



**Canal &  
River Trust**

Making life better by water

Tower Hamlets Borough Council  
Mulberry Place  
5 Clove Crescent  
London  
E14 2BG

Your Ref PA/22/00951

Our Ref CRTR-PLAN-2022-36313

21st July 2022

Dear Nicholas Jehan,

**Proposal:** Demolition of the existing vacant Hatton House (Student Accommodation), the construction of a new building (G+5 storeys from Westfield Way and G+6 storeys from the canal-side) for teaching and educational purposes (Use Class F1), refurbishment and single-storey upward extension and rear alterations of No. 357 Mile End Road (Use Class F2 and or F1), change of use of Lock Keeper's Cottage (from Use Class F1 to Use Class E and or F2) and demolition of the existing security office along with access, public realm works, landscaping and cycle parking and associated works

**Location:** Hatton House, Westfield Way, London

**Waterway:** Regent's Canal

Thank you for your consultation.

We are the charity who look after and bring to life 2000 miles of canals & rivers. Our waterways contribute to the health and wellbeing of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. These historic, natural and cultural assets form part of the strategic and local green-blue infrastructure network, linking urban and rural communities as well as habitats. By caring for our waterways and promoting their use we believe we can improve the wellbeing of our nation. The Trust is a statutory consultee in the Development Management process.

The main issues relevant to the Trust as statutory consultee on this application are:

- a) The impact on the character of the Regent's Canal and the Regent's Canal Conservation Area
- b) Impact on the ecology of the waterway corridor
- a) The impact on navigation and water safety
- c) The impact on water quality of the canal
- d) Impact on the structural integrity of the canal wall
- e) Impact on the Regent's Canal towpath.

Based on the information available our substantive response, as required by the Town & Country Planning (Development Management Procedure) (England) Order 2015 (as amended), is to advise that suitably worded **conditions and a legal agreement are necessary** to address these matters. Our advice and comments follow:

- a) The impact on the character of the Regent's Canal and the Regent's Canal Conservation Area

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We note the application's amendments to address concerns regarding the previous application, including a reduction in height and mass, and the retention of 357 Mile End Road (albeit with an upward extension). The current design represents an improvement to the previous proposal, largely due to the incorporation of the stepped-down section at the northern end of the main block. This element provides a more sympathetic transition, from the seven-storey mass of the block, to the considerably smaller scale of the canal-related heritage assets of the lock and lock cottage, thereby reducing the harm to their setting. **The overall height of the development is still of some concern within the Regent's Canal Conservation Area, but we are pleased to see the retention of the listed building, and improved access to, and improved surveillance of, the offside canal path, as well as the wider benefits of improvements to a vibrant educational facility.** We are also pleased to see that the design of the north-western façade, facing the canal, has now also been enhanced with articulation and fenestration rather than the previous blank wall element.

### 357 Mile End Road

The retention and re-purposing of this historic building is welcomed. The addition of a storey to this heritage asset, with fenestration on the canal-facing and north elevations, seems in principle acceptable, subject to review of materials, finishes and detail. The increased height of the building appears a little uncomfortable, due to the proportionality of the height of the vertical extension relative to those of the existing three storeys.

#### b) The impact on navigation and water safety

##### Canalside walkway access

The proposed open public access to the canal offside (non-towpath side) is not always appropriate but could be successful in this situation, where the increased width (by the setting back on the building) allows for a more welcoming and usable space, helping to animate the building and canalside, affording its users better opportunities for engaging with, and appreciating, the historic waterway environment.

However, we do have concerns about how this space will be managed, if it is permanently open to the public or campus users outside of daylight hours, and if it will be subject to anti-social behaviour. I have suggested a condition in relation to this.

##### Cantilevered canal platforms

We also have concerns in principle with the proposed cantilevered platforms. We acknowledge these may add interest and improved access to the canalside. However, they would encroach into the canal and would seem to have the appearance of permanent structures. They would sterilise waterspace that could be used for moorings, and could create navigational safety issues, as well as being likely to accumulate debris and litter underneath, which would be difficult to manage, and may need some sort of boom. The London Plan (policy SI17) and Tower Hamlets Local Plan (D.OWS4) require that development proposals into the waterways should generally only be supported for water-related uses or to support enhancements of water-related uses. We consider that any outstands into the canal must be demonstrated to **not to cause a navigational safety issue, and be appropriately designed and detailed**, through a clear material change from the wharf (and **preferably with a change in level**), and must be temporary in nature and reversible, ideally in the form of pontoons. The integrity and legibility of the historic line of the wharf **original fabric (copings, brickwork canal walling etc)**, should be preserved. We would also need to see that these platforms do not encourage mooring on their outside edge, which would further restrict navigation. We have therefore requested a condition at the bottom of this letter to require further details of the proposed pontoons, which may need to be removed from the scheme, or redesigned.

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Prior to submitting any details to the council to discharge the proposed condition, the developer is strongly encouraged to sign up to the Trust's Code of Practice for works affecting the Canal and River Trust and seek the Trust's in principle agreement to the development of pontoons in our waterspace. Any encroachment into Infrastructure Trust property that is considered to overcome the issues identified above still requires a commercial agreement with the Trust's Estates Management team, and also Defra consent. We have requested an Informative regarding this, below.

The Council may also wish to consider whether any landscaping condition that it intends to impose should require the developer to confirm whether or not the pontoons and floating habitat will be included in the scheme to be built.

There could be potential for temporary events along the canal, subject to appropriate consents and licences with the Trust.

Closed lock (weir)

The adjacent Mile End Lock includes a weir on the southern side, which was the former second lock chamber. This is sometimes used by pedestrians to cross the canal (connecting to the lock gates and onto the towpath). This is extremely dangerous and not endorsed by the Trust, and given the development will potentially encourage this by opening up public access along the offside (the non-towpath side of the canal) then we request further details of how this will be secured, such as with fencing or other restrictive landscaping, and also potentially signage. We have therefore requested a condition regarding this, at the bottom of this letter.

c) Impact on the ecology of the waterway corridor

Overshadowing

As demonstrated in the Overshadowing report, the increased height of the development will cause additional overshadowing of the waterspace. However, it would appear that the waterspace is identified as amenity space only, and not as an ecological resource – **the Regent's Canal is a Site of Importance for Nature Conservation (SINC)** so there should be appropriate assessment of the impact on its ecology, and details of any mitigation required. We would also query if the floating ecosystems would receive enough light to flourish in their proposed position due to the expected shade from the development (should the Trust agree to their installation in the canal).

Landscaping

The landscaping scheme seems to include limited green space close to the canal, other than within the waterway channel itself. **The site's landscaping** should be achievable within the site and not reliant on the canal waterspace.

We would not accept a non-reversible infilling of the canal, for similar reasons as our concerns about the cantilevered platforms, above.

The proposed floating ecosystems are potentially beneficial in terms of biodiversity, but how these would be agreed with the Trust, as landowner, is not yet clear. They are shown to encroach quite a long way into the canal, and although this would not appear to have an impact on the navigation channel, we would need to further assess this through our Code of Practice process to determine whether the proposal is acceptable to the Trust as landowner,.

Any floating ecosystems would also need to be well secured to prevent them being washed away by the weir, or damaged by boat strikes, and be subject to a regular maintenance and management regime, so that they do not collect litter, and there is no risk of them becoming a liability for the Trust or our customers. Therefore, further

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discussion with the Trust would be required before we could accept the principle of these, and we have suggested a condition and an informative relating to this.

#### Lighting

Lighting can adversely affect wildlife and the use of the Grand Union Canal as a bat feeding and commuting corridor. Lighting should not spill over the waterspace, and we would like to see a lux plan accompanying the full application to confirm that there will be no light spill and adverse impact on the canal corridor in terms of biodiversity.

- d) The impact on water quality of the canal

#### Surface water discharge (SWD)

There is an existing surface water discharge from the site into the Regent's Canal and an agreement in place with the Trust, but a new discharge for the redeveloped site would be subject to further assessment from our Water Management and Utilities teams. I have requested an informative about this, below.

#### Construction Environmental Management Plan (CEMP)

The Trust's Environment team would like to see more details of the monitoring of air quality on the canal, including dust and asbestos fibres in the air before and after the demolition. Building works so close to the canal wall could also cause perched water to seep into the canal due to construction works. We have therefore requested a planning condition for a CEMP to consider these matters, as well as the SWD.

- e) Impact on the structural integrity of the canal wall.

#### Waterway wall

A survey of the canal wall prior to and post construction, and any repairs identified, will be required to ensure that it will match the design life of the development. The survey is necessary prior to works commencing to ascertain the condition of the wall before works are carried out and to determine if any repairs are required to ensure the wall matches the design life of the development. We have included a condition regarding this, below.

- f) Impact on the Regent's Canal towpath

The Regent's Canal towpath will be a key walking and cycling option for occupants of the development, identified within the submitted Travel Plan, with the towpath providing a key route to Mile End Park. Towpath and access improvements beyond the immediate site are likely to help make the development more sustainable, which supports a case for a contribution through a planning obligation. The cumulative impact of development in the area will put pressure on the towpaths, which will need to be able to withstand higher numbers of pedestrians and cyclists. We would therefore ask the Local Planning Authority to consider seeking agreement from the developer for a contribution towards improvement of the towpath and access points, which we consider reasonable for a development of this scale. We consider that this request is supported by Policy D.OWS4, point 3, of the Local Plan 2020, which states "Development adjacent to the borough's waterspaces is required to enhance the area's links with the water space and contribute to the delivery of continuous walkways, canal towpaths and cycle paths". We can provide more detailed specification of works if required, which is likely to include widening of the towpath into Mile End Park.

#### Other matters

#### Waterborne transport

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In accordance with the London Plan we encourage waterside developments to consider the feasibility of using the Regent's Canal to transport materials and waste as part of construction, but also for the future operation of the site. I have therefore requested a condition regarding this at the bottom of this letter.

#### Energy and sustainability

There may be an opportunity to explore using canal water for heating and cooling within the development, using established heat pump technology, which is not considered in the Energy Statement.

[Maurice.bottomley@canalrivertrust.org.uk](mailto:Maurice.bottomley@canalrivertrust.org.uk) from the Trust's Water Development Team would be happy to discuss this further with the applicants.

#### The Trust as Landowner

I mentioned, above, the applicant will need to discuss any encroachment into the canal with the Trust, and any other temporary oversailing will also require an agreement with the Canal & River Trust's Estates team. Please contact [Bernadette.McNicholas@canalrivertrust.org.uk](mailto:Bernadette.McNicholas@canalrivertrust.org.uk) for more information.

Should planning permission be granted we request that the following **conditions and informatives** are appended to the decision notice:

#### *Conditions*

##### Landscaping

*"Prior to the first occupation of the development hereby permitted, full details of the proposed hard and soft landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme should include reference to plant species types and densities, surface treatments and fences and walls. It shall also include details of maintenance arrangements. The approved landscaping scheme shall be implemented by the first planting scheme after the development commences.*

*Reason: To ensure the character of the Regent's Canal is retained, and to maximise biodiversity benefits."*

##### *Floating ecosystems*

*"Prior to the first occupation of the development hereby permitted, the feasibility of delivering a floating ecosystems should be explored in consultation with the Canal & River Trust, with the outcome of the feasibility works to be submitted and approved by the Local Planning Authority in writing through the submission of an application for approval of details reserved by condition. (b) In the event that the above concludes that it is feasible to deliver the floating ecosystems, prior to occupation of development, details of the floating ecosystems with details of the long term maintenance of these, shall be submitted and approved by the Local Planning Authority in writing through the submission of an application for approval of details reserved by condition (in consultation with the Canal & River Trust).*

*Reason: To ensure the character and operation of the Regent's Canal is retained, and to maximise biodiversity benefits."*

##### Lighting

*"Prior to the first occupation of the development hereby permitted, full details of the proposed lighting and any CCTV scheme shall be submitted to and approved in writing by the Local Planning Authority, and implemented as agreed.*

*Reason: To ensure that there are no adverse impacts on the ecology of the canal."*

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## Canal jetties

*“Prior to the first occupation of the development hereby permitted, full details of the proposed jetties shall be submitted to and approved in writing by the Local Planning Authority, and implemented as agreed. Details should include proposed materials, any railings, and details of management and maintenance, including litter.*

*Reason: To ensure that there are no adverse impacts on the character, operation or safety of the Regent’s Canal.”*

## Security of canalside and Mile End Lock

*“Prior to the first occupation of the development hereby permitted, full details of the proposed measures to deter access across the Regent’s Canal from the site via the weir and lock gates of Mile End Lock (through hard landscaping options such as fencing and signage) shall be submitted to and approved in writing by the Local Planning Authority. This shall also include details of management and maintenance arrangements of this and the canalside walkway (opening hours). The approved details shall be implemented in accordance with the agreed details.*

*Reason: To ensure there is no adverse impact on water safety.”*

## Waterway wall survey

*“Prior to the commencement of the development hereby approved, a survey of the condition of the waterway wall and a method statement and schedule of works identified shall be submitted to and approved in writing by the Local Planning Authority. The repair works identified shall be carried out in accordance with the agreed method statement and repairs schedule by a date to be confirmed in the repairs schedule. Following the completion of the works and prior to first occupation, a further survey of the waterway wall shall be carried out, and the details submitted to the LPA, to demonstrate that any necessary repair works have been carried out and that no additional damage to the wall has occurred.*

*Reason: To ensure that the structural integrity of the Regent’s Canal is retained.”*

## Construction Environmental Management Plan

*“Prior to the commencement of development hereby permitted, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall include details of:*

- a) Proposed surface water arrangements (either via drains or surface water run-off) during the demolition/construction works, and during site occupation. Details should confirm the following:*
  - i. that no surface water (either via drains or surface water run-off) or extracted perched water or groundwater shall be discharged into the Regent’s Canal during the demolition/construction works;*
  - ii. that any surface water drains connecting the site with the waterway are capped off at both ends for the duration of the demolition & construction works – i.e. at the point of surface water ingress and at any outfall to the canal.*
- b) Monitoring of air quality on the Regent’s Canal, including dust and asbestos fibres in the air before and after the demolition.*

*Reason: To ensure demolition and construction works do not have any adverse impact on the water quality and ecology of the Regent’s Canal.”*

## Waterborne transport feasibility

*“Prior to the commencement of the development hereby permitted, a feasibility study shall be carried out to assess the potential for moving material by water during the construction cycle (waste and bulk materials) and*

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*following occupation of the development (waste and recyclables). The use of waterborne transport shall be maximised during the construction of the development unless the above assessment demonstrates that such use of the waterways is not physically or economically feasible. Reason: To encourage, prior to development starting on site, the use of the waterways for transporting waste and bulk materials in accordance with Policy SI 15 of the London Plan 2021.*

#### *Informatives*

*“The applicant/developer should refer to the current Canal & River Trust “Code of Practice for Works affecting the Canal & River Trust” to ensure that any necessary consents are obtained, and liaise with the Trust’s Third Party Work’s Engineer at [enquiries.tpwsouth@canalrivertrust.org.uk](mailto:enquiries.tpwsouth@canalrivertrust.org.uk) : <https://canalrivertrust.org.uk/business-and-trade/undertaking-works-on-our-property-and-our-code-of-practice>.”*

*“The proposed surface water discharge to the Regent’s Canal will require prior consent from the Canal & River Trust. Please contact Liz Murdoch from the Canal River Trust Utilities Team ([Liz.Murdoch@canalrivertrust.org.uk](mailto:Liz.Murdoch@canalrivertrust.org.uk)).”*

*“Any access to, or oversailing, the Canal & River Trust’s land or water during the construction, or following occupation, of the development, must be agreed in writing with the Canal & River Trust before development commences. Please contact Bernadette McNicholas in the Canal & River Trust’s Estate Team at [Bernadette.McNicholas@canalrivertrust.org.uk](mailto:Bernadette.McNicholas@canalrivertrust.org.uk) for further information.”*

For us to monitor effectively our role as a statutory consultee, please send me a copy of the decision notice and the requirements of any planning obligation.

I hope these comments are helpful. Please do not hesitate to contact me with any queries you may have.

Please do not hesitate to contact me with any queries you may have.

Yours sincerely,

**Claire McLean MRTPI**  
Area Planner London

[Claire.McLean@canalrivertrust.org.uk](mailto:Claire.McLean@canalrivertrust.org.uk)

<https://canalrivertrust.org.uk/specialist-teams/planning-and-design>

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