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## Appeal Decisions

Inquiry held on 19-22 April, 26-27 April and 5-6 May 2016

Site visits made on 20 April 2016 (accompanied) and 25 April 2016 (unaccompanied)

**by Mrs A Wood Dip Arch MRTPI**

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

**Decision date: 20 June 2016**

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### **Appeal Ref: APP/E5900/W/15/3130083 (Scheme 1) 1-3 Corbridge Crescent and 1-4 The Oval, London E2 9DS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by The Oval Crescent Ltd. against the Council of the London Borough of Tower Hamlets.
  - The application Ref: PA/14/03219 is dated 17 November 2014.
  - The development proposed is demolition of existing buildings and erection of three linked blocks of 3 to 18 storeys comprising 91 dwellings, communal and private amenity space and 332 m<sup>2</sup> of commercial floorspace (B1/D1); and formation of basement plant room, refuse store, secure cycle parking area and car park (9 disabled spaces only) accessed via ramp off Hare Row.
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### **Appeal Ref: APP/E5900/W/15/3130084 (Scheme 2) 1-3 Corbridge Crescent and 1-4 The Oval, London E2 9DS**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by The Oval Crescent Ltd. against the Council of the London Borough of Tower Hamlets.
  - The application Ref: PA/14/03220 is dated 17 November 2014.
  - The development proposed is demolition of existing single storey commercial buildings; retention, repair and/or reinstatement and alterations of external facades of existing Regency and Victorian cottages and conversion to residential use involving internal alterations; erection of three linked blocks of 4, 5 and 16 storeys comprising 78 dwellings, provision of communal and private amenity space and 185m<sup>2</sup> of commercial floorspace (B1/D1); and formation of three basement plant rooms, provision of refuse storage area, secure cycle parking area and surface car park (7 disabled spaces only) accessed off Hare Row.
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## **Decisions**

1. The appeals are dismissed.

## **Procedural Matters and Background**

2. The scheme descriptions above are taken from the application forms. During the application process the proposals were amended as follows:
    - Scheme 1: Changes to ground floor layout and frontage, omission of basement car parking, reduction in number of dwellings by one unit,
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increase in commercial floorspace of 5m<sup>2</sup>, submission of revised Transport Statement and Delivery and Servicing Plan.

- Scheme 2: Changes to ground floor layout and frontage, omission of undercroft car parking, reduction in number of dwellings by one unit, increase in commercial floorspace of 373m<sup>2</sup>, submission of revised Transport Statement and Delivery and Servicing Plan.
3. The following describes the two schemes<sup>1</sup> considered by the Council and form the subject of the appeals considered at the inquiry.
- Scheme 1: Demolition of existing buildings and erection of three linked blocks of 3 to 18 storeys comprising 90 dwellings, communal and private amenity space and 337m<sup>2</sup> of commercial floorspace (B1/D1).
  - Scheme 2: Demolition of existing single storey commercial buildings; retention, repair and or reinstatement and alterations of external facades of existing Regency and Victorian cottages and conversion to residential use involving internal alterations; erection of three linked blocks of 4,5 and 16 storeys comprising 77 dwellings, provision of communal and private amenity space and 558m<sup>2</sup> of commercial floorspace (B1/D1).
4. At the inquiry a third party (Mr Hodges) indicated that No. 1 Corbridge Crescent is the address of the railway arch premises for which he is the leaseholder. Other possible errors in the numbering of properties on the appeal site came to light during the course of the inquiry. However, the plans forming the subject of the appeals and those attached to Schedule 1 of the completed s106 planning obligations leave no room for ambiguity as to the extent of the appeal site.

## **Main Issues**

5. The main issues common to both appeals are as follows:
- The appropriateness of a tall building in this location, in policy terms.
  - The effect the schemes would have on the character and appearance of the Regent's Canal Conservation Areas and on the setting of the Hackney Road Conservation Area. This issue includes consideration **of the schemes' impacts** on undesignated heritage assets – namely Buildings 5 and 6 on the appeal site<sup>2</sup>; the historic gasholders on the Marion Place Gasworks site to its west and The Oval, designated as a London Square.
  - Whether the schemes would prejudice the planning and design principles of the Marian Place Gas Works and The Oval Site Allocation **in the Council's** adopted Managing Development Document (MDD).
  - Should harm arise from the proposed schemes, whether they would be outweighed by the benefits?
  - Would the proposals amount to sustainable development and comply with the Development Plan.

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<sup>1</sup> Taken from the Statement of Common Ground

<sup>2</sup> Numbering taken from the Historic Building Assessment carried out by CgMS in 2006

## Reasons

### ***Appropriateness of a Tall Building in this Location***

6. The main parties agree that at heights of 18 and 16 storeys respectively Block A in both Schemes 1 and 2 falls to be regarded as a tall building. Buildings in the immediate and wider surroundings of the appeal site range primarily from 2-6 storeys, albeit there are exceptions within walking distance of the site.
7. The London Plan (March 2015) (LP), **the London Borough of Tower Hamlets' (LBTH) Core Strategy (September 2010) (CS)** and its Managing Development Document (April 2013) (MDD) comprise the main elements of the development plan relevant to the appeals. Minor Alternations to the London Plan (MALP) were published in March 2016. At the inquiry the main parties agreed that the MALP has no bearing on the thrust of their respective cases, although I was advised that Condition 11 of the agreed list of conditions would need to be altered in accordance with Policy 3.8(D) of the MALP.
8. The appeal site and its surroundings lie within the City Fringe Opportunity Area (CFOA). **The Mayor of London's City Fringe Opportunity Area Planning Framework (December 2015) (CFOAPF)** is relevant for the part it plays in **allowing "...this key part of London to fulfil its considerable economic potential."**
9. Turning to policies specifically addressing tall buildings, LP Policy 7.7 gives strategic policy guidance and expects planning decisions to be made in accordance with the criteria listed in the policy. CS Policy SP10 (5) identifies Canary Wharf and Aldgate as the locations where tall building will be acceptable for the reasons listed under 5a (i)-(iii), but goes on to explain that all tall buildings, including those outside of the identified location, will be assessed against criteria set out in the Development Management DPD - in this case MDD Policy DM26.
10. MDD Policy DM26 introduces a town centre hierarchy approach to tall buildings, as illustrated in Figure 9. Essentially this means that the scale of a tall building is expected to progressively decrease moving down the hierarchy. As the appeal site lies at the bottom end of the town centre hierarchy, it is regarded by the Council as an inappropriate location for a tall building.
11. I do not believe that the policy is intended to be applied as prescriptively as suggested by the Council (ID13). Indeed, the supporting text confirms that not all town centres will be appropriate locations for tall buildings; it can reasonably follow therefore that not all locations outside town centres are inappropriate for such buildings. The town centre hierarchy may well be the starting point for consideration of the appeal schemes, but acceptability of a tall building in this location lies also in subjective assessments requiring a tall building to "**[b]e of a height and scale proportionate to location within the town centre hierarchy**" and "**sensitive to the context of its surroundings**" (sub-section 2a of Policy DM26). In that respect, and in the way it requires a tall building to meet a range of other criteria (high architectural quality and impact on heritage assets, for instance), Policy DM26 is not entirely out of step with LP Policy 7.7.
12. Sub-section C of LP Policy 7.7 seeks to generally limit tall buildings to sites **within stated 'candidate areas'**, which renders a tall building on the appeal site acceptable in principle by virtue of its location in the CFOA. LP Policy 7.7 also

expects a tall building to be located in areas whose character would not be affected adversely by its scale, mass or bulk, in addition to a range of other factors. In other words, the appropriateness of locating a tall building in this OA is a positive starting point, but other matters stated in the policy also have to be considered and planning judgements to be made.

13. **Equally, the site's** positioning in the Core Growth Area, in a Strategic Development Location and identification as a key site within the CFOAPF renders it a worthy contender for a tall building. The acceptability in principle of a tall building in these areas does not mean that other (less tangible) considerations can be ignored.
14. To sum up, I do not consider that MDD Policy DM26 implies a complete bar to a tall building on sites within the lowest rung of the town centre hierarchy. The policy brings into play a host of other factors against which assessments have to be made. **Conversely, while the site's location in the CFOA may well place it** in a favourable policy position, it still requires the other development policy tests to be met before a conclusion can be made on the appropriateness of Block A in this location. The next main issue specifically addresses these considerations.

### ***Impact on Character, Appearance and Setting of Conservation Areas***

#### ***The Policy Framework***

15. LP Policy 7.8 expects developments to identify, value, conserve, restore, re-use and incorporate heritage assets wherever possible, and conserve their significance.
16. **As part of the Borough's delivery of successful place-making** (CS Policy SO25), CS Policy SP12 requires retention and respect for features that contribute to **each place's heritage, character and local distinctiveness**. Developments are expected to protect and enhance the **Borough's heritage assets, their setting** and significance, under MDD Policy DM27. Applications are required to meet a set of criteria aimed at achieving those ends.
17. The development plan policies are consistent with the NPPF, insofar as they resonate with its broad objectives in relation to heritage assets, and accord with the statutory duty under s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. However, they do not go as far as balancing harm against public benefits; a task I have undertaken separately as part of the fourth main issue.
18. Matters of design, architecture and townscape bear on the assessment of impacts on the conservation area, and I have also had regard to the overarching design principles in the LP and the Local Plans – namely, LP Policies 7.4-7.9, CS Policies SO25 and SP10, and MDD Policies DM23 and DM26.

#### ***Effect on the Conservation Areas***

19. The Regent's Canal Conservation Area extends beyond Tower Hamlets into the adjoining London Borough of Hackney. The Character Appraisal for the Tower Hamlets section of the conservation area confirms that not only is the whole length of the canal included (from the Borough boundary in the north to Limehouse Basin in the south), but some pockets of historic townscape fall

within the conservation area boundary as well. This is best demonstrated by what is essentially a linear boundary tracing the route of the canal extended to encompass areas where the industrial life of the canal is most obvious. These include the two historic gas holders on the Marion Place Gasworks site, an area that includes the appeal site, The Oval and the road/rail bridges spanning the canal, and pockets of development alongside Vyner Street.

20. The industrial legacy of the conservation area is well represented and most legible in these extended sections. The presence of the two older gas holders (dating from 1865/66 and 1888/89), the surviving structures of the appeal site (currently used as a coach servicing depot) and the hard-wearing materials **present in the streetscape evoke a distinct sense of the canal's industrial past.** Warehouses alongside the canal (some neglected, others in use for residential or commercial purposes) continue the industrial theme. By contrast, Building 6 (presumed of Regency origin) and the Victorian cottage (Building 5) on the appeal site, as well as the shape of The Oval, provide a glimpse into the brief period of domesticity adjacent to the canal before intensive industrialisation took hold.
21. The canal side features create a varied townscape contributing **to the area's** special character and its significance. There is little architectural merit in the buildings to the south and west of the appeal site beyond the conservation area boundaries. The Oval itself, despite its designation as a London Square, is discernible only by its shape which recalls the Regency terraces that were built during the time the area around the canal might have been regarded as a pleasant place to live. Save for Building 6 on the appeal site, the terraces have long gone and The Oval is buried under a sea of parked cars.
22. There is little dispute about the need to redevelop the appeal site in order to improve its standing and appearance within a part of the conservation area that is in need of regeneration. There are many good examples along the route **of the canal of new and refurbished buildings that add to the area's interest** and townscape qualities, and also pockets of land and buildings that need upgrading. The appeal site falls into the latter category.
23. Setting aside for now the implications of demolishing the Regency and Victorian cottages or siting a tall building in this location, Scheme 1 bears the hallmark of a well-designed mixed use development. Active frontages at ground level, a canal-fronting generous area of public open space and the opportunities the scheme would bring to improve connections locally represent sound urban design principles. The open space in particular would be a welcome feature on the southern side of the canal where at present there is nothing to engage passers-by en-route to The Oval.
24. The massing, heights and configuration of the buildings fronting the canal and The Oval would relate well to the scale and urban grain of the conservation area. The building blocks stepping down would reduce potential overshadowing while maintaining a presence redolent of canal side developments. Height variations and orientating the blocks differently would create the impression of a cluster, thus avoiding a monolithic appearance to the group. The robust, warehouse aesthetics, simple massing and limited palette of materials and colours would complement the **area's industrial** vernacular. All in all, the proposal has the capacity to enhance the conservation area.

25. The buildings replacing the historic cottages are in their own right an integral part of the good piece of architecture proposed. The undulating façades of glass and brickwork would be an effective solution to the **block's** corner location, though I am not convinced that the treatment would be readily interpreted as a contemporary replication of the Regency bay windows, as intended. Loss of the cottages is one of the two main points of contention with the Council and the other is the height of Block A at 18 storeys. I return to these matters in due course.
26. In Scheme 2 the cottages are retained and accommodated successfully into the design. The proposal is similarly based on sound design principles with active frontages, mixed uses, an accessible landscaped courtyard and improved pedestrian connections. Retention of the cottages is a good historicist solution to developing the site, but would result in a smaller area of communal amenity space, which would not be exposed to the canal towpath to the same extent as in Scheme 1.
27. The composition, scale and architecture of Blocks B and C would complement the domestic scaling and style of the cottages. As with Scheme 1, I am satisfied that this is a well-considered layout; a measured response to a varied and sensitive site which has the potential to uplift the conservation area while preserving many of its qualities. Retention of the cottages addresses one of the two main areas of dispute in relation to Scheme 1; the height of Block A (at 16 Storeys) in Scheme 2 however remains a significant point of objection by the Council. I turn to consider this element of the two schemes.

**Height of Block A (Schemes 1 and 2)**

28. The character appraisal for the Regent's Canal Conservation Area (Tower Hamlets) describes **its scale as "predominantly low and essentially human in character"**. That accords with what I observed on my visits to the site and surroundings, and is most apparent alongside the canal, on Cambridge Heath Road/Mare Street and Hackney Road. The exceptions are Keeling House located off Hackney Road (a 16 storey Sir Denys Lasdun building listed as Grade II\*) and the less distinctive 1960s 18 storey high block named Welshpool. These are isolated examples; legacies of policy and social circumstances different to the present. In any case, their impact on views in or out of the Regent's Canal Conservation Area is limited. They do not alter what is essentially a varied and fragmented townscape but also defined by the 5/6 storey warehouses on the canal frontage or buildings generally no higher than 4/5 storeys around The Oval and on Hackney Road.
29. The larger of the two gasholders extends to a height comparable to that of a 15/16 storey building. However, the comparison ends there. These may be tall, prominent landmarks visible from some distances but, lacking in mass and bulk, the gas holders are distinct from the solidity that a building of a similar height would bring to the area.
30. **As observed in the appellant's evidence**, there is no presumption against tall buildings in or near a conservation area. However, in the context described, Block A would represent a marked departure from the established scale of development in and around the Regent's Canal Conservation Area (on the Tower Hamlets and Hackney sides). It would be similarly out of step with the prevailing heights of buildings on Hackney Road, Cambridge Heath Road/Mare

Street, Vyner Street and the urban pattern of development to the east and south of the appeal site.

31. The visual studies confirm the extent to which Block A (the 18-storey as well as the 16-storey versions) would be visible from routes along the northern canal towpath, from Hackney Road, Cambridge Heath Road/Mare Street and streets to the east. It is not just the fact of visibility alone that is concerning, but also that the vertical mass of Block A would render it unacceptably dominant in a range of views **in and out of the Regent's Canal Conservation Areas**, and from the north eastern end of the Hackney Road Conservation Area. The images presented confirm that the set back from the canal and presence of the railway viaduct close by would do little to diminish the impact of a building of the heights proposed.
32. The architectural vernacular drawn from the canal's **industrial character** may be suited to the form and height of Blocks B and C. The style however is inappropriate for a building extending to 16 or 18 storeys. The architecture would only serve to emphasise the bulk and verticality of Block A, as well as compound its disproportionate height. It would not, in my view, result in a tower of such elegance or quality as to justify such a notable departure from the surroundings in which the building is to be sited.
33. Because of their size, and as expressions of the industrial history of the area, the gas holders would continue to maintain an appreciable presence. Block A would be sufficiently separated from the gas holders with some, but not significant, impact on their landmark qualities. Nevertheless, the tall building would be an overpowering feature and unwelcome addition to the locality with an uncomfortable relationship to the scale of its surroundings. Neither the rundown condition of The Oval nor the need for enhancements warrants such a discordant addition to a predominantly low-rise townscape.
34. There are many examples of individual tall buildings dotted across the London skyline, often as the focus of regeneration schemes. The examples referred to in the evidence inevitably affect the historic environment in some way. However, more likely than not each one was planned to perform a specific role: as a **landmark (as identified in the Council's LDF)**, to mark important transport intersections or even form part of emerging clusters. Some are located in areas undergoing major transformation (Shoreditch for example) and others appropriately sited in town centres. The fact of individual tall buildings (many higher than proposed here) scattered across London, or sited in clusters, is not a convincing argument for permitting a disproportionately tall structure on the appeal site.
35. The design and access statement supporting the applications and the evidence **from a number of the appellant's witnesses point to the** landmark/wayfinding/legibility reasons for siting a tall building in this position. A new landmark feature or ambitious architectural statement close to the canal is unnecessary, as the gasholders already make a strong visual impression. They are highly visible, see-through features and obvious elements of the history of the canal, albeit located in an area in considerable need of uplift.
36. The proposed schemes would not bring forward any important civic or community reasons for marking the site as a destination in its own right. The routes passing through the run-down areas of The Oval and alongside the appeal site are uninviting but the alignments are obvious to first time visitors

and those familiar with the area. Neglect and the poor state of under-developed parts of the conservation area are the main issues facing it; not an absence of legibility.

37. In time, revitalisation through redevelopment **would add to the area's** attraction and to the way the routes through it are perceived. The improvements proposed (to be secured through the s106 obligations) to the canal towpath, to the local network of roads and paths would enhance the **area's permeability**. A building of the heights proposed would, however, not add anything to facilitate movements between the canal, the site and main roads. The proximity of main bus and road routes and a railway station close to the appeal site attest to the high accessibility of the site (PTAL 6A), but this is not a major transport node and does not require signposting in the way proposed.
38. Redevelopment of the site might well be the kick start needed to progress wider regeneration of the Marian Place Gas Works and The Oval Site Allocation. However, it is questionable whether an out of scale building is necessary as part of a mixed-use development otherwise well-disposed to deliver a good quality scheme. Block A would no more stand as a beacon for regeneration of the area than a well-considered scheme in keeping with the scale of its context, while also delivering the key objectives intended by the appeal proposals. The examples of recent, completed developments along the route of the canal demonstrate what is achievable without tall buildings.
39. **To sum up, the appearance of the Regent's Canal Conservation Area would be harmed by the visual intrusion of Block A, and its character would be undermined by the presence of a structure markedly out of keeping with the prevailing pattern of development. Similarly, but at a much reduced level because of limited views, the setting of the Hackney Road Conservation Area would be affected. There is not much left of The Oval as a London Square to appreciate at present. When the ambition to bring it back into use as a public open space materialises, Block A would represent an unacceptably dominant feature relating poorly to The Oval as a focal point of this part of the conservation area. The significance of the conservation areas would be harmed by the 18/16 storey elements of Schemes 1 and 2 but at the 'less than substantial' end of the scale.**

**Loss of the Regency and Victorian cottages (Scheme 1)**

40. The cottages are an important reminder of a fleeting period **in the canal's** history, much of which has all but disappeared. Although described in the **appellant's evidence as being in an advanced state** of decline, the buildings are capable of being refurbished to provide good quality residential accommodation, as illustrated in the Scheme 2 plans. The evidence also points to the need for extensive rebuild or replacement of historic fabric to bring the buildings to a good standard of repair.
41. Even with the buildings in advanced states of neglect, the original scale, forms and layout are largely intact; the two storey bow windows are of particular interest for their reference to elegant domesticity. The physical state of the buildings gives a poor impression in the canal side scenery. But, as one of the few surviving elements of a wider and much fragmented development at The Oval, the Regency cottage is an important **part of the area's history**. That



evidential value and **the building's aesthetics** have not been undermined by its present state of disrepair.

42. The Victorian cottage is not associated with The Oval development but is historically linked to industrial use of the site, although it too was partly built for residential use. The architectural merits of the building are doubtful. I agree **with the appellant's analysis** that its value lies largely in preventing the Regency cottage from appearing completely isolated.
43. I believe that the Regency element of what remains on site on its own contributes positively to the historic and aesthetic interests of the conservation area. In combination with the adjoining Victorian cottage, the terrace has a quiet domestic presence in an otherwise industrialised canal fronting environment. Should Scheme 1 proceed, loss of this small but important piece **of the canal's history would cause harm** to the significance of the **Regent's Canal Conservation Area**. As the buildings occupy a small part of the wider designation focusing mostly on the canal, the harm would be less than substantial.
44. I do not see how the impact of the height of the development on the conservation areas would be offset by retention of the Regency and Victorian cottages in Scheme 2, as stated in the GLA Stage 1 Report. Retaining the cottages and achieving a development of a height respectful of context are not mutually exclusive objectives. Both are desirable outcomes in heritage terms, and one should not be traded off against the other.

#### **Conclusions on second main issue**

45. There are many positive elements to both appeal schemes. They have the potential to deliver high quality mixed-use developments with scope for accessible public spaces, a much improved environment along the canal and enhanced linkages. The tall buildings element of Schemes 1 and 2 would, however, cause less than substantial harm to the designated heritage assets of **the Regent's Canal and Hackney Road Conservation Areas in the ways** described earlier. The loss of the C19 cottages in Scheme 2 would also cause less than substantial harm to the significance of the **Regent's Canal Conservation Area**. With the levels of harm identified, a balance has to be struck with the public benefits flowing from each of the proposed schemes.

#### ***The Marian Place Gasworks and The Oval Site Allocation (Site Allocation 2)***

46. The significance of Site Allocation 2 in London-wide terms is confirmed in the CFOAPF; it is identified as a key site for delivering employment uses, housing development and publically accessible open space. The strategic design principles listed in the CFOAPF include: re-establishing The Oval as a public open space, creating a public park along the canal front and improved connections. They reflect the principles set out in the MDD.
47. A masterplan for Site Allocation 2 was promised in 2014, but so far has not materialised. There is, however, no planning or physical reason to prevent the appeal site being redeveloped in the absence of a bespoke masterplan. The appeal schemes would be contained by the confines of the site boundaries and are capable of implementation without compromising delivery of the key elements of the allocation. Neither scheme would prevent creation of the public park. Rejuvenating The Oval as a public open space could proceed regardless

of whether the appeal site is redeveloped along the lines proposed. Access to the canal, the park and The Oval would not be impeded; both schemes would introduce active frontages to animate and increase safety of the routes through Site Allocation 2.

48. The concerns about development on adjacent plots are unfounded, in my opinion. A comprehensive masterplan for the area is preferable to piecemeal development, but the appeal schemes would not prejudice the development potential of neighbouring plots. Adjacent parcels of land are capable of implementation independently of the appeal site. The appeal schemes have been designed to ensure that neighbouring sites would continue to operate effectively or can be developed to their optimum potential. The commercial elements presenting an active frontage on the southern side of the site provide an opportunity to create a route to Grove Passage and integration with new development to the south.
49. There is no express reference to tall buildings in the MDD Site Allocation, nor in the CFOAPF. The documents do not presume for or against tall buildings as a means of achieving the Site Allocation 2 objectives. However, having found Block A unacceptable for the reasons explained, it follows that the schemes would not comply with the MDD design principles relating to scale, height, massing or those relevant to heritage interests. To allow the proposals in the face of these breaches would be contrary to some key design principles, and there is an underlying concern that Block A could attract further applications for tall buildings to Site Allocation 2. Future applications would need to be considered in the light of the policy framework and assessed on their own merits. For my part, I am satisfied that development along the lines proposed would not physically impede or prejudice redevelopment of the remaining parts of Site Allocation 2.

### ***The Planning Balance***

50. The Council's **five**-year housing land supply position was discussed in written evidence and during the course of the inquiry. At best (and applying a 5% buffer) there is estimated to be 5.24 years of deliverable housing land, or 4.59 years should the 20% buffer be included. The evidence on past completions is contradictory and there are doubts about the availability or deliverability of **sites relied upon to meet the Borough's challenging housing target**. With the information before me, and without it being tested at length at the inquiry, it is clear that even minor variations in the data would plunge the Council below the five-year requirement.
51. In any case, **even if the Council's figures were to be accepted**, the requirement for the local planning authority to demonstrate a five-year supply has to be **seen in the context of the NPPF's exhortation to "boost significantly the supply of housing"**. The case for boosting supply in London, and in particular at Tower Hamlets, is even more pressing, as recognised in the **LP. Tower Hamlets'** current annual average housing target of 3,931 is the highest amongst the London boroughs and LP Policy 3.3 urges Boroughs to seek to exceed the minimum targets imposed. Against that background of imperative of delivery, provision of 90 (Scheme 1) or 77 (Scheme 2) additional residential units, including 21 and 16 much-needed affordable units respectively, is a significant public benefit to flow from the proposals.

52. As recognised in the GLA Stage 1 Report, the mix of housing would broadly comply with local need set out in the CS; all the proposed residential dwellings **would meet or exceed the requirements of the Mayor's Housing SPG**. The development would be sited in a location highly accessible by public transport. There are significant opportunities for new residents to walk or cycle to a range of facilities located nearby. Delivery of new homes as a result of redevelopment on the appeal site would derive from optimal use of a brownfield site in a highly sustainable location. This is particularly important, given the limited strategic housing allocations in the northern third of the Borough.
53. Other benefits that would be derived from the schemes include increased economic activity from the provision of 337/554 m<sup>2</sup> of modern, high specification B1/D1 floorspace. Creation of a new pedestrian link between Hare Row and The Oval and improvements to local paths and roads would add to the **area's connectivity**, for pedestrians and cyclists in particular. Access to public open space alongside the canal would be a welcome feature and a good way of relieving the intensity of development on the site. The public amenity value of the development-related area of open space is however moderated by the larger areas of public open space provided for in the regeneration of Site Allocation 2, as intended in the MDD and the CFOAPF. Nevertheless, the benefits described would weigh positively in favour of both appeal schemes.
54. The appellant points to the inertia that has prevailed for many years in this locality, as evidenced by the absence of a masterplan, half-completed shell of a building owned by the Council and no scheme to bring together disparate land interests. Under these circumstances, redevelopment of the appeal site would represent an important catalyst in the regeneration process of a key strategic area.
55. However, its value to that process has to be seen in the context of the regeneration that has already begun within Site Allocation 2, albeit at a limited pace. The **'meanwhile' uses operating close by**, for instance, mark the beginning of the regeneration cycle that could well have been delayed because of the decommissioning process required on the adjacent gasworks site. The gasworks were decommissioned in mid-2012. Since then, the commitment shown by the appellant in pursuance of redevelopment of the appeal site, as well as interest shown by owners of the adjacent site in developing, suggests **further 'green shoots'** of recovery. There are reasons to be optimistic about the **area's regeneration prospects**. This, in turn, reduces the impetus to proceed with a development harmful to local heritage and townscape interests, especially on a site lying at an important point of entrance from Cambridge Heath Road.
56. The positive aspects of the proposed development would enhance **the Regent's Park Conservation Area** on the Tower Hamlets side, and improve views from the Hackney side of the canal conservation area. Similarly, the rebuilding and redevelopment of run-down, neglected buildings would benefit The Oval as well as the setting of the historic gasholders. Restoration of the C19 cottages on the appeal site would also bring public gains. However, any development on the site would be expected to conform to the heritage-related policy and statutory requirements governing redevelopment of this and other sites in or adjacent to the conservation areas.

57. That said, the appeal schemes would indeed deliver social, economic as well as environmental gains in the ways described above. The benefits (in totality, and not the residual approach advanced by the appellant) have to be balanced against the less than substantial harm that would be caused to the significance of the conservation areas from the tall building element of the two schemes; and compounded in Scheme 2 by loss of the cottages. The harmful impacts would be very visible, permanent and irreversible. On balance, I find that the weight of the harm caused to matters of heritage importance alone would not be overcome by the public benefits, even in the light of the housing need facing the Council. The effects of the benefits would lessen against the weight of the additional harm to townscape and adverse impacts arising from conflict with overarching development plan policies relating to design, specific policies relevant to tall buildings and the design principles pertaining to Site Allocation 2.
58. I acknowledge that the economics of developing the site are challenging. However, there is little cogent evidence one way or another to demonstrate that other options were considered for reconciling the competing interests of safeguarding the historic environment on the one hand and delivering much needed new homes on the other. Despite consistent objection by the Council to the tall building component of the schemes, the possibility of developing the site without Block A at the heights proposed does not appear to have been explored before or during development of the designs.

### ***Sustainable Development and Compliance with the Development Plan***

59. The social and economic dimensions of sustainable development would be met by the proposed schemes through the contributions to **the Borough's** housing supply, delivery of employment opportunities, regeneration prospects, provision of accessible routes and publically accessible open space. However, the proposals would fall short of amounting to sustainable development, given the negative environmental implications of harm to designated heritage assets, to non-designated heritage assets and for townscape reasons.
60. For the reasons explained earlier the schemes would not meet the requirements of a number of LP, CS and MDD policies seeking to achieve high quality design, development respectful of context or safeguarding heritage assets. While accepting that there is not a complete bar to tall buildings outside of favoured locations, as expressed in MDD Policy DM26, Block A in both schemes would not accord with key elements of the policy or with the expectations of LP Policy 7.7. The proposals would therefore not accord with the development plan.

### ***Other Matters and Conclusion***

61. The Oval Space objection to the schemes is understandable, given the potential for noise complaints from new residents to outdoor and indoor music events. Oval Space **company's core business interests lie in premises at 29-32 The Oval**. Use of the property as a multi-purpose arts and events venue, however, is reliant on a temporary permission for a 30 month period from February 2015. A temporary permission was regarded by the Council as appropriate while major redevelopment of the larger site allocation was on hold. The venue is not expected to be occupying the premises on a permanent basis. In any event, the noise issues arising from the Oval Space use have to be considered in the wider context of some 500+ dwellings expected to be delivered from

redevelopment proposals on Site Allocation 2. There was no suggestion from the Council that the concerns raised by Oval Space should prevent development of residential units in the area and I see no reason to take an opposing view on the matter. Equally, the call for a Deed of Easement is not warranted, as the temporary arrangements of the current use at 29-32 The Oval is not comparable to the Ministry of Sound case highlighted on behalf of the objector. That case related to a long-established use housed in permanent premises.

62. Because of the proximity of the new residential properties to the railway line, stringent acoustic standards would be required to safeguard new residents from that noise source. The acoustic measures would similarly protect occupants from noise arising from use of the railway arches. The fear of complaints affecting use of the railway arches, as expressed by Mr Hodges, is unfounded in my view. Similarly, as there would be adequate separation between Block C and the railway arches, the units occupying the arches are unlikely to be affected by loss of natural light to any significant degree.
63. To conclude, I have found that neither scheme would prejudice wider regeneration of Site Allocation 2. However, neither that matter, nor others raised, alters the balance of my considerations in respect of the remaining main issues, or my decision to dismiss the appeals.

*Ava Wood*

Inspector

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Mr James Burton of counsel	Instructed by Ms S Chadwick MA (Cantab) Dip Psych, Solicitor
He called:	
Ms Amanda Reynolds BArch MAUD RIBA	ar Urbanism
Ms Joanna Burton BA(Hons) MPhil IHBC	Head of Heritage, Beacon Planning Ltd.
Mr Adam Williams MA	Principal Planning Officer, LBTH

### FOR THE APPELLANT:

Mr Thomas Hill QC	Instructed by Asserson Law Offices
He called	
Dr Chris Miele IHBC MRTPI	Partner, Montagu Evans
Mr Peter Stewart MA(Cantab) Dip Arch RIBA	Founder, Peter Stewart Consultancy
Dr Deborah Saunt BA DipArch RIBA	Director, DSDHA
Mr Simon Grainger BA(Hons) MRTPI	Principal, Grainger Planning Associates

### INTERESTED PERSON ADDRESSING THE INQUIRY:

Mr Martin Hodges

## DOCUMENTS SUBMITTED AT THE INQUIRY

No	Date	Title	Submitted by
1	19/4	Opening on behalf of appellant	App
2	19/4	Opening on behalf of LBTH	LBTH
3	19/4	Replacement Appendix 6.3 to Ms Reynolds' proof	LBTH
4	19/4	Letter from Renew Planning on behalf of Oval Space Ltd	3 <sup>rd</sup> party
5	19/4	Letter from Mr Lawrence on behalf of Melorvale Ltd.	3 <sup>rd</sup> party
6 A/B	9/4	S106 planning obligations	
7	21/4	List of those notified of the inquiry	LBTH
8	21/4	Court of Appeal judgement, Mordue	LBTH
9	22/4	CIL Regs 122 and 123 Compliance Statement	App
10	22/4	Schedule of Plans	App
11	22/4	Ms Burton's Heritage Statement of scheme at Croydon (extract)	App
12	22/4	Site visit itinerary	LBTH/App
13	26/4	Policy flow chart	LBTH
14	26/4	GLA Report, Alpha Square	LBTH

15 A/B	26/4	<b>Mr Grainger's response to Mr Williams' rebuttal and sites schedule</b>	App
16	26/4	Chain of emails re: housing land supply	App
17	26/4	Density calculations	LBTH/App
18	5/5	Opportunity Area Framework timeline	LBTH/App
19	6/5	London Squares Preservation Act, 1931	App
20	6/5	Draft list of conditions with LBTH comments	LBTH
21	6/5	LBTH note re: s106	LBTH
22	6/5	Image of Tickle Cock Bridge, Castleford	LBTH
23	6/5	Closing submissions on behalf of LBTH	LBTH
24	6/5	Closing submissions on behalf of the appellant	App