

Mr Silas Willoughby
Rapeys
33 Jermyn Street
London
SW1Y 6DN

Application Number: PA/19/00804

18/03/2020

Place Directorate
Development Management
Town Hall, Mulberry Place
5 Clove Crescent
London
E14 2BG

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Dear Sir/Madam,

Town and Country Planning Act 1990 (as amended)

REFUSAL OF PLANNING PERMISSION

In accordance with the Act mentioned above, Tower Hamlets Council as Local Planning Authority hereby gives notice of its decision to REFUSE permission for the development referred to in the schedule to this notice, and shown on the submitted plans and particulars.

Your attention is drawn to the following statement of applicants' rights arising from the refusal of planning permission.

(1) APPEAL TO THE SECRETARY OF STATE

If you are aggrieved by the decision to refuse permission for the proposed development, then you can appeal to the Secretary of State for the Environment under section 78 of the Town and Country Planning Act 1990. If you want to appeal from the date of your decision notice then you must do so within **SIX months** (unless your proposal relates to householder appeal or minor commercial appeal as defined in Article 37 of the DMPO 2015 in which case you must do so within **TWELVE weeks** of the date of this notice) or 28 days, if the development in your application is the same or substantially the same as development that is currently or subsequently the subject of an enforcement notice. Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>. If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000. The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal. The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order. If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. [Further details are on GOV.UK.](#)

(2) PURCHASE NOTICE

If either the local planning authority or the Secretary of State for the Environment refuses

permission to develop land or grants it subject to conditions, the owner may claim that they can neither put the land to a reasonably beneficial use in its existing state nor can they render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase their interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

(3) COMPENSATION

In certain circumstances compensation may be claimed from the Council of the London Borough of Tower Hamlets if permission is refused or granted subject to conditions by the Secretary of State for the Environment on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act 1990.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J Peters', with a large loop at the start and a long horizontal stroke at the end.

Jennifer Peters, Divisional Director, Planning and Building Control

SCHEDULE

Refusal of Full Planning Permission

Location: De Paul House, 628-634 Commercial Road, London, E14 7HS

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)

Date: 18/03/2020

Reference: PA/19/00804

Application 11 April, 2019

Received on:

Application 11 April, 2019

Registered on:

Documents and Drawings:

Drawings

189-CDA-A-00-DR-A-00-0100
189-CDA-A-00-DR-A-00-0101 REV 01
189-CDA-A-00-DR-A-05-1100 REV 03
189-CDA-A-01-DR-A-01-0111 REV 01
189-CDA-A-02-DR-A-01-0112 REV 01
189-CDA-A-B1-DR-A-01-0109 REV 01
189-CDA-A-00-DR-A-01-0110 REV 01
189-CDA-A-XX-DR-A-01-0121 REV 01
189-CDA-A-XX-DR-A-01-0122 REV 01
189-CDA-A2-B1-DR-A-05-0099 REV 10
189-CDA-A2-00-DR-A-05-0100 REV 07
189-CDA-A2-01-DR-A-05-0101 REV 05
189-CDA-A2-02-DR-A-05-0102 REV 01
189-CDA-A2-ZZ-DR-A-05-0103 REV 08
189-CDA-A2-05-DR-A-05-0104 REV 07
189-CDA-A2-06-DR-A-05-0105 REV 07
189-CDA-A2-07-DR-A-05-0106 REV 06
189-CDA-A2-XX-DR-A-05-0201 REV 06
189-CDA-A2-XX-DR-A-05-0202 REV 06
189-CDA-A2-XX-DR-A-05-0203 REV 06
189-CDA-A2-XX-DR-A-05-0204 REV 06
189-CDA-A2-ZZ-DR-A-05-0400 REV 05
189-CDA-AX-00-DR-A-05-0610 REV 02
189-CDA-XX-XX-DR-A-90-1000 REV 01

Documents:

Accommodation Schedule, 14.10.2019.

Bat Appraisal, 30 September 2019

Building Management Plan, September 2019

Design Revisions Document, 14 October 2019

Daylight and Sunlight response letter, 9 September 2019

Daylight and Sunlight Study, 15 March 2019

Demolition and Construction Management Plan, 18th March 2019
Design and Access Statement, March 2019
Energy & Sustainability Report, March 2019
Financial Viability Assessment, 03 December 2019
Heritage Appraisal, September 2019
Planning Statement, 05 April 2019
Supporting Statement, 17 October 2019
Transport Statement, April 2019
Travel Plan, April 2019

Statement of positive and proactive engagement

The Local Planning Authority has worked with the applicant in a positive and pro-active manner by making available a formal pre-application process, including free duty officer advice service. The Local Planning Authority has also produced policies and provided written guidance, all of which is available on the Councils website but which has not been adopted in this instance

Reasons for Refusal

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 contribution. The proposed development would be contrary to policies S.H1, 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 neither preserve or enhance the character and appearance of St Anne's Conservation Area and would cause (less than substantial) harm to the significance of the designated heritage asset. The site layout and scale of the proposed development fails to follow good urban design principles indicating the proposed over-development of the site and does not include high quality design details. The impact on archaeology has not been assessed within the application. The proposed development 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. The quality of the proposed shared living accommodation would not 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. 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).