



Appeal Decision

Site visits made on 18 November 2024 and 2 December 2024

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th March 2025

Appeal Ref: APP/E5900/W/24/3344416

7-9 Davenant Street, London E1 5NB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Aldgate Properties (UK) Ltd against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref is PA/23/01602.
 - The development proposed is 'retrospective temporary part change of use from serviced apartments (Class C1) and education/office floorspace (Class F1/E) to temporary accommodation for asylum seekers (Sui Generis) for a period of three years with internal alteration. Retrospective installation of a fire door at south side elevation and replacement of front door with automatic sliding door at ground floor number 7 Davenant Street'.
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Decision

1. The appeal is allowed and planning permission is granted for temporary part change of use from serviced apartments (Class C1) and education/office floorspace (Class F1/E) to temporary accommodation for asylum seekers (Sui Generis) for a period of three years with internal alteration. Retrospective installation of a fire door at south side elevation and replacement of front door with automatic sliding door at ground floor at 7-9 Davenant Street, London, E1 5NB in accordance with the terms of the application, Ref PA/23/01602, subject to the conditions in the attached schedule.

Preliminary Matters

2. The site address and description of development provided in the application form have been updated in subsequent documents. I have used those given by the appeal form accordingly as they are accurate and precise in terms of the proposal before me.
3. The appellant provided a certificate of ownership as part of the planning application relating to the land identified as within the red edge on the site location and block plan (drawing.no. SA126 PA01) and the Council accepted the application as valid based on the evidence and proceeded to determine it.
4. With regard to the above, Section 79(1) of the Town and Country Planning Act 1990 (the 1990 Act) sets out that if an appeal is made to the Secretary of State (and by corollary an appointed Inspector) "may deal with the application as if it had been made to him in the first instance", which could include an assessment of the validity of the application. In brief, the background to the dispute as to the planning application validity is that the appellant signed a Certificate A on the application form, without giving the requisite notice to owners of part of the land to which the proposal related. In that respect, the proposed development involves use of a passageway outside of the red edge on the site location and block plan, together

- with encroachment of outward opening emergency doors on that passageway. Based on the evidence before me, the appellant failed to notify the landowner of the passageway and leaseholders of the neighbouring Denim Factory (Nos. 4-6 Davenant Street) served by the passageway prior to submission of the application.
5. Notwithstanding the above, it is evident that the leaseholders of the neighbouring Denim Factory were fully aware of the proposal having been subject to consultation both prior to the determination of the application and as part of this appeal with many having provided comments. Additionally, once the procedural error with respect to notification of the landowner was drawn to the appellant's attention during this appeal, they moved to rectify this through issuing a notification to the landowner and leaseholders. This provided a further opportunity for those parties to provide comments. It is also not a matter of dispute that the appeal building has existing legal rights of access and for maintenance along most of the passageway. Moreover, the grant of temporary planning permission would not negate nor supersede private legal rights associated with land ownership of the passageway.
 6. Consequently, taking the above matters together with relevant Court judgements, including *Maximus Networks Ltd v Secretary of State for Communities and Local Government & Others [2018] EWHC 1933 (Admin)*, and the extent of consultation that has taken place on the application and the appeal, I consider that no prejudice would occur to the interests of any party as a result of exercising the discretion provided to me by s79 of the 1990 Act. I, therefore, proceed to determine the appeal.
 7. The development has been subject of proposed amendment following the Council decision as set out in revised plans submitted as part of the appeal, together with additional evidence provided in the form of a Fire Strategy, Delivery and Servicing Management Plan and an updated Management Plan. The specific amendments to the proposal are in drawing number SA126 PA21 Revision B which identify changes to the bin stores at ground floor level and alterations to the cycle parking arrangements. The proposed amendments involve minor changes that would not result in a different application and interested parties have had the opportunity to comment on the revised plans and additional evidence submitted as part of the appeal. As such I am satisfied that amendment of the scheme in the manner proposed and consideration of the additional evidence, would not cause procedural unfairness for any interested party. It follows that the proposed amendments are accepted, and I proceed to determine the appeal on that basis.
 8. At the time of my visits, I observed the appeal building to already be in use as temporary accommodation for asylum seekers. The installation of the fire door on the south side elevation of No. 8 Davenant Street (No. 8) and the replacement of the front door with automatic sliding door at ground floor level of No. 7 Davenant Street (No. 7) had also taken place. However, some of the proposed details set out within the plans submitted as part of the appeal, such as windows identified as to be installed with obscure glazing, had yet to be implemented. In contrast, the internal layout was broadly consistent with the plans submitted. For certainty, the appeal is determined on the basis of the proposed plans and observations during my site visits only insofar as the details are consistent.
 9. The National Planning Policy Framework (the Framework) was revised on 12 December 2024. The changes to the Framework relevant to this case involve renumbering of paragraphs cited in evidence and are not material to the decision.

Main Issues

10. The main issues are:

- Whether the proposal is consistent with local policies relating to provision of employment and community facilities;
- Whether the proposal provides for a suitable living environment for its occupiers;
- The effect on the living conditions of neighbouring properties, with particular regard to matters of overlooking, noise and disturbance;
- The effect on public safety and security, including the evacuation procedures and means of escape from the building in the event of a fire, and;
- Whether the proposal would have adequate arrangements for deliveries, servicing and waste disposal.

Reasons

Loss of employment and community facilities

11. The appeal site comprises buildings permitted by a previous planning permission (ref: PA/16/01865). No 7 is a six-storey building with basement that fronts the highway and has permission for 32 serviced apartments within Use Class C1. No 8 is located to the rear of No 7 and comprises approximately 660 sq.m of Use Class E/F1 floorspace within an adjoining two storey building with basement. No 9 Davenant Street (No 9) is a six-storey building adjoining No 7 and fronting the highway, which contains a commercial unit at ground floor level with residential units on the first, second, third and fourth floors. On its fifth floor, No 9 has internal connections to No 7 and has permission for 4 serviced apartments. The site is close to but not within the Whitechapel Local Employment Location and therefore, is outside of a designated employment location for the purposes of the development plan.
12. At the time of my visit and as indicated on the plans submitted as part of the appeal, amongst other changes, No 8 had been subject of the proposed change of use to the basement and part of the ground floor. The changes include associated internal alterations to form part of the temporary accommodation for asylum seekers (sui generis) that is subject of this appeal and for which permission is sought for a period of three years. Based on the submitted plans, approximately 230 sq.m of Class E floorspace would still be provided at first floor level and to form a reception area at ground floor level. Therefore, the proposal involves the net loss of approximately 430 sq.m of Use Class E/F1 floorspace at lower ground floor and ground floor level of No 8 albeit temporarily in those locations.
13. The proposal includes a marketing report dated August 2023, which identifies the marketing of the Use Class E/F1 floorspace permitted within the property by the previous planning permission since March 2021 at a total asking price of £261,450 per annum exclusive. It seeks to demonstrate that the proposal would not result in the net loss of viable office floorspace and that there is no longer a need for the community facilities based on an absence of demand. However, the marketing report has evident shortcomings with respect to a lack of specific detail in terms of examples of advertisements placed; enquiries made, and how rent levels have been calculated and whether they represent a reasonable market rate relative to

the size and condition of the commercial premises. In addition, based on the evidence, the available floorspace for Class E/F1 uses had only been marketed as a single unit, whereas the distribution of floorspace across multiple floors suggests it has potential suitability to also be marketed for occupation as smaller Class E/F1 units. Moreover, it is also evident that some of the marketing took place prior to completion of the building when the floorspace would not have been immediately available to satisfy any demand for potential tenants.

14. It follows from the above that, whilst continuous marketing of the property may have taken place for a significant period of time over a number of years, the evidence of the marketing undertaken that has been provided does not demonstrate that it was a robust exercise with respect to available floorspace for employment or community facilities. As such the marketing details are not sufficient to enable me to reasonably find that the use of the existing floorspace as offices or community facilities would not be viable due to lack of demand, nor that the floorspace is unsuitable for those uses due to its condition or layout. The proposal, therefore, does not meet the related requirements of and therefore, conflicts with Policy E1 of the London Plan, adopted March 2021, insofar as it sets out the circumstances where change of use of surplus office space to other uses will be supported. There is also conflict with Policy S3 of the London Plan and Policy D.CF2 of the Tower Hamlets Local Plan 2031 (LP), adopted January 2020, insofar as the proposal results in the net loss of floorspace capable of being used as community facilities, including education or childcare, in circumstances where it has not been demonstrated that there is no ongoing or future need.
15. In reaching the above findings, for certainty, it is not considered that temporary asylum seeker accommodation falls within a reasonable definition of community facilities. Whilst there is no specific definition of community facilities provided in the London Plan or the LP, Use Class F1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) specifically relates to learning and non-residential institutions with a specific list that does not include the proposed use or any other form of temporary accommodation. Other local community uses listed under Use Class F2 are a specific type of shop, a hall or meeting place for the principal use of the local community, places for outdoor sports and recreation, an indoor or outdoor swimming pool or skating rink. It follows that the community facilities listed under Use Classes F1 and F2 all have a degree of commonality insofar as they typically are accessible by and available for members of the public. In contrast, the proposal is more akin to a residential institution insofar as the facilities provided therein are for the benefit of its occupiers, and would not be provided for or be accessible by the existing community in the local area during the period of the use of the building for temporary asylum seeker accommodation.
16. Policy D.EMP3 of the LP, amongst other things, does allow for net loss of viable employment floorspace outside of designated employment locations in certain prescribed circumstances. The criteria includes where the benefits of alternative uses would outweigh the benefits of employment use. In that respect, there is a clear and pressing need for temporary asylum seeker accommodation to help to alleviate the pressures on Home Office applications for asylum based on the evidence provided. This of itself reflects a significant benefit of the proposal. However, compliance with Policy D.EMP3 of the LP in that regard is also contingent upon evidence of active marketing or a robust demonstration being provided that the site is genuinely unsuitable for continued employment use due to

its condition. As set out previously, the marketing evidence in this case is inadequate. Furthermore, there is no evidence before me that the condition of No 8 would make it genuinely unsuitable for employment use. It follows that the proposal does not meet the specific requirements of Policy D.EMP3 and therefore, conflicts with it. As such, whilst the proposal would only result in limited harm when taking account of the scale of floorspace suitable for employment that would be lost for a temporary period, the relevant requirements of the policy have not been met. I, therefore, necessarily return to the benefits of the proposal as part of the planning balance after consideration of the other main issues and relevant matters.

17. When having regard to all of the above, I conclude that the proposal conflicts with Policies E1 and S3 of the London Plan and Policies D.EMP3 and D.CF2 of the LP and their associated objectives relating to the provision of employment and community facilities.

Living environment for occupiers

18. The proposal also seeks the temporary change of use of other parts of the appeal premises from 36 serviced apartments (falling within Use Class C1) to provide the asylum seeker accommodation. For the avoidance of doubt, I find no specific harm arising from the temporary loss of serviced apartments for use as visitor accommodation to a proposed use that involves the delivery of specialised and supported housing to meet an identified need albeit temporarily. In reaching that view, I observed that there is a range and choice of alternative visitor accommodation in the surrounding area. Furthermore, Policy H12 of the London Plan supports the principle of provision of supported and specialist accommodation including accommodation for a particular group until ready to move on and with some communal facilities in a hostel setting.
19. Policy H12 of the London Plan in terms of provision of supported and specialised housing which meets an identified need, amongst other things, indicates that it should be designed to satisfy the requirements of the specific use or group it is intended for, whilst providing options for disabled persons. Whilst there is no specific policy in the London Plan or the LP relating to the detailed expectations of housing for asylum seekers or other short-term accommodation, Policy D.H4 of the LP is relevant as it relates to specialist housing.
20. With respect to the relevant requirements of Policy D.H4 of the LP for new specialist and supported housing, as previously mentioned, the proposal meets an identified need. It is also in an appropriate location in close proximity to public transport and local shops and services located nearby on Whitechapel Road (A11). In that regard, Davenant Street is a one-way street which exits onto Whitechapel Road, where it has a mix of commercial and residential uses to each side of the road. This includes the presence of nearby hotels and the Booth House hostel, places of worship, shops, restaurants, hot food takeaways and a gym with 24-hour opening. There are also bus stops close by on Whitechapel Road and Whitechapel and Aldgate East stations are located within 10 mins walk of the building, which taken together provide regular services to other parts of London via sustainable modes of travel. The site is, therefore, in an accessible and inclusive location, with a wide range of services available to meet the needs of the occupants of the proposed use and support their health, social and cultural wellbeing. Furthermore, the proposed use of the site would assimilate appropriately with the mixed character of uses in the surrounding area. Moreover, given the nature of the

temporary accommodation in the appeal property, provision of affordable units would not be appropriate.

21. The remaining criterion of Policy D.H4 of the LP to be met is whether the proposal would be of a high quality and meet relevant best practice for the form of accommodation. It is common ground that there are no set standards or guidance for the housing of asylum seekers in temporary accommodation. As an alternative, the Council have drawn my attention to the standards required in the Housing Act 1985 (as amended) relating to overcrowding. However, it is evident that the definition of overcrowding given in that Act and the associated room and space standards relate to the number of persons sleeping in a dwelling. The definition given for a dwelling in that part of the Act is a premises used or suitable for use as a separate dwelling. As such, to my mind, the room and space standards cannot reasonably be applied to the proposal before me which does not meet the definition of a dwelling and rather accords with the separate definition of a hostel¹ in the Act.
22. Based on the submitted plans and as observed during my visit, the proposal involves provision of 38 hostel bedrooms which would be intended to accommodate a maximum of 190 people seeking asylum at any one time. This is based on each of the 38 hostel bedrooms being capable of accommodating up to a maximum of five people which is capable of being controlled by condition. The form and nature of the temporary hostel accommodation has some similarities with a large house in multiple occupation (HMO) with respect to sleeping facilities with separate communal facilities for cooking, eating and socialising. I also note that in February 2024, the Government chose to withdraw plans to exempt asylum seekers in Home Office accommodation from HMO licensing requirements in response to relevant case law². However, in the particular circumstances of this case, the proposed hostel accommodation is materially different to a large HMO insofar as it is only intended to be occupied by individuals for a short-term period with a maximum length of stay of 90 days. That intended maximum length of stay would be consistent with the maximum stay of serviced apartments as previously approved and conditioned under planning ref: PA/16/01865. In addition, the arrangements for provision of meals for occupants is like those in residential institutions rather than typical of a private domestic existence.
23. The difference of the proposal from HMOs is also notable through the extent and configuration of internal space within most bedrooms arising from layouts and sharing arrangements that are more akin to dormitory accommodation. It follows that I consider that the Council's licensing standards for large HMOs (insofar as they restrict room occupation to no more than 2 people per room and expect an associated minimum room size of 13sqm and seek cohabitation of those persons) cannot reasonably be applied to the intended nature and form of accommodation subject of this appeal. In the absence of any specific and relevant standards for temporary hostel accommodation having been otherwise drawn to my attention, I necessarily go on to reach my own judgement on the suitability of the accommodation as observed during a site visit whereby the hostel bedrooms were laid out as set out in the proposed plans submitted.

¹ A building in which is provided, for persons generally or for a class or classes of persons—

(a) residential accommodation otherwise than in separate and self-contained sets of premises, and

(b) either board or facilities for the preparation of food adequate to the needs of those persons, or both.

² R(IAB and others) v Secretary of State for the Home Department and Secretary of State for Levelling Up, Housing and Communities, [2024] EWCA Civ 66

24. The individual bedrooms have a high-quality finish with each equipped with en-suite bathroom with shower, and are fitted out with bunk beds, individual wardrobes and lockable storage units for each resident and at least one window in each room to provide natural light and outlook when windows are not proposed to be obscured. Two of the hostel rooms on the ground floor are provided as disabled access rooms with associated adaptations. The hostel bedroom accommodation is supplemented by the ground and basement floorspace (that had been previously permitted as Use Class E/F1 floorspace) having been converted to high-quality communal amenity space for residents. This includes a dedicated catering area with adequate dining room space at ground floor level and a large social space at basement level with two associated outdoor basement garden areas. There is an internal link provided between the front building (No 7) and rear building (No 8) at ground floor level, together with a reception, lobby, lifts and staff facilities at the same level in No 7. There are also staircases in both No 7 and No 8, together with space for a lift to be installed towards the rear of No 8.
25. Based on my observations, whilst the bedrooms differ in overall size and layout, the standard of living accommodation, facilities and condition of each would provide a suitable living environment for their temporary occupiers. In reaching that view I have taken into account that asylum seekers would not be confined to only use of the bedrooms and en-suite bathrooms which I consider would predominantly be used for sleeping, changing clothes and personal hygiene. Access is otherwise available to larger amenity and communal spaces within the building and residents are also able to access local services and facilities in the surrounding area. Moreover, it is not uncommon for a suitable living environment for up to six unrelated residents in residential properties such as HMOs to include a shared bathroom with only a single WC and washing facility. It follows that the provision of equivalent facilities for bedrooms intended to accommodate up to five unrelated persons per WC and shower is acceptable.
26. Taking all of the above factors into account, I consider that the high quality of living accommodation in the bedrooms in terms of facilities, size and condition would be suitable as temporary accommodation and when taken with the communal facilities, would be sufficient and suitable to provide for the needs of up to 190 people seeking asylum as capable of being accommodated within the appeal property.
27. In reaching the above findings, I have taken account of the concerns expressed regarding a situation that had previously occurred at Booth House nearby in June 2023, whereby residents refused to share rooms and slept outside of the building. However, there is no evidence that such situations have occurred in relation to the appeal building to date. Moreover, I am satisfied that the potential for such circumstances to occur in the future and any public safety issues as per my findings later in this decision, could be mitigated through the presence of welfare staff and security officers as part of a Management Plan that could be secured by condition. I also consider that the associated regular welfare and health checks for occupiers of the buildings would ensure the provision of any necessary medical and mental health support which together with the regular cleaning arrangements would minimise the potential for poor health outcomes to be experienced by occupants. I have also taken into account that the submitted plans include staff facilities where it is reasonable that provision for refrigeration of medication could be made.

28. I conclude that, subject to the imposition of conditions, the proposal would provide for a suitable living environment for its occupiers and would not conflict with Policies D3 and H12 of the London Plan and Policy D.H4 of the LP in that regard.

Living conditions of neighbouring properties

29. The appeal premises are located adjacent to residential properties on Davenant Street, albeit I observed that beyond the flats in the neighbouring Denim Factory, there is a 24-hour petrol station with convenience store and ATM located at the corner of Davenant Street with Whitechapel Road, a busy thoroughfare with bus lanes to each carriageway. The flats surrounding the site are also typically accessed from shared spaces, including the presence of external access balconies located on the northern side of the Denim Factory. Student accommodation within Don Gratton House is located to the north of the site at the corner of Davenant Street with Old Montague Street.
30. The use of the property as temporary accommodation with a maximum of 190 residents at any one time has inevitably resulted in an intensification of the activity within the appeal property when compared with the permitted use as serviced apartments and education/office floorspace, due to the increased capacity of people accommodated. Furthermore, it is reasonable that the combination of the increase in occupants and unrelated individuals does result in a greater number of comings and goings via the entrance from Davenant Street. When taking account of the nature and form of the accommodation, including the provision of meals and communal amenity spaces, it is also inevitable that there would be a significant increase in concentrations of activity, particularly in the outdoor basement garden areas at the rear.
31. Notwithstanding the above, when taking account of the presence of the mix of commercial and residential uses in the immediate surroundings, I consider it unlikely that occupiers of residential properties adjacent to the appeal site and facing onto or overlooking Davenant Street would have previously benefitted from a prevailing noise environment where pedestrian and vehicle activity is absent during the day, evenings or even into the night-time. Consequently, based on my own observations, I am satisfied that the increase in comings and goings at the front of the building on Davenant Street has not and would not result in an unacceptable impact on the living conditions of occupiers of neighbouring properties. In reaching that view, I have taken account of the presence of a reception and associated security arrangements at the front of the building which are able to discourage large groups of occupiers of the building from congregating immediately outside and along the Davenant Street frontage.
32. There are, however, flats in the Denim Factory and in the lower floors of No. 9 Davenant Street that have bedroom windows that are located above and face towards the outdoor basement garden areas towards the rear of the appeal building. Due to the location of those neighbouring properties and the position of surrounding buildings, they would be largely screened from the prevailing noise environment experienced along the frontage of Davenant Street and influenced by Whitechapel Road. As such, despite the presence of shared alleyways, access balconies and walkways serving flats in the Denim Factory which allow for some existing comings and goings close to habitable room windows, I consider it reasonable that the occupiers of the neighbouring flats would typically benefit from a quieter living environment in the late evening and overnight between 2300 hours

- and 0700 hours of the following day when most night-time uses nearby are closed and pedestrian activity would reasonably be less than other periods of each day.
33. With regard to the above, as set out on the proposed plans, the use of the fifth-floor roof terrace of No 7 and other flat roofs at No 8 are intended to be limited to access for maintenance only. However, the use of the outdoor basement garden areas is not currently subject of control or restriction. A noise assessment has not been provided to set out a baseline position for potential noise generation associated with the unrestricted use of the outdoor basement garden areas in connection with serviced apartments. Nonetheless, as previously mentioned, I consider that it is inevitable that the proposed use has the potential to result in significant increases in concentrations of activity due to the increase in occupants within the appeal building. Consequently, there would be potential for unacceptable increases in noise and disturbance to the living conditions of occupiers of bedrooms in neighbouring properties located close to and facing the outdoor basement garden areas. However, I am satisfied that this is capable of being mitigated by the introduction of suitable restrictions on their use during the late evening and overnight when a quieter living environment would reasonably be expected.
 34. The management arrangements for the building set out in the Management Plan accompanying the appeal include the presence of on-site security and patrols, and the evidence before me indicates that access to the outdoor basement garden areas could be controlled by those arrangements. It follows that I am satisfied that a restriction on the use of the outdoor basement garden areas between 2300 hours and 0700 hours of the following day could be suitably enforced and therefore, controlled by condition. A condition would also be capable of securing agreement of details of landscape planting within the outdoor gardens to provide an increase in sound absorption and reduce sound deflection, reflection and refraction off the surrounding tall boundary walls. The provision of suitable landscaping would, thereby, ensure a decrease in noise levels experienced beyond the site when the outdoor gardens are in use. In addition, conditions can be imposed to prevent access to the flat roofs of the appeal property (other than for maintenance) and to restrict access to the alleyway (that provides access to flats and communal areas of the Denim Factory building) by users of the property for emergency evacuation only. When taken together, the imposition of those conditions would ensure that the proposal would not have an unacceptable impact on the living conditions of occupiers of neighbouring properties in terms of noise, disturbance and privacy in those respects.
 35. Turning to other aspects of privacy and overlooking, it is evident that the positions of windows serving bedrooms in Nos 7 and 9 are similar to those permitted for the serviced apartments. It follows that there is an established relationship of windows in the front and rear elevation of Nos 7 and 9 with habitable rooms of surrounding properties, including the nearby flats in the Denim Factory building, that is not considered to result in unacceptable overlooking or a loss of privacy. This is subject to some of the basement, ground floor and first floor windows being fitted with obscure glazing as proposed on the submitted plans.
 36. The proposal, however, does involve some changes to the side windows in the first floor, second floor, third floor and fourth floor of the building that face towards habitable rooms of the neighbouring apartments. During my visits, I observed that those windows are secondary windows serving individual bedrooms and are recessed behind the main elevation which limits the extent of outlook. However, the

close relationship with habitable windows of the neighbouring properties and access balconies/walkways does result in the potential for loss of privacy for occupiers of the appeal property and the adjacent flats in the Denim Factory. Whilst the addition of decorative planting as a privacy screen in the recessed areas as indicated on the submitted plans could provide some mitigation of the perception of overlooking, long term maintenance of vegetation in those locations would appear difficult. Consequently, as an alternative, it is necessary to impose a condition to secure obscure glazing of those windows to a height of 1.7m when measured from the finished floor level to prevent an unacceptable impact on the privacy of occupiers of the building and the nearby flats in the Denim Factory building.

37. Other concerns have been raised in terms of the relationship of the proposal with surrounding properties with respect to odours, light pollution and littering. Based on my observations, the separation distances to nearby habitable rooms in surrounding properties would be sufficient to ensure no unacceptable impacts in terms of cooking odours from within the building or odours that may arise from the use of the amenity areas (such as smoking). I am also satisfied that the controls imposed by conditions, particularly the restriction on the use of the outdoor gardens, would ensure that the use of lighting within the site would not have an unacceptable impact on occupiers of neighbouring properties. No substantive evidence has been provided that the proposed use would give rise to significant levels of additional littering in the local area and I am satisfied that the implementation of the Management Plan and use of CCTV would provide sufficient discouragement to prevent any unacceptable impacts in that respect.
38. I conclude that, subject to the imposition of conditions, the proposal would not have an unacceptable impact on the living conditions of neighbouring properties, including with respect to overlooking, noise and disturbance. The proposal, therefore, does not conflict with the relevant requirements of Policy D3 of the London Plan and Policies S.SG2, S.DH1 and D.DH8 of the LP in those respects.

Public safety and security

39. Policy D3 of the London Plan, amongst other things, also requires that development proposals achieve safe, secure and inclusive environments. This is supplemented by Policy D11 of the London Plan which relates specifically to safety, security and resilience against emergencies including fire, terrorism and related hazards set out in the London Risk Register and seeks that developments include measures to design out crime. This is supplemented by Policy D.DH2 of the LP which amongst other things, seeks to incorporate the principles of secured by design to improve the safety and perception of safety for pedestrians and other users. The related requirements include optimising active frontages towards public streets and spaces, locating entrances in visible, safe and accessible locations, creating opportunities for natural surveillance particularly at ground floor level, and designing out concealment points and leftover spaces.
40. The evidence before me indicates that the appeal building was subject of a Security Needs Assessment and secured by design comments with associated measures incorporated into the design of the appeal buildings. In that regard, the proposed plans identify the use of appropriate security doors to LPS 1175 SR2 standard to all points of access, together with boundary walls of a minimum of 3m and a maximum of 4.8m high from the adjacent ground floor level. Furthermore, based on the evidence, all windows at ground floor level and adjacent to flat roofs (access to

which can be restricted by condition to maintenance only) have been installed to PAS 24 standard. This is capable of being accompanied by submission of details of an updated Security Needs Assessment and additional CCTV to be installed to remove any blind spot areas that could otherwise present security risks or result in a fear of crime. The mitigation in those respects, together with other related necessary measures such as restricting the use of the adjoining passageway by users of the development to only in the event of emergency evacuation, can be secured by condition. Each of those measures would assist in ensuring the security of the site and the appeal premises.

41. A Management Plan accompanying the application that is specific to the proposed temporary use supplements the aforementioned design measures and details which can be secured by condition. It details the security arrangements on-site and monitoring of residence (by sign in/out key card log book, food register and GP registration checklist). Behaviour management within the site is provided via Davenant House rules set out in individual occupancy agreements with associated disciplinary procedures. The Management Plan also includes suitable measures to manage the surrounding area to ensure no breaches of the perimeter wall, fire exit points remain clear, prevent anti-social behaviour, discourage congregations at the front of the building and ensure no unauthorised access and egress. It also includes appropriate procedures, including liaison with the Government's Home Office, to plan for and address any planned and pop-up protests.
42. The measures set out in the Management Plan are to be supported by the use of sufficient staffing levels of licensed, trained and DBS checked security personnel with body worn cameras within the premises. The security personnel are to be always on-site to control site access, undertake internal and full perimeter site patrols at least hourly with defined checkpoints. They will also undertake intelligence-led room searches, provide incident and emergency response and support the welfare checks and infectious disease control undertaken by Welfare Officers.
43. The occupiers of the buildings as part of the temporary use are free to leave and return at any time of the day. The monitoring and checking systems set out in the Management Plan allows movements to and from the building to be monitored by on-site staff. The arrangements include monitoring of absences and the need to inform staff of details of address and return date if staying elsewhere (this can be no longer than 7 days). There are also arrangements for relevant internal departments to be notified where non-compliance with those arrangements and/or frequent patterns of absence occur.
44. Having regard to all of the above, the arrangements set out in the Management Plan which I observed to be in place at the time of my visit would be capable of ensuring a safe, secure and inclusive environment both within the appeal building and its hinterland. To ensure that they remain in place, those measures can be secured by condition.
45. In reaching the above findings, I have taken account of the potential cumulative effects of the proposed temporary use when taken with other forms of accommodation and specialist services for vulnerable people in the local area, together with anecdotal reports of instances of crime and pressure on public services, including health services. However, there is no robust evidence before me in terms of the extent of deficiencies in any local public service that would lead me

to conclude that they would be incapable of accommodating the proposed use as temporary accommodation for asylum seekers. Furthermore, subject to the imposition of conditions to ensure implementation of suitable management and security measures, I am satisfied that there would be adequate safeguards to minimise crime and disorder, and the fear of crime and anti-social behaviour, within the site and its immediate hinterland to ensure that it does not undermine the quality of life of local residents or community cohesion.

46. Turning to fire safety, Policy D12 of the London Plan seeks to ensure the safety of all building users and that development proposals must achieve the highest standards of fire safety. In that respect, as the development of the building has been previously permitted for residential, employment and community uses it is reasonable that the principle of acceptability in terms of construction to minimise the risk of fire spread and access for fire appliances has already been established. It is also noted that, whilst the serviced apartments included the provision of cooking facilities, those facilities have not been installed in the bedrooms.
47. The appeal is accompanied by Fire Safety Strategies for the previously approved development at Nos. 7 and 9 and No. 8. The Fire Safety Strategies identify the installation of appropriate fire alarm systems in bedrooms in accordance with BS5839:1 2017, and details of appropriate passive and active safety features and equipment in accordance with BS9999:2021, including fire panels placed in the reception and staff accommodation rooms. The fire alarm system as identified includes the release of magnetic locks once activated to enable suitable means of escape. The evidence includes details of a robust strategy for evacuation, supplemented by trained staff on-site. This would be achieved via protected stairwells of adequate widths to emergency exits providing convenient means of escape either through the entrances onto Davenant Street or via the exits onto the passageway that separates the Denim Factory building and leads onto the public highway. Despite the presence of cycle stands along part of the adjoining passageway, I observed that sufficient width in excess of 1050mm (as required by Table 2.3 of Approved Document B (Fire Safety) of the Building Regulations) would remain along its length to enable a safe and suitable means of escape along the passageway and via the gate onto Davenant Street as proposed.
48. In reaching the above findings, I have taken into account that it is a matter of dispute between the appellant and occupiers of neighbouring properties as to whether there is a legal right of access along a short section of passageway leading to the relocated fire exit serving No. 8. Nonetheless, as previously mentioned, the grant of temporary planning permission would not override any private legal rights. Moreover, even if that fire exit were incapable of use due to legal restrictions, I am satisfied that the remaining escape routes/exits from the buildings would provide a suitable option of means of escape in the event of a fire within Nos. 7 and 9 and No. 8. Based on the proposed layout, the arrangements (with or without the fire exit from No. 8 onto the passageway) would be capable of meeting the minimum number of escape routes and exits from a room or storey for the number of occupants in Table 2.2 of Approved Document B (Fire Safety) of the Building Regulations. It is also suitable insofar as two of the remaining means of escape have level-access from ground floor level where disabled access rooms are located and the evidence in the Fire Safety Strategies include appropriate procedures for disabled evacuation. The Fire Safety Strategies also give

appropriate details of fire doors, smoke control, emergency lighting systems, first aid / firefighting equipment and maintenance and testing of fire safety systems.

49. Having regard to all of the above, I consider that the evidence demonstrates that the appeal building is capable of achieving the highest standards of fire safety and ensuring the safety of all building users. It follows that, whilst the Fire Safety Strategies have not been updated to reflect the proposals before me, I am satisfied that a condition that would secure an updated Fire Safety Strategy and the implementation of the measures set out in the documents provided (subject to the approval of the Council should any revisions as necessary be required) would ensure the safety of all building users for the duration of the temporary use proposed.
50. I conclude that, subject to the imposition of conditions, the proposal would not have an unacceptable effect on public safety and security, including with respect to the evacuation procedures and means of escape from the building in the event of a fire. The proposal, therefore, does not conflict with the relevant requirements of Policy D3, D11 and D12 of the London Plan and Policy D.DH2 of the LP in those respects.

Deliveries, servicing and waste disposal

51. The appeal has been accompanied by an updated Delivery and Servicing Management Plan which sets out that the deliveries and servicing will take place from Davenant Street via the loading bay located on the eastern side of the carriageway, approximately 15m from the site frontage and immediately to the south of the junction with Old Montague Street. On-street parking is otherwise regulated on Monday to Friday between 8:30am and 5:30pm and Sunday between 8:30am to 2:00pm by a Controlled Parking Zone (CPZ), with designated spaces for business and residents and pay and display spaces for the general public.
52. With regard to the above, it is evident that the use of the loading bay required by the proposal will be relatively limited based on one food delivery per day, two laundry deliveries per week and three refuse collections per week. During my site visits I observed that the use of the loading bay did not result in significant obstruction to visibility or flows of traffic along Davenant Street which has one-way restrictions with access from Old Montague Street and exit onto Whitechapel Road (A11), or have an unacceptable risk of accidents for vehicles and pedestrians using the route. It also did not obstruct the use of on-street parking bays. The daily food deliveries via the shared access to No 8 are proposed to take place in the early morning before office hours and therefore, also would not have an unacceptable impact on users of the Class E unit to be retained at first floor level of No 8.
53. The refuse provision serving the proposed development involves 2 x 1100l refuse bins which when not subject of collection are kept within existing waste stores located internally within the building that are of sufficient size and have automatic fire shutters. The bin stores are located inside the entrance from Davenant Street through to No. 8 and adjacent to a separate bin store that serves the café at No 9 and the residential accommodation above. During my visit, I observed that street access to the bin stores is within 15m of the footway of the street where there is level access via a drop kerb to allow collection via the loading bay on the opposite side of the road. Whilst it is noted that the maximum levels of occupation of the development could increase the levels of waste produced, based on my observations during the visit and taking account of the number of collections

arranged via a commercial waste contract with the Council (2 x bins on Monday, Wednesday and Friday) I am satisfied that the waste collection arrangements are acceptable for the level of waste likely to be produced.

54. I conclude that the proposal would have adequate arrangements for deliveries, servicing and waste disposal. The proposal, therefore, does not conflict with Policies S.TR1, D.TR4 and D.MW3 of the LP and Policy T7 of the London Plan, or relevant guidance in the Tower Hamlets Reuse, Recycling and Waste Supplementary Planning Document, July 2021, in those respects.

Other Matters

55. The proposed changes to the exterior of the building in terms of the insertion of the door on the southern elevation and the insertion of a sliding door to the entrance onto Davenant Street as associated with the proposed use do not have an unacceptable impact on the character and appearance of the building or the surrounding area. Based on the evidence before me, there are a number of other changes to the building as built and proposed when compared with the approved plans relating to planning permission ref: PA/16/01865 and discharge of condition refs: PA/20/00151, PA/21/01560, PA/21/01561 and PA/21/01670. The changes affect some of the approved materials, windows, the roof terrace, rainscreen cladding and spandrels, the opening arrangements of emergency doors onto the passageway and the position and height of boundary walls. In design terms, each of the changes do not have an unacceptable impact on the character and appearance of the building or the surrounding area. Nonetheless, I am mindful that the proposal is for only a temporary planning permission and therefore, for certainty if it is granted, conditions would be required to secure the approved surface water drainage scheme, BREEAM measures, external materials and secured by design measures approved as part of previous discharge of conditions.
56. In addition to the deliveries, servicing and waste disposal arrangements that I have previously assessed as acceptable, I am satisfied that the proposed use as temporary accommodation for asylum seekers would not result in significant traffic generation. In reaching that view, I have taken into account that the occupiers of the development are unlikely to own or have access to a private car. Furthermore, the site is within a location identified as Transport for London Public Transport Accessibility Level 5 whereby it has good access to public transport as an alternative to private car use for other users of the development such as on-site security and cleaning staff. The proposed amendments to the bin store involve a reduction in secure cycle parking provision for the temporary use of the building. To my mind, the temporary reduction is acceptable as the provision is sufficient to encourage cycling and reduce car dependency for occupiers and users of the building, whilst taking into account that most asylum seekers are unlikely to own a bicycle. It follows that I am satisfied that there would be no unacceptable impacts on the highway network or its safety arising from the appeal proposal.
57. The building subject of this appeal is in private ownership and as such I have no reason to consider that the proposed use sought for a temporary period of three years would have an unacceptable impact on the Council's ability to support homeless residents or those requiring specialist care. In reaching that view, I have also taken into account that there is no substantive evidence that the use of the building for temporary accommodation for asylum seekers would lead to its users presenting as homeless in the future or undermine wider regeneration objectives in

Whitechapel. Similarly, there is no firm evidence that occupiers would be employed illegally by local businesses and/or employment for below the minimum wage. In any case, the latter matters are not reason to withhold a temporary planning permission given that any potential impacts in those respects could necessarily be subject of separate legislative controls.

58. Concerns have been expressed regarding the proposal being for a temporary permission, its duration and the potential for the proposed change of use being granted on a permanent basis in the future. However, I am satisfied that in this case a planning permission limited to a three-year period from the date of this decision is appropriate in principle in the particular circumstances of this case. This is noting that the temporary duration of the permission would contribute to meeting an existing identified need for asylum seeker accommodation whilst reducing the effects arising from the development. In the latter regard, the expiry of a temporary planning permission would allow for the permitted uses under the extant planning permission ref. PA/16/01865 to be restored, including the benefits associated with employment and community floorspace within the appeal premises. If a planning application were to be submitted in the future to extend the proposed use as asylum seeker accommodation or make it permanent, any such proposal would necessarily be considered on their own merits. For certainty, this appeal should not be seen as setting a precedent for nor does it predetermine the outcome of a future application and therefore, the possibility of such an application being submitted is not reason to withhold a temporary planning permission for the proposal before me.

Conditions

59. I have had regard to the suggested planning conditions submitted by the Council. I have considered these in light of the Framework and the Government's Planning Practice Guidance on use of conditions. Where necessary I have made minor amendments to the wording to ensure that they are precise, enforceable and relevant to the development permitted, whilst removing repetition and re-ordering some of the conditions with my conclusions on each summarised below.
60. Conditions 1 and 2 relate to the time limit and plans compliance conditions which are necessary in the interest of certainty of the permission granted. This includes to ensure that the temporary use applied for, shall cease no later than three years from the date of this permission, and to specify the proposed plans for which permission is granted and to reflect variations that may be necessary to comply with the requirements of conditions 3, 4, 5, 6, 7, 11, 12, 13 and 16. Condition 3 is necessary to ensure compliance with previous requirements relating to the building in terms of the surface water drainage scheme as approved as part of Ref. PA/21/01560 unless otherwise agreed in writing. Similarly, conditions 4, 5 and 6 are necessary to ensure compliance with previous requirements in terms of BREEAM measures, external materials and secured by design measures, unless otherwise agreed in writing. Condition 7 is required to ensure adequate arrangements for deliveries, servicing and waste disposal through the full implementation of the approved Delivery and Servicing Management Plan and the proposed refuse storage arrangements in drawing no. SA126 PA21/Rev.B, unless a variation is otherwise agreed in writing.
61. Condition 8 is necessary to reflect the intended transitory nature of the proposed use for asylum seekers by restricting the temporary accommodation to no more than 90 consecutive day stays for an individual person as applied for. Condition 9 is

required to ensure a suitable living environment for both occupiers of the host building and neighbouring properties, by restricting the maximum occupancy of the building as sleeping accommodation to 190 persons within the whole development based on 5 persons for each unit/bedroom (unless a variation is otherwise agreed in writing). For the same reason, condition 10 is required to ensure that the approved Management Plan shall be implemented in full for the duration of the temporary use hereby permitted (unless a variation is otherwise agreed in writing).

62. Condition 11 is required to secure updates to and the necessary fire safety measures identified within the approved Fire Safety Strategy documents, unless there is written agreement to any variations thereto. Condition 12 is necessary to prevent unacceptable overlooking of neighbouring properties by preventing the use of the flat roofs and fifth-floor roof terrace as amenity areas and limiting access to only maintenance purposes. For the same reason of preventing unacceptable overlooking, condition 13 also requires that the central windows located to the south elevation shall be obscured glazed to a height of 1.7m. Condition 15 is also required to secure management arrangements within three months of the date of this decision, including a restriction on the use of the basement gardens, to preserve a quieter living environment in the late evening and overnight between 2300 hours and 0700 hours of the following day for occupiers of neighbouring properties. Similarly, to minimise noise and disturbance and preserve the privacy of occupiers of neighbouring properties, condition 18 includes necessary restrictions on the use of the alleyway adjoining the Denim Factory building to only in the event of emergency evacuation by users of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.
63. Condition 14 ensures that the adequate cycle storage as indicated on the submitted plans would be fully implemented in the interests of compliance with relevant development plan policies in terms of reducing reliance upon use of a private car and promoting sustainable modes of travel. Conditions 16 and 17 are necessary for public safety and security to secure details of additional CCTV, planting for the external areas and an updated Security Needs Assessment within three months of the date of this decision.

Conclusion and Planning Balance

64. Section 70(2) of the Town and Country Planning Act 1990 requires regard to be had to, amongst other things, the provisions of the development plan, so far as material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. The Framework is such a material consideration.
65. The Framework does not change the statutory status of the development plan as the starting point for decision making. The policies which are most important for determining the application are up-to-date for the purposes of decision-taking in this particular case. In that respect, I have found that the proposal conflicts with Policies E1 and S3 of the London Plan and Policies D.EMP3 and D.CF2 of the LP and their associated objectives relating to the provision of employment and community facilities. Proposed development which conflicts with the development plan should be refused unless other material considerations indicate otherwise.

66. With regard to the above, as previously mentioned, the conflict with the aforementioned policies arising from the proposal would result in limited harm to the provision of employment and community facilities in the London Borough of Tower Hamlets. This is noting that the scale of floorspace suitable for employment (together with any associated opportunities for jobs) that would be lost is relatively modest when compared with the range of employment opportunities otherwise available in the nearby Whitechapel Local Employment Location and Whitechapel District Centre. Furthermore, it would occur for only a temporary period which can be restricted by condition to three years from the date of this decision - after which the imposition of a condition would provide an opportunity for the employment and/or community floorspace to be restored as part of a reversion to the permitted use of the building under planning permission ref. PA/16/01865. As per my previous findings, subject to the imposition of conditions, I have found no harm or conflict with the development plan relating to the other main issues or other matters. The absence of harm in each of those respects is a neutral factor which does not influence the planning balance.
67. On the other hand, there are considerable benefits arising from the proposal in addressing the clear and pressing need for temporary asylum seeker accommodation to help alleviate the pressures on Home Office applications for asylum as referred to earlier in my decision. There are also jobs generated by the operation of the proposed use which I afford limited weight based on the temporary nature of those benefits. To my mind, the conflict with Policies E1 and S3 of the London Plan and Policies D.EMP3 and D.CF2 of the LP and the associated limited and temporary harm identified, are clearly outweighed by the benefits of the proposal identified when taken together. It follows that whilst the proposed development would conflict with the development plan, in the particular circumstances of the proposal before me, there are material considerations which indicate that a decision should be made other than in accordance with it.
68. For the reasons given above and taking all other matters into account, I conclude that the appeal should be allowed and planning permission granted subject to the conditions set out in the attached schedule.

Gareth Wildgoose

INSPECTOR

SCHEDULE OF CONDITIONS FOR APPEAL REF APP/E5900/W/24/3344416:

- 1) The temporary use hereby permitted shall cease no later than three years from the date of this permission. Thereafter, the host building shall revert back to the permitted use under planning permission Ref. PA/16/01865 for 36 new serviced apartments and a 2-storey building with basement space and gardens at the rear.
- 2) The development hereby permitted shall be carried out in accordance with the following submitted plans and details, unless any variations thereto are required to comply with the subsequent conditions 3), 4), 5), 6), 7), 11), 12), 13) and 16):
Site Location and Block Plan (Drawing.no. SA126 PA01)
Proposed Basement Plan (Drawing no. SA126 PA20 Rev A);
Proposed Ground Floor Plan (Drawing no. SA126 PA21 Rev B);
Proposed First Floor Plan (Drawing no. SA126 PA22 Rev A);
Proposed Second Floor Plan (Drawing no. SA126 PA23 Rev A);
Proposed Third Floor Plan (Drawing no. SA126 PA24 Rev A);
Proposed Fourth Floor Plan (Drawing no. SA126 PA25 Rev A);
Proposed Fifth Floor Plan (Drawing no. SA126 PA26 Rev A);
Proposed Front Elevation (Drawing no. SA126 PA30 Rev A);
Proposed South Side Elevation (Drawing no. SA126 PA31 Rev A);
Proposed Rear Elevation (Drawing no. SA126 PA32 Rev A);
Proposed North Side Elevation (Drawing no. SA126 PA33 Rev A);
Proposed Section (Drawing no. SA126 PA34 Rev A);
Proposed Section (Drawing no. SA126 PA35 Rev A), and;
Management Plan (as received with the appeal submission).
- 3) The development hereby permitted shall be implemented in accordance with the approved surface water drainage scheme (approved as part of Ref. PA/21/01560), in full and retained thereafter unless otherwise agreed in writing by the Local Planning Authority.
- 4) The development hereby permitted shall be implemented in accordance with the approved BREEAM measures (approved as part of PA/20/00151) and shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.
- 5) The development hereby permitted shall be implemented in accordance with the approved external materials (approved as part of PA/20/00151) and shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.
- 6) The development hereby permitted shall be implemented in accordance with the approved Secured by Design Measures (approved as part of PA/20/00151 and PA/21/01670) and shall be retained thereafter unless otherwise agreed in writing by the Local Planning Authority.
- 7) The measures identified within the approved Delivery and Servicing Management Plan by David Tucker Associates (Ref. TM/BM/26023-01a) dated 15th May 2024

and the refuse storage in accordance with drawing no. SA126 PA21/Rev.B shall be implemented in full for the duration of the temporary use hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

- 8) The accommodation for asylum seekers hereby approved shall only be used as temporary sleeping accommodation and shall not provide for more than 90 consecutive day stays for an individual person.
- 9) The temporary use hereby permitted shall have a maximum occupancy as sleeping accommodation of 190 persons within the whole development and 5 persons for each unit/bedroom, unless otherwise agreed in writing by the Local Planning Authority.
- 10) The measures identified within the approved Management Plan shall be implemented in full for the duration of the temporary use hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.
- 11) The fire safety measures identified within the approved documents titled 'Fire Safety Strategy for Proposed Development of Serviced Apartments and Associated Works Part 1 (Issue 3) dated 31/10/23 and Part 2 (Issue 2) dated 13/10/2023 by FSEC shall be implemented in full for the duration of the temporary use hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

Within 3 months of the date of the permission of the hereby approved development an updated Fire Safety Strategy shall be submitted for approval in writing by the Local Planning Authority. The approved details should be implemented in full and retained thereafter for the duration of the hereby approved development, unless otherwise agreed in writing by the Local Planning Authority.

- 12) For the duration of the temporary use hereby permitted, the flat roofs and the fifth-floor roof terrace shown on the approved plans listed under Condition 2) shall not be used as amenity areas and shall not be accessed other than for maintenance purposes, unless otherwise agreed in writing by the Local Planning Authority.
- 13) The central windows located to the south elevation shown on the approved drawing no. SA126 PA31/Rev.A shall be obscured glazed to height of 1.7m when measured from the finished floor level and shall be retained thereafter for the duration of the temporary use hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.
- 14) The cycle storage shown on approved drawing no. SA126 PA21/Rev B shall be implemented in full and retained thereafter for the duration of the hereby approved development, unless otherwise agreed in writing by the Local Planning Authority.
- 15) Within 3 months of the date of the permission of the hereby approved development, details of the management arrangements for the basement gardens shall be submitted for approval in writing by the Local Planning Authority. The submitted details should include management arrangements that would restrict the hours of use of the basement gardens to only between 0700 hours and 2300 hours on each day. The approved details should be implemented in full and retained thereafter for the duration of the temporary use hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.
- 16) Within 3 months of the date of the permission of the hereby approved development, details of additional CCTV and planting for the external areas shall be submitted for approval in writing by the Local Planning Authority. The approved

details shall be implemented in full and retained thereafter for the duration of the temporary use hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.

- 17) Within 3 months of the date of the permission of the hereby approved development an updated Security Needs Assessment shall be submitted for approval in writing by the Local Planning Authority. The approved details shall be implemented in full and retained thereafter for the duration of the temporary use hereby permitted, unless otherwise agreed in writing by the Local Planning Authority.
- 18) The alleyway shown on approved drawing no. SA126 PA21/Rev.B shall only be used in the event of emergency evacuation by users of the hereby approved development, unless otherwise agreed in writing by the Local Planning Authority.

END OF SCHEDULE