



Appeal Decision

Inquiry held on 15, 16, 17, 21, and 22 January and 15 and 16 May 2019

Site visit made on 17 May 2019

by Julia Gregory BSc(Hons), BTP, MRTPI, MCM

an Inspector appointed by the Secretary of State for Housing, Communities and Local Government

Decision date: 9th August 2019

Appeal Ref: APP/E5900/W/18/3204874

**562 Mile End Road and 1a, 1b and 1c Burdett Road, Tower Hamlets,
London E3 4PH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Bestzone Ltd against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/16/00943, dated 13 April 2016, was refused by notice dated 14 December 2017.
 - The development proposed is demolition of existing buildings and construction of a mixed use development comprising part 3 storey, part 8 storey and part 12-storey, 46 residential units, up to 832sqm (GIA) flexible commercial floorspace (A1, A2, B1 and sui generis nightclub) , landscaping, public realm improvements, access and servicing (including 1 disabled car parking space; 92 cycle spaces; and associated highway works) and other associated infrastructure.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The banner heading reflects the application description as amended before it was determined. It is this revised proposal that is the subject of the appeal. The statement of common ground confirms that the GIA is 937 sqm and not 832 sqm.
3. The Council did not defend reason for refusal 3 in respect of the adequacy of the loading bay in Burdett Road or reason for refusal 5 in respect of air quality. I shall therefore concentrate on the remaining issues.
4. A Unilateral Undertaking (UU) dated 22 May 2019 was submitted after the close of the Inquiry which corrected a typographical error in an earlier draft discussed at the Inquiry. I also accepted correspondence dated 29 May 2019 from the appellant regarding conditions after the close of the Inquiry, because the nature of these conditions had been subject to discussion.

Main Issues

5. The main issues are:

- whether the location would be appropriate for a tall building;
- the effect on the character and appearance of the area;
- the impact on heritage assets; and
- whether measures to protect the living conditions of future residents from noise and disturbance could be achieved so that there would not be conflict that would harm the long-term provision of a night club that serves the LGBT+¹ community.

Reasons

Whether location would be appropriate for a tall building

6. The building would be located on the corner of Mile End Road and Burdett Road. It would comprise several building elements. The highest element, a 12-storey block with lower shoulder element, in Burdett Road, would be higher than the Telephone Exchange to the east in Eric Street, which is currently the tallest building in the immediate locality.
7. The development plan includes the London Plan 2016 (LP), Tower Hamlets Core Strategy 2025 (2010) (CS), and Tower Hamlets Managing Development Document and Adopted Policies Plan (2013) (MDD). There is an emerging Tower Hamlets Draft Local Plan 2031 (emerging plan) which has been examined and has been subject of consultation on main modifications. These documents all contain relevant policies, to which I will refer to the most relevant.
8. LP paragraph 7.25 defines tall buildings as those that are substantially taller than their surroundings, cause a significant change to the skyline or are larger than the threshold sizes set for the referral of planning applications to the Mayor. Because it would be substantially taller than its surroundings and the application was referred to the Mayor of London, it would amount to a tall building.
9. LP policy 7.7 identifies that tall and large buildings should be part of a plan led approach to developing the area and sets design criteria. In that context, MDD policy DM26 sets the building height strategy for the Borough. Building heights will be considered in accordance with the town centre hierarchy. It also sets criteria for architectural matters. The height and scale should be proportionate to its location in the hierarchy and sensitive to the context of its surroundings. It is required also to make a positive contribution to the skyline.
10. The spatial strategy identifies locations for tall buildings. CS policy SP01 identifies Mile End as a new Neighbourhood Centre which will contain a range of shops including essential uses that serve the local catchment area. Although the plan aspirations for Mile End in the CS spatial vision are that there would be a new centre in and around Mile End Station which is close by to the east, there is nothing within the place making principles or priorities in annexe 9 that actively encourages tall buildings at the site.

¹ Lesbian, Gay, Bisexual, and Transgender Plus

11. The town centre would have the character of a neighbourhood centre or main street which CS appendix 4 identifies as an online-offline centre. This is identified on the adopted Policies Map. The LP identifies Neighbourhood centres as serving a localised catchment including local parades and small clusters of shops. It would be expected by MDD policy DM26 to have taller buildings than areas outside of town centres but not so tall buildings as preferred office locations, central activity zones, activity areas, and the major centre, which is the next category of centre down from CS Tall building locations. Neighbourhood centres are the lowest category of town centre. That would not indicate a building of the height proposed on the site.
12. The emerging local plan continues to promote Mile End as a neighbourhood centre and seeks to ensure that development is appropriate to the nature and scale of the centre. Again, that does not promote a building such as the appeal tower.
13. The tall building in the scheme is not set on Mile End Road and so does not waymark the junction. It would be set away from Mile End tube station and so would not signpost that transport facility. Furthermore, the Green Bridge across Mile End Road is already a distinctive place making marker at lower level.
14. The general area is already waymarked by the bulk of the Telephone Exchange and its rooftop structures and antennae. Although not aesthetically pleasing, or necessarily useful for giving directions, this building enabled me to judge where I was on approach along the Green Bridge. Where the tower would be located is not a point of civic or visual significance and is set well away from Queen Mary's University Mile End Campus.
15. A more attractive and more likely waymark which could be used in directions would be the tower of the Church of the Guardian Angels to the west of the Green Bridge. That provides an elegant historic feature in the townscape. I conclude that a tall building, offset from Mile End Road and the tube station, would not enhance wayfinding or legibility as sought by LP policy 7.7.
16. The Tower Hamlets Tall Building Study identifies building height classifications, based on ratio to context height. This would either be a local landmark or a district landmark depending on how the height was assessed. Using 3m storey heights which I consider would be an appropriate method to judge the height, it would amount to more than 13 storeys and so it would amount to a district landmark which should be at limited locations that are of District or Borough wide importance. This is not such a location.
17. LP policy 2.15 identifies that town centres will be the main foci beyond central activities zone for commercial development and intensification, including residential development. The site has a high PTAL rating of 6b and that would support a higher density housing scheme for which there is an undisputed need in London. That the Council has satisfied its individual housing requirement does not detract from that overall position.
18. Nonetheless, site specific characteristics and its impacts on the surrounding area are to be considered, including the factors outlined in LP policy 3.4 and LP chapter 7 as made clear in the Mayor of London's Housing Supplementary Planning Guidance. Whilst LP policy 3.4 expects development to optimise housing output, that policy seeks to ensure that development considers the local context and character and design principles elsewhere in the plan.

Character and appearance

19. Various policies expect development to respect its context in terms of its height, scale and massing. Specifically, LP policy 7.4 expects development to have regard to amongst other matters the scale and mass of surrounding buildings, having regard to the pattern and grain of existing spaces and streets in orientation, scale, proportion and mass. LP policy 7.6 identifies that buildings should be of the highest architectural standards.
20. Furthermore, MDD policy DM24 sets criteria for the highest of design standards ensuring that it is sensitive to and enhances the local character and setting of the development, taking account of surrounding scale, height, mass, bulk and form of development.
21. LP policy 7.7 specifies that tall and large buildings should relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level.
22. Tower Hamlets Tall Building Study identifies that tall buildings should be limited to areas where they have an appropriate character that can accommodate taller buildings in terms of townscape as well as increased activity levels and transport. Furthermore, it argues that MDD policy DM26 has not proved robust in resisting tall buildings in inappropriate areas. One of the reasons cited is tall buildings existence being used to justify why the building was not harmful.
23. The tower element would stand more than 40m above the ground, before adding the lift housing. The tower element would be much higher than the 1930's Telephone Exchange, the main bulk of which is lower than that because it includes roof structures and paraphernalia. It would be much higher than the block of flats at 1-36 Wentworth Mews to the south.
24. Within the wider context around the site there are some isolated tower blocks relatively close by but these all seem to be dated social housing blocks that appear very much at odds with the overall context, which is predominantly 2-4 storeys with most buildings lower than 15m. Heights are relatively uniform, better reflected by the lower building proposed at the corner. Newer buildings have mainly reflected a homogeneity of the lower typography.
25. The Telephone Exchange and the Wentworth Mews flats do not represent a cluster, as specified in the Tall Buildings Study, being only two buildings, with the majority of properties to the east of the junction being much lower without much impact on the skyline. There are no proposals detailed in evidence for the Telephone Exchange and no suggestion from the owners of the Telephone Exchange or other properties in the block that they would be interested in comprehensive redevelopment to form a coordinated scheme. I accept however that no specific evidence has been provided from adjacent land owners that future development potential would be harmed by the scheme.
26. Where there is comprehensive new development around the university campus to the west of the Green Bridge, that appears very much within the context of major redevelopment. There, buildings of some 9 storeys are close to one another and so they relate well to context, with lower buildings on the south side of Mile End Road stepping down where they adjoin the park.

27. The buildings that would be demolished are dilapidated with some boarded-up windows and cracks in the masonry and with buddleia growing from roof. There is a boarded-up bomb clearance site on the corner, part of which is used as a smoking area for the Backstreet night club. It appears that some of the deterioration has been relatively recent. The buildings on Mile End Road are not entirely without historic and townscape merit in that they are part of the nineteenth century development along Mile End and are of a scale, massing and character that reflects the date of their construction.
28. However, none of the buildings are listed or within a Conservation Area and in their current condition they detract somewhat from the townscape. The scheme frontage to Mile End Road would be the same height as No 264. Although a wide 3 storey building would replace the existing narrower 2 buildings, a modern shop front in this location would enhance the retail provision and would provide interest at street level in the neighbourhood centre.
29. Turning to the effect on the Mile End and Victoria Park green spine. This runs along the opposite side of Burdett Road and over the Green Bridge across the Mile End Road. Also, part of it forms part of the Clinton Road Conservation Area. The CS vision identifies that buildings on the edge of the park such as here need to be responsive and sensitive to the setting of this major green space, avoiding excessive overshadowing. The vision for Mile End also specifies that development should be sensitive to open spaces. Buildings on the junction of Mile End Road, Grove Road and Burdett Road should have active frontages.
30. Because of tree cover from substantial areas in the park the tower part would not be noticeable for much of the year. It would be visible from the Green Bridge but from there it would screen the unattractive western elevation of the Telephone Exchange with its bulky expanse of brickwork with telecoms equipment on the roof.
31. The development would improve the currently abruptly terminated corner, and would provide active frontages. Because of the height of the bridge elevating the viewpoint and the significant distance from the building, along with the planting in the park, the development would not be overbearing or enclosing on the park. No technical evidence has been provided to justify a conclusion that overshadowing would be excessive. I shall however return to the heritage effects on the park elsewhere in my consideration of the effect on the Clinton Road Conservation Area.
32. When approaching the location from the east along Mile End Road, at a distance much of the site would be screened by street trees. When close by, on the south side of Mile End Road to the east the set back of the tower would mean that it would not be oppressively tall or bulky in the street scene.
33. Nonetheless, there are other positions where the tower would assert itself excessively on the urban grain of the area, and also where it would not relate well in its massing to the corner building on Mile End Road, even though there would be a formulaic proportional relationship. These views are not just at the verified views provided by the appellant since those are only views at a particular point.
34. The shoulder element would do little to alleviate the adverse effect of the massing of the tower and even the lower building on the corner of Wentworth Mews is much higher than its neighbour on the south side of Wentworth Mews.

Nos 1-26 Wentworth Mews is set behind that lower building, and higher than its neighbours, but the corner building would be much higher than that. I acknowledge that the differing block heights, the interesting brick detailing, inset windows and balconies and variation in the use of materials would all add commendable architectural interest. Nonetheless, these features would not mitigate the adverse impacts resulting from the height, scale and massing of the building.

35. Firstly, when viewing along Burdett Road from some distance to the south, the tower would be much taller than the buildings which predominate with much uniformity of height, regular building line and common architectural detailing to the south.
36. Secondly, when viewed from the west of the Green Bridge the tower would be a single building protruding above the Green Bridge. This building would seem as an isolated mass away from the uniformity of building heights around the University, unrelated to any other planned modern development.
37. Thirdly, viewing from the north side of Mile End Road close to the Tredegar Conservation Area, the tower would be at odds with its context including the uniform planned estate to the north. Moving onto Grove Road, which includes the locally listed Toll House on the corner of Mile End Road, and has the Conservation Area on the east side. Viewing from there, the tower, even though masking 1-36 Wentworth Mews, by bringing a taller building closer to a junction where lower heights predominate, close to the openness of the park, would harm the character and appearance of the area by its height, scale and massing.

Impact on heritage assets

38. There are 3 Conservation Areas close to the application site. These are the Tredegar Square Conservation Area to the north, Clinton Road Conservation Area to the north west and Ropery Street Conservation Area to the south. In respect of these areas the statutory duty to preserve or enhance the character or appearance of the Conservation Areas come into play. The Conservation Areas all contain listed buildings and I shall consider both the effect on the setting of listed buildings, where that is appropriate, and the effect on the settings of the Conservation Areas.
39. MMD policy DM27 requires development to protect and enhance the Borough's heritage assets, their setting and their significance as key elements of developing the sense of place of the Borough's distinctive 'Places'. MMD policy DM26 requires that tall building do not adversely impact on heritage assets, including their settings and backdrops.
40. LP policy 7.4 expects planning decisions to be informed by the surrounding historic environment. LP policy 7.7 specifies that the impact of tall buildings proposed in sensitive locations should be given particular consideration. Such areas might include Conservation Areas, listed buildings and their settings and other areas including Metropolitan Open Land.
41. The Clinton Road Conservation Area to the north west, comprises early terrace housing, the commercial edge to Mile End Road and open space. It has two distinct townscapes. One is the two storey residential terraces in Clinton Road.

- The second is the varied Mile End frontage, which includes the Grade II Listed Guardian Angels Roman Catholic Church.
42. The scale is generally two and three storeys. The Green Bridge and associated parkland is of cultural and historic significance rather than architectural significance. The Conservation Area Appraisal identifies the long views that exist towards and within the Conservation Area. The most important visual landmark in the area is the church. The Conservation Area Appraisal identifies that the church has the most significant presence in terms of views and silhouette in the Conservation Area. The tower would be a competing and dominating presence within the setting of that heritage asset, which is visible from numerous viewpoints within the Conservation Area.
 43. From Clinton Road, which has two storey terraced properties along its length and in the parkland at either end, with the furthest end being outside the Conservation Area, the tower would create a dominant and over assertive presence in the street scene. Even in summer when trees would be in leaf, the tower would have an unrelentingly modern appearance in the street scene against the historic properties of the Conservation Area as its height, scale and massing would be at odds with these properties.
 44. Moving to Tredegar Square Conservation Area, this lies directly to the north and north east of the site and includes properties in Mile End Road on its north side. The Conservation Area comprises the Tredegar Estate which was formally laid out around the square and designed in grand style. The area was developed in a grid pattern with uniform pattern and streets including much repetition of architectural elements to create a finely textured surface to the continuous building frontages. There is much uniformity, including in roof lines, with open interrupted sky views. Away from the square and major roads, the scale of the townscape reduces to smaller houses. It is predominantly residential with some commercial and civic buildings. There are many listed buildings within the Conservation Area, including many properties in Aberavon Road.
 45. The scale of buildings in the Conservation Area varies but generally decreases away from Tredegar Square. The Conservation Area Appraisal identifies that within the Conservation Area the character and quality of the architectural detail give distinct and memorable views. The Council is seeking to enhance the unity and cohesion of the residential properties by re-introducing historic features such as railings, cornices and front gardens. The conservation appraisal seeks to resist extensions to houses including roofs in order to protect visual cohesion as the historic roof forms are a significant part of the character and appearance of the Conservation Area. The appraisal has in particular done a detailed assessment of roof typographies, demonstrating the importance of roof lines.email
 46. The aspirations of the Council for the Conservation Area would be entirely at odds with the character and appearance of the tower part of the scheme. The tower part of the scheme would project in views from the street over garden walls in Morgan Street. The tower would project in views over the grade II listed terrace in Aberavon Road, the parapet of which is a strong regular feature of the listed buildings. Whilst the building would be next to the Telephone Exchange, that building pre-dates the Conservation Area and is

- visible at the end of the street. It does not project above the roof line. There would also be views from properties opposite the listed terrace of the tower.
47. Views of the tower from public spaces in Rhondda Grove and Tredegar Square would be fleeting, limiting the impact.
 48. Turning now to the Ropery Street Conservation Area, which lies to the south. This comprises uniform groups of nineteenth century terraced housing of townscape merit. The tall building would be seen in views from Mossford Street looking north. Although it would appear above modern buildings at Wentworth Mews, it would not however reflect the general character of the area. Instead of adding to the consistency of the townscape, it would adversely punctuate the roofscape.
 49. Whilst there are some views of tall buildings from Conservation Areas, these are either very distant and so do not form the immediate context or are the very occasional tower blocks which are harmful to the setting of the Conservation Areas. The University campus is an area of planned development separated from Clinton Road by the higher land of the park, planting and the Regents Canal and is not comparable with this scheme.
 50. Historic England -The setting of Heritage Assets identifies that views that contribute more to the understanding of a heritage asset include those where the composition of the view was a fundamental aspect of design or function of the heritage asset and those where townscape reveals views with unplanned or unintended beauty. Even where settings have been compromised in the past by unsympathetic development consideration still needs to be given to whether further change will further detract from or can enhance the significance of the asset.
 51. The National Planning Policy Framework (the Framework) promotes high quality design. Section 16 Conserving and enhancing the historic environment details policies in respect of heritage assets. When considering potential impacts on heritage assets, great weight should be given to the asset's conservation, even if the potential harm is less than substantial harm to its significance. I consider that the individual harm that I have identified to heritage assets would all be less than substantial based on the degree of impact. I accord the harm to the heritage assets great weight.

Noise and disturbance

52. MDD policy DM8 seeks to protect community infrastructure where it meets an identified local need and the buildings are considered suitable for their use. The accompanying text to the policy gives some examples of social and community facilities. Whilst these do include community halls and meeting places, the policy does not specifically cite nightclubs.
53. Furthermore, the facility provided by the Backstreet Club is not necessarily for the local community, drawing a London-wide, national and even an international clientele. Because of its niche market in terms of its dress code, it is marked out from more mainstream LGBT+ venues within London. I conclude that MDD policy DM8 is not applicable in this case.
54. In respect of LP policy 3.16, that policy refers to loss of social infrastructure in areas of defined need. There has not been an identified defined need in the vicinity of the appeal site. Nonetheless, LP policy 3.1 seeks to ensure equal life

- chances for all. It requires that development proposals should protect and enhance facilities and services that meet the needs of particular groups and communities. Proposals involving the loss of these facilities without adequate justification or provision for replacement should be resisted. The Backstreet Club does seek to meet the needs of particular groups.
55. The Culture and Nighttime Economy SPG identifies that LGBT+ nightlife spaces have seen a recent intensity of closures. It seeks to protect LGBT+ facilities which have declined in recent years. It is therefore on policy 3.1 rather than MDD policy DM8 that I shall concentrate.
 56. The scheme would result in the loss of the existing Backstreet Club premises. Nonetheless there would be replacement of some 243 sqm floorspace in the basement, which would allow for the Backstreet night Club to relocate or for some other club so long as they fulfilled the criteria of being LGBT+. It would have capacity for some 200 patrons.
 57. The operator of the Backstreet Club has confirmed that he would like to be part of the redevelopment scheme. The UU would ensure that provision would be made for the nightclub, including noise mitigation works and would provide some funding for fitting it out. There would be some payment for storage during construction or help with an alternative venue. However how long it would take to re-instate the club and the cost of the fitting out is unknown, and there would be no control on the rental level, supervision or control on how long the night club should be retained, contrary to the thrust of the development plan.
 58. LP policy 7.15 seeks to avoid significant adverse noise impacts. Although there is no history of complaints demonstrated by the Council in respect of the current premises that does not mean that there would not be complaints with the development as proposed. There would be difficulty in controlling the operation of the club or future replacement clubs and in particular the base beat from modern amplified music. It might become a more music orientated venue where music is a primary or significant component of the entertainment. In those circumstances the parties agree that noise levels within the apartments on the upper floor would be above the criteria recommended by both parties. This would occur even if further mitigation were to be incorporated as a refinement to the design of the scheme to reduce noise levels. This is a weighty concern.
 59. Planning appeals are not intended to progress proposals with significant changes. Conditions are difficult to frame without construction details of the building or the building being in existence and there would be a real possibility of there being future difficulties in appropriately insulating the building. Also, the Framework indicates that existing buildings and facilities such as music venues should not have unreasonable restrictions placed on them as a result of development permitted after they were established. It would be intended that restrictions would be placed on the club, albeit in new premises. A noise limitation device would be installed, the hours of operation controlled, and a customer management strategy would be required.
 60. There was little initial enthusiasm from the developers to providing replacement facilities as the letter from WYG dated 22 December 2016 demonstrates. Concerns were expressed about the potential for there to be conflict with the residential use with potential for noise and disturbance to

future residents. These concerns seem to me to be well placed. That there have been no complaints detailed previously does not mean that there might not be in the future when there would be families living within the development and sleep needs to be protected.

61. When concerns about the relationship to living accommodation are added to the disruption to trade that would be caused by the cessation of operation for a significant period, that the operator has previously being operating without a lease and paying no rent, and that much of the charm of the club may be hard to replicate, I consider that the future of the club is at this time in significant peril.
62. There is nothing to say that another site in London with adequate accessibility might not provide a suitable replacement, but that needs to be secured to comply with LP policy 3.1. At the time of the appeal with multiple variations to options for the basement, I am not satisfied that the future of the club is adequately protected. I conclude that the proposals would harm the long-term provision of a night club that serves the LGBT+ community.

Other matters

63. The appellant was given some encouragement by some officers of the Council and the Greater London Authority before the submission and prior to determination. The officers who supported the scheme in reports to the Council are entitled to their professional opinion. However, I note that not all officers agreed with the recommendation. The Conservation Officer gave a clear steer as to the height of building that might be accommodated on the site without less than substantial harm to designated heritage assets, which was substantially lower than the tower comprised in the appeal scheme.
64. The Council was entitled to determine the application contrary to officer's views so long as cogent reasons were given. Here, that is the case, and the officers who represented the Council at the Inquiry set out clear evidence in respect of the harm that would be caused by the scheme. The Mayor of London did not seek to intervene in the refusal of the application. Also, the Mayor of London Night Czar has, subsequent to the appeal, expressed concerns about the potential loss of the Backstreet Club.
65. The UU has not been entered into by all parties with an interest in the land. I note the wording of an exceptional and unusual Grampian style condition but its terms do not provide certainty as to the wording of the UU to be signed. This adds to my concerns about the development.

Conclusions

66. Paragraph 196 of the Framework identifies that where development would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use. I have already accorded the harm to the heritage assets great weight.
67. The development would take place on a brownfield site. The scheme would provide a significant amount of housing including affordable housing with good views of attractive parkland and Conservation Areas in a sustainable location with the highest PTAL score. Although the density would be high the internal living conditions would be satisfactory in terms of internal space standards,

- layout, sunlight and daylight and wheelchair accessibility. It is not disputed that the development could be achieved within a relatively short period of time, albeit that there are consents from London Underground required because of the proximity to the tube.
68. The scheme would also provide commercial units at ground floor in an area where the Council is promoting town centre uses. It would allow for employment initiatives controlled by the UU. Local regeneration would be a significant benefit. It would resolve the issue of the bomb-damaged street corner and lead to a much better active frontage. There would also be some improvements to the public realm and provision of a blue badge space, albeit that there are minor concerns about the car parking space in Wentworth Mews and the potential for smoking outside premises in Wentworth Mews. There would either be potential for mixed commercial use or night club in the basement. Overall there would be an improvement to the commercial aspect of the town centre.
69. However, all the benefits would be at the expense of the character and appearance of the area more generally, and the tall building would be contrary to the scale of buildings envisaged in the development plan for this location.
70. In addition, I am not convinced that the re-provision of the Backstreet club in modern surroundings would amount to a public benefit. Much of the character of the club is gained from the fact that little has changed there for some 30 years, and also this would amount to re-provision of what already exists. It is a club rather than a public facility. It is also possible that the existing or a new operator might change its character in any event, within the ambit of the controls suggested. I am also not convinced that the nightclub would be well received by parents with young children living above with views onto Wentworth Mews or would be considered a benefit by future residents.
71. There are other UU provisions not related to the matters mentioned above which are required to make the development acceptable in planning terms. Car free housing, the provision of a travel plan and code of construction practice are not specifically additional public benefits.
72. Having considered the balance carefully, I conclude that the public benefits that I have identified do not outweigh the great weight I have attached to the less than substantial harm to designated heritage assets. Furthermore, I am not satisfied that the future of the club is protected.
73. For the reasons given above, I conclude that the appeal should be dismissed.

Julia Gregory

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

James Burton of Counsel	Instructed by the Council
He called	
Kim Louis	Heritage and Design Officer, Tower Hamlets
Christina Gawne	Development Management Planner, Tower Hamlets
Dani Fiumicelli	Technical Director, Temple Group Limited

FOR THE APPELLANT:

Andrew Byass of Counsel	Instructed by WYG
He called	
Frank Green	Partner, BUJ Architects LLP
Lucy Markham	Associate, Montagu Evans
Gary John King	Associate and Acoustic Consultant, Sharps Redmore
Richard Evans	Director, WYG Planning Ltd

INTERESTED PERSONS:

Nigel Whitfield	Occasional event organiser at Back Street Club
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DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Appellant's opening submissions
- 2 List of Council appearances
- 3 Council's opening submissions
- 4 Statement of common ground
- 5 Bundle of additional Core documents SD 8.1-8.29
- 6 Proof of evidence rebuttal of Richard Evans
- 7 Proof of evidence rebuttal and appendices of Lucy Markham
- 8 Proof of evidence rebuttal GJ King
- 9 Summary proof of evidence of Kim Louis marked with appellant annotations
- 10 List of corrections to Kim Louis proof of evidence
- 11 Summary proof of evidence of Dani Fiumicelli
- 12 Building heights plan
- 13 What's on at the Backstreet Club
- 14 Albion building photograph
- 15 Letter and support agreement from the Backstreet dated 15 January 2019
- 16 Planning report 134 Oxford Street, W1D 1LU- 18/03229/FULL
- 17 Addendum to statement of common ground -noise 9.5.19
- 18 Supplementary Proof of evidence of Dani Fiumicelli
- 19 Bundle of noise documents including Noise from Pubs and Clubs report
- 20 Tredegar Square photographs

- 21 Tredegar Square Conservation Area map with application site location marked
- 22 Various drafts of agreed and not agreed conditions
- 23 Various draft versions of the UU, title deeds and correspondence
- 24 Council closing submissions
- 25 Appellants closing
- 26 Site visit map
- 27 Signed and dated UU submitted with letter dated 29 May 2019 about conditions