

<b>Committee:</b> Development Committee	<b>Date:</b> 16 <sup>th</sup> June 2015	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Corporate Director of Development and Renewal	<b>Title:</b> Planning Application
<b>Case Officer:</b> Esha Banwait	<b>Ref No:</b> PA/15/00117
	<b>Ward:</b> Stepney Green

## 1. APPLICATION DETAILS

**Location:** Footway Adjacent to Ansell House on Mile End Road, E1

**Existing Use:** Sui Generis

**Proposal:** Relocation of an existing Barclays Cycle Hire Docking Station comprising of a maximum of 41 docking points by 75m to the east as a consequence of the proposed Cycle Superhighway 2 Upgrade Works.

**Drawing and documents:** Drwg no. 610573 – LOC revision A – Location Plan; Drwg no. 610573 – LOC2 Revision A – Location Plan 2; Drwg. 610573 – GA Revision C – General Arrangement; Drwg no. 610573 – EX Revision A – Existing Layout; Drwg no. TDE-FW-01-PL - Standard Linear Foundation Footway; Drwg no. TDE-FW-T-PL – Standard Linear Foundation Footway; Drwg no. CHS-DP-03 Revision 3 – Docking Point Design; Drwg no. CHS\_2\_T Revision 5 – Terminal Design; Planning, Design and Access Statement (April 2015)

**Applicant:** Transport for London

**Ownership:** Transport for London

**Historic Building:** N/A

**Conservation Area:** Stepney Green Conservation Area

## 2. EXECUTIVE SUMMARY

2.1 This report considers an application for the proposed relocation of Barclays Cycle Hire Docking Station by approximately 75m to the east of its current location. This application results from Transport for London's Cycle Superhighway 2 Upgrade project and as part of this upgrade, the formation of a dedicated cycleway along Bow Road. This cycle route upgrade project has necessitated the relocation of a series of cycle hire docking stations between Aldgate to the west and Bow Roundabout to the east.

- 2.2 This application has attracted a total of 1 written objection and 1 petition containing 39 signatories. The main concerns raised by objectors relate to amenity impacts, alternative locations and anti-social behaviour. Careful consideration has been given to these concerns, as well as other material planning considerations.
- 2.3 This application was presented at the Development Committee Meeting on 9<sup>th</sup> April 2015 where Members were minded to refuse planning permission as the proposed location was considered to have undue detrimental impacts on the amenity of Ansell House residents in terms of noise nuisance and loss of privacy. Members also expressed a preference for an alternative location. Consequently, this application was deferred for officers to report back with a drafted reason for refusal for the consideration of Members.
- 2.4 Following this meeting, the applicant submitted an amendment to the application comprising a revised arrangement of the proposed cycle hire docking station. Re-consultation with the public and relevant internal and external consultees was undertaken pursuant to the amended proposal however no further representations were received from residents.
- 2.5 Given the amendment to the proposal is considered to be substantive, and as such, in accordance with paragraph 11.1 and 11.2 of the Development Procedure Rules, the proposal is being reported back to Development Committee as a full report for decision.
- 2.6 As explained within the main report, the amended proposal is considered acceptable with relation the Development Plan.

### **3.0 RECOMMENDATION**

- 3.1 That the Committee resolve to GRANT planning permission subject to the following conditions:
- 3.2 **Conditions on planning permission**
- (a) Three year time limit
  - (b) Development to be built in accordance with the approved plans
  - (c) In the event the cycle hire docking station becomes redundant, the station shall be removed as soon as is reasonably practical and the land on which the station is sited shall be restored to its original state, or to any other condition as may be agreed in writing with the local planning authority.
  - (d) The proposed development will accord with British Standards 3998 (2010) and 5837 (2012) with excavation in close proximity to tree root protection area hand dug.
- 3.3 Any other condition(s) considered necessary by the Corporate Director for Development & Renewal.

## 4.0 PROPOSAL AND LOCATION DETAILS

### Site and Surroundings

- 4.1 The application site is on the southern footpath near the corner of Mile End Road and Sidney Street, outside Ansell House. Ansell House is a six storey residential building that is reasonably setback from the front property boundary. Ansell House extends approximately 149m in length parallel to Mile End Road. The site is located on the footpath that forms part of a major intersection of Mile End Road, Cambridge Heath Road, Sidney Street and Whitechapel Road, generally comprising a mixture of shops, offices (Use Class B1 and B2) and residential dwellings.
- 4.2 The application site does not contain a listed building, however it is located within the Stepney Green Conservation Area.

### The Proposal

- 4.3 The application proposes the following:
- (a) Relocation of an existing Barclays Cycle Hire Docking Station by approximately 75m south east of its current location on south pavement of Mile End Road outside the eastern block of Ansell House. The proposed relocation site will be located 160m east of the Mile End Road, Sidney Street, Whitechapel Road and Cambridge Heath Road junction.
  - (b) The cycle hire docking station will be a total 32.8m in length and will be setback 0.6m from the Ansell House property boundary (fence-line) located to the south. The cycle hire docking station will be setback 6.3m (maximum distance) from the existing London Plane trees along the south pavement of Mile End Road in close proximity to the kerb line.
  - (c) The cycle hire docking station is split up in three parts, part one comprising a total of 17 docking points (total 12.8m in length), part two comprising 17 docking point and a terminus (total 14.8m in length) and part three comprising 7 docking points (total 5.2m in length). The previous proposed iteration was split up in two parts, part one comprising a total of 12 docking points (total 9m in length) and part two comprising of a terminus and 32 docking points (total 26m in length).
  - (d) The proposed arrangement of the cycle hire docking station is such that it avoids interference with the existing entrance into the private courtyards located in the foreground of Ansell House and to ensure a reasonable separation distance from the east wing of Ansell House which projects outwards in close proximity to the subject pavement. A minimum separation distance of 1.3m (max. 2m) on both sides of the existing Ansell House entrance has been proposed.
  - (e) The cycle hire docking station will be 0.79m in height (maximum) and the terminus being the tallest element will be 2.4m (h) x 0.5m (w) comprising of a way-finding map and payment/registration functionality.

## **Background**

- 4.4 This application has been submitted as a consequence of Transport for London's Cycle Superhighway 2 Upgrade project and as part of this upgrade the formation of a dedicated cycleway along Whitechapel Road, Bow Road and Mile End Road. This cycle route upgrade project has necessitated the relocation of a series of the Transport for London's Barclays Cycle Hire Docking Stations between Aldgate to the west and Bow Roundabout to the east.
- 4.5 The cycle hire scheme provides public access to bicycles for short trips and requires docking stations to be located strategically across central London to ensure comprehensive coverage. The scheme allows people to hire a bicycle from a docking station, use it as desired, and return it to either the same or another docking station.
- 4.6 In order to ensure that there is no disruption or reduction to the Cycle Hire service along this route, 10 sites are being bought forward to replace the sites which are to be lost or reduced as part of the proposed Cycle Superhighway 2 Upgrade.
- 4.7 This application was presented to the development committee on 9<sup>th</sup> April 2015 where the members were minded to refuse the application due to adverse amenity impacts on the residents of Ansell House, in particular those located in the eastern wing. The application was hence deferred. Subsequently, the applicant submitted amended drawings comprising of a revised layout of the proposed cycle hire docking station. Public consultation including relevant internal and external consultees by way of notification letters, site notice and advertising in the East End Life was undertaken in light of the amendments.

## **Relevant Planning History**

- 4.8 **PA/11/01417 (Original Permission):** Full planning permission for the installation of Barclays Cycle Hire Docking Station containing a maximum of 47 docking points for scheme cycles plus a terminal, permitted 28th July 2011.

## **5.0 POLICY FRAMEWORK**

- 5.1 For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. The following policies are relevant to the application:

### **5.2 Government Planning Policy Guidance/Statements**

- National Planning Policy Framework (March 2012) (NPPF)
- National Planning Practice Guidance (March 2014)

### **5.3 Spatial Development Strategy for Greater London – March 2015, Consolidated with alterations since 2015 (LP)**

- 6.1: Strategic Approach to London's Transport
- 6.9: Cycling
- 7.4: Local Character
- 7.5: Public Realm
- 7.8: Heritage Assets and Archaeology

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

##### **Site Designations**

Stepney Green Conservation Area

SP08: Making Connected Places

SP09: Creating Attractive and Safe Streets and Spaces

SP10: Creating distinct and durable places

#### 5.5 **Managing Development Document (adopted April 2013) (MDD)**

DM20: Supporting a sustainable transport network

DM23: Streets and the public realm.

DM24: Place Sensitive Design

DM25: Amenity

DM27: Heritage and the historic environment

#### 5.6 **Other Relevant Documents**

- The Stepney Green Conservation Area Character Appraisal and Management Guidelines, LBTH (2009)
- Whitechapel Masterplan

#### **CONSULTATION RESPONSE**

5.7 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

5.8 The following were consulted regarding the application:

##### **Internal Consultees**

##### **Highways and Transportation**

5.9 No objection.

##### **Design and Conservation**

5.10 No objection.

##### **Senior Arboricultural Trees Officer**

5.11 No objection.

##### **External Consultees**

##### **Transport for London**

5.12 No comments.

##### **Neighbours Representations**

5.13 A total of 238 planning notification letters were sent to nearby properties. The application proposal was also publicised by way of a site notice and press notice in the East End Life.

- 5.14 At the time of the initial consultation, the proposal received 1 letter of representation and 1 petition containing 39 signatories objecting to the proposal. Further to the receipt of amended drawings, all previously notified properties and relevant internal and external consultees were re-consulted. No objections or representations have been received during the re-consultation undertaken pursuant to the amended proposal.

**Reasons for Objection:**

- 5.15 The proposed relocation being in close proximity to the residents of Ansell House resulting in overlooking into the habitable rooms of dwellings in particular those located on ground floor.

**[Officer's response:** This is assessed in the material planning considerations section of the report under 'amenity']

- 5.16 Increase in noise level due to the proposed relocation of the cycle hire docking station to be situated in close proximity to the residential dwellings in Ansell House.

**[Officer's response:** This is assessed in the material planning considerations section of the report under 'amenity']

- 5.17 Consideration should be given for alternative locations to be situated closer to the kerbline or to the north pavement of Mile End Road in order to maximise the separation distance between the cycle hire docking station and the residents of Ansell House.

**[Officer's response:** Other potential relocation sites were considered before TfL settled on the proposed location. The Cambridge Heath Road and Whitechapel Road intersection to the west of the subject site, forms part of the Whitechapel Markets, and as a consequence limited physical space is available to accommodate a 41 docking point cycle hire station at that location. The pavement at the corner of the Cambridge Heath Road and Mile End Road is cluttered with services and street furniture, hence limited relocation opportunities were found along the north pavement of Mile End Road.

At the April 2015 Development Committee Meeting, Members suggested an alternative site located on the pavement outside the Wickham Building, 69 Mile End Road. However, an existing 36 point cycle hire docking station as previously approved under PA/11/01330 and PA/15/00201 is already in situ at this site.

The proposed location along the south pavement of Mile End Road outside the eastern block of Ansell House was chosen as the preferred location as it comprises a wide footway where conflict with pedestrian flow can be avoided. Additionally, the proposed location was strategically chosen as it is setback from the existing series of London Plane trees planted along the southern pavement in order to avoid any impacts on the tree roots along with other underground service lines]

- 5.18 Increase in anti-social behaviour along the southern pavement of Mile End Road.

**[Officer's response:** This is assessed in the material planning considerations section of the report under 'crime']

- 5.19 Property devaluation due to the presence of a cycle hire docking station being located in close proximity to Ansell House.

[**Officer's response:** Property devaluation is not a material planning consideration]

5.20 Lack of consultation with the residents of Ansell House by TfL.

[**Officer's response:** Two rounds of public consultation were undertaken by the Council as the responsible local planning authority for the proposed works]

## **6.0 MATERIAL PLANNING CONSIDERATIONS**

6.1 The main planning issues raised by the application that the committee must consider are:

- Land Use
- Design
- Amenity
- Highways
- Other issues

### **Land Use**

6.2 The existing site comprises footpath, and the principle of the incorporation of cycle hire docking station in the vicinity has already been established with the existing cycle station to the north of Bow Road. The need to encourage cycling and other forms of transport is well understood in planning policy and is set out in Policy 6.9 of the London Plan, policy SP08 (2) of LBTH's adopted Core Strategy and policy DM20 of the Managing Development Document. Accordingly, it is considered that the introduction of a replacement Cycle Hire Docking Station in the proposed location is acceptable in land use terms.

### **Design**

6.3 Policies DM23 and DM24 of the Managing Development Document seek to ensure that the development is sensitive to the local character and environment and provides for safe, secure and permeable environment. Additionally, DM27 seeks for development to protect and enhance the Borough's heritage assets, their setting and their significant as key elements of developing the sense of place of the borough's distinctive places.

6.4 The design and finishing materials of the docking station and terminal will remain unchanged, finished in grey and blue, as exhibited on all docking stations throughout the borough.

6.5 The docking station will be 0.8m in height (maximum), a total of 32.8m in length across three parts, and a maximum 2m in width. Part one comprises 17 cycle docking points (12.8m in length), part two comprising 17 cycle docking points and one terminus (14.8m in length) and part three comprising 7 cycle docking points (5.2m in length). The separation distance between part one and part two will be 5.9m in order to avoid any interference with the existing entrance into the private courtyard area of Ansell House. The separation distance between parts two and three is proposed at 9 metres, in order to avoid the closest frontage of Ansell House.

- 6.6 It is noted that that proposed site is in close proximity to several London Plane Trees planted along the kerb line of Mile End Road. The proposal does not involve the removal of any nearby trees and the excavation to the pavement will not exceed 45cm. The applicant has agreed that the works will be undertaken in compliance with British Standard 5837:2012. Based upon that standard there is no reason to suppose the works will adversely damage the root zone to any surrounding street trees.
- 6.7 Therefore, the main issue is whether the design of the docking station is appropriate, and whether the provision of additional street furniture results in a cluttered streetscape.
- 6.8 The proposed relocation site on the south pavement outside the eastern block of Ansell House is considerably wide (approximately 12.5m in width) compared to the existing site and is generally cleared of any street furniture or clutter. Having considered that the total width of the cycle hire docking station will not exceed 2m, the proposed relocation is not considered to impose undue clutter to this section of the pavement or streetscape.
- 6.9 Given the proposal involves a relocation of an existing cycle hire docking station, this element already forms part of the existing streetscape of the southern pavement of Mile End Road and the Stepney Green Conservation Area. Therefore, the proposal would appear as a congruous addition to the streetscape, and would not cause harm to the special character and appearance of the conservation area.
- 6.10 The proposal relocation generally accords with policy 6.9 of the London Plan and policies DM23, DM24 and DM27 of the Managing Development Document and is therefore not considered to result in street clutter or detrimentally alter the prevailing streetscene of Mile End Road.

### **Amenity**

- 6.11 Policy SP10 of the adopted Core Strategy and policy DM25 of the Managing Development Document seek to protect residential amenity.
- 6.12 The Cycle Hire Docking Station is proposed to be relocated on pavement outside Ansell House which is a large residential property comprising of over a hundred flats that are located in close proximity to a major highway intersection. Although the existing site is already located outside the western block of Ansell House, the proposed relocation site is closer to the Ansell house property boundary outside the eastern building block, placing the cycle hire docking station in closer proximity to the residents of Ansell House. The proposed relocation site will be setback 0.6m from the fence line of Ansell House which separates the private courtyard from the public realm.
- 6.13 The cycle hire docking station does not comprise of any significantly tall vertical structures as the majority of the structure will not exceed 0.8m in height. It is noted that the tallest element of the cycle hire docking station will be the terminus being 2.4m in height.
- 6.14 The layout of Ansell House is such that the majority of the building is setback at least 13m from the property boundary along with a landscaped private courtyard area in the foreground which creates a reasonable buffer from the public realm. A fence of approximately 2m in height runs along the northern perimeter of the



property which will assist in screening the proposed cycle hire docking station to some extent.

- 6.15 It is noted that the part of the eastern building block is setback approximately 3m from the property boundary. The northern elevation of this building block comprises of two medium sized windows per floor which project views of the Mile End Road carriageway. However, the revised layout and arrangement of the cycle hire docking station is such that there are no docking points located in the immediate foreground of Ansell House's east wing. As a result, no direct overlooking onto the docking points from this elevation is anticipated.
- 6.16 Additionally, the western elevation of the east wing also comprises of windows that project views onto the private courtyard located in the foreground of Ansell House. Although there is no direct looking, there is likely to be an oblique view of the proposed cycle hire docking station from this elevation. Having considered the presence of an approximately 2m tall fence line and given that the total height and scale of the cycle hire docking station, levels of overlooking are not considered to be unduly detrimental. Furthermore, the docking station is within the public realm, where there is an existing expected level of activity as existing.
- 6.17 With regards to any anticipated light pollution, the TfL 'Cycle Hire' logo located on the top of a terminus will not be illuminated at any time. Additionally, the registration/payment screen, way-finding maps and information located on the terminus will only be illuminated on demand during poor light conditions. This level of illumination is anticipated to be similar to that at bus stops. Given the proposed low level and on-demand illumination there would be no significant impacts on neighbouring amenity.
- 6.18 Additionally, given that the application site is in proximity to a major highway intersection along Mile End Road, the streetscape and the setting of the application site is already affected by a degree of background motorised traffic noise transmitted along Mile End Road, it is not considered the operation of the docking station will give rise to any unduly detrimental amenity impact to residential neighbours.
- 6.19 The proposed cycle hire docking station is therefore considered acceptable in terms of neighbour amenity, in accordance with policies SP10 of the Core Strategy, and DM25 of the Managing Development Document.

### **Highways**

- 6.20 No objection has been raised by Transport for London the highway authority for Mile End Road or by LBTH Highways Team.
- 6.21 The pavement exhibits relatively generous width in this location and it is therefore not considered the cycle hire docking station will impede upon the permeability and safe flow of pedestrians.
- 6.22 Given the setback of approximately 10m from the existing kerbline, the proposed location of the cycle hire docking station is unlikely to interfere with vehicle sightlines from the carriageway of Mile End Road.

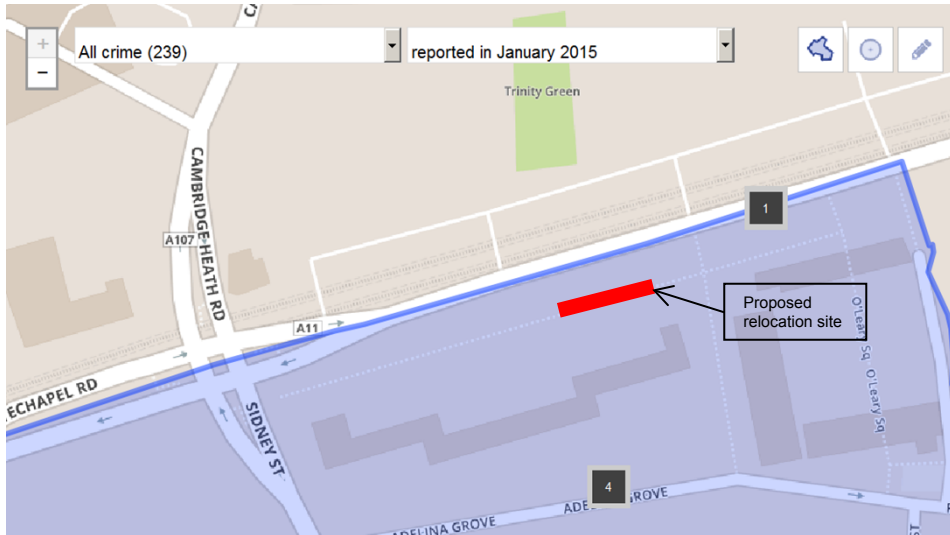
## Other Issues

### Crime

- 6.23 One reason for objection from residents related to increasing anti-social behaviour as a consequence of the rollout of Cycle Hire Docking Stations along Mile End Road.
- 6.24 According to paragraph 69 of the NPPF, the planning system should encourage safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.
- 6.25 Policies 7.3 of the London Plan, SP09 of the Core Strategy and DM23 of the Managing Development Document seek to create safe, secure and appropriately accessible environments where crime and disorder and the fear of crime do not undermine quality of environments.
- 6.26 An investigation on recorded crimes has been undertaken by using crime statistics from the Metropolitan Police website for the Whitechapel boundary area (fig. 1) and Ansell House including the pavement area surrounding Ansell House (fig. 2) which represent the most recent statistics of reported crimes currently available (true of January 2015).



Figure 1: Crime map of the boundary area (Whitechapel Ward 2015) (taken from [www.police.uk](http://www.police.uk))



**Figure 2:** Crime map for application site – south pavement of Mile End Road outside Ansell House (taken from [www.police.uk](http://www.police.uk))

- 6.27 There are no crimes recorded specifically relating to the application site which involve the existing or the proposed location of the cycle hire docking station which forms part of this planning application.
- 6.28 Transport for London who are the responsible Highway Authority for the application site and the immediately surrounding area advised that there have been 5 reports of antisocial behaviour since the scheme began in July 2010. However, here is no evidence of anti-social behaviour or criminal damage reported at the existing cycle docking station on the south pavement of Mile End Road outside Ansell House.
- 6.29 LBTH's Case Investigation Officer advised that several complaints relating to cycle hire docking stations have been received at various locations within the Borough however not specifically relating to the application site.
- 6.30 Having considered the proposed location, which is reasonably close to its current location, it is not considered that there is evidence to suggest that anti-social behaviour is likely to be present at the subject site. The site is well-lit, with significant natural surveillance, inherent with the site location on Mile End Road, and on that basis, it is not considered that the proposal gives rise to unacceptable crime-related concerns.

## 7.0 Human Rights Considerations

- 7.1 In determining this application, the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application, the following are particularly highlighted to Members:-
- 7.2 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English Law under the Human Rights Act 1998. Various Conventions rights are likely to be relevant including:
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by the law in the

determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;

- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public's interest (Convention Article 8); and
- Peaceful enjoyment of possession (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between competing interests of the individual and of the community as a whole"

7.3 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

7.4 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.

7.5 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's power and duties. Any interference with a Convention right must be necessary and proportionate.

7.6 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

7.7 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

7.8 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified.

## **8.0 Equalities**

8.1 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-

- a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
- b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.2 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual

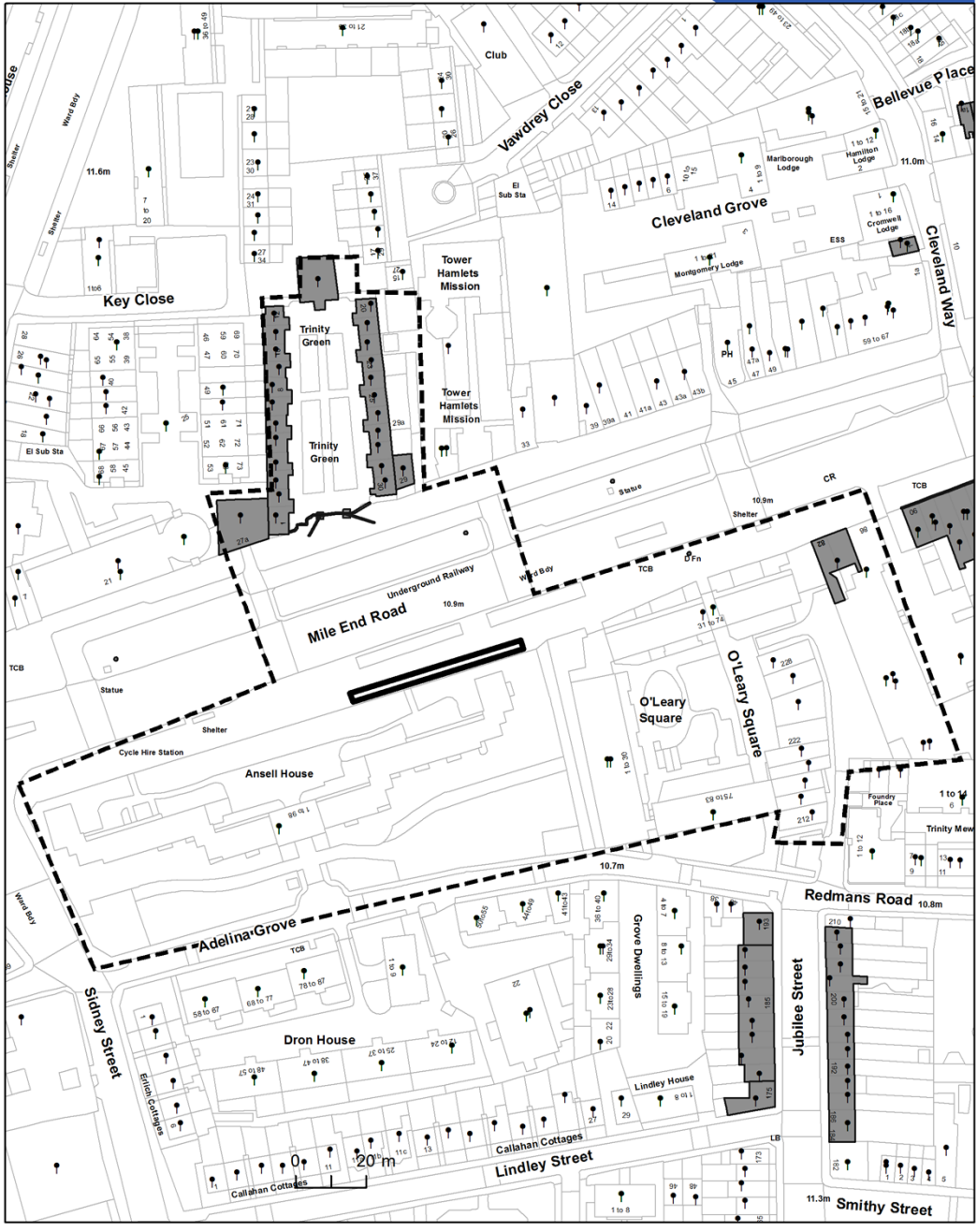
orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.

- 8.3 With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation there are no identified equality considerations.

### **Conclusion**

- 8.4 Key areas of concern and themes of objections received during the initial public consultation of the original application proposal were primarily in relation with amenity issues such as direct overlooking and close proximity to residential dwellings in particular to those located in the east wing of Ansell House.
- 8.5 Subsequently, the amended proposal involves a revised layout and arrangement of the proposed docking points in particular to the section located in the immediate foreground of Ansell House's east wing.
- 8.6 The amended proposal is considered to have adequately addressed key amenity issues raised in line with direct overlooking and close proximity to residential dwellings. Overall, the proposed amendment is considered to be an improvement from the original scheme as it provides a reasonable separation from the residents of Ansell House.
- 8.7 All other relevant policies and considerations have been taken into account. Planning permission should be **approved** for the reasons set out in RECOMMENDATION section of this report.

**Planning Application Site Map**  
**PA/15/00117**



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

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