The Planning Inspectorate

# Appeal Decision

Hearing held on 14 May 2024

Site visit made on 14 May 2024

**by K L Robbie BA (Hons) DipTP MTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 June 2024**

**Appeal Ref: APP/E5900/W/23/3332263**
**7-15 Blount Street, London E14 7RL**

- 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 Tom Slingsby of Southern Grove Blount Street Limited against the decision of the Council of the London Borough of Tower Hamlets.
- The application reference is PA/22/02551.
- The development proposed was originally described as "the demolition of existing buildings on site and redevelopment to provide purpose-built student housing accommodation (PBSA), with associated internal and external amenity space and cycle parking, alongside commercial space at the ground floor level".

## Decision

1. The appeal is allowed, and planning permission is granted for the demolition of existing buildings on site and redevelopment to provide 106 bedroom units of purpose-built student housing accommodation (PBSA), with associated internal and external amenity space and cycle parking, alongside commercial space at the ground floor level at 7-15 Blount Street, London E14 7RL in accordance with the terms of the application, Ref PA/22/02551, subject to the conditions in the attached schedule.

## Applications for costs

2. At the hearing an oral application for costs was made by the appellant against the Council. The Council responded to the costs application in writing following the close of the hearing, in which they made a counterclaim for a partial award of costs against the appellant. Both parties have been given appropriate opportunities to respond to the claims made against them and for final comments to be made. These claims are the subject of a separate decision.

## Preliminary Matters

3. The appellant's company name was initially set out in the application form as 'Southern Grove Clount Street Limited'. Subsequent documents have referred to the company name as 'Southern Grove Blount Street Limited' and it was confirmed at the hearing that the application form contained a typing error. I have therefore used the correct company name in the banner heading above.

4. The proposed development was described in the application form as "the demolition of existing buildings on site and redevelopment to provide purpose-built student housing accommodation (PBSA), with associated internal and external amenity space and cycle parking, alongside commercial space at the ground floor level". With the agreement of the appellant the Council amended the description to insert the number 106 between the words 'provide'

and 'purpose-built'. However, it is not clear what 106 refers to. With agreement from the parties at the hearing, the proposed development is for the provision of 106 bedrooms. Therefore, I have amended the description of the development to reflect this in my formal decision above.

5. A certified Deed of Agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 (as amended) (Section 106 Agreement), dated 21 May 2024 was submitted after the close of the hearing in accordance with an agreed timetable. The Section 106 Agreement contains planning obligations including financial contributions in relation to the provision of accessible car parking bays, and carbon offset. It also provides mechanisms for the construction phase employment and training, development coordination and integration, a traffic management order, highway works, student travel plan, car free development, energy performance monitoring, provision of affordable student accommodation provision, student accommodation nominations agreement, code of construction practice, as well as monitoring fees. The Council is satisfied that the obligations overcome the lack of a planning agreement which formed the basis of the fourth reason for refusal.

6. A revised National Planning Policy Framework (the Framework) was published in December 2023. This does not materially change the planning policy context in respect of the main issues, and I have determined the appeal accordingly. For the avoidance of doubt, I have referred to the revised paragraph numbers in my decision letter.

**Background and Main Issue**

7. The appeal site is currently occupied by a variety of commercial uses including a car repair workshop, MOT testing station and storage warehouses. The proposal is for the redevelopment of the site to include 106 rooms of PBSA incorporating outdoor amenity space at first, third and sixth floors, and 400 square metres of incubator floor space for commercial uses including workshops, flexible workspaces and meeting rooms at ground floor. There is no dispute regarding the acceptability of the proposed commercial uses at ground floor in planning policy or land use terms.

8. The Council confirmed that it would not be defending the first and third reasons for refusal relating to the effect of the development on the supply of traditional housing in the area and the effect of the development on the living conditions of existing occupiers of neighbouring properties with particular regard to noise and disturbance. Representations were made by interested parties on these matters and at the hearing I heard from a local resident Mr Khan on these matters. I have taken these representations into account in reaching my decision.

9. There is no longer disagreement over the lack of a planning obligation. Therefore, the fourth of the four reasons for refusal related to the absence of a Section 106 Agreement to secure the provision of financial and non-financial contributions including for employment, skills, training and enterprise, and transport matters, has fallen away. This no longer needs to be considered as a main issue in the appeal.

10. Consequently, as three of the four reasons for refusal are no longer disputed matters or have fallen away, the main issue in this appeal is the effect of the

development on the living conditions of the occupiers of 1-35 Rayners Terrace with particular regard to daylight, sunlight and privacy.

## Reasons

11. The east facing elevation of the proposed building would have bedroom windows facing the western elevation of 1-35 Rayners Terrace, which is generally arranged with balconies and windows to living rooms at the southern end of the elevation and windows and balconies to bedrooms further northwards in the street. Given the relationship between the proposed development and existing residential accommodation the Council's concern is for a loss of sunlight, daylight and privacy in the flats in 1-35 Rayners Terrace.

*Living Conditions - Daylight and Sunlight*

12. Policy D6 of the London Plan 2021 (the London Plan) requires that the design of development should provide sufficient daylight and sunlight to new and surrounding housing that is appropriate for its context. Policy D.DH8 of the Tower Hamlets Local Plan 2020 (THLP) states that development must not result in an unacceptable material deterioration of the sunlight and daylight conditions of surrounding development.

13. Paragraph 129 c) of the Framework indicates that when considering housing proposals decision-makers should take a flexible approach in applying sunlight and daylight where they would otherwise inhibit making efficient use of a site, the development would not result in an unacceptable material deterioration of sunlight and daylight conditions in surrounding development.

14. Latest Building Research Establishment guidance on daylight and sunlight[1] (the BRE guidance) further states that guidelines are not mandatory and should be interpretated flexibly because natural lighting is only one of many factors in site layout design.

15. Under the BRE guidance, a vertical sky component (VSC) value, the measure of the amount of light reaching a window, greater than 27% would indicate that enough skylight should still be reaching the window of an existing building. Similarly, if, following construction of a new development, the no sky line moves so that the area of the existing room, which does receive direct skylight, is reduced to less than 0.80 times its former value, this will be noticeable to the occupants, and more of the room will appear poorly lit.

16. A Daylight and Sunlight Report (DSR)[2] has been carried out in accordance with the BRE guidance. This shows that windows in the majority of surrounding properties would not be affected by the proposal. However, there are a total of 8 flats which would be affected in some way with regard to daylight and sunlight. These properties are all located at the southern end of the Rayners Terrace development, and each has an elevation which faces onto Blount Street. Each of the affected flats are also dual aspect properties, also having windows facing onto either Carr Lane or Salmon Lane. From the information before me, in all cases existing levels of daylight to living areas in the affected properties is already restricted by overhanging balconies.

[1] BR209 – Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice (2022)
[2] Daylight & Sunlight Report Blount Street Ref: 3656 - Eb7 Ltd (28 November 2022)

17. From the evidence before me and from what I heard at the hearing, 18 of the 30 windows (60%) in the southern section of the neighbouring development at 1-35 Rayners Terrace would be in breach of the test in that they would have a retained proportion of VSC of less than 0.8 of their former values. The affected windows serve a total of eight flats at ground, first, second and third floor levels. Of the affected windows 5 serve living rooms, and 13 serve bedrooms. However, two of the affected windows are small secondary windows to bedrooms facing onto recessed balconies with existing VSC values of 3% and 3.6%.

18. The lowest VSC values are for the ground floor level flats with values ranging between 5.7% to 10.0%. The BRE guidance advises that VSC values between 5% and 15% mean that it would be difficult to provide adequate daylight. At first floor, proposed VSC values would range between 7.2% and 11.6%, at second floor level they would be between 13.1% and 14.3% and at third floor between 10.2% and 30.5%. Of the 21 windows with a proposed VSC value of 15% or less, 13 serve bedrooms, and 3 are secondary, living room windows facing onto partially enclosed balconies.

19. The No Sky Line (NSL) test, calculates the area of the room from which the sky cannot be seen. If the test result is less than 0.8 times its former value, then this effectively means a reduction in daylight of 20% and will require supplementary lighting. The DSR shows that 10 of the 14 rooms (71%) have values below 0.8. Again, the ground floor flats would be most affected, the bedrooms having retained proportion levels of NSL of between 0.23 and 0.32. However, the living room of the southernmost ground floor flat has a retained proportion level of 0.94. In all cases, the living rooms would retain acceptable degrees of NSL reduction.

20. The most significant effects on daylight and sunlight would be to the occupiers of the three flats containing windows W3 to W6 inclusive on the ground, first and second floors, where windows serving both bedrooms and living areas would be affected by the proposal and where vertical sky components would reduce to less than 0.8 times their former values, as recommended in the BRE guide.

21. All windows serving bedrooms and labelled W2 and W5 are secondary windows facing onto balcony areas. They currently receive very little natural daylight due to their position on the elevation, and consequently are relatively unaffected by the proposal. The windows labelled W5 and W6 at ground and first floor levels also receive reduced levels of light due to recessed and overhanging balconies on the building.

22. The Council points out that even a modest obstruction opposite these windows would be likely to cause a significant impact on daylight received. However, whilst the reduction of daylight in the affected flats would be noticeable, from the information before me, the impacts would be mostly confined to windows serving bedrooms, whose primary purpose is for sleeping and therefore less sensitive to loss of daylight. I noted during my daytime visit a large proportion of the rooms within the affected part of 1-35 Rayners Terrace had curtains or internal shutters closed. However, I appreciate that this was just a snapshot in time and might not always be the case.

23. With regard to sunlight, there would a noticeable loss of sunlight to three bedroom windows and three living room windows in six of the affected flats. The Council accepts that sunlight to bedroom windows is a less important factor in assessing the effects of a proposal on living conditions and concludes the loss of sunlight on 1-35 Rayners Terrace would result in a minor adverse impact on the living conditions of the occupiers of the affected flats.

24. Furthermore, in four of the eight affected flats living rooms would be unaffected by the proposal due the dual aspect nature of their layout. Consequently, the loss of daylight in bedrooms would not result in significant harm to the overall living conditions of the occupants of those flats.

25. In summary, the BRE guidance is not prescriptive. In built-up locations, it is unlikely that all of its advice can be met due to site circumstances, such as proximity of built structures and, in this particular case the relatively narrow intervening highway. Based on the layout plans and what I saw on my site visit, the effects of the proposal would not be significant for occupiers' flats as a whole, in all but three of the affected flats. Furthermore, from evidence before me, in comparison to other developments close by, the living conditions of occupiers of Rayners Terrace would be little different from those found in other properties in this area, for example, at Caledonia House, where deep overhanging balconies restrict light to windows.

26. In conclusion, the proposed development would result in reduced levels of daylight and sunlight in living rooms to a very limited number of flats in 1-35 Rayners Terrace. But I also take into account the discussion at the Hearing, that even with a scheme of lower height than that proposed here, because of the existing physical circumstances and constraints, daylight and sunlight reaching these neighbours would be similar to this proposal.

27. Drawing all these factors together, and notwithstanding the very limited shortcomings against the guidance above, given the specific context of the development, and the flexible approach advocated in the Framework, the development would not result in an unacceptable material deterioration of sunlight and daylight conditions in surrounding development. There would therefore be no material conflict with London Plan Policy D6 and THLP Policy D.DH8.

*Living Conditions - Privacy*

28. Approximately 14 Student bedroom windows would face towards windows in the flats in Rayners Terrace, at a distance, it was agreed at the Hearing, of around 11.5m, at its closest. Whilst this is less than the 18m guideline in the supporting text of THLP policy D.DH8, the context of the development, which here is a densely built-up area of a city including development standing hard on the street edge, has a bearing on the anticipated degree of privacy.

29. In this physical context it is clear that the anticipated degree of privacy is less than it might be in a looser-grained suburb, or in the countryside. Moreover, the upper floor bedrooms of the proposal stagger away from the street; the angle of the Rayners Terrace block to the street increases along its elevation, diminishing any effect; and, between the proposal and the flats, runs a road

and two footways, which further diminishes any effect of overlooking at lower levels.

30. Taking into account the physical circumstances of the proposal and the factors which influence the anticipated degree of privacy, the proposal would not result in unacceptable harm to the living conditions of the occupiers of the flats in 1-35 Rayners Lane. Consequently, I find no conflict with London Plan Policy D6 or THLP Policy D.DH8 which seek to ensure that development maintains good levels of privacy avoiding an unreasonable level of overlooking.

**Other Considerations**

*Supply of Traditional Housing*

31. I have not been provided with any planning policies designating the site for housing purposes, whether affordable or otherwise. Nor have I been provided with anything but anecdotal evidence regarding the shortage of affordable housing in the Borough. At the hearing there was some disagreement between the parties about the level of need for student accommodation in the Borough. However, I have not been provided with any substantive evidence that there is either no demand for, or an over-provision of student accommodation in the area. Moreover, the Council, in its written evidence, accepts that the site is well located for a number of universities including Queen Mary University, the University of Cumbria, York St John University and the UCL School of Management and, from my own observations, it is well connected to public transport and close to a range of shops and services appropriate for the purpose proposed.

32. Whilst I appreciate the concerns of local residents that there is a pressing need for traditional housing and particularly that of an affordable nature, I am not persuaded that this site is critical to the Council's ability to deliver suitable sites for traditional housing. Furthermore, at the hearing I heard that the Council's published 5-year housing land supply is 5.2 years. Although this is not an up-to-date position, from the information I have before me, the Council does not currently have a shortfall in supply of deliverable sites. Moreover, Policy S.H1 of the THLP identifies students as a specific community for which housing development will be supported in the Borough.

33. Given the location of the site and given that it is accommodation for students who are likely to be studying at educational establishments close by, I have no reason to conclude that the proposal is not appropriate for its location or would lead to an undersupply of traditional housing in the area. I therefore find no conflict with THLP policy S.H1(1b).

*Living Conditions - Noise and Disturbance*

34. Concerns have been expressed that occupiers of the proposed development would be the source of noise and disturbance in the area, through social activities taking place within the premises or through noisy comings and goings at unsociable hours, and anti-social behaviour.

35. I have no evidence before me to substantiate these claims. Furthermore, I consider that planning conditions which would limit the hours which external communal space could be used and also require the implementation of a Student Management Plan which would include details of matters including site staffing numbers, hours and roles, security, management and measures to

prevent and deal with any antisocial behaviour, working with neighbours and complaints procedure, which I consider would adequately mitigate these concerns. Noise and disturbance during the construction stage of the development would also be reasonably controlled by appropriately worded conditions including a construction management plan. Consequently, there would be no conflict with THLP policy D.DH8 in this regard.

*Planning Obligation*

36. The submitted legal undertaking in the form of a Section 106 Agreement signed and dated 21 May 2024 seeks to provide financial contributions towards carbon offset, construction phase employment and training, end-user employment and training, development co-ordination and integration, and accessible car parking bays. It also secures highways works to include realignment of the kerb from the junction with Brenton Street, provision of on-street loading bays and waiting restrictions and changes to on-street parking spaces and yellow line, the provision of a student travel plan, car-free development, energy monitoring, student accommodation provision including affordable units and code of construction practice.

37. With the exception of the obligation relating to the provision of energy monitoring data which is capable of being secured through an appropriately worded condition, the Section 106 Agreement complies with the requirements of Section 122 of the CIL regulations. This is consistent with paragraph 55 of the Framework which states that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. I consider that clause 8.1 of the Section 106 Agreement is applicable to this obligation and consequently it should not apply.

38. Consequently, I am satisfied that all the remaining contributions and requirements contained within the Section 106 Agreement are necessary to make the development acceptable in planning terms. Furthermore, on the evidence before me, they would be directly, and fairly and reasonably related in scale and kind, to the development proposed.

**Other Matters**

39. I have carefully considered the concerns put forward by individuals and from nearby Residents Associations. I have no substantive evidence before me that the proposal would not provide adequate living conditions for future occupiers of the proposal in terms of the standards of the living accommodation to be provided. I am satisfied that concerns raised regarding the use of outside space on roof terraces within the development and the general behaviour of occupiers can be adequately controlled by suitably worded conditions relating to hours of use of the roof terraces and the implementation of a student management plan which would be enforceable by the Local Planning Authority in the event of non-compliance. Nor have I been provided with any substantive evidence that student accommodation cannot be successfully located within an established residential area.

40. I have also considered the impact of the proposal on local services. Given the relatively small scale of the proposal and the nature of the occupation of the development with students who would only be resident during term time any additional demand on services in the local area would be relatively minor and therefore would not put undue demand on them.

41. I note concerns raised regarding deadlines for the submission of representations. However, I am satisfied that interested parties have had adequate opportunity to make comments either in writing or orally at the hearing, and no third party has been prejudiced as a result.

## Planning Balance

42. The proposed development would provide 106 bedroom units of PBSA, which would make a valuable contribution to student housing provision close to a number of Higher Education establishments, in an area where there is high demand for housing provision in general. There is also a recognised London-wide need for student accommodation. In accordance with London Plan Policy H15 and THLP Policy D.H6 the proposed development would provide 35% affordable student units and 5% accessible student units.

43. It would involve the redevelopment of a brownfield site in an area which is well connected in terms of public transport and is close to local amenities and facilities. Other benefits would also include increased local expenditure, and the provision of development to a high level of design. There would be short term economic benefits arising from the proposal through construction employment and longer-term economic benefits from additional spend in the local economy. Positive benefits would be gained from the provision of good quality workspace to replace the current low-quality provision on the site. Together, with the substantial weight afforded by paragraph 124 c) of the Framework to the use of brownfield land for development, these benefits carry very significant weight.

44. The proposed building would not affect the setting of the adjacent locally listed public house on the corner of Salmon Lane and Brenton Street. There would be no harm to the character and appearance of the area and the development would provide biodiversity enhancements within the landscaping scheme. Although the proposal is not for traditional housing provision, there is no policy imperative for it on the site and I have not been presented with any compelling argument that housing provision within the borough would be significantly compromised through the development of the site for PBSA. Furthermore, any potential harm in respect of noise and disturbance could be adequately mitigated against through the imposition of appropriately worded planning conditions. These would be neutral factors in the planning balance.

45. Turning to adverse impacts, the proposed development would result in a small degree of harm to the living conditions of the occupiers of a small number of flats in 1-35 Rayners Terrace, with regard to daylight, sunlight and privacy as set out above and accordingly I afford this harm moderate weight.

46. I acknowledge that there is some strong local feeling about this proposal, reflected in objections received to both the planning application and the appeal, together with opposition heard at the hearing itself. However, I am satisfied that, subject to conditions, the appeal scheme would have positive benefits which would outweigh the harms identified. The development would therefore accord with the development plan when taken as a whole.

## Conditions

47. The schedule of conditions was discussed during the hearing and the appellant gave their agreement to pre-commencement conditions prior to the hearing. I

have considered the suggested conditions in the light of the tests set out in the Framework and Planning Practice Guidance. I have included those which I consider meet the tests, subject to some minor alterations to wording in the interests of clarity and consistency. The alterations I have made do not alter the intention of those conditions and I consider that the main parties have not been prejudiced by this. I have also deleted a condition which was repeated. Numbers in brackets refer to numbers in the schedule of conditions.

48. It is necessary to specify conditions confirming the time limit for development (1) and approved plans (2) to ensure certainty. Two pre-commencement conditions (3 & 4) are necessary as they should be addressed before construction works begin. A condition relating to the code of construction checklist (3) is necessary to ensure that living conditions of existing occupiers are safeguarded and to ensure highway and pedestrian safety during the construction works. A condition requiring land contamination investigation and remediation (4) is necessary to ensure that contamination is properly dealt with, and the living conditions of future occupiers is safeguarded.

49. A condition relating to noise and vibration during construction (5) is necessary to protect the living conditions of nearby residents and other occupiers. A condition relating to Non-Road Mobile Machinery (NNRM) (6) is necessary to prevent further deterioration of low air quality and a condition related to piling (7) is needed to guard against detrimental effects on underground sewerage utility infrastructure.

50. Samples of the materials to be used in the development (8) and details of proposed landscaping (9) are required in order to ensure the satisfactory appearance of the development. Details of biodiversity enhancements (10) are necessary to increase the biodiversity of the site and to comply with the requirements of THLP policy D.ES3. A Secured by Design strategy (11) is necessary to reduce the fear of crime. This condition has been modified to remove the requirement for accreditation by a third-party scheme and remove involvement of the third party in discharging the condition as this would restrict the decision-making powers of the local planning authority.

51. A Sustainable Urban Drainage Scheme (SUDS) (12) is necessary to minimise the risk of flooding. A noise verification report (13) to ensure the future occupiers are protected against undue noise and vibration is necessary. A deliveries and servicing plan (14) and a waste management plan (15) are both necessary for highway safety reasons.

52. As built energy calculations (16), details of PV Solar Arrays (17) and a post completion verification report (19) and compliance with BREEAM standards (20) are required to be submitted to ensure that the proposal is built to the highest environmental standards and complies with the requirements of THLP policy D.ES7.

53. A student management plan (18), a condition restricting the hours of use of outdoor roof terraces (22), a condition limiting the noise and vibration emitted from mechanical plant and equipment within the development (23) and a condition restricting the use of other flat roofs (25) are required to protect the living conditions of existing occupiers of neighbouring properties.

54. A condition restricting the use of the commercial premises (21) within the development is necessary in order to ensure the appropriate provision of

workspace in the borough. A condition requiring the provision of cycle storage prior to first occupation of the development (24) is necessary to ensure that cycle facilities are available to the occupiers of the development to comply with London Plan policy T5 and THLP policy D.TR3.

**Conclusion**

55. For the reasons set out above, having had regard to the development plan as a whole and all other material considerations, the negative impacts of the scheme would be outweighed by the positive benefits. I therefore conclude that the appeal should be allowed subject to the conditions set out in the schedule attached to this decision.

*K L Robbie*

INSPECTOR

## APPEARANCES

FOR THE APPELLANT:

| | | |
|---|---|---|
| Zack Simons | Barrister instructed by Jade Chalmers | |
| David Maddox | Planner | Maddox Planning |
| Jonathan Lonergan | Surveyor | Eb7 Ltd |
| Adam Blacker | Architect | DMWR Architects Ltd |

FOR THE LOCAL PLANNING AUTHORITY:

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|---|---|---|
| Stephanie Bruce-Smith | Barrister instructed by London Borough of Tower Hamlets | |
| Astrid Patil | Senior Solicitor | London Borough of Tower Hamlets |
| Shahin Amin | Planning Officer (Assisted by Sally Fraser Development Management Team Leader) | London Borough of Tower Hamlets |
| Cosmin Ticleanu | Principal Lighting Consultant BRE | |

INTERESTED PARTIES:

| | |
|---|---|
| Mr Shahanur Khan | Local resident |

DOCUMENTS SUBMITTED AT OR SHORTLY AFTER THE HEARING:

- Appeal decision – Lemon Tree House, 51-53 Bow Road, London E3 2AD (APP/E5900/W/23/3320405)
- Summary of key obligations of Blount Street appeal S106 agreement
- Appendix E -Tower Hamlets 2022 to 2027 Housing Trajectory dated 1 April 2022
- A Completed S106 Agreement was submitted on 21 May 2024

## Schedule of Conditions

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

2. The development herby permitted shall be carried out in accordance with the following approved plans and documents:

1043 – X – 0000 – GA – 1 - Site Location Plan
1043 – X – 0001 – GA – 1 - Existing Site Plan
1043 – X – 0002 – GA – 1 - Existing Site Plan
1043 – X – 0010 – GA – 1 - Existing Ground Floor Plan
1043 – X – 0040 – GA – 1 - Existing East Elevation
1043 – X – 0041 – GA – 1 - Existing South Elevation
1043 – X – 00101 – GA – 2 – Proposed Site Plan
1043 – X – 00102 – GA – 2 – Proposed Site Plan
1043 – X – 0200 – GA – 13 – Proposed Ground floor Layouts
1043 – X – 0201 – GA – 10 – Proposed First floor Layouts
1043 – X – 0202 – GA – 10 – Proposed Second floor Layouts
1043 – X – 0203 – GA – 10 – Proposed Third floor Layouts
1043 – X – 0204 – GA – 9 – Proposed Fourth floor Layouts
1043 – X – 0205 – GA – 9 – Proposed Fifth floor Layouts
1043 – X – 0206 – GA – 9 – Proposed Sixth floor Layouts
1043 – X – 0207 – GA – 9 – Proposed Roof Layouts
1043 – X – 00300 – GA – 2 – Proposed Section A-A
1043 – X – 00301 – GA – 2 – Proposed Section B-B
1043 – X – 00302 – GA – 2 – Proposed South & East Long Sections
1043 – X – 0400 – GA – 3 – Proposed East Elevation
1043 – X – 0401 – GA – 3 – Proposed South Elevation
1043 – X – 0402 – GA – 3 – South & East Street Elevation
1043 – X – 0403 – GA – 3 – Proposed West Elevation
1043 – X – 0404 – GA – 3 – Proposed North Elevation
PLA 0058 SD 001 R01 – Illustrative Landscape Plan

Air Quality Assessment – Prepared by The PES (17 November 2022)
Biodiversity Impact Assessment – Prepared by Greengage (November 2022)
Construction & Environmental Management Plan – Prepared by The PES (November 2022)
Daylight and Sunlight Addendum Report - Prepared by eb7 (02 March 2023)
Daylight and Sunlight Report – Prepared by eb7 (28 November 2022)
Design and Access Statement - Prepared by pH+ Architects (November 2022)
Desk Study / Preliminary Risk Assessment Report – Prepared by JOMAS Ltd (Sept 2021)
Energy & Sustainability Statement - Prepared by The PES (17 November 2022)
Fire Statement – dated 23.11.2022.
Foul Sewerage & Utility Statement – Prepared by Seneca (Oct 2022)
FRA & SuDS Strategy Statement – Prepared by The PES (25 November 2022)
Framework Travel Plan – Prepared by RPS (28 November 2022)

Health Impact Assessment – Prepared by Greengage (November 2022)
Healthy Streets Transport Assessment – Prepared by RPS (28 November 2022)
Heritage Impact Assessment – Prepared by HCUK Group (September 2022)
Landscape Strategy – Prepared by PLAN Design Landscape Architects (November 2022)
MEP Services Strategy – Prepared by Seneca (October 2022)
Noise & Vibration Impact Assessment – Prepared by ALN Acoustic Design (November 2022)
Outline Delivery and Servicing Plan – Prepared by RPS (03 Feb 2023)
Planning Statement – Prepared by Maddox Planning (November 2022)
Preliminary Ecological Appraisal – Prepared by Greengage (November 2022)
Reuse, Recycling and Waste Plan – Prepared by pH+ Architects (Feb 2023)
Statement of Community Involvement – Prepared by Carvil Ventures Ltd (November 2022)
Unit Area Schedule (17.02.2023)
Wind Assessment – Prepared by SLR (November 2022)

3. No development shall take place, including any works of demolition, until the Council's Code of Construction Practice Checklist (CoCP Checklist) has been completed, signed by the applicant and approved in writing by the Local Planning Authority, alongside all of the supporting documents, including:

- Construction Management Plan including Construction Traffic Management Plan
- Site Environmental Management Plan
  Part A: Noise & Vibration Management Plan
  Part B: Dust and Air Quality Management Plan
  Part C: Site Waste Management Plan
- Application for consent under Section 61 of the Control of Pollution Act 1974

The development must then be carried out in accordance with the approved CoCP Checklist, documents and plans, unless otherwise agreed in writing.

4. a) No works shall take place (save for demolition works, site preparation, erection of fencing, laying of or provision of any services, laying of temporary surfaces and erection of temporary site buildings for construction purposes) until a remediation scheme to deal with the potential ground contamination of the site has been submitted to and approved in writing by the local planning authority. The scheme shall include:

(i) A site investigation scheme, based on (Tier 1 Contamination Risk Assessment report) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off-site;
(ii) The results of the site investigation and detailed risk assessment referred to in (i) and based on these an options appraisal and remediation strategy giving full details of the remediation and mitigation measures required and how they are to be undertaken;

(iii) A verification plan setting out the details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3.) are complete to a satisfactory standard; and
(iv) A monitoring and maintenance plan, setting out provisions for long-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The contamination remediation works shall be carried out in accordance with the approved details and completed prior to the first occupation of the development. The provisions of the monitoring and maintenance plan shall be in force from the first occupation of the development and retained for its lifetime.

b) If during the works any additional contamination is encountered, all works in the relevant part of the site shall cease immediately and not resume until either:

i) The potential contamination has been assessed and a remediation scheme has been submitted to and approved in writing by the Local Planning Authority.
Or
ii) Timescales for submission of a remediation scheme and details of works which may be carried out in the interim have been agreed in writing by the Local Planning Authority.

Any additional land contamination shall be fully remedied prior to the first occupation of the development.

c) The development shall not be occupied until a post completion verification report, including results of sampling and monitoring carried out, has first been submitted to and approved in writing by the local planning authority demonstrating that the site remediation criteria have been met.

5. Any demolition, building, engineering or other operations associated with the construction of the development (including arrival, departure and loading and unloading of construction vehicles):

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

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

c) Ground-borne vibration shall not exceed 1.0mm/s Peak Particle Velocity (PPV) at any property neighbouring the site.

d) 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).

6. All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases 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 (SPG) 2014. Unless it complies with the above standards, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

   An inventory of all Non-Road Mobile Machinery (NRMM) must be kept on site during the course of the demolition, site preparation and construction phases of the development, and must be registered on the online register at https://nrmm.london/. All machinery should be regularly serviced and service logs kept on site for inspection. Records should be kept on site which details proof of emission limits for all equipment. This documentation should be made available to local authority officers as required until development completion.

7. No piling shall take place until a Piling Method Statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

8. No superstructure works (the part of the building above its foundations) shall take place until samples (to be provided on-site) 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) Mock-up panels of no less than 1m by 1m of each external cladding material.
   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) If an off-site manufactured cladding system is to be used, the full details of the system shall be provided and the mock-up panel shall include at least one junction between pre-assembled panels.
   d) Drawings and details of fenestration.
   e) Details of fenestration, where relevant, shall include reveals, sills and lintels. Drawings shall be at a scale of no less than 1:20.
   f) Drawings and details of entrances.

g) 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.
h) Drawings and details of the commercial unit.
i) Details of the commercial unit, where relevant, shall include doors, glazing, reveals, stallrisers, pilasters, fascias, awnings and signage zones or indicative signage. Drawings shall be at a scale of no less than 1:20.
j) Details and samples of roofing.
k) Details of any external rainwater goods, flues, grilles, louvres and vents.
l) Details of any external plant, plant enclosures and safety balustrades.
m) A Green Procurement Plan for sourcing the proposed materials. The Green Procurement Plan shall demonstrate how the procurement of materials for the development will promote sustainability, including through the use of low impact, sustainably-sourced, reused and recycled materials and the reuse of demolition waste.

9. No superstructure works (the part of the building above its foundations) shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority which shall be made to ensure that the Scheme achieves the target Urban Greening Factor score for the site of 0.4.

The scheme shall include details of:

a) hard landscaping, including palette of high quality, sustainable and inclusive materials including planter enclosures, accessibility features, drainage, size and location of permeable and impermeable paving surfaces;
b) accessibility and inclusivity, including levels, gradients, thresholds and inclusive access provisions, characteristics and features;
c) Soft landscaping, including details of planting, green roofs and any sustainable urban drainage features integrated with the site design and designed for multiple benefits including recreation, biodiverse habitat and resilience
d) Details of any furniture and any other social activities supported by the communal amenity spaces;
e) a Landscape Management Plan for lifetime maintenance, giving details of proactive maintenance, including watering provision for soft landscape, appropriate pest control measures not resulting in harm to the planting, monitoring, and remediation to avoid major infestations or damage by non-chemical interventions, ensuring all drainage features fully remain operational, and provide schedules and measures to maintain or improve biodiversity as shown in the Urban Greening Factor details;
f) hard infrastructure, including lighting and light spill drawings and proposed Lux levels, drain inlets and outlets, manholes and covers for access to drainage, services and utilities, CCTV and other security measures;
g) boundary treatments including number, location, materials and surface finishes and colours of all bollards, fences, gates, railings, walls and other access control measures and means of enclosure;

h) environmental measures to make landscape conducive, provisions for use during weather events and other microclimatic considerations such as wind, heavy rain, and heat: shade, shelter and where possible, areas of direct sunlight;
i) Urban Greening Factor and Biodiversity Net Gain tables.

The 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.

Any trees or shrubs which die, are removed or become seriously damaged or diseased within 5 years following 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.

10. Prior to the commencement of superstructure works, full details of biodiversity 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:

- biodiverse roofs 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;
- landscaping of the roof terraces 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;
- bat boxes, insect boxes and nest boxes for appropriate bird species including 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 and shall be maintained appropriately for the life of the development.

11. Prior to the commencement of superstructure works, a Secured by Design strategy detailing the measures to be incorporated into the development shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the agreed details submitted and maintained thereafter.

12. No superstructure works shall take place until a Sustainable Urban Drainage Scheme (SUDS) including on-going maintenance provisions has been submitted to and approved in writing by the Local Planning Authority. Nature based sustainable drainage, source control and greywater re-use measures high in the SUDS management/ treatment train shall be prioritised.

The scheme shall include (but not limited to):

- The peak discharge rates for all storm events (1in1, 1in30, 1in100, 1in100+40%), together with any associated control structures and their position on site
- Safe management of critical storm water with storage up to the 1:100year plus 40%
- Details of agreed adoption, monitoring and continued maintenance of drainage and suds features post development

The approved SUDS scheme shall be completed prior to the first occupation of the development and thereafter maintained in operational condition for the lifetime of the development.

13. 1) None of the approved student accommodation units shall be occupied unless they have first been constructed to ensure that they are adequately protected against external transportation noise sources and external noise with specific character likely to increase its impact such as tones, impulsive elements or dominant low frequency content, and that:

a. The construction accords with BS8233 'Sound Insulation and Noise Reduction for Buildings';

b. Internal ambient noise levels in habitable rooms except bedrooms do not exceed 35dB LAeq,16 hour, between the hours 07:00 - 23:00 and within bedrooms do not exceed both 30 dB LAeq, 8 hour and LAmax 45 dB more than 10 times between the hours 23:00 - 07:00.

c. Ground and structure-borne noise does not exceed LAmax 35 dB;

d. Exposure to vibration is no higher than of the values equivalent to "low probability of adverse comment" in accordance with BS6472 'Evaluation of Human Exposure to Vibration in Buildings';

e. At any junction between adjoining student accommodation use and other uses, the internal noise insulation level is designed to take account of the noise levels generated in the noise source so that in habitable rooms the typical worst case (i.e. LA10,15 min level of intruding noise) is at least 10 dBA below the equivalent prevailing LAeq,15 min in the receptor.

f. It has regard to non-transportation noise sources and noise with specific character likely to increase its impact; such as tones, impulsive elements or dominant low frequency content. The above noise level criteria shall apply minus an appropriate correction to take account of the enhanced impact. For example, where the noise has tonal or impulsive elements the corrections for such features from the reference methods described in BS 4142, and where low frequency content is dominant a fixed correction of -5 dB. Where the noise contains more than 1 characteristic likely to enhance its impact the corrections shall be added linearly.

2) None of the student accommodation 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.

14. The development shall not be occupied until a Deliveries and Servicing Plan shall be submitted to and approved in writing by the Local Planning Authority.

The deliveries and servicing of the approved uses shall only take place where legally allowed by the on-street restrictions and not take place otherwise than in accordance with the Deliveries and Servicing Plan thus approved.

15. The development shall not be occupied until a Site Waste Management Plan has been submitted to and approved in writing by the Local Planning Authority. This Plan shall include details to demonstrate compliance with the following guidelines:

a) Internal waste storage is to be provided for each student unit of occupation.
b) Bins and bin stores are to be built in accordance with relevant Council standards;
c) Measurement of bins are to be provided in cubic meters to demonstrate there is sufficient space in bin stores;
d) Sufficient door sizes with catches or stays are to be provided;
e) Where collections are to made directly from a bin store area, they should be made accessible via a key access code, FB key or open on the day of collection, fobs are not accepted.
f) The facilities are appropriately ventilated.
g) They have a suitably robust design including walls that are fitted with rubber buffers and that any pipes/services are fitted with steel cages.
h) They feature gates/doors with galvanised metal frames/hinges and locks.
i) They have sufficient capacity to service the relevant building/use.
j) They have maintenance facilities, including a wash-down tap and floor drain.
k) All bin stores are to be free from any steps;
l) Information of dropped kerbs is to be provided and within 10m of trolleying distance from bin stores;
m) Appropriate bin store signage and communications plan to help users reduce, reuse and recycling as much waste as possible.
n) Details of how the onsite system will be monitored and maintained
o) Details of how the waste collections vehicle will service this proposal including all loading and unloading areas must be provided.

The provisions for waste storage shown on the approved plans shall be maintained for the lifetime of the development. The waste storage and waste collection facilities shown on approved drawings 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.

16. Prior to the first occupation, the applicant shall submit the final energy calculations to show the scheme has delivered the carbon emission reductions specified in the Energy & Sustainability Statement (dated November 2022) hereby approved.

17. Prior to occupation of the development, details and plans illustrating the integration of the PV array shall be submitted to and approved by the Local Planning Authority.

18. Prior to occupation of the student accommodation, a Student Management Plan shall be submitted to and agreed in writing by the local planning authority.

    The Student Management Plan shall include details of:

    - Site staffing numbers, hours and roles
    - reception services
    - security
    - maintenance
    - management and measures to prevent and deal with any antisocial behaviour
    - working with neighbours
    - complaints procedure

    The Student Management Plan shall be implemented, in full, from first occupation of the student accommodation and for the lifetime of the development.

19. Within 3 months of the first occupation of the development, a post completion verification report shall be submitted to and approved in writing by the Local Planning Authority, detailing the as built calculations to demonstrate the delivery of anticipated carbon savings and monitoring requirements of the GLA 'Be Seen' policy confirm that the above minimum standards have been achieved and that all of the approved energy efficiency and sustainability measures have been implemented.

20. Within 6 months of the first occupation of the development, details of the final (post completion) BREEAM certificate demonstrating that the development has achieved a BREEAM 'excellent' rating or above shall be submitted and approved in writing by the local planning authority.

21. The ground floor commercial premises shall be used for Class E(g)(iii) and for no other purpose (including any other purpose in Class E of the Schedule 2 to the Town and Country Planning (Use Classes) Order 1987 as amended, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification) (paragraph 90)).

22. The outdoor terrace on the first floor shall only be open for use between the hours of 8am and 10pm. The outdoor terraces on the third and sixth floor shall only be open for use between the hours of 8am and 8pm.

23. The cycle storage (minimum 76 long stay residential, 9 long stay commercial cycle parking spaces.) shown on approved drawing number 1043 – X – 0200 – GA – 13, shall be provided prior to the occupation of the development and thereafter shall be made permanently available.

24. Any mechanical plant and equipment within the development shall be designed and maintained for the lifetime of the development so that the rating level of noise does not exceed the typical measured background noise level (LA90, T) without the plant in operation as measured one metre from the nearest affected window of a habitable room in the nearest affected residential property. The rating level of the plant noise and the background noise level shall be determined using the methods from the version of BS 4142 current at the time of the granting planning. Vibration from the plant hereby approved (when assessed as per advice of the version of BS 6472 current at the time granting of the planning permission) in the centre of any habitable room shall cause vibration no higher than the values equivalent to "low probability of adverse comment" in accordance with BS6472 'Evaluation of Human Exposure to Vibration in Buildings'.

25. The areas of flat roof marked as 'inaccessible' on the approved plans shall not, at any time, be used as amenity space and shall only be used in case of maintenance or emergency.

****END OF SCHEDULE****