

## **Panda House, Commercial Road, London**

### **Appeal for Application Ref PA/19/00804**

#### **Rebuttal Note on Design Issues – Reasons for Refusal 2 , 5 & 6 – Response to the London Borough of Tower Hamlets Statement of Case**

Issue 15<sup>th</sup> September 2020

#### **Introduction**

1. I am the founding director of Create Design Limited, an RIBA Chartered Practice having started up and established this company in 2012. I have won many design awards for high quality design including a number of national awards. I am a registered architect with 22 years professional experience. My qualifications include a BA (Hons), Dip Arch, MA, I am registered with the Architects Registration Board (ARB) and the Royal Institute of British Architects, RIBA.
2. This is my rebuttal statement is submitted in relation to the appeal hearing and is made to address matters raised in the Officer's Statement of Case. I am addressing officers comments on parts of the reasons for refusal no's 2, 5 and 6.
3. I have reviewed the officers report, Statement of Case, other relevant local policies and precedents and the planning application submission material from which I drawn references.

#### **Observations on the Council's Statement of Case Submission**

4. Statement of Case Paragraph 6.52(p29):- The council have noted in this paragraph the criticism that I put forward in the appeal documents that the council had used an outdated CGI. This is a crucial point. The council's position is that the Development Committee made a decision on 12<sup>th</sup> March 2020 based on the latest information. However, the council provided committee members with their report that did not include the latest information by the appellant. The CGI in the committee report was the outdated as noted used in section 2.5 and elsewhere and was very significantly not representative of the scheme at that time.
5. It was vital in my opinion that the council provided accurate reporting information to members who rely on officers reports. The report was not accurate in this vital regard and this fact may have adversely affected members decision on this matter and in turn influenced the councils' position on part of the reason for refusal 2.
6. The reason for refusal and the rebuttal make a number of points about

the key relationship of the proposal to Our Lady Immaculate Church which is illustrated in this CGI. I would urge the council to acknowledge this error and instead look at the revised information contained in the Design Comments Response Parts 1 & 2 documents for accurate information on the matters of building line and the relationship with Our Lady Immaculate Church.

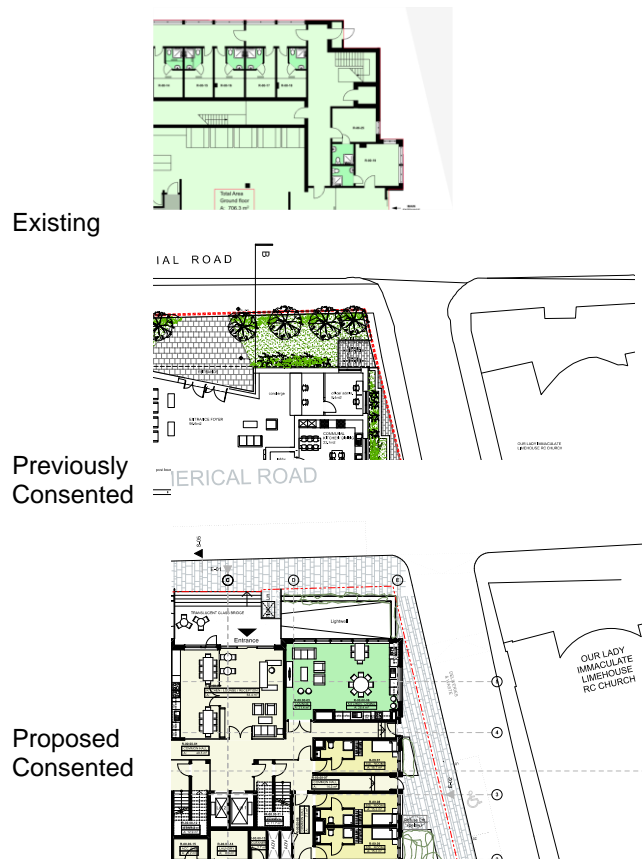
7. During the course of the application, the location of the building was changed to the line of the previously consented application No PA/11/02318. The result is that this improved the setting of the adjacent Our Lady Immaculate Church. It is, in my opinion very misleading for the council to use this CGI as they were well aware of the scheme changes that occurred during the course of the application period.

### **Reason for Refusal 2**

8. Statement of Case Paragraphs 6.8 and 6.9 (p35):- The council notes that the building is not well designed. They note in paragraph 6.9 that evidence of this poor design is the fact that the plot coverage is 'substantially increased... when compared to the existing building'. Why this is evidence of poor design is not made clear by officers. This is an urban site and indeed the building comprises an entire urban block. There is no universal good design standard that says something along the lines of the more a building covers an urban block the poorer the design.
9. Not-with-standing this point the council is wrong in fact. The existing building footprint is 706 m<sup>2</sup>, the previously consented scheme PA/11/02318 is 715 m<sup>2</sup> and the appeal scheme is 695 m<sup>2</sup>. It is clear that the council have painted a picture of a larger scheme, but in fact the proposal has a smaller footprint.
10. Primarily, again in complete contrast to the councils appeal position, the reduction in area is along Island Row and affords Our Lady Immaculate Church more space than the existing building. The proposed plan overlaid with the outline of the existing was illustrated in the Design Comments Response document section 3 Cohesive Design Scheme first page. The second page of this section illustrates the enhanced street scape offered to the council as part of this proposal. The idea was to extend the cobbled street surface that exists further south of the site on Island Row and bring that up around the site and Our Lady Church as far as Commercial Road. This proposed new landscape would in my view considerably enhance the setting of Our Lady Immaculate Church.

11. The 'very tight pinch point to the north east' referred to in the officers report paragraph 6.9 (p35) is also an attempt in my view to cast doubt on the veracity of the design without justification or policy support. The previously consented scheme PA/11/02318 followed a virtually identical building line as the proposed design in this area and was considered acceptable by officers at the time. Judged on the same terms it is difficult to see how the council can maintain the opposite position this time.

The change that has resulted in the council's concern about a 'tight corner' is illustrated below. There is very minimal change. It is our view that overall the proposed scheme including the street improvements would create an improved setting for Our Lady Immaculate Church and more, not less street space over the current situation.



12. Paragraph 6.10 (p35) of the councils report notes that 'the existing building steps back towards the northern side of the site to provide more pedestrian space'. This is not correct. The picture below illustrates the existing space. The application drawings illustrates that

the new front light well outer edge is set back more than 500mm at the corner from the existing site boundary line at the corner along Commercial Road. The proposal does therefore provide an increase in pavement space at the junction of Commercial Road and Island Road, not a reduction as the council claim.



13. Paragraphs 6.69 and 6.70 (p33) reference the scheme design, bulk and mass and fenestration being considered 'excessive' and note that they do not reflect the local character. Below I have provided a copy of the previously consented scheme elevation and the officers report comments.



*It is worth noting that the street level and the slope across the site is not accurately drawn in the previous scheme elevation.*

#### **Design and appearance**

Policy SP10 of the Core Strategy and DM24 of the emerging Managing Development 'DPD' seek to ensure that all developments incorporate principles of good design, ensuring that it is sensitive to its local context and enhances local character.

The building is currently in a poor state of repair and does not contribute positively to the streetscene along Commercial Road or the St Anne's church conservation area if falls within. The proposal seeks to upgrade the external façade by installing a new glazed entrance, increased landscaping to the front area, adding new brickwork to the upper floors and constructing the top floor from copper cladding.

The design of the building is considered to enhance the character and appearance of the host property and its setting within the conservation area. The use of materials are considered to be appropriate in this context, with the copper cladding provide a contemporary addition to the proposal.

The height and scale of the building would be increased with this proposal. At present the building is lower than its neighbours and it is considered that the increased height would not be out of character with existing properties. The building would be higher than the main section of the church to the east but lower than Regents Canal House. The parapet line of the main section of building (excluding the set back upper floor) would be in line with the height of the church.

The building to the south and rear of the site is Rose Court. This is positioned between the railway viaduct and the subject site. This building is three storeys in height, in order to create a transition between these two developments the proposed extension is set back from the rear elevation by approximately 4m. The three storey section which is closest to Rose Court is lower than the top of this building and after 4m rises approximately 5m higher.

#### **Extract from Officer Report PA/11/02318.**

The proposed elevation is illustrated below. It is similar in concept to the consented design. Both consist mainly of brick with metal panels on the recessed elements. In the case of the previously consented scheme the metal panels proposed were copper in the case of the



proposal they are bronze. The windows in both schemes' have a similar size, both have a similar vertical orientation, both follow a fairly rational design layout. Both schemes have a central entrance that is fairly low key, though the proposed scheme also has common rooms to either side to provide a high level of activity and surveillance at street level. The proposed scheme is illustrated below.



14. The proposed elevation illustrated above shows in blue the outline of the previously consented application. The proposed scheme is approximately 1.5m higher at the first parapet setback (not shown in this diagram) than the previous scheme. However, at the fifth level the setback from the Commercial Road facade in the previous scheme was 1800mm. The two upper most floors of the proposed scheme are set back 3600mm. Indeed, that are also set in from Island Row by a similar amount at the sixth level and the corner is inset further still at level 7.
15. The officers comments in the Statement of Case paragraphs 6.67 and 6.68, 6.69, 6.70 and 6.71 and elsewhere that the proposal including the upper floors is overbearing is at odds with previous officers comments about application PA/11/02318
16. The effect of these upper setbacks is illustrated on pages 6-9 of the Design Comments Response Part 1 document. The upper two floors are so recessed from Commercial Road that in many viewpoints along

Commercial Road these floors will not be visible at all and certainly do not impinge in any significant way on the tower of Our Lady Immaculate Church.

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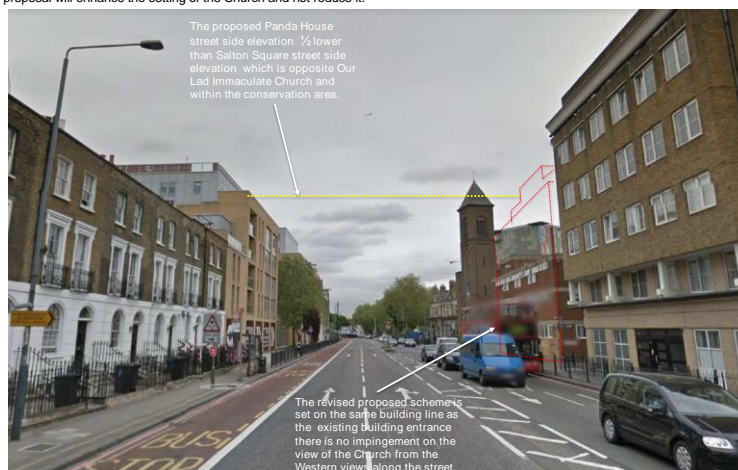
1. Proposed Building Impact

The proposals reflect the eclectic mix of buildings types, form, scale and heights whilst allowing the landmark qualities of the church tower to retain its prominence – from classical, to art nouveau and Queen Anne – to modern, post war and industrial. The architectural style has made reference to surrounding buildings and the materials chosen for the proposals have been selected to both match and complement those found in the surroundings buildings. A predominant use of brick is typical of the area, and the documentation provided by the architects demonstrates the level of detail that has been considered to ensure that the proposal will be of a high quality.

4.14 The proposals can certainly be regarded as preserving the character and appearance of the conservation area and the setting of nearby listed buildings, and further is a considerable enhancement over the existing Panda House. The development would secure the optimum viable use for the site in a much enhanced form over the existing.

#### Response

Given the nature of the context and the restricted views of the church (by the railway viaduct from the west) it is only this view from the east side of the railway viaduct where any part of the tower of the Church is obscured by the proposed development. In this view the yellow hatch indicates the reduction of tower viewable from this location. This is the only angle where there is a minor impairment of the view of the church tower. The conclusion of the Heritage Statement is illustrated to the left and it concludes that overall the proposal will enhance the setting of the Church and not reduce it.



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In particular image on page 7 (copy above) of this document shows the significant recess of the upper two floors and their relationship to the tower of Our Lady Immaculate Church. This image is taken from the key viewpoint along Commercial Road where the proposed site can clearly be seen in the same view as Our Lady Immaculate Church. Such views are only available East of the old Limehouse railway bridge and the site which is a distance of around 200m. It is my view that the upper one and a half floors, which are above the previously consented application PA/11/02318, do not create a new condition significantly damaging view of the church tower from this or any other view point.

## Reason for Refusal 5

17. During the course of the application the draft London Plan was issued in December 2019, and the new Local Plan was adopted in January 2020, the application was submitted in April 2019. The council has set out retrospectively in their Statement of Case that they would like the scheme to comply with the requirements of the implications of these new policies. The information set out below demonstrates how the scheme can be relatively easily adapted to ensure compliance with these new policies. These measures could be governed by condition if

the appeal inspected agrees.

18. The Draft London Plan does indeed pose the requirement for a higher cycle parking level than this currently provided in the proposal. The current provision is for 12 spaces in the lower ground and four at street level. In Paragraph 6.115 (p47) the council notes that three spaces (two long stay and one short stay) are required for the Hostel and 87 (84 long stage and three short stay) for the HMO use. This is a total requirement of 91 cycle spaces.
19. The space requirement for a two tier cycle rack is approximately 1m<sup>2</sup> per bike at 1800mm long which includes a half of an access width of 1500mm and a centre to centre spacing of 400mm. The cycle room provided in the lower ground floor is just under 38m<sup>2</sup>. At this density 28 bikes can be provided. Double stacked racks need about 2.5m in height. The room is 2.66m high internally so suitable for double stacking. Therefore 76 bikes can be accommodated in this room. Four can still be accommodated at ground floor level, making the potential provision with no internal room changes at 80 cycles.
20. Whilst this figure means there is shortfall in this existing room to accommodate the new standard, there is also provision in the lower ground for a cinema and gym and luggage room. All of this accommodation is in excess of the Local Authorities and GLA space standards. It would require us to dedicate a further 6m<sup>2</sup> of this space with double stacked bike racks to accommodate a further 12 bikes to exceed this new requirement. We would therefore request as noted above that the appeal inspector consider a condition to resolve this matter.
21. With regard to the dedicated cycle lift this was introduced during the course of the application. This is why the transport strategy referred to in paragraph 6.117 is different from the current strategy. I believe the purpose of the paragraph 6.117 is to try to show that there was no clear strategy for cycle parking. However, the council is comparing plans that were updated in response to council comments received during the course of the application with a transport statement that was not updated.
22. Paragraph 6.118 (p48) noted that the proposed cycle lift is not in the councils opinion safe. We can clarify that it will be safe. The lift will be submerged in its default 'home' location with the lid of the lift providing the roof to prevent weather getting in at street level and ensuring there is no opening. The lift shaft like all external lift shafts will be constructed to deal with the weather during operation. The shaft opening will be



surrounded at street level with a glass balustrade and gate which would be about 1800mm high, so it is secure. Access could be controlled by a combination of staff access and security card / key, just like the other entrances and exits of the building. Interland, the client, use CCTV for additional security which is monitored 24 hours a day 365 days per year. We are of the opinion that it is reasonable and perfectly possible to use this means of access.

23. With regard to the times when the cycle lift requires maintenance and is out of order, cyclists will be directed to use the main lift 1. Lift 1 is a large goods lift that provides access to all levels of the building. This lift will be designed to be robust internally and have goods lift loadings more than sufficient to carry a number of cyclists and their bikes at once. It will provide access for furniture and other belongings for residents and so will ideal as a secondary cycle lift. The lift will be approximately 3m long and 1.2m wide internally. Further, it would also be possible if it was considered necessary to add a wheeling track to the staircase from ground to lower ground to provide a third way to access the cycle store.
24. The shared cycle and general storage area referred to in paragraph 6.119 would be eliminated in the revised cycle parking arrangement noted in paragraph 15 above. This would eliminate the councils concern raised in this paragraph, but also please refer to the precedent listed in paragraph 26 below.
25. The comment in paragraph 6.120 (p48) is not recognised by me and, is not in any case relevant to the appeal as the new draft cycle parking standard set out in the draft London Plan can be met.
26. I have reviewed the planning portal and looked at schemes located along Commercial Road and granted planning since January 2020 to see what provisions were made for cycle storage and access. I have found two relevant schemes, planning applications PA/18/02768 (543 Commercial Road) and PA/20/00665 (239-249 Commercial Road). These applications both provide cycle parking in basement levels. Both utilise the passenger lifts as the sole means of access for the cycle stores and in the case of 239-249 this cycle store is also combined with a general store. These applications demonstrate the proposals for this scheme as described in the application and clarified in this document can be considered acceptable.
27. In the case of the proposals the dual lift access and the dedicated means of access plus the potential for a stair wheeling track are in my view an improvement over the provision in the schemes listed above.

28. In January 2020 Tower Hamlets introduced their new Local Plan. Paragraph 6.122 9 (p49) refers to policy D.MW3 in this local plan for waste by which they wish the proposal to now comply. The proposal was compliant with former policies. This new policy differs from former policies in the requirement to demonstrate a more specific refuse segregation of dry recyclables, organics and residual waste.
29. Though the policy has changed British Standard 5906 remains the standard by which waste quantum in mixed commercial buildings such as the proposal are calculated. The overall requirement for waste storage space therefore remains the same. Both the hostel and the HMO refuse storage areas are spacious. There is room to segregate the waste in accordance with the new Local Plan. I would therefore suggest that the appeal inspector condition this matter of compliance.
30. Paragraph 6.123 (p49) quotes three paragraphs from the committee report raising questions about the refuse strategy. The revised refused collection strategy was set out in Sections 9-15 of the Design Comments Response (Part2) document illustrate in detail the applicants strategy for refuse collection in October 2019.
31. It is clear with the adoption of the new Local Plan in January 2020 that a small further revision of the refuse collection strategy is required. But, as noted above I have no doubt that this revision is eminently achievable.
32. I would note that a condition to control the waste via management plan was provided in application PA/20/00665 – condition 14 and this condition or one very similar would be appropriate for the proposal.

### **Reason for Refusal 6**

33. The council has noted in their Statement of Case paragraph 6.129 that the new Local Plan adopted in January 2020 imposed new stricture regulation on the building in terms of air quality assessments.
34. Whilst the application information submitted in April 19 does not include a response to these new requirements we know that a number of recent residential applications have been granted in the vicinity of the site for both C1 and C3 residential use. Two of these application are listed above and application PA/20/00767 was also granted for C3 residential use. We know from these precedents that an acceptable solution can be found for air quality in residential buildings in this vicinity.
35. Application PA/18/02768 for 543 Commercial Road included an Air

Quality Assessment. This site is located 1300m approximately closer to the City of London and arguably suffers a higher level of pollution as a result than the application site. The Air Quality Assessment demonstrated that the air quality was suitable for residential use with no mitigation on this site.

36. The proposal already has the provision for either natural ventilation or mechanical ventilation for the apartments located along or close to Commercial Road where air quality is likely to be lowest. We have allowed for the provision of whole house mechanical ventilation and heat recovery which can include filters to reduce external air pollution.
37. If the site is similar in air quality to 543 Commercial Road and we have no reason to believe there will be vast differences, then no mitigation is required. If mitigation is required we are confident that given the provisions already included within the proposal that this can be provided. The applicant is therefore to accept a condition to control this matter should the inspected agree with this position.

Matthew Williams