



Appeal Decision

Inquiry held on 12-15 January 2021

Site visit made on 21 February 2021

by Mike Worden BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 March 2021

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

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

- 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 Wayview Limited against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/19/0084, dated 8 April 2019, was refused by notice dated 18 March 2020.
 - The development proposed is demolition of existing building and erection of up to five storeys and two set back floors plus a lower ground floor to provide 109 rooms for short term hostel and HMO accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing building and the erection of a building of up to five storeys and two set back floors plus a lower ground floor to provide 109 rooms for short term hostel and HMO accommodation at 628 -634 Commercial Road, London E14 7HS in accordance with the terms of the application, Ref PA/19/0084, dated 8 April 2019, subject to the conditions on the attached schedule.

Procedural Matters

2. The application form does not list the name of the applicant, only the agent. At the Inquiry I established that the name of the applicant is Wayview Limited and this is the name I have used in my decision.
3. The appellant has asked me to accept two revised plans¹ for the layout of the lower ground and ground floor areas of the proposed building. These amended plans relate to revised provision for cycle storage. The Council does not object to the plans being accepted, notwithstanding its concerns. The changes are modest and would not prejudice any party. Therefore I agree that the plans should be accepted.
4. The Inquiry closed, in writing, on 29 January 2021.
5. The London Plan 2021 was published on 3 March 2021. I gave the Council and the appellant an opportunity to submit further written comments on the appeal

¹ 189-CDA-A2-B1-DR-A-05-0099-REV A Lower Ground Floor and 189-CDA-A2-B1-DR-A-05-0100-REV 08 Ground Floor Layout.

in the light of the publication of this plan. Neither party wished to make any additional comments.

Main Issues

6. The main issues are:

- Whether there is a demonstrable need for the proposed development;
- Whether the proposal should make a financial contribution for off-site affordable housing (viability);
- The effect of the proposal on the character and appearance of the St Anne's Church Conservation Area; and,
- The effect of the proposal on the living conditions of future occupants with particular regard to amenity space, and daylight and sunlight.

Reasons

Need

7. The proposal is for the demolition of an existing three storey hostel building with 52 bedrooms and replacement with a taller building which would comprise both a hostel and shared living accommodation (houses in multiple occupation - HMO). The replacement hostel facility would comprise 25 rooms on the ground and lower ground levels. The Council does not raise any objection to the principle of the hostel accommodation.
8. Policy D.H7 of the Tower Hamlets Plan 2031 (the Local Plan) sets out the approach with regard to housing with shared facilities (houses in multiple occupation). It states that new houses in multiple occupation will be supported where they meet a number of criteria. Criterion 1a of that policy requires the development to meet an identified need.
9. The policy does not define what constitutes an identified need. There is no Supplementary Planning Document to support the policy. I have not been provided with any emails or other information from the pre-application discussion stage which may have set out what was expected of an applicant in respect of information required to support an application.
10. Paragraph 9.69 of the supporting text to the policy states that the Greater London Authority household projections suggest that there is an increasing demand for HMO style accommodation in the borough particularly amongst young people. It also states that this demand is likely to rise and that high quality, large scale HMOs can help meet this need. It says further that this would need to be demonstrated with regards to the specific scheme and location. The Council's Strategic Housing Market Assessment 2017 (SHMAA) also notes that there is likely to be a continued and possibly growing role for HMOs.
11. Policy H9 of the London Plan seeks to ensure the best use of stock, expects boroughs to take account of the role of HMOs in meeting local and strategic needs and its supporting text recognises that they are an important part of London's housing offer, reducing pressure of other elements of the housing stock.

12. The appellant has submitted a Demand Assessment and Market Analysis report (KFDAMA) prepared by Knight Frank. The findings of the KFDAMA are not disputed in general. It identifies that there is a shortfall of HMO type accommodation both in Tower Hamlets and in a local area of around a 20 minute walk time from the appeal site. At the Inquiry the appellant's witness stated that the shortfall was in excess of 2,000 bed spaces in the local area based upon the figures in the KFDAMA.
13. The Council argues that there is a difference between demand and need and that need must be considered in the particular planning context of Policy D.H7. The Council's witness evidence states that the test posed by Policy D.H7 (1a) is whether an applicant has demonstrated that there is a need for this scheme, at the proposed rents, with this design, in this location. However, I consider this interpretation goes beyond what criterion 1a of the policy is requiring, as those considerations are mainly picked up through other criteria in the policy or in other policies.
14. At the Inquiry references were made to the Sailmakers scheme, a short walk away from the appeal site. I visited this site which took me around 3 minutes on foot to get there from the appeal site. This is a larger scheme than the appeal proposal and includes around 134 units of co-living accommodation alongside offices and some C3 housing units. Policy D.H7 (1a) does not require a test of whether there would be an over concentration of HMO housing in a locality.
15. Nonetheless given the nature of the immediate area, with a high predominance of residential accommodation along with some public buildings, I consider that the appeal scheme would not lead to an over concentration of such accommodation in the area. As witnesses of both main parties made clear, the appeal site is well located between the City and the Docklands and it therefore seems logical to recognise that people looking for such co-living accommodation may well be looking in this location. It does not follow that because there is a consented scheme a few minutes walk away, that this should count against another scheme in terms of addressing acknowledged need in the borough. In any case the policy does not require that.
16. In so far as the evidence before me indicates, I believe that there is a need, in quantity terms at least, for the proposed accommodation. I consider that it is not necessary to look at need at a more micro spatial level than the appellant has and that in any case such an analysis is not required by the policy nor would be practical. Therefore I consider the proposal accords with Policy D.H7 1a of the Local Plan. I shall consider the proposal against other criteria of the policy.

Whether the proposal should make provision for affordable housing.

Is the proposal low cost housing?

17. Criterion 1c of Policy D.H7 of the Local Plan requires the proposed development to be secured as a long term addition to the supply of low cost housing, or otherwise provide an appropriate amount of affordable housing.
18. Policy H16 of the London Plan 2021 sets out criteria for considering proposals for large scale purpose built shared living. It does not refer to low cost housing but amongst other things, requires a financial contribution towards

- conventional C3 affordable housing. By linking to Policy H5 of the London Plan 2021, the policy provides for a viability testing process if necessary.
19. The first test of applying Policy D.H7 of the Local Plan is first whether the proposal is low cost housing. If not, the second test applies, that is whether it provides an appropriate amount of affordable housing.
 20. The supporting text to the policy indicates that low cost housing in this context is considered to be primarily housing with shared facilities for people on low incomes.
 21. Making reference to government advice ², the Council argues that low incomes can be defined as 60% of the median income. Median income in Tower Hamlets in 2019 was £30,760 although it has fallen slightly since. Applying the 60% figure would give a low income benchmark of around £18,456.
 22. The Mayor of London's Home for Londoners document³ makes reference to the London Affordable Rent and the London Living Rent. The latter is aimed at helping households on average income levels to save for a deposit to buy their own home. London Affordable rents are below this and are aimed at low income households with rents based on social rent levels.
 23. London Living Rent 2020/21 is £1,118 per month for a one bedrooomed unit. The equivalent London Affordable Rent is £690. The equivalent Tower Hamlets Living Rent is £799 although it includes service charges.
 24. The proposed rent levels for the scheme are £1,000 for a single room and £1,083 for a double room. These would compare favourably with London Living Rents although that rent is based on self-contained units, not the sharing of facilities as is the case with the appeal scheme. In any case, London Living Rents are designed for middle or average income households, not low income households. I consider that an annual rental level of around £12,000 would not be within reach of persons on low incomes having regard to the low income benchmark of around £18,456.
 25. The appellants have submitted a planning obligation in the form of a unilateral undertaking which would cap the rents to 80% of studio rents obtainable on the open market. However, the average asking studio rent level as set out within the KFDAMA would be £1,721 per month. 80% of this would be around £1,376 which is higher than the originally proposed single room rent. The capped studio market figure would therefore involve annual rent of around £16,512. Compared to a low income benchmark of around £18,456 such rents would be a very significant portion of household income.
 26. Consequently I consider that the rents proposed, capped or uncapped, suggest that the accommodation would not be housing for people on low incomes, and therefore would not constitute low cost housing.

Is an affordable housing contribution viable?

27. The Planning Practice Guidance (PPG) confirms that that a viability assessment is a process of assessing whether a scheme is financially viable by looking at whether the value generated by the development is more than the cost of

² How low income is measured in households below average income – Department for Work and Pensions 2016

³ Homes for Londoners – Affordable Homes Programme 2016-21 Funding Guidance, Mayor of London 2016 – Appendix 4 of Ms Milentijevic Proof of Evidence

developing it. The PPG aims to achieve a standardised approach to viability assessment and to ensure that a balance is struck between the aspirations of developers and land owners in terms of return against risk, and the aims of the planning system to secure the maximum benefits in the public interest through the granting of planning permission. The key elements to consider include Gross Development Value (GDV), costs, land value, landowner premium and developer return.

28. The Council considers that the scheme is viable with a contribution of around £2.4M whilst the appellant considers that the scheme is not viable with any contribution. The parties have agreed a number of components of the viability assessment but some significant areas are in dispute. Benchmark Land Value (BLV) has been agreed between the parties at £5.89M.

- *Costs*

29. The parties have agreed the majority of the individual construction costs elements. These comprise a total of just under £5M. These are set out in a Statement of Common Ground. However there are a number of other construction cost elements that are not agreed. The disagreed costs total comes to around £850,000 with the bulk of that difference relating to three elements. These are: space heating and cooling/electrical installations; overhead and profit; and design risk and contingencies. The differences on the latter two elements relate primarily to different percentages being applied. The percentages are not hugely different but they do have an effect on total cost estimates.
30. The costs schedules have been drawn up by professional and suitably qualified consultants and I do not doubt that they have been prepared thoroughly and competently. It may be that the Council's lower figures are appropriate but I consider that the appellants applied percentages for these elements are not unreasonable based upon the information before me.
31. The difference between the parties in respect of operating costs is small and in my view does not have a material impact on the assessment of the overall viability of the scheme.

- *Food and Drink income*

32. The Council considers that the hostel element of the scheme would be likely to generate an income from sales of food and drink. This has been valued at around £425,000 per year. There is no café proposed on site but the Council considers that income could be derived from vending machines and from the selling of breakfast boxes to guests as happens with some budget hotels. One major national budget hotel chain with hotels nearby operates this kind of facility. I consider that it is possible that there may well be some income derived from such activity in the future but this seems to have a significant degree of uncertainty to it and there is no guarantee that the operator would offer it anyway. On this basis I consider that it should not be relied upon as a source of income to be fed into the viability assessment process.

- *Finance rate*

33. The Council considers that a finance rate of 6% should be assumed, the appellant 7%. Although the difference between the parties on this is only 1%, this has a significant effect on gross development value. The Council states

that around 75% of schemes assume a 6% figure and that this rate has been used in viability appraisals for student and rented housing schemes. The appellant referred to schemes where 6.5% has been used and examples of schemes where an Inspector⁴ and a London Council⁵ had recently accepted a finance rate assumption of 7%. In the light of the evidence before me, I consider that 7% is not an unreasonable figure to assume.

- *Hostel GDV*

34. There is a difference of around £1.8M in the parties calculations of GDV for the hostel element of the scheme. Part of this is derived from the difference of around £85,000 in expected annual income. The assumptions on hostel income have changed during the course of the appeal with the appellant now assuming a single room rate of £24 per night and a double room rate of £48 per night. The Council's view that the double room rate should not be double the single room rate has merit when compared with the approach of hotels in the budget market.

35. The appellant contends that the market rate for single person rooms is no more than £25 per night but one accommodation quoted as an example at £25 per night, Bracken House, does not have ensuite facilities. Whilst the appellant has submitted examples of budget hotels and hostels in London with rates of £20 per night and below for single occupancy, it seems to me that given the facilities available at the appeal scheme such as a cinema room, gym and laundry, the appellant's expected income from the single rooms is on the low side notwithstanding that this scheme is a hostel, not an hotel. However, I consider that such rates may not be as high as the Council's assumption of £45 per night.

- *HMO GDV - Yield*

36. The capitalisation rates of the HMO rents make a hugely significant difference when the overall viability of the scheme is assessed. Indeed the yield percentage applied is the single biggest factor in the overall viability differences between the parties.

37. Both parties have altered their position on what yield percentage should be adopted during the course of the appeal. The appellant now considers a yield of 4.5% should be adopted, whereas previously this was 4.25%. The Council considers that the figure should now be 3.25% whereas it was previously assuming a 4.25% figure.

38. The co-living market of this type is relatively new and this mixed hostel/HMO scheme is not a standard project. Both parties acknowledge that this is a new area of valuation. This means that comparable schemes are not necessarily easy to draw upon and has also influenced the shift on yield rates of both parties whilst the appeal has been in progress. The nature of the scheme also means that factors such as risk play a significant role in assessing viability.

39. The Council draws upon a CBRE report⁶ which sets out the challenges to valuing co-living schemes. It states that it expects capitalisation rates to sit between the build to rent and purpose built student accommodation (PBSA)

⁴ APP/A5840/W/19/3228534

⁵ 1-3 Bath Road Hounslow P2019/3140

⁶ Co-Living: How is it valued? CBRE - Appendix 5 of Dr Lee's proof of evidence

sectors for long stay income, depending on factors such as location, design and tenant profile. The CBRE report includes a table showing yields in bed sectors for 2019 quarter 4 in different areas. The appeal site is in London Zone 2 where build to rent is identified as having a yield category of 3.25%. The PBSA yield in London Zone 1 is 4% but there are no comparable figures in the table for Zone 2. Some of the categories in the table are blank. Nevertheless, the trends across the various categories in the table indicate yields increasing from London Zone 1 through to outer areas and beyond.

40. CBRE's placing of co-living yield rates between build to rent and PBSA seems logical. If so then it would suggest that in London Zone 2, the yield rate for co-living schemes would be above 3.25%, in their view.
41. The appellant submitted an email (ID 5) from the author of the CBRE report which supports this assertion. It states that 3.25% in Zone 2 would represent an up and built stabilised yield in the more established mainstream build to rent market and that a yield of 3.25% for an 85 bedroomed HMO scheme in the location of the appeal site is too low for this type of property. The appeal scheme is not for 85 bedrooms and the author of the report has not assessed the scheme before me. Nevertheless, the information in the email does align with the table in the CBRE report. Both parties were able to provide comments on the email to the Inquiry and I have had regard to them. Consequently I have placed some weight on the email.
42. The Council's witness took an across the board 4.25% yield in the appraisal set out in his July 2020 statement of case. His decision to now adopt a 3.25% figure for the HMO element was based upon revised consideration of a number of factors in the light of the publication of the CBRE report. The appeal site location, the expected length of tenancies, the likely tenant profiles and the quality of the accommodation all were factors he quoted in leading to this revised position.
43. These are all appropriate factors to take into consideration, although some elements such as location and design are unchanged since July 2020. However, since it was the Council's own position just a few months ago and the scheme hasn't changed, it seems to me that a 4.25% yield would not be an unreasonable rate to assume. I am not persuaded that the evidence before me suggests otherwise.
44. I was referred to other co-living schemes such as Chatfield Road in Wandsworth and Kingsland Road Hackney, which were valued by BNP Paribas using a yield of 4.75% for the co-living units. I acknowledge that each scheme is different and local markets vary across London. Chatfield Road comprised 180 units of HMO accommodation, a café and office space. Kingsland Road comprised 121 units of HMO accommodation and workspace. However these examples add to the case for the appellants original assumed yield of 4.25% to be not unreasonable.

Conclusion on viability

45. I have found that the appellant's assumptions on costs and finance rates are not unreasonable. I have also found that the operation of a breakfast box scheme or vending machines cannot be assumed to occur nor be a certain means of raising revenue and therefore I consider no reliance should be made in respect of food and beverage income.

46. I consider that the hostel GDV could be increased in the light of my findings that the single room rental assumptions made by the appellant are too low. However, the adoption of the yield rate for the capitalisation of the HMO income makes such a significant difference to HMO GDV. Then because of the scale of the HMO part of the scheme, its multiplier effect impacts hugely on overall GDV. I have found that the 4.25% rate used by the appellant is, in this scheme, not unreasonable.
47. The agreed position between the parties is that the application of a rate of 4.25% would result in a residual land value of around £6.07M applying all of the Council's assumptions. However, even allowing for a higher level of GDV for the hostel element of the scheme as set out above, the evidence indicates that the headroom over BLV would be removed once the other positions I have taken on elements such as finance rates, construction costs and food/beverage income are applied. In reaching this view I have also considered the stand back position put to me. For these reasons, I consider that the scheme is unlikely to be viable with a financial contribution made for off-site affordable housing.

Living conditions

48. Policy D.H3 of the Local Plan sets out the approach to housing standards and quality. Part 5c of that policy states that for developments of 10 or more residential units, the minimum communal amenity space should be 50 square metres for the first 10 units plus a further square metre for every unit thereafter.
49. For the HMO scheme this would be a requirement of 124 square metres but only 110 square metres has been provided according to the Council. The appellant does not dispute this figure but argues that there is additional amenity space within the development including private terraces. I consider that the inclusion of a number of private terraces would by their size and nature reduce the pressure on communal spaces. In my view this would provide some degree of offset for the reduced level of outdoor community amenity space and overall I consider there to be a sufficient level of communal amenity space within the scheme, having regard to Policy D.H3.
50. It is not disputed that the kitchen/living/dining areas on the first, second and third floors do not meet the Average Daylight Factor (ADF) of 2% set out in BRE guidance⁷. These spaces are relatively large and it is to the rear of them, furthest away from the north facing windows, where the ADF would fall below 2%. The appellant has considered reorganising those spaces such that the sitting and eating areas would be closer to the windows. I consider that it would not be necessary or appropriate for the imposition of a condition to seek to control where in those spaces furniture and fittings should be located. I also consider that the design of those spaces has attempted to maximise daylight and sunlight through the use of wide and tall window openings.
51. I acknowledge that there may be some minor and limited harm to living conditions in respect of daylight within the very back portion of those communal areas. However those areas are quite large open spaces in which residents can move around and sit, cook and eat and socialise. I consider that there would be likely to be high levels of movement and connectivity within those areas. The BRE guidance is guidance not policy. Consequently I consider,

⁷ Building Research Establishment 'Site layout planning for daylight and sunlight: a guide to good practice'

that overall, the proposal meets Policy D.DH8c of the Local Plan which seeks to ensure that there are adequate levels of daylight and sunlight in for new residential developments, including amenity spaces within the development.

52. I consider that the proposal would accord with Policy D6 of the London Plan 2021 which seeks to ensure that new housing meets quality standards. I also find no conflict with Policy D.DH7 of the Local Plan which seeks to control density.

Character and appearance of the St Anne's Church Conservation Area

53. The appeal site is located within the St Anne's Church Conservation Area (the Conservation Area). The character of the Conservation Area is defined by the mixed uses of principal public buildings in Limehouse set amongst a more recent residential townscape. Its maritime history and contribution to the development of the Limehouse area is very evident.
54. St Anne's Church itself, the Passmore Edwards Library, the Town Hall and the church of Our Lady Immaculate and St Frederick all individually and collectively contribute greatly to the character of the Conservation Area and symbolise its rich history. More modern buildings have been introduced in the Conservation Area and some such as Park Heights stand quite tall in the immediate townscape.
55. The varied streetscape along Commercial Road is a key part of the character of the Conservation Area with so many of the most important buildings in the Conservation Area sitting along it, particularly along the southern side.
56. It is not disputed that the current building makes little contribution to the character of the Conservation Area. It is a flat roofed, mainly three storey brick building.
57. The proposed development would be a building of five storeys in height plus another two set back, and set in, storeys. The ground floor would sit slightly below street level on Commercial Road, and below that would be a lower ground floor. The main part of the Commercial Road frontage of the building would be symmetrical with tall windows either side of a central corridor encompassing balconies on three of the floors. The proposed building would not replicate, in design terms, any of the other buildings along the southern side of Commercial Road.
58. The character of the streetscene in this location between the viaduct and St Anne's Church is one of a mix of different styles and types of buildings. Both the five (plus one set back) storey Regents Canal House and the four (plus one set back) storey Earl Attlee Court sit right at the back of the pavement, and have a block form character. The Passmore Edwards building is distinctive and smaller scale whilst the church of Our Lady Immaculate and St Frederick (the Catholic Church) has its rounded end elevation facing Commercial Road. It is however the grand tower of the Catholic Church which acts a significant landmark in the rhythm of the streetscene between the viaduct and the gardens fronting St Anne's Church.
59. I consider that in terms of its general scale and design, the proposed building would not jar with the general pattern within the street scene. Whilst outside of the Conservation Area, the existence of the five (plus additional set back) storey buildings on the opposite side of Commercial Road to the appeal site

support this position. I find that the proposal would not conflict with D.DH2 of the Local Plan which seeks to create attractive streets, spaces and public realm.

60. I find that the proposed development would not conflict with Policy D.DH4 of the Local Plan which seeks to shape and manage views as it would not adversely impact on the views of St Anne's Church itself nor any other borough designated views.
61. It is the relationship of the proposed building and the tower of the Catholic Church which is critical. The church is a non-listed building, non-designated heritage asset within the Conservation Area. The St Anne's Church Conservation Area Character Appraisal (the CA appraisal) makes reference to the importance of the Catholic Church to the Conservation Area. In my view it makes a positive contribution to the Conservation Area.
62. The northern tower of the Catholic Church is prominent in the street scene and very distinctive. It comprises of three elements: the main part of the tower, the belfry and the pyramid shaped copper roof. The Commercial Road elevation of the tower is broken up with an inset statue and a clock.
63. The height of the main part of the proposed building would reach up to around where the clock is positioned on the tower. The two set back floors would take the height of the proposed building to a point around half way up the belfry section of the tower. This is clearly shown on the updated elevation plan⁸.
64. The existing building rises to four storeys on the corner closest to the Catholic Church tower as it houses the internal staircase. However the increased height and massing of the proposed building compared to the existing building would have the effect of reducing the amount of visible sky from street level on the western side of the tower. This would have the effect of reducing the prominence of the tower in some views and angles, from some points at street level on Commercial Road.
65. I consider that this would be negligible in views westwards from outside the St Anne's Church gardens as currently Regents Canal House with its shallow peaked roof forms a significant backdrop. Furthermore, the setting back of the top two storeys of the proposed building would greatly assist in reducing the potential for any adverse impact in views towards the City. I also consider that the setting back of the top storeys would assist in maintaining the character of the Conservation Area in views eastwards along Commercial Road from close to the viaduct.
66. The statue of Christ the Steersman sits atop the southern tower of the Catholic Church. This tower is not as tall as the northern tower. The large oak statue is placed to look outwards to the river to the south and is an impressive feature in the townscape. It is prominent in views across the Limehouse Basin from as far as Narrow Street. It was designed to be seen from the Limehouse Basin to the south.
67. The proposed development would not have a detrimental effect on the appreciation of the statue from the south as it would sit closer to Commercial Road than the southern tower and the statue sits in a gap between existing

⁸ North Elevation - 189 CDA A2 XX DR A 05 0201 Rev 6

- buildings in views from the south across the lock area of the basin. The proposal would not erode the extent of this gap.
68. The proposed development would also not have a detrimental effect on the appearance of the statue from street level on Island Row or Mill Place. From street level the pedestrian would be able to look up towards the statue and the proposal would not hinder or diminish that. The statue can be glimpsed from street level on Commercial Road and the proposal would block it out from a short stretch of the pavement on the north side of the road. However in most views the proposed building would not obscure or hinder its appreciation.
69. The Conservation Area is an area where there has been change over the years and one of its characteristics is how newer buildings relate to the older historic buildings. The Catholic Church itself is a later introduction to the Conservation Area reflecting the need to serve the large local Irish population in early 20th century. More recent additions include the Earl Atlee building sitting between the Passmore Edwards Library and St Anne's Church. It is not a conservation area where there has not been change evidenced by the presence of more recent buildings.
70. The proposal would replace a building which it is acknowledged does not make a valuable contribution to the character and appearance of the Conservation Area. It is not significantly greater in height to a replacement scheme for the existing building granted planning permission in 2012 although it is acknowledged case law has altered since then. Nevertheless I consider that the proposal would have a minor adverse impact on the character and appearance of the northern tower of the Catholic Church when seen from some viewpoints along Commercial Road close to the appeal site itself.
71. For the reasons set out above, as a result of its impact on the non-designated heritage building of the Catholic Church, I consider that the proposal would cause harm to the character and appearance of the Conservation Area contrary to Policy S.DH3 of the Local Plan which seeks to protect the heritage and historic environment of the borough. However I consider that this harm is less than substantial. In accordance with paragraph 196 of the National Planning Policy Framework (the Framework), I will weigh this harm against the public benefit of the proposal in my report.
72. As a result of my finding above, I also consider that there is some limited conflict with parts of Policy S.DH1 of the Local Plan which seeks to ensure the delivery of high quality design and with Policy HC1 (C) of the London Plan 2021 which seeks to ensure proposals conserve the significance of heritage assets.
73. The Lowell Street Conservation Area is a small conservation area on the north side of Commercial Road and is focused upon two rows of three storey Grade II listed terraces. The eastern end of that conservation area lies opposite the appeal site. Having regard to the Lowell Street Conservation Area Appraisal and Management Guidelines produced by the Council, I consider the character of that conservation area to relate to how the terraces are viewed in the street scene and their relationship to each other and the listed railway viaduct. I share the Council's view that that there would be no harm to the character and appearance of the Lowell Street Conservation Area as result of the proposal.

74. In reaching my view on the impact of the proposal on the two conservation areas, I have had regard to the statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Other Matters

Archaeology

75. The Council considers that insufficient information has been provided in respect of archaeology to support the proposal and that a detailed desk top exercise should have been undertaken to assess the potential for the existence of a burial ground underneath the site given the possibility of congregationalist chapel on the site in the nineteenth century. No such burial ground is shown on historic mapping or other records searched by the appellant. Some archive record searching has been hindered due to Covid 19 restrictions. I have had regard to paragraphs 189 and 190 of the Framework and Policy S.DH3 of the Local Plan, and in the circumstances set out above, I consider that it would be appropriate in this case to impose a condition requiring more detailed information to be collected and assessed prior to work commencing on site.

Cycle Storage

76. The parties have not reached total agreement on how cycle storage should be provided within the building. The appellant has submitted revised plans for the ground and lower floor plans setting out updated provision for cycle storage and access arrangements to it. The appellant has asked me to take these plans and details into account in my determination of the appeal. I consider that the distance from the entrance to the proposed cycle store is not unreasonable as long as the internal route and doors enable the wheeling of cycles through the building easily.
77. I consider that the details for these access arrangements should be included within the Management Plan which is to be prepared and submitted to the Council before occupation and which is the subject of a suggested condition. This Plan could also set out provision for staff welfare in respect of cycle changing and washing facilities. These provisions would ensure compliance with Policy S.TR1 of the Local Plan which seeks to promote sustainable travel and Policy D.TR3 of the Local Plan which seeks to ensure appropriate levels and standards of parking provision.

Anti-social behaviour

78. A number of local residents are concerned about the potential for the proposal to generate anti-social behaviour and have made references to incidents in the local area. This is a residential area and a number of properties overlook the site and its surrounding streets. The proposal would contain significantly fewer hostel bedspaces than the existing hostel and overall would be a very different scheme with the majority of the accommodation being for residents. Neither the Council nor the Metropolitan Police have raised concerns about the potential for anti-social behaviour from the proposal. Whilst noise and disturbance and the fear of crime are capable of being material considerations, I have no evidence that such harm would result from the proposal.

Other matters

79. The parties have reached agreement in respect of highway safety, air quality and energy and I am satisfied that the further information submitted and the imposition of relevant conditions will ensure that the proposal will comply with the respective policies of the Local Plan and will not cause harm in respect of these matters.
80. I have no evidence to indicate that the proposal would have an unacceptable adverse impact on daylight and sunlight within adjacent buildings. In reaching this view I have had regard to the submitted Daylight and Sunlight Report and the Council's Committee Report.

Other considerations

81. The proposal would create employment opportunities through its construction to which I attach moderate weight. The operation of the scheme will provide employment for around 18 FTE staff, but this needs to be netted off against employment provision within the existing building. I have therefore attached very limited weight to this benefit.
82. The appeal site is well served by public transport as it is situated on a main road into London and very close to the DLR station. Its location between the City and Canary Wharf was cited by both main parties as being an attraction to future residents.
83. On 19 January, during the Inquiry, the Secretary of State published the Housing Delivery Test: 2020 measurement (HDT 2020). I gave each main party an opportunity to make written comments on the implications of this measurement on their appeal case. I have taken those comments into account in reaching my decision.
84. The HDT 2020 places the London Borough of Tower Hamlets in the category of 'presumption in favour of sustainable development' since its housing delivery over the last three years has fallen below 75% of its housing requirement. This means that where Paragraph 11d of the Framework is engaged, the policies which are most important for determining the plan are out of date and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
85. The Council considers that the housing shortfall in the Borough would be reduced due to the introduction of a significantly lower housing threshold in the London Plan 2021.

Planning Obligations

86. The Council and the appellant have submitted a signed and completed Section 106 agreement. It seeks to secure financial contributions relating to skills and training; construction, employment and training; and environmental sustainability. It also seeks to ensure that the development is car free, that construction and occupiers travel plans are submitted, agreed and monitored, that employment initiatives are complied with and that a highways works agreement is completed.

87. I consider that the obligations accord with the Local Plan. The obligations are necessary to make the development acceptable in planning terms, directly related to the development, and are fairly and reasonably related in scale and kind to the development. As such the obligations meet the requirements of Paragraph 56 of the Framework. The Council has submitted a Community Infrastructure Levy Compliance Statement, and I am satisfied that the requirements of the Community Infrastructure Levy Regulations 122 are met.
88. I have taken the submitted Section 106 planning obligations into account in arriving at my decision and give significant weight to them.
89. The appellant has submitted a second planning obligation in the form of a unilateral undertaking. This seeks to ensure that the rental levels of the HMO units are capped at 80% of the market rent for studio units. The Council does not accept that this agreement accords with Policy D.H7 1(a) as in its view it does not ensure that the proposal is low cost housing. I have arrived at the same finding. I have also found that the rents proposed within the cap are not for those on low incomes. The unilateral undertaking would not limit rent to a level that is low cost.
90. There is no other mechanism for the control of rents within the scheme. However the unilateral undertaking is not necessary to make the development acceptable in planning terms and I place very limited weight on it in arriving at my decision.

Conditions

91. The Council and the appellant have agreed a list of suggested conditions. I have considered these having regard to the Framework and Planning Practice Guidance. I have made a small number of minor amendments to the wording of these conditions for clarity.
92. In addition to the standard time limit condition, there is a need for a condition specifying the plans to which the permission relates, in the interests of certainty. A condition is required to require details of external materials in the interests of the character and appearance of the Conservation Area.
93. There is a need for a condition requiring a written scheme of investigation relating to archaeology to be submitted and approved prior to commencement of works, as explained in paragraph 75.
94. A construction management and logistics plan is required to be submitted and approved prior to commencement of works, in the interests of residential amenity and highway safety. I have imposed a condition relating to this and a separate one relating to construction hours of operation and noise control, in the same interests. There is also a need for a condition setting out the measures to be put into place should contamination be found during demolition and construction, in the interests of the environment.
95. The site is located very close to Crossrail structures and tunnels. I have imposed the two conditions suggested by Crossrail and the main parties requiring the submission and approval of method statements prior the commencement of work on site in order to safeguard against potential adverse impacts on that scheme.

96. A condition is necessary to secure the details of the disabled parking bay in the interests of accessible access. In addition a condition is required to require the submission of details of the wheelchair user room facilities in the interests of living conditions.
97. There is a need for a condition requiring the submission, and approval of details and implementation of a sustainable drainage scheme in the interests of the environment. A condition is required to secure the approval of details and implementation of waste storage facilities in the interests of residential amenity and the environment. I have also imposed a condition requiring the submission and approval of a deliveries and waste management plan in the interests of residential amenity and highway safety.
98. A condition requiring the submission and approval of an operational management plan for the development is imposed in the interests of residential amenity. In the interests of living conditions of future residents and residential amenity, a condition is required for the submission and approval of security measures to be implemented.
99. There is a need for details of hard and soft landscaping to be submitted and approved and I have imposed a condition in this regard, in the interests of character and appearance of the area.
100. In the interests of biodiversity, a condition is required to secure details of biodiversity mitigation and enhancements.
101. In the interests of residential amenity, conditions are required to control levels of noise from the mechanical plant and equipment and exhaust emissions from the emergency generator. In addition, a condition to ensure adequate sound proofing measures within the HMO element of the proposal is required in the interests of living conditions of future residents.
102. I have imposed a condition requiring details of energy generating technologies which are to be incorporated into the scheme, to be submitted to the local planning authority for approval. This is in the interests of sustainable development and securing the use of renewable energy.

Planning Balance and Conclusion

103. I have found that the proposal would harm the character and appearance of the St Anne's Church Conservation Area, and that this harm would be less than substantial.
104. I have found that the proposal would not provide low cost housing as required by Policy D.H7 1 c. In applying the second test of that part of the policy, I have found that the viability assessment of the scheme indicates that the proposal cannot make a financial contribution for affordable housing.
105. I have found that there is a considerable need for the type of shared accommodation which the proposal would provide. On the evidence before me, there is clearly a shortage of shared accommodation both in the borough and in the local area. Whilst some of the design aspects and the quality of parts of the internal living spaces are disputed by the Council, I have found overall that there would be no harm to the living conditions of future residents. I consider that overall, the scheme would provide a modern quality form of co-living accommodation which would help to address some of the housing shortages

and provide more choice in the local housing market. I conclude that the proposal would accord with Policy D.H7 of the Local Plan.

106. The proposal is not C3 housing. Nevertheless the HDT 2020 position highlights the need to secure more residential accommodation in the borough, notwithstanding the Council's view that the shortfall would be reduced by the publication of the London Plan. I place substantial weight upon the need to secure more residential accommodation in the borough in arriving at my decision.
107. The public benefits of providing additional accommodation in an area where there is an acknowledged pressure for new housing and where there is currently an under delivery of housing, are substantial. In applying paragraph 196 of the Framework, I consider that these benefits significantly and demonstrably outweigh the less than substantial harm I have found to the Conservation Area.
108. I have found that the proposal would be contrary to Policy S.DH3 of the Local Plan. However I consider that it would accord with the development plan as a whole and that the relevant policies of the development plan are generally consistent with the Framework. In reaching my decision, I therefore attach significant weight to the proposal being in accordance with the development plan as a whole.
109. For the reasons set out above I conclude that the appeal should be allowed.

Mike Worden

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 189-CDA-A-00-DR-A-0100; Site Plan 189-CDA-A-00-DR-A-00-101 REV 01; Lower Ground Floor Plan 189-CDA-A2-B1-DR-A-05-0099 REV10; Ground Floor Plan 189-CDA-A2-00-DR-05-100 REV 07; First Floor Plan 189-CDA-A2-01-DR-A-05-101 REV 05; Second Floor Plan 189-CDA-A2-02-DR-A-05-102 REV 01; Third/Fourth Floor Plan 189-CDA-A2-ZZ-DR-A-103 REV 8; Fifth Floor Plan 189-CDA-A2-05-1004 REV 07 ; Sixth Floor Plan 189-CDA-A2-06-DR-A-05-0105 REV 07; Roof Plan 189-CDA-A2-07-DR-A-05-0106 REV 06; North Elevation 189-CDA-A2-XX-DR-A-05-0202 REV 6; East Elevation 189-CDA-A2-XX-DR-A-05-0202 REV 06; South Elevation 189-CDA-A2-XX-DR-A-05-0203 REV 06; West Elevation 189-CDA-A2-XX-DR-A-05-0400 REV 06; Section A 189-CDA-A2-ZZ-DR-A-05-0400 REV 05; Landscape external works 189-CDA-AX-00-DR-A-05-0610 REV 02; Proposed Landscaping 189 -CDA-XX-XX-DR-A-90-1000 REV 01
- 3) 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). These must show the location of the Crossrail structures including temporary works, and show how the effects on Crossrail of ground movement arising from the development will be mitigated.

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 this condition shall be completed, in their entirety, before any part of the building hereby permitted is occupied.

- 4) No development shall take place, including any works of demolition, until Construction Environmental Management & Logistics Plans 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:
 - a. Value of the expected surcharge loading
 - b. Details of the support 'props', (type, length, BS/EN ref. code)
 - c. If the props are fixed to the existing masonry walls, details of the proposed fixing anchors are required
 - d. Size of the existing loadbearing piers
 - e. Details on how the capping beam is to be constructed
 - f. Drawings/sketches with dimensions
 - g. Reference to the current BRE guidelines; a copy of the relevant section should be included as an Appendix to the main document.
 - h. Copies of the trail hole information, (e.g. 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.

- 5) 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. The development shall be carried out in all respects in accordance with the approved method statement.
- 6) No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) relating to archaeology 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.

- 7) (i) No development shall take place until an updated assessment of renewable energy generating technologies for integration into the development has been submitted to and approved by the Local Planning Authority.

(ii) Prior to the occupation to the development the 'as built' energy calculations shall be submitted to 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.

- 8) 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;

b. 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.

c. Samples and drawings of fenestration

- d. Details of fenestration, where relevant, shall include reveals, sills and lintels. Drawings shall be at a scale of no less than 1:20.
- e. Drawings and details of entrances
- f. 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.
- g. Details of any balconies, terraces or winter gardens and associated balustrades, soffits and drainage.
- h. Details of any external rainwater goods, flues, grilles, louvres and vents

The demolition and construction shall be carried out in accordance with the approved details.

- 9) 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.
- 10) 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

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).

- 11) Prior to the commencement of any superstructure works, full details of the wheelchair car parking space shall be submitted to, and approved in writing by, the Local Planning Authority. The parking space shall be laid out in accordance with the approved details prior to the first occupation of the development.
- 12) 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):
- a. The peak discharge rates and together with any associated control structures and their position;
 - b. Safe management of critical storm water storage up to the 1:100 year event plus 40%; and
 - c. 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.

- 13) 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.

- 14) 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.

- 15) 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.

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

- a. Drawings and a schedule confirming the location of the wheelchair user rooms;
- b. 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.

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

- 17) 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.

- 18) 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.

- 19) 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.

- 20) 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 plan should include details of securing appropriate access to the cycle storage facility within the building, and for the arrangements for staff welfare and changing facilities.

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.

- 21) Prior to the occupation of the development hereby approved, full details of the emergency generator, including but not being limited to its detailed specification, location, emission rate and the exhaust release location, shall be submitted to and approved in writing by the local planning authority.

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

- a. the accommodation accords with BS8233 'Sound Insulation and Noise Reduction for Buildings';
- b. 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.

- c. structure-borne noise does not exceed LAmax 35 dB;
- d. 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
- e. at any junction between residential and non-residential uses, the internal noise insulation level is no less than 55DnTw=Ctr.

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.

END OF CONDITIONS

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Sarah Sackman	Of Counsel, instructed by the London Borough of Tower Hamlets
She called	
Aleks Milentijevic	Senior Planning Officer, LBTH
Dr Anthony Lee	Senior Director and Head of UK Development Consultancy, BNP Paribas
Laurie Handcock	Director, Built Heritage and Townscape, Icen Projects
Adam Single	Archaeology Advisor, GLAAS
Gareth Owens	Daylight and Sunlight Specialist, LBTH

FOR THE APPELLANT:

Zack Simons QC	Of Counsel, instructed by Wayview Limited
He called	
Duncan Parr MRTPI	Planning Partner, Rapleys LLP
James Brown MRICS	James Brown and Co Ltd
Matthew Bowen MRICS	Partner, Head of Residential Investment Research, Knight Frank
Nick Collins MRICS	KM Heritage
Matthew Williams Dip Arch, MA, ARB RIBA	Director, Create Design
Matthew Smith	Director of Archaeology and Heritage. RPS

INTERESTED PERSONS:

Mr Pascal Crowe	Local resident
Mr Simon Mesner	Local resident
Mr Tom Walker	Local resident
Dr Jacqueline Bore	Local resident
Councillor James King	Ward councillor, LBTH

DOCUMENTS SUBMITTED AFTER THE INQUIRY OPENED

- ID 1 Appellant's Opening Statement
- ID 2 Council's Opening Statement
- ID 3 List of appearances – LBTH
- ID 4 List of plans on which the Council made its decision - LBTH
- ID 5 Email from CBRE dated 12 January 2021 – submitted by appellant
- ID 6 Viability Schedule of Differences – submitted jointly
- ID 7 Comments of RPS on Archaeology January 2021 – submitted by appellant
- ID 8 Withdrawn and re-submitted amended as ID 10
- ID 9 Updated list of suggested agreed conditions
- ID 10 Note on impact of varying capitalisation yields 13 January 2021 – submitted by appellant
- ID 11 Table of impact of yield shift on residual value – submitted by LBTH
- ID 12 Note on implications of Housing Delivery Test 2020 – submitted by appellant
- ID 13 Note on implications of Housing Delivery Test 2020 – submitted by LBTH
- ID 14 Council's Closing Submissions
- ID 15 Appellant's Closing Submissions