbytery and the application site is approximately 16.4 m, however, with the incorporation of the proposed setback of the building line along this part of the proposed development, the distance would slightly exceed the 18m guideline. The separation distance between the proposed development and Regent's Canal House to the west and Rose Court to the south would be circa 9.5m.
- 7.161 Along the western elevation, the proposed development would rationalise the existing level of fenestration to some extent, albeit creating larger window openings. To the south, the level of fenestration would be significantly increased, both in terms of amount and size of openings.
- 7.162 The existing building is three storeys high along the western elevation and predominantly one and a half storey high along the southern elevation due to the existence of the concrete fence above the single storey part of the building.
- 7.163 The proposed building would increase the height of the existing building, especially along its southern elevation. This would lead to the increase in the level of overlooking between the application site and the neighbouring properties. Similarly, the level of outlook experienced by the surrounding properties would be worsened, particularly on the upper levels. However, given the existing site layout and current levels of overlooking, it is not considered that the proposed increase in height, which includes the setback of the two top floors, would constitute unreasonable deterioration of the residential amenity.

Noise & Vibration

- 7.164 The applicant has not submitted a noise assessment; however, it is not considered that the proposed development would lead to unacceptable levels of noise during the life of the development. Whilst it can be accepted that the proposed type of accommodation could at certain times lead to higher levels of noise due to the level of communal socialising that is likely to happen more often than for a traditional residential development, it is considered that this could have been dealt by a way of condition.
- 7.165 Similarly, relevant conditions would have been secured with regards to the demolition and construction works to ensure that the effects of noise and vibration during construction stage would be adequately mitigated.

Construction Impacts

- 7.166 Demolition and construction activities are likely to cause additional noise and disturbance, additional traffic generation and dust. In accordance with relevant Development Plan policies, a number of conditions would have been secured to minimise these impacts including the control of working hours and the approval and implementation of Construction Environmental Management Plan and a Construction Logistics Plan.

Summary

- 7.167 Overall, the proposed development would not have an unacceptable adverse impact on the surrounding area in terms of daylighting conditions to the residential block immediately to the west of the application site. Whilst the proposal would have an impact on the privacy and outlook of the surrounding properties, particularly on the upper levels, officers considered that the identified impact is not considered unacceptable and as such, would comply with policy D.DH8 which seeks to protect the amenity of existing buildings and their occupants.

TRANSPORT

- 7.168 Development Plan policies promote sustainable modes of travel and limit car parking to essential user needs. They also seek to secure safe and appropriate servicing. Development Plan policies also require developments to provide appropriate cycle parking. Policy T5 of the draft New London Plan sets out the minimum cycle parking standards which state that one cycle space (studio C3 standard) would be applicable to a room in large-scale purpose-built shared living.
- 7.169 All cycle parking should be designed in accordance with the London Cycling Design Standards which require high quality parking facilities for all cycle users that are fit-for-purpose, secure and well located.

Vehicular, pedestrian and cycle access

- 7.170 Vehicular access to the site from Commercial Road would occur through Mill Place (one way along its western section) and Island Row. The submitted tracking diagram for a 9m refuse vehicle (not a standard LBTH refuse vehicle which is 11m) would be very tight and would require the body of the vehicle to overhang the footway which is not acceptable and causes a potential safety issue. Whilst this might be the existing arrangement, the applicant has failed to provide information to justify the proposed arrangement and provide mitigation measures.
- 7.171 The relocation of the pedestrian access from the eastern side of the existing building to Commercial Road is supported. This creates a more pedestrian friendly environment along Commercial Road which at present appears to be characterised by occasional car parking.

- 7.172 The proposed cycle parking is situated on the basement level. The submitted documents do not show a clear and consistent strategy on how the cycle parking would be accessed. The floor plans show a cycle lift, however, the elevations do not show any lift enclosure. In addition, the submitted Transport and Planning Statements state that access to the cycle store would be via a lift through the main core of the building.
- 7.173 The proposal therefore fails to provide sufficient information but also fails to comply with policy. Adequate access to the proposed cycle parking is not provided and the proposed servicing arrangements could cause obstruction to the pedestrian movement and as such impact the safety of the surrounding transport network. As a result, the proposal fails to comply with London Plan (2016) policies 6.3 and 6.12, Local Plan policies S.TR1 and D.TR2 which require developments to assess the impact, be well-integrated into the surrounding transport network and not adversely impact it.

Deliveries & Servicing

- 7.174 The existing development is serviced on street. No objections were raised in principle to on-street servicing to previous redevelopments of the site on the basis that a bespoke delivery and servicing plan is secured to ensure that adverse impact would be appropriately mitigated. However, servicing on a public highway can only take place in areas where legally permitted and can be legally be used by anybody. As a result, the area may not be available for vehicles servicing the proposed development.
- 7.175 The applicant has failed to properly address how deliveries and servicing would take place to ensure that the proposal would have no unacceptable adverse impact on the surrounding transport network. This is unacceptable and is contrary to London Plan (2016) policies 6.3 and 6.12, and Local Plan policies S.TR1, D.TR2 and D.TR4 which require developments to assess and mitigate the impact the transport network through appropriate assessments and plans.

Car Parking

- 7.176 The applicant has stated that the proposed development would be 'car free' with the exception of one blue badge bay. This is considered acceptable in principle and would have been secured via legal agreement had the application been recommended for approval.
- 7.177 The LBTH highways officer has raised concerns with respect to the location and access into the proposed wheelchair bay which would require reversing from a public highway. The tracking diagram shows that a large car would not be able to turn out of the bay easily into Island Row. In addition, the on street parking bays would also impede the visibility of the bay.
- 7.178 As a result, the location of the proposed wheelchair car parking space is not acceptable and would likely have an adverse impact on the safety of the surrounding transport network. This is considered unacceptable and not in accordance with London Plan (2016) policies 6.3 and 6.12, and Local Plan policy S.TR1 and D.TR2 which require developments to be well-integrated into the surrounding transport network and not adversely impact it.

Cycle Parking and Facilities

- 7.179 Officers do not consider that the cycle parking standards should be based on C1 (hotel) use. As promoted by the emerging New London Plan policy, it is considered that C3 (residential) requirements would be relevant for the HMO element of the proposal. However, for the hostel use, it is considered acceptable to apply the C1 standard given the short-term nature of the use.
- 7.180 The proposal would generate the following need for cycle parking to be provided:
- Hostel use: 2 long-stay spaces and 1 short-stay space

- HMO use: 84 long-stay spaces and 3 short-stay spaces.

- 7.181 A total of 12 cycle spaces have been provided in the lower ground floor and four spaces is proposed in the form of Sheffield stands. Evidently, the proposal significantly falls short to provide the required cycle spaces for the HMO element of the land use.
- 7.182 The proposed cycle storage basement also would be shared with general storage area which the applicant has not identified the purpose of. Its inclusion in the cycle storage area is considered unacceptable in principle from a security point of view. In addition, there are concerns around the potential obstruction of the proposed cycle spaces due to the shared storage area.
- 7.183 The Transport Statement states that the basement cycle storage includes staff cycle spaces. Whilst there might be scope to accept that the amount of staff cycle parking spaces could be provided on the basis of C1 use, the amount of proposed cycle spaces in total is not considered to be sufficient as explained above. In addition, the applicant has failed to consider the opportunity to provide changing and washing facilities for staff as required by emerging New London Plan policy T5.
- 7.184 Two Sheffield stands which would provide four short-stay (visitor) cycle spaces are proposed on the north-western corner of the site. Concerns are raised in relation to the location of the proposed two stands raises security issues given that the spaces would not be sufficiently overlooked to provide some degree of natural surveillance.
- 7.185 In summary, the proposal does not provide a sufficient level of cycle parking spaces as required by planning policy. In addition, the proposed location of the cycle storage is not considered acceptable. As such, the proposal fails to meet the policy requirements set out in policies 6.9 and 6.13 of the London Plan (2016) and D.TR3 of the Tower Hamlets Local Plan 2031 (2020), and London Cycling Design Standards which require developments to provide a sufficient amount of cycle parking to accommodate current demand and encourage further use over time, and ensure cycle spaces are of adequate design.

Trip generation

- 7.186 The applicant has provided trip generation based on surveys carried out on a Liverpool hostel 10 years ago. This is not up-to-date data and cannot be accepted as an appropriate comparison to the proposed development. Given the on-going use of the existing hostel use, officers question the purpose of not providing the up-to-date data for trip generation, as it has been done for the servicing demand.
- 7.187 Therefore, the applicant has failed to appropriately consider the number of trips that the proposed development is likely to experience. As such, the lack of the relevant information, including any necessary mitigation measures, indicates that the proposed development is contrary to London Plan (2016) policies 6.3 and 6.12, and Local Plan policy D.TR4 of the Tower Hamlets Local Plan 2031 (2020) which requires developments to demonstrate how these trips would be managed in order to ensure that there is no adverse impact on the transport network.

Travel Planning

- 7.188 The applicant has submitted a Travel Plan. No objections were raised to this element by the Council's highways officer. A full travel plan would have been secured if the application was recommended for approval.

Summary

- 7.189 Overall, the proposal fails to ensure that the operational needs of the proposed development would not have an adverse impact on the safety and capacity of the transport network. Insufficient information has been provided to ensure that the proposed wheelchair car parking space would not impact the safety of transport network along Island Row. In addition, insufficient Trip Generation data has been provided. The proposal also fails to provide an adequate quantum of cycle spaces. The proposed cycle storage does not meet policy requirements given some would be shared with general storage areas and it is also unclear with the application how the cycle parking would be accessed.
- 7.190 Therefore, the proposed development would not comply with London Plan (2016) policies 6.3, 6.9, 6.12 and 6.13 of the London Plan (2016) and Local Plan policies S.TR1, D.TR2, D.TR3 and D.TR4 of the Tower Hamlets Local Plan 2031 (2020).

ENVIRONMENT

Environmental Impact Assessment

- 7.191 The proposed development does not constitute an Environmental Impact Assessment (EIA) Development, in accordance with The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.
- 7.192 The environmental impacts of the proposal are discussed below according to the relevant topic areas.

Energy & Environmental Sustainability

- 7.193 The applicant has submitted an Energy and Sustainability Report (March 2019) which sets out how the applicant has sought to deliver carbon savings through energy efficiency measures, communal Combined Heat & Power (CHP) system and the integration of renewable energy technologies (PV array).
- 7.194 The proposals are anticipated to achieve a 44% reduction in carbon dioxide emissions against the baseline which is close to policy target of 45%. However, the submitted energy strategy is based on Part L 2013 calculations. This is not supported given that the GLA has been promoting the use of updated (SAP 10) carbon emission factors to assess the expected carbon performance of new developments.
- 7.195 Given the scale of the development and CO₂ emissions (in light of grid decarbonisation) and air quality issues, the use of a CHP to supply the development is not considered suitable.
- 7.196 The proposal therefore fails to demonstrate how it would meet the carbon dioxide emission reduction standards as based on the most up-to-date evidence. In addition, the use of the proposed energy system is not considered acceptable. As such, the proposal is not in accordance with policy 5.2 of the London Plan (2016) and D.ES7 of the Tower Hamlets Local Plan 2031 (2020) which requires developments to make the fullest contribution to minimising carbon dioxide emissions.

Air Quality

- 7.197 The Council's Environmental Health Air Quality Officer reviewed the application and suggested a pre-commencement condition to demonstrate how the proposal would achieve the air quality neutral standard.
- 7.198 It should be noted that the proposed development is situated within an area of substandard air quality. The applicant's Planning Statement states that the application site is not within or in

close proximity to an Air Quality Management Area; however, the whole of the borough falls within an Air Quality Management Area.

- 7.199 Given the particularly sensitive area in which the application site is situated, it is considered necessary to provide an air quality assessment during the application stage. As such, the application is lacking sufficient information to assess in relation to London Plan (2016) policy 7.14 and Local Plan policy D.ES2 which requires development to at least meet the 'air quality neutral' standard.

Waste

- 7.200 The proposed waste storage would be situated in the basement of the proposed building. Recycling and general bins are proposed in one area, while other storage would be shared with the cycle storage area.
- 7.201 In terms of capacity, the applicant has failed to address the policy requirements and demonstrate how it would incorporate sufficient waste storage and ensure that dry recyclables, organics and residual waste can be segregated. In terms of location, the proposal for a joint cycle and waste storage is not considered acceptable in principle given the level of obstruction that is likely to happen.
- 7.202 The proposed waste storage would be collected from the refuse platform lift situated adjacent to the public footway along the eastern side of the site. The applicant has not submitted sufficient information to explain how waste would be satisfactorily managed and collected with the adverse impact on this section of the highways.
- 7.203 The proposed development fails to demonstrate how it would provide sufficient waste storage capacity and effective management and collection of the waste which is contrary to London Plan (2016) policy 5.17 and Local Plan policy D.MW3 of the Tower Hamlets Local Plan 2031 (2020) which require all new developments to ensure capacity, collection and management of waste in a sustainable manner in line with the principles of the waste management hierarchy.

Biodiversity

- 7.204 The applicant submitted the findings of the preliminary bat roost assessment post submission which found negligible opportunities for roosting bats. As such, there would be no significant impact on biodiversity given the site is largely building and hard standing.
- 7.205 An acceptable scheme would have incorporated relevant conditions to secure and provide information regarding the proposed biodiversity enhancements and details of the proposed planting.

Drainage

- 7.206 The applicant has not submitted a Sustainable Urban Drainage Strategy; however, a condition would have been secured to ensure that the proposed development follows the sequential approach to the disposal of surface water and also to demonstrate what measures would be undertaken to minimise groundwater discharged into the public sewer, as suggested by the Thames Water Authority. As such, there are no objections to this part of the proposal.

Land Contamination

- 7.207 The application has been reviewed by the Council's Environmental Health Land Contamination Officer. Subject to securing a standard condition to ensure that any contamination identified can be satisfactorily dealt with, it was not considered that the redevelopment of the site would give rise to any other land contamination issues.

INFRASTRUCTURE IMPACT

- 7.208 The proposed development would be liable for Tower Hamlets Community Infrastructure Levy (CIL) and Mayor of London CIL payments. The figures will be provided in the update report.
- 7.209 Alongside CIL, Development Plan policies seek financial contributions to be secured by way of planning obligations to offset the likely impacts of the proposed development on local services and infrastructure. This would have included financial contributions towards construction phase and end use phase employment skills training.
- 7.210 In terms of non-financial contributions, the application would be required to exercise best endeavours to ensure that 20% of the construction phase workforce for the phase two works (new build) will be local residents of Tower Hamlets and to ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets.

HUMAN RIGHTS & EQUALITIES

- 7.211 The proposal does not raise any unique human rights or equalities implications. The balance between individual rights and the wider public interest has been carefully considered and officers consider it to be acceptable.
- 7.212 Notwithstanding the numerous issues identified in the above sections of this report, the proposed access arrangements would meet inclusive designs standards. 10% of the both hostel and shared living accommodation would be wheelchair accessible. One blue badge site is included in the proposed development.
- 7.213 The proposed development would not result in adverse impacts upon equality or social cohesion.

8. RECOMMENDATION

- 8.1 That subject to any direction by the Mayor of London, **planning permission is REFUSED** for the following reasons:
- 1) The proposed development fails to demonstrate the need for the proposed large-scale HMO use on the site. In addition, the proposal fails to provide affordable housing contributions. As a result, the proposal is contrary to Local Plan policies D.H2, D.H7 of the Tower Hamlets Local Plan 2031 (2020).
 - 2) The scale, height and massing of the proposed seven storey building would be overbearing to the local character of the area and as such would cause harm to the St Anne's Conservation Area. The site layout and scale of the proposed development fails to follow good design principles indicating the over-development of the site. The proposal fails to secure high quality design detailing. Also, the applicant has not submitted an archaeological assessment as required. As such, the proposal would be contrary to Chapters 12 and 16 of the National Planning Policy Framework (2019), London Plan (2016) policy 7.4 and 7.8 and Local Plan policies S.DH1, D.DH2 and S.DH3 of the Tower Hamlets Local Plan 2031 (2020) and the St Anne's Church Conservation Area Character Appraisal and Management Guidelines (2009).
 - 3) The proposed HMO accommodation would not provide adequately lit communal indoor amenity spaces. There would also be a lack of communal amenity space for future

occupiers of the proposed HMO accommodation. As such, the quality of the proposed shared living accommodation is not considered to be acceptable and in accordance with Chapter 12 of the National Planning Policy Framework (2019), policy 3.5 of the London Plan (2016) and S.H1, D.H2, D.H3, D.H7 and D.DH8 of the Tower Hamlets Local Plan 2031 (2020).

- 4) The proposal fails to ensure that the operational needs of the proposed development would not adversely impact the safety and capacity of the transport network. Insufficient information has been provided to ensure that the proposed wheelchair car parking space would not impact the safety of the transport network along Island Row. In addition, insufficient Trip Generation data has been provided and an adequate Servicing and Delivery Plan has not been provided. This is contrary to Chapter 9 of the National Planning Policy Framework (2019), London Plan (2016) policies 6.3, 6.9, 6.12 and 6.13 of the London Plan (2016) and Local Plan policies S.TR1, D.TR2, D.TR3 and D.TR4 of the Tower Hamlets Local Plan 2031 (2020).
- 5) The proposal has not provided a sufficient amount of cycle storage, and the storage that is provided would not meet policy requirements due to its location and accessibility, which contradicts Chapter 9 of the National Planning Policy Framework (2019), London Plan (2016) policies 6.9 and 6.13 and Local Plan policy D.TR3 of the Tower Hamlets Local Plan 2031 (2020). The proposal also fails to demonstrate that sufficient waste storage capacity, management and collection would be provided to satisfy the requirements of policy D.MW3 of the Tower Hamlets Local Plan 2031 (2020).
- 6) In the absence of sufficient information, including an air quality assessment and energy assessment based on the GLA's Energy Assessment guidance and recommendations for the use of SAP10 carbon factors, the proposed development would not be in accordance with Chapters 14 and 15 of the National Planning Policy Framework (2019), London Plan (2016) policies 5.2 and 7.14, and Local Plan policies D.ES1 and D.ES7 of the Tower Hamlets Local Plan 2031 (2020).
- 7) In the absence of the s106 agreement to provide the relevant financial and non-financial contributions to mitigate the impacts of the development, the proposal fails to comply with policy D.SG5 of the Tower Hamlets Local Plan 2031 (2020).

APPENDIX 1 – PLANS AND DOCUMENTS

Drawings

189-CDA-A-00-DR-A-00-0100 LOCATION PLAN
189-CDA-A-00-DR-A-00-0101 REV 01 SITE LOCATION PLAN
189-CDA-A-00-DR-A-05-1100 REV 03 TRANSPORT PLAN
189-CDA-A-01-DR-A-01-0111 REV 01 EXISTING FIRST FLOOR PLAN
189-CDA-A-02-DR-A-01-0112 REV 01 EXISTING SECOND FLOOR PLAN
189-CDA-A-B1-DR-A-01-0109 REV 01 LANDSCAPE
189-CDA-A-B1-DR-A-01-0110 REV 01 EXISTING GROUND FLOOR PLAN
189-CDA-A-XX-DR-A-01-0121 REV 01 EXISTING STREET ELEVATIONS
189-CDA-A-XX-DR-A-01-0122 REV 01 EXISTING COURTYARD ELEVATIONS
189-CDA-A2-00-DR-A-05-0100-REV 07 GROUND FLOOR PLAN
189-CDA-A2-01-DR-A-05-0101-REV 05 FIRST FLOOR PLAN
189-CDA-A2-02-DR-A-05-0102-REV 01 SECOND FLOOR PLAN
189-CDA-A2-05-DR-A-05-0104-REV 07 FIFTH FLOOR PLAN
189-CDA-A2-06-DR-A-05-0105-REV 07 SIXTH FLOOR PLAN
189-CDA-A2-07-DR-A-05-0106-REV 06 ROOF PLAN
189-CDA-A2-B1-DR-A-05-0099-REV 10 LOWER GROUND FLOOR PLAN
189-CDA-A2-XX-DR-A-05-0201-REV 06 NORTH ELEVATION
189-CDA-A2-XX-DR-A-05-0202-REV 06 EAST ELEVATION
189-CDA-A2-XX-DR-A-05-0203-REV 06 SOUTH ELEVATION
189-CDA-A2-XX-DR-A-05-0204-REV 06 WEST ELEVATION
189-CDA-A2-ZZ-DR-A-05-0103-REV 08 THIRD / FOURTH FLOOR PLAN
189-CDA-A2-ZZ-DR-A-05-0400-REV 05 SECTION A
189-CDA-AX-00-DR-A-05-0610 REV 02 EXISTING BASEMENT PLAN
189-CDA-XX-XX-DR-A-90-1000-REV 01 PROPOSED LANDSCAPING ISLAND ROW

Submission documents

Transport Statement by Interland Group dated April 2019
Travel Plan by Interland Group dated April 2019
Energy and Sustainability Report by MES Building Solutions dated March 2019
Demolition and Construction Management Plan by Rooms and Studios dated 18/03/2019
Delivery and Service Management Plan by Interland Group dated April 2019
Planning Statement by Rapleys dated 05/04/2019
Design and Access Statement by CREATE dated March 2019
Daylight and Sunlight Study by Right of Light Consulting dated 15/03/2019

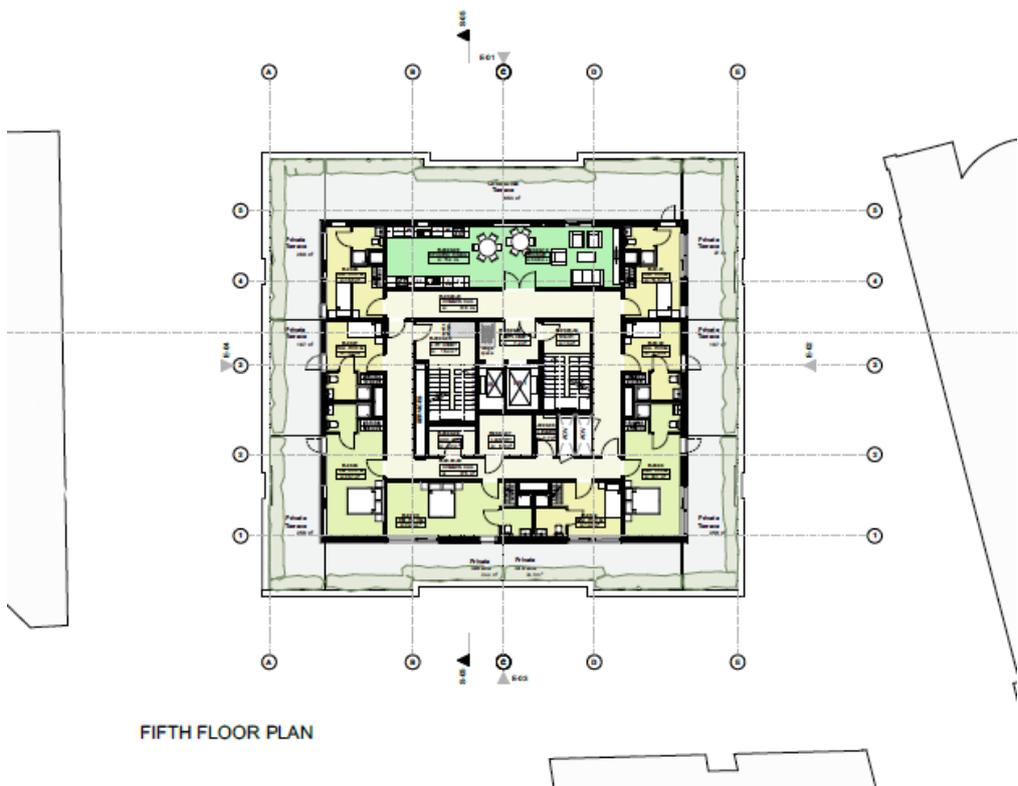
Post Submission documents (latest documents only)

Financial Viability Assessment by Rapleys dated 03/12/2019
Heritage Statement by KMHeritage dated September 2019
Daylight & Sunlight Amenity (Internal) by Rapleys dated September 2019
Accommodation schedule by CREATE dated 14/10/2019
Bat appraisal by Ecology Solutions dated 30/09/2019
Building Management Plan by Interland Group dated September 2019

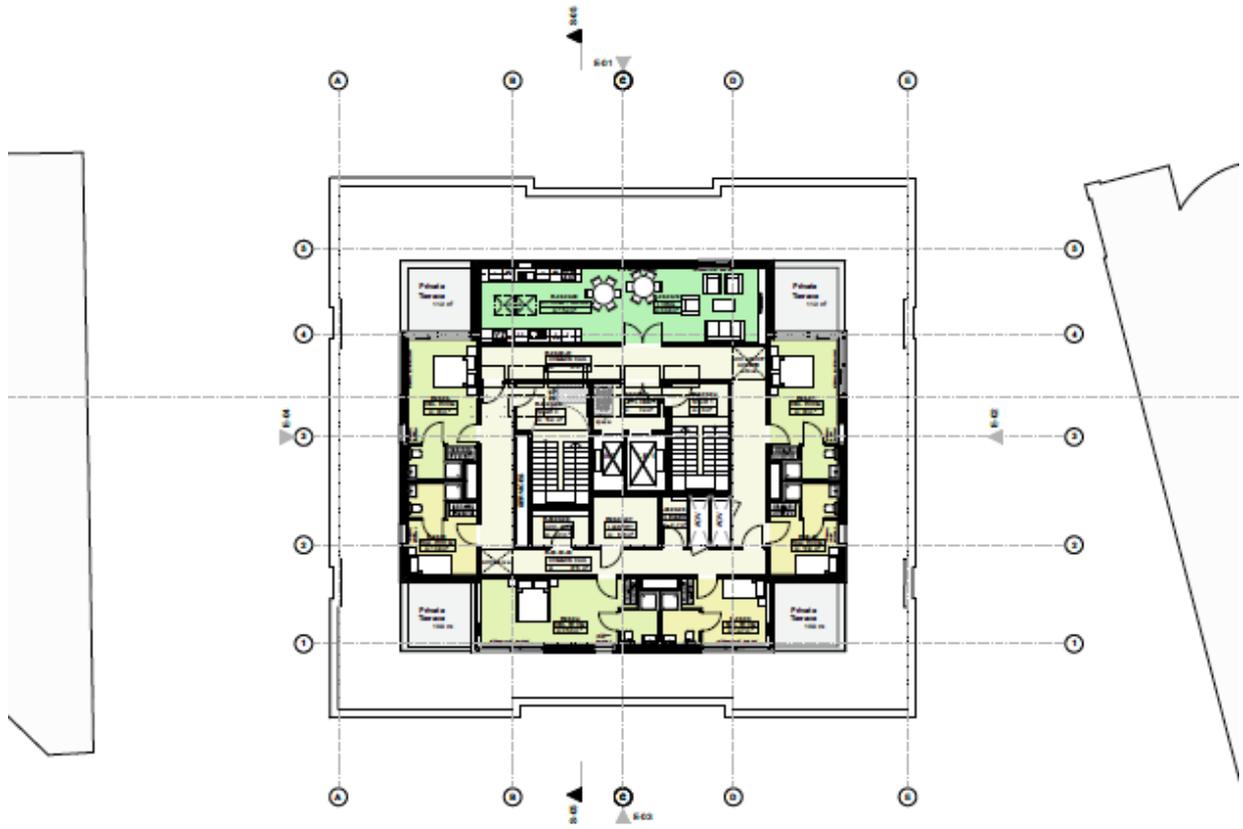
APPENDIX 2 - SELECTION OF PLANS, IMAGES AND CGIs



Proposed Ground floor plan



Proposed Fifth floor plan



SIXTH FLOOR PLAN

Proposed Sixth floor plan



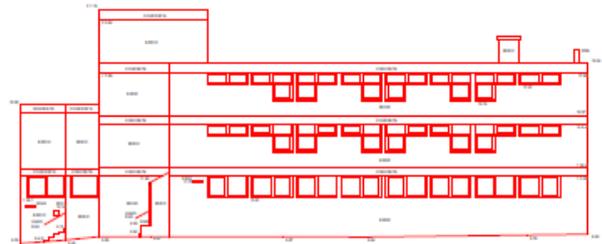
EXISTING WEST ELEVATION



EXISTING SOUTH ELEVATION



EXISTING EAST ELEVATION



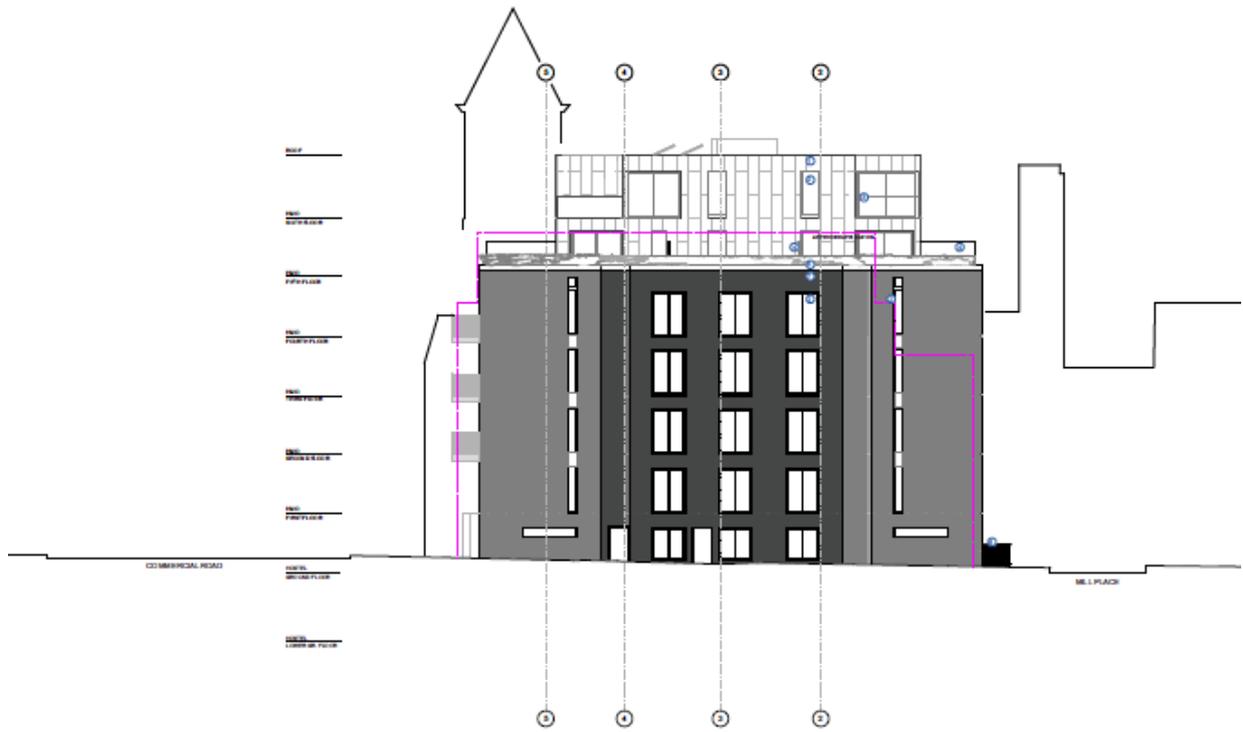
EXISTING NORTH ELEVATION

Existing elevations



NORTH (COMMERCIAL ROAD) ELEVATION

Proposed North elevation (fronting Commercial Road)



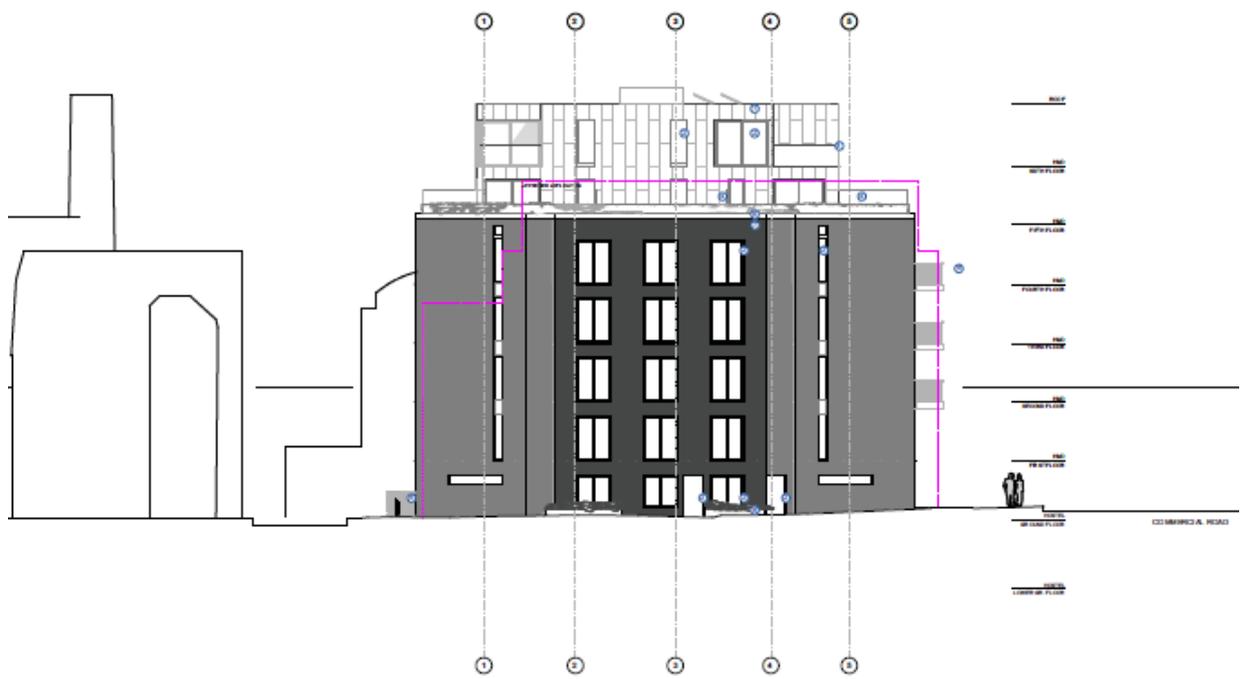
WEST (MILL PLACE) ELEVATION

Proposed West elevation (Mill Place)



SOUTH (MILL PLACE) ELEVATION

Proposed South elevation (Mill Place)



EAST (ISLAND ROW) ELEVATION

Proposed East elevation (Island Row)



Existing photo of the site



CGI of the proposed development



CGI of the proposed entrance area, Page 33 of the Design and Access Statement