

Statement of Common Ground

Of the Principle Parties:

Wayview Limited

And

London Borough of Tower Hamlets

Local Authority Ref: PA/19/00804

PINS Ref: APP/E5900/W/20/3250665

December 2020  
Appellant's Ref: MJB/16-00972  
LBTH Ref: PA/19/00804

## Contents

1	Introduction .....	2
2	The Proposal .....	3
3	Appeal Site and Surroundings .....	4
4	Planning History.....	6
5	Relevant Planning Policy and Guidance .....	7
6	The Application, Appeal and Associated Documents .....	8
7	Areas agreed between parties .....	10
8	Area not agreed between parties .....	11
9	Conditions .....	13
10	Planning Obligations .....	25

## **1 INTRODUCTION**

1.1 This statement represents the joint position between Wayview Limited (the Appellant) and The London Borough of Tower Hamlets (the Local Authority), relative to the Appeal at Panda House, 628-634 Commercial Road, London, E14 7HS (the Appeal Site).

1.2 The Application sought permission for the: *“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).”*

1.3 This statement addresses the following matters:

- The appeal Site and surroundings;
- Planning history;
- Planning policy;
- The proposal;
- Relevant documents, and
- The current position relative to planning conditions and obligations.

## **2 THE PROPOSAL**

- 2.1 The Application which is subject of this Appeal was submitted and validated on 11 April 2019 with the reference PA/19/00804.
- 2.2 Specifically, the proposal sought planning permission for the “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).”
- 2.3 On 17 October 2019, although the Appellant did not agree with the LPA’s stance on the full hostel use, the Appellant confirmed that the ongoing application should continue as a mixed hostel/HMO proposal. A full package of information on this basis was then submitted to the LPA (see Appendix of the Appellants Statement of Case) including responses to need justification, design, highways and management. In addition, the above description of development was agreed and as such, would remain unchanged.
- 2.4 The application was recommended for refusal to the Development Committee on 12<sup>th</sup> March 2020. On 18<sup>th</sup> March 2020 the application was refused.

### **3 APPEAL SITE AND SURROUNDINGS**

#### LOCATION AND SCALE

- 3.1 The site area is 0.09ha in size and is located on the south side of Commercial Road (A13), between Mill Place to the west and Island Row to the east. The Docklands Light Railway (DLR) runs near to the boundary of the site.
- 3.2 The existing building on the site is of red brick construction, in a square layout with central courtyard. The building is three-storeys high at the front facing Commercial Street, stepping down to two-storeys at the rear.
- 3.3 The buildings within the vicinity of the site vary in scale and architectural style. Building heights typically range between three and six-storeys.
- 3.4 Public Transport is provided by a number of bus services on Commercial Road, and Limehouse Station is less than 500m from the site. The site's Public Transport Accessibility Level (PTAL) ranges from 5 to 6a demonstrating excellent public transport accessibility.

#### EXISTING USE

- 3.5 The building is currently used as a hostel (Sui-Generis Use) comprising 52 bedrooms. Retrospective temporary consent was granted in 2002 for a hostel to be occupied by homeless persons, while planning application was granted in 2006 for the continued use of the property as a hostel. The current hostel capacity is for 263 occupants.

#### ACCESS

- 3.6 Commercial Road (A13) provides the site's ingress/egress via a two-lane access road, with a temporary parking space within the site boundary.

#### DESIGNATIONS / ALLOCATIONS

- 3.7 The site is located within the St Anne's Conservation Area and is also identified on the LPA's Proposals Map as being within the cross-rail boundary. The site lies to the north of the Thames Policy Area.
- 3.8 The appeal site also sits within the following planning designations:
- Archaeological Priority Area
  - Air Quality Management Area (this applies to the whole extent of the borough)
  - Green Grid Buffer Zone.
- 3.9 The site is not located within an area subject to flooding and the building itself is not listed, nor are there any TPOs at the site.

#### SURROUNDINGS

- 3.10 Commercial Road is a busy arterial road, which acts as a strategic link between East London and the City. The area surrounding the site is predominantly residential in character, with the exception of Our Lady Immaculate and St Frederick Roman Catholic Church. There are other uses further to the west including commercial, leisure and educational uses.
- 3.11 There are the following properties nearby:
- Grade II listed three-storey townhouses on the opposite side of Commercial Road);
  - Six-storey brick and contemporary buildings (apartments on the opposite side of Commercial Road and Regent's Canal House immediately to the west of the Appeal Site);

- Three-storey residential buildings (Rose Court to the rear), and
- Our Lady Immaculate and St Frederick Roman Catholic Church (including a bell tower in the north-west corner) to the east.

3.12 There are a number of Grade II Listed Buildings located nearby the site, including the drinking fountain located under the Grade II Listed railway bridge to the west, the row of Georgian townhouses opposite, known as 699-711 Commercial Road and the Limehouse District Library to the east including its gate piers and iron railings.

3.13 In this context, the site's surroundings are entirely built-up, developed in close quarters, accommodating a range of land uses.

#### SUMMARY

3.14 The site is previously developed land and located within an urban area. The site is also in an accessible location relative to local services and public transport links.

#### 4 PLANNING HISTORY

4.1 The site is used as a hostel, providing short-term accommodation for young, single workers, and as such has a recognised hostel use (Sui Generis).

4.2 A full review of the site's planning history via the LPA's online planning register is summarised below.

Reference	Description	Decision
PA/15/01882	Demolition of existing building and erection of a building of up to six-storeys plus basement for use as short-term accommodation (100 rooms).	Refused 13/07/2017
PA/13/01588	No Material Amendment following grant of planning permission dated 25/06/2012, Ref. PA/11/02318. Amendment(s) sought: Internal layout alterations only.	Granted 24/07/2013
PA/11/02318	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 33no. rooms (resulting in an increase from 41 to 74no. rooms) with associated improvements to communal areas, elevations and landscaping, together with provision of enhanced refuse/recycling storage, cycle storage and motorcycle parking.	Granted 25/06/2012
PA/05/01822	Removal of condition 1 of planning permission dated 21/02/02 Ref: PA/00/1481 to allow the continued use of the property as a hostel.	Granted 14/08/2006
PA/04/00462	Revised proposal comprising demolition of hostel and redevelopment of site by the erection of a four-storey building comprising 2 commercial units for retail (A1 use) and light industrial/office (B1 use) plus 34no. self contained flats, (21no. one-bedroom flats, 10no. two-bedroom flats and 3no. three-bedroom flats).	Withdrawn
PA/04/00062	Demolition of former hostel and redevelopment to provide an eight-storey building comprising 58no. residential units plus 195sqm commercial space on the ground floor.	Withdrawn
PA/00/01481	Retention of use as a hostel for the occupation of homeless persons (Retrospective application).	Granted with legal agreement 21/01/2002.

## **5 RELEVANT PLANNING POLICY AND GUIDANCE**

### **THE DEVELOPMENT PLAN**

- 5.1 The relevant Development Plan Documents for the site consist of the London Plan (2016 as amended) and the Local Plan (2020).
- 5.2 The relevant policies are listed below
- Policies 3.3, 3.5, 3.8, 3.11, 3.12, 3.13, 5.17, 6.9, 6.13, 7.1-7.6, 7.8, 7.14, 8.2 and 8.3 of the London Plan (2016).
  - Policies S.H1, S.DH1, D.DH2, S.DH3, D.DH4, S.TR1, D.H2, D.H3, D.H7, D.DH2, D.DH8, D.TR3, D.MW3, D.ES2, and D.SG5 of the Local Plan (2020).
- 5.3 Relevant National Planning Policy Framework chapters
- 5.4 Chapters 2, 3, 4, 5, 8, 9, 11, 12, 15 and 16 of the National Planning Policy Framework (2019).

## **6 THE APPLICATION, APPEAL AND ASSOCIATED DOCUMENTS**

6.1 It is agreed that the following documentation are relevant to this appeal.

### **THE PLANNING APPLICATION AS INITIALLY SUBMITTED**

6.2 Documents from refused planning application (ref. PA/19/00804) – First Submission

- Application Form, signed and dated;
- CIL Form;
- Design and Access Statement, prepared by Create Design;
- Detailed and scaled drawings, prepared by Create Design;
- Accommodation Schedule, prepared by Create Design;
- Photos and Photomontages, prepared by Create Design;
- Daylight and Sunlight Assessment, prepared by Right of Light Consulting;
- Energy and Sustainability Statement, prepared by MES Building Solutions;
- Heritage Statement, prepared by KM Heritage;
- Transport Statement, prepared by TPP Transport;
- Delivery and Service Management Plan, prepared by TPP Transport;
- Travel Plan, prepared by TPP Transport;
- Demolition and Construction Management Plan, prepared by the Appellant;
- Building Management Plan, prepared by the Appellant;
- Planning Statement (including Historic Impact Assessment, Conservation Area Appraisal and Air Quality Assessment);
- Design Comments (Email Correspondence from Elizabeth Donnelly, dated 10 August 2018), and
- Written Pre-Application Response (dated 20 December 2018).

### **AMENDMENTS TO THE PROPOSAL DURING APPLICATION STAGE**

6.3 During determination of the application, and as a result of feedback received from officers at the Local Authority, some minor changes were made to the proposal and further information submitted as follows;

- Proposed Plans and Elevations, prepared by Create Design;
- Accommodation Schedule, prepared by Create Design;
- Design Response Document, prepared by Create Design;
- Daylight and Sunlight Internal Assessment, prepared by Rapleys LLP;
- Daylight and Sunlight BRE Rebuttal Statement, prepared by Rapleys LLP;
- Financial Viability Assessment, prepared by Rapleys LLP;
- Supporting Statement, prepared by Rapleys LLP;
- Heritage Appraisal, dated September 2019, prepared by KM Heritage;

- Building Management Plan, dated September 2019, prepared by Appellant, and
- Bat Appraisal, dated September 2019, prepared by Ecology Solutions.

#### THE APPEAL SUBMISSION

6.4 An appeal was submitted by Applicant on 09 April January 2020, supported by the following documents:

- Application forms.
- Statement of Case (dated 19 June 2020 and including supplementary new needs assessment, viability note and archaeology desk top study).
- Draft Statement of Common Ground (submitted 27/04/2020)

#### ADDITIONAL APPEAL SUBMISSION DOCUMENTS

6.5 The following documents have been submitted throughout the course of the appeal:

- Transport Note prepared by TPP including Road Safety Audit, lower ground floor plan (Ref: A-05-0099- Rev12) and ground floor plan (Ref: A-05-0100-Rev08)
- Energy Statement – including Roof Plan (Ref: A-05-0107-Rev07) and Section A (Ref: A-05-0400-Rev06)
- Proof of Evidence Duncan Parr
- Proof of Evidence Matthew Bowen
- Proof of Evidence James Brown

#### THE LOCAL AUTHORITY'S RESPONSE

6.6 The local planning authority highlight the following documents:

- Committee Report and Committee Update Report
- The Council's Statement of Case and supporting appendices
- Proof of Evidence Aleksandra Milentijevic
- Proof of Evidence Dr Anthony Lee
- Archaeology Statement by GLAAS
- Council's Cost Consultant's Statement

#### THIRD PARTY SUBMISSIONS

- As received by the Planning Inspectorate.

**7 AREAS AGREED BETWEEN PARTIES**

- 7.1 The replacement of the existing building is supported in principle. However, parties disagree on the scale, massing, height and design of the replacement building as proposed.
- 7.2 The energy issue has been agreed between the parties through the provision of additional information.
- 7.3 The issue regarding the impact on road safety and capacity has been resolved through the provision of additional information. Reason for refusal 4 is withdrawn.
- 7.4 The number of cycle parking spaces and waste storage capacity has been agreed.
- 7.5 The applicant agrees to the pre-commencement conditions as set out in section 9 of this statement.

## **8 AREA NOT AGREED BETWEEN PARTIES**

### **8.1 The areas not agreed between parties includes:**

- The need for such development
  - LBTH: The appellant's evidence and submitted DAMA assessment fails to satisfy the requirements of Local Plan policies D.H7, S.H1 and D.H2.
  - Appellant: A detailed needs assessment is provided at appendix 2 of the appellant's statement of case which concludes, there is considerable demand for HMO units and the existing supply and proposed pipeline do not meet this demand.
- Viability assessment and affordable housing provision
  - LBTH: The Council disagrees with the appellant's viability assessment. It is considered that the appellant would be able to provide a range of affordable housing options.
  - Appellant: the application was accompanied by a viability assessment which has been further supplemented at appeal. In summary, LBTH had and has no reasonable grounds to oppose the Appeal Scheme on the grounds of viability and have not presented any evidence to justify their claim
- Design Impact
  - LBTH: The site layout and scale and detailed design fails to provide an appropriate response to the local character of the area.
  - Appellant: The height, bulk and mass are similar to other buildings in the locality. The form is sympathetic to the locality and respects the nearby character.
- Heritage Impact
  - LBTH: The proposed scale and massing would result in the less than substantial harm to the designated and non-designated heritage assets. The public benefits arising from the proposal are not considered sufficient to outweigh the identified harm. In addition, there is a concern over the impact to the archaeological assets on the site.
  - Appellant: Considering the submitted heritage statement at Appendix 4 of the appellant's statement, and notwithstanding that they conclude that no harm is caused to the heritage assets. Taking a worst case review, that some small level of 'less than substantial' harm is considered to occur, the planning benefits (outlined in the appellant's statement) tilt heavily in the planning balance for planning permission being granted. In regards to archaeology, a desk top study has been provided as part of the appeal and it confirms matters can be dealt with by way of an appropriately worded planning condition.
- The amenity of future occupants
  - LBTH: The proposed communal spaces for the proposed HMO use would fail to satisfy the minimum daylight and space requirements as required by the planning policy. As such, would not provide appropriate amenity to future occupants.

- Appellant: The Appellant can confirm that the building regulations lighting levels can be achieved, and compliance would be demonstrated through detailed design at that stage
- Cycle storage details
  - LBTH: The proposal fails to provide appropriately located cycle storage spaces for future occupants of the HMO use.
  - LBTH: The Council welcomes the provided uplift of total number of cycle spaces; however, the provided cycle storage and access is not considered to be accessible, inclusive and with practical access.
  - Appellant: Cycle parking is in accordance with relevant standards and was deemed acceptable to TfL. The proposed access arrangements for cycles are considered safe and sensible.
- Air quality Impact
  - LBTH: The Appeal Site falls within an Air Quality Management Area. An air quality assessment has not been submitted to demonstrate how the proposal would achieve to be a minimum 'air quality neutral'. It is not considered appropriate to condition such assessment.
  - LBTH - update: It is the Council's understanding that the Appellant is in the process of finalising the air quality assessment which is likely to be submitted to the Council for review prior to the inquiry start. Until such time, this should be treated as a reason for refusal.
  - Appellant: The proposals promote sustainable travel, are car free and include appropriate design to protect the amenity of residents. Planning conditions were suggested by the Council's EH Officer that the Applicant agreed to.

**Condition 1 - Time limit**

The development shall begin no later than three years from the date of this decision.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).

**Condition 2 - Compliance with drawings**

The development shall be carried out in accordance with the approved drawings listed in the Schedule to this decision notice.

Reason: For the avoidance of doubt and in the interest of proper planning.

**Condition 3 - Contamination presence**

If, during development, contamination is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained written approval from the Local Planning Authority for an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with. Following completion of the measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: To make sure that contaminated land is properly treated and made safe before development, to protect public health and to meet the requirements of policies 5.21 and 5.22 of London Plan (2016) policy D.ES8 and Tower Hamlets Local Plan 2031 (2020).

**Condition 4 - Construction restrictions**

Unless otherwise specified by a S61 Consent granted under the Control of Pollution Act 1974, demolition, building, engineering or other operations associated with the construction of the development (including arrival, departure and loading and unloading of construction vehicles):

Shall be carried out in accordance with the Tower Hamlets Code of Construction Practice.

Shall only be carried out within the hours of 08:00 and 18:00 Monday to Friday and 08:00 to 13:00 on Saturdays. No works shall take place on Sundays and Public Holidays.

Any non-road mobile machinery (NRMM) used shall not exceed the emission standards set out in the Mayor of London's '*Control of Dust and Emissions During Construction and Demolition*' Supplementary Planning Guidance 2014 and be registered under the Greater London Authority NRMM scheme [www.nrmm.london](http://www.nrmm.london)

Ground-borne vibration shall not exceed 1.0mm/s Peak Particle Velocity (PPV) at residential and 3.0mm/s PPV at commercial properties neighbouring the site.

Noise levels measured 1 metre from the façade of any occupied building neighbouring the site shall not exceed 75dB(A) at residential and commercial properties, and 65dB(A) at schools and hospitals (LAeq,T where T = 10 hours Monday to Friday and 5 hours for Saturday).

Reason: To safeguard the amenity of local residents and the area generally in accordance with policies D.DH8 of the Tower Hamlets Local Plan 2031 (2020).

#### **Condition 5 - Archaeology**

No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works.

If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

- a) The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

- b) Where appropriate, details of a programme for delivering related positive public benefits.
- c) The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason: To investigate the archaeological value of the site in line with the National Planning Policy Framework, policy 7.8 of the London Plan (2016) and policy S.DH3 of the Tower Hamlets Local Plan 2031 (2020).

#### **Condition 6 - Construction Environmental Management Plan & Logistics Plan**

No development shall take place, including any works of demolition, until a Construction Environmental Management & Logistics Plan have been submitted to and approved in writing by the Local Planning Authority.

The plans shall aim to minimise the amenity, environmental and road network impacts of the demolition and construction activities and include the details of:

- (a) Telephone, email and postal address of the site manager and details of complaints procedures for members of the public;
- (b) Dust Management Strategy to minimise the emission of dust and dirt during construction including but not restricted to spraying of materials with water, wheel washing facilities, street cleaning and monitoring of dust emissions;
- (c) Measures to maintain the site in a tidy condition in terms of disposal/storage of waste and storage of construction plant and materials;
- (d) Scheme for recycling/disposition of waste resulting from demolition and construction works;
- (e) Ingress and egress to and from the site for vehicles;
- (f) Proposed numbers and timing of vehicle movements through the day and the proposed access routes, delivery scheduling, use of holding areas, logistics and consolidation centres;
- (g) Parking of vehicles for site operatives and visitors;
- (h) Travel Plan for construction workers;

- (i) Location and size of site offices, welfare and toilet facilities;
- (j) Erection and maintenance of security hoardings including decorative displays and facilities for public viewing;
- (k) Measures to ensure that pedestrian access past the site is safe and not obstructed;
- (l) Measures to minimise risks to pedestrians and cyclists, including but not restricted to accreditation of the Fleet Operator Recognition Scheme (FORS) and use of banksmen for supervision of vehicular ingress and egress
- (m) Measures to support the basement including:
  - i. Value of the expected surcharge loading
  - ii. Details of the support 'props', (type, length, BS/EN ref. code)
  - iii. If the props are fixed to the existing masonry walls, details of the proposed fixing anchors are required
  - iv. Size of the existing loadbearing piers
  - v. Details on how the capping beam is to be constructed
  - vi. Drawings/sketches with dimensions
  - vii. The document mentions the current BRE guidelines; ideally, a copy of the relevant section should be included as an Appendix to the main document.
  - viii. Ideally copies of the trail hole information, (photo's/sketches), should also be included as an Appendix to the main document.

The development shall not be carried out other than in accordance with the approved details.

Reason: In the interests of highway and pedestrian safety and to preserve the amenity of the area in accordance with the requirements of Tower Hamlets Local Plan 2031 (2020) policies D.DH8, D.TR2 and D.TR4.

**Condition 7 - Crossrail condition C1 for foundation design, noise, vibration and settlement**

No development shall take place, including any works of demolition, until detailed design and construction method statements for all of the ground floor structures, foundations and basements and for any other structures below ground level, including piling, any other temporary or permanent installations and for site investigations, have been submitted to and approved in writing by the Local Planning Authority (in consultation with Crossrail) which:

- (i) Accommodate the location and of the Crossrail structures including temporary works,
- (iii) Mitigate the effects on Crossrail, of ground movement arising from development

The development shall be carried out in all respects in accordance with the approved design and method statements. All structures and works comprised within the development hereby permitted which are required by paragraphs C1(i) and C1 (iii) of this condition shall be completed, in their entirety, before any part of the building[s] hereby permitted is/are occupied.

Reason: To accommodate and safeguard the infrastructure and mitigate effects on Crossrail.

#### **Condition 8 - Crossrail condition C2 - concurrent working**

No development shall take place, including any works of demolition, until a method statement has been submitted to, and approved in writing, by the Local Planning Authority (in consultation with Crossrail) to include arrangements to secure that, during any period when concurrent construction is taking place of both the permitted development and of the Crossrail structures and tunnels in or adjacent to the site of the approved development, the construction of the Crossrail structures and tunnels is not impeded.

Reason: To accommodate and safeguard the infrastructure and mitigate effects on Crossrail.

#### **Condition 9 - Disabled bay details**

Prior to the commencement of any superstructure works, full details of the wheelchair car parking space shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure the provision of adequate wheelchair accessible car parking space and to minimise the development's impacts on the safety and capacity of the road network, in accordance with policies D.TR2 and D.TR3 of the Tower Hamlets Local Plan 2031 (2020).

#### **Condition 10 - SUDS**

Prior to the commencement of any superstructure works, a surface water drainage Scheme for the site based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, for the site shall be submitted to and approved by the local Planning Authority The scheme shall also include (but not limited to):

The peak discharge rates and together with any associated control structures and their position;  
Safe management of critical storm water storage up to the 1:100 year event plus 40%; and  
Details of agreed adoption, monitoring and maintenance of the drainage and suds features.

The development shall be carried out strictly in accordance with details so approved.

Reason: To minimise the risk of flooding, to protect water quality and in the interest of sustainability accordance with policies 5.23 of the London Plan (2016) and policy D.ES5 of the Tower Hamlets Local Plan 2031 (2020).

#### **Condition 11 - Waste storage and access**

No superstructure works shall take place, until details of waste storage facilities, including waste capacity requirements and access details, have been submitted to and approved in writing by the Local Planning Authority.

The waste storage facilities shall be completed in accordance with the approved details prior to the first occupation of the development and thereafter maintained in operational condition and made available to the occupiers of the development for the lifetime of the development.

Reason: To ensure the provision of adequate cycle parking facilities in accordance with the requirements of policy 5.17 of the London Plan (2016) and policy D.MW3 of the Tower Hamlets Local Plan 2031 (2020).

#### **Condition 12 - Landscaping**

No superstructure works shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include details of:

- a) hard landscaping including ground surfaces, kerbs and planter enclosures;
- b) soft landscaping including number, size, species and location of plants;
- c) on-going five year maintenance and watering provisions for soft landscaping;
- d) drain covers, manholes and covers for access to drainage and utilities;
- e) railings, walls and other means of enclosure;
- f) bollards, gates and other access control measures;

- g) CCTV and other security measures;
- h) external cycle parking stands;

The soft landscaping scheme shall be completed in accordance with the approved details no later than during the first planting season following practical completion of the development and retained for the lifetime of the development. All other works shall be completed prior to the occupation of the new development.

Any trees or shrubs which die, are removed or become seriously damaged or diseased within five years from the completion of the landscaping works shall be replaced in the next planting season with the same species or an approved alternative as agreed in writing by the Local Planning Authority.

Reason: To ensure a high quality of the public realm and to ensure high quality child play space and play space for the future residents of the development in accordance with policies 7.3 and 7.5 of the London Plan (MALP 2016), and policies S.DH1, D.DH2 and D.ES3 of the Tower Hamlets Local Plan 2031 (2020).

### **Condition 13 - Biodiversity enhancements**

Prior to the commencement of above ground works, full details of biodiversity mitigation and enhancements shall be submitted to and approved in writing by the local planning authority.

The biodiversity enhancements shall include but not be limited to the following:

- a) A biodiverse roof following the best practice guidance published by Buglife - details provided should include the location and total area of biodiverse roofs, substrate depth and type, planting including any vegetated mat or blanket (though sedum mats should be avoided if possible) and any additional habitats to be provided such as piles of stones or logs;
- b) Landscaping to include a good diversity of nectar-rich plants to provide food for bumblebees and other pollinators for as much of the year as possible - details should include species list and planting plans;
- c) Bat boxes and nest boxes for appropriate bird species including swift and house sparrow - details should include number, locations and type of boxes.

The agreed measures shall be implemented in full prior to the occupation of the development hereby approved.

Reason: To increase the biodiversity of the site and to comply with policies 7.19 of the London Plan (MALP 2016) and policies S.ES1 and D.ES3 of the Tower Hamlets Local Plan 2031 (2020).

#### **Condition 14 - External materials**

No superstructure works shall take place until samples and full particulars of all external facing materials to be used in the construction of the development have been submitted to and approved in writing by the Local Planning Authority.

Details submitted pursuant to this condition shall include but are not restricted to:

- a) Samples and details of external cladding;  
Details of external cladding, where relevant, shall include all types of brick or other cladding material to be used, details of bond, mortar and pointing for brick and details of joints, panel sizes and fixing method for other types of cladding.
- b) Samples and drawings of fenestration  
Details of fenestration, where relevant, shall include reveals, sills and lintels. Drawings shall be at a scale of no less than 1:20.
- c) Drawings and details of entrances  
Details of entrances, where relevant, shall include doors, reveals, canopies, signage, entry control, post boxes, CCTV, lighting and soffit finishes. Drawings shall be at a scale of no less than 1:20.
- d) Details of any balconies, terraces or winter gardens and associated balustrades, soffits and drainage.
- e) Details of any external rainwater goods, flues, grilles, louvres and vents

The development shall not be carried out other than in accordance with the approved details.

Reason: To ensure a satisfactory external appearance of the development and that high quality materials and finishes are used, in accordance with policies 7.1 to 7.6 of the London Plan (2016), and policies S.DH1 and D.DH2 of the Tower Hamlets Local Plan 2031 (2020).

#### **Condition 15 - Mechanical plant and equipment**

Prior to the occupation of the development hereby approved, details of mechanical plant and equipment, shall be submitted and approved in writing by the local planning authority.

Any mechanical plant and equipment within the lower ground floor level of the development shall be designed so as not to exceed a level of 10db below the lowest measured background noise level (LA90, 15 minutes) from the nearest affected room within the proposed

development. The plant and equipment shall not create an audible tonal noise nor cause perceptible vibration to be transmitted through the structure of the building.

Reason: To ensure that the development does not result in noise disturbance to neighbouring residents in accordance with policies D.DH8 and D.ES9 of the Tower Hamlets Local Plan 2031 (2020).

#### **Condition 16 - Wheelchair rooms**

Prior to the commencement of above ground works, the following details shall be submitted to and approved in writing by the local planning authority:

- i. Drawings and a schedule confirming the location of the wheelchair user rooms;
- ii. 1:50 detailed drawings of the wheelchair user rooms  
Prior to occupation of the relevant rooms, these units shall be fully fitted out in accordance with the approved details, unless otherwise agreed with the local planning authority.
- a) Any lifts shown on the approved drawings shall be installed and in an operational condition prior to the first occupation of the development hereby approved. The lifts shall be retained and maintained in an operational condition for the lifetime of the development

Reason: To ensure adequate provision of accessible and adaptable dwellings & wheelchair accessible and wheelchair adaptable dwellings and that adequate step-free access is provided in accordance with policies 3.8 and 7.2 of the London Plan (2016) and D.H3 of the Tower Hamlets Local Plan 2031 (2020).

#### **Condition 17 - Secured by Design**

Prior to the occupation of the development hereby approved, details of security measures shall be submitted to and approved in writing by the Local Planning Authority.

The proposed development shall achieve a Certificate of Compliance in respect of the Secured by Design scheme, or alternatively achieve security standards (based on Secured by Design principles) to the satisfaction of the Metropolitan Police.

The security measures shall be implemented in accordance with the approved details, completed prior to the first occupation of the development and permanently retained for the lifetime of the development.

Reason: To ensure that Secured by Design principles are implemented into the development in accordance with policies 7.3 of the London Plan (2016) and policy D.DH2 of the Tower Hamlets Local Plan 2031 (2020).

#### **Condition 18 - Deliveries and Servicing Plan and Waste Management Plan**

Prior to the occupation of the development hereby approved, a Delivery and Servicing Plan and a Waste Management Plan shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Transport for London).

The relevant facilities and arrangements shall be provided prior to the first occupation of the development and be maintained in an operational condition and made available to the occupiers of the building for the lifetime of the development.

Reason: To ensure the provision of adequate delivery and servicing and waste management arrangements and to minimise the development's impacts on the safety and capacity of the road network, in accordance with policies D.TR2 and D.TR4 of the Tower Hamlets Local Plan 2031 (2020).

#### **Condition 19 - Management Plan**

Prior to the occupation of the development hereby approved, a Management Plan shall be submitted to and approved in writing by the Local Planning Authority.

The plan should set out the detailed measures and principles for the operation of the proposed uses on the site.

The relevant arrangements shall be provided prior to the first occupation of the development and be maintained in an operational condition and made available to staff and occupiers of the building for the lifetime of the development.

Reason: To safeguard the amenity of the area in accordance with policy D.DH8 of the Tower Hamlets Local Plan 2031 (2020).

#### **Condition 20 - Noise**

- a) All of the approved HMO accommodation shall be constructed to ensure that:

- i. the construction accords with BS8233 *'Sound Insulation and Noise Reduction for Buildings'*;
  - ii. internal ambient noise levels do not exceed 35dB LAeq,16 hour, between hours 07:00 - 23:00 and within bedrooms do not exceed 30 dB LAeq, 8 hour between hours 23:00 - 07:00.
  - iii. structure-borne noise does not exceed LAmax 35 dB;
  - iv. exposure to vibration is no higher than of "low probability of adverse comment" in accordance with BS6472 *'Evaluation of Human Exposure to Vibration in Buildings'*; and
  - v. at any junction between residential and non-residential uses, the internal noise insulation level is no less than 55DnTw=Ctr.
- b) None of the residential units shall be occupied until a post completion verification report, including acoustic test results, has first been submitted to and approved in writing by the Local Planning Authority confirming that the above minimum standards have been achieved.

Reason: To protect the amenity of the future occupiers from undue noise and vibration disturbance in accordance with the requirements of policy D.DH8 of the Tower Hamlets Local Plan 2031 (2020).

#### **Condition 21 - Air quality**

Prior to the commencement of the development hereby approved, an air quality assessment report, in accordance with current guidance, for the existing site and proposed development shall be submitted to and approved by the Local Planning Authority.

The development shall be at least "Air Quality Neutral" and an air quality neutral assessment for both building and transport shall be included in the report. The report shall include an assessment of construction dust impacts.

The assessment shall have regard to the most recent air quality predictions and monitoring results from the Authority's Review and Assessment process, the London Air Quality Network and the London Atmospheric Emissions Inventory. The report shall include all calculations and baseline data and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development. This shall

include mitigation for when air quality neutral transport and building assessments do not meet the benchmarks.

The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Should the results from the air quality neutral assessment conclude that the development is not air quality neutral, a marginal abatement cost of £29,000 per tonne of NO<sub>x</sub> over the established benchmark figure and a marginal abatement cost of £45,510 per tonne of PM over the established benchmark figure shall be paid to the Local Planning Authority. This payment shall be used for air quality improvement projects in the area.

Reason: To protect environmental health and local amenity. To comply with the London Plan and its Sustainable Design and Construction SPG.

Reason: To protect environment in accordance with London Plan (2016) policy 7.14 and Tower Hamlets Local Plan 2031 (2020) D.ES2 in relation to air quality neutrality.

#### **Condition 22 - Energy and sustainability**

(i) Prior to commencement on site the applicant shall submit an updated energy strategy note detailed assessment of renewable energy generating technologies for integration into the development

(ii) Prior to the occupation to the development the 'as built' energy calculations to be submitted and approved in writing by the Local Planning Authority to demonstrate delivery of a net zero carbon development. The Carbon Offsetting Contribution could vary from secured should the development increase renewable energy generation or if the scheme does not deliver the anticipated savings. The contribution would cover all residual emissions.

(iii) Within 6 months of occupation the applicant shall submit the BREEAM Final Certificate to demonstrate an Excellent rating has been delivered for the development.

Reason: To contribute towards reducing carbon emissions by achieving net zero carbon and maximisation of renewable energy technologies across the site as required by policy D.ES7.

**10 PLANNING OBLIGATIONS**

10.1 Further discussion will take place between the council and the Appellant. The Appellant will respond to the s106 items listed in the Council's Statement of Case ahead of the hearing.

Signatures

Signed on behalf of Appellant.....**Michael Birch**.....*M.J. Birch*.....

Date.....**18 December 2020**.....

Position.....**Senior Planner**.....



Signed on behalf of Local Planning Authority:

**Aleksandra Milentijevic**

Date: 18 December 2020

Position: Senior Planning Officer