

Committee: Strategic Development	Date: 12 April 2012	Classification: Unrestricted	Agenda Item No: 7.1
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Jane Jin		Ref No: PA/11/03693	
		Ward(s): Whitechapel	

1. APPLICATION DETAILS

Location: 15-17 Lemn Street and 1A Buckle Street, London

Existing Use: Vacant site

Proposal: Redevelopment of site comprising the construction of a 23 storey, 251 bedroom hotel (GEA 10,836sqm, Class C1) including ancillary cafe, bar and restaurant (Class A3/A4) with associated servicing and access.

Drawing Nos: 162/00-00-00 Revision A, 162/00-00-01 Revision A; 162/00-01-01 Revision C; 162/01-01-01 Revision B; 162/02-01-01 Revision C; 162/03-01-01 Revision C; 162/04-01-01 Revision C; 162/05-01-01 Revision B; 162/06-01-01 Revision B; 162/07-01-01 Revision B; 162/08-01-01 Revision B; 162/09-01-01 Revision B; 162/06-01-10 Revision B; 162/07-01-01 Revision B; 162/08-01-01 Revision B; 162/09-01-01 Revision B; 162/10-01-01 Revision B; 162/11-01-01 Revision B; 162/12-01-01 Revision B; 162/13-01-01 Revision B; 162/14-01-01 Revision B; 162/15-01-01 Revision B; 162/16-01-01 Revision B; 162/17-01-01 Revision B; 162/18-01-01 Revision B; 162/19-01-01 Revision B; 162/20-01-01 Revision B; 162/21-01-01 Revision B; 162/22-01-01 Revision B; 162/23-01-01 Revision B; 162/24-01-01 Revision B; 162/B1-01-01 Revision C; 162/00-00-02 Revision B; 162/00-00-03 Revision B; 162/00-00-04 Revision A; 162/SEC-SL-01 Revision B; 162/SEC-SL-02 Revision B; 162/ELV-SL-01 Revision B; 162/ELV-SL-02 Revision B; 162/ELV-SL-05 Revision B; 162/ELV-SL-06 Revision B; 162/ELV-SL-03 Revision B; 162/ELV-SL-04 Revision B; 162/SEC-SL-08 Revision B; 162/SEC-SL-09 Revision B.

Documents:

Design Statement dated December 2011

Addendum Design Statement dated March 2012

Impact Statement dated December 2011:

- § Planning Policy Compliance Statement;
- § Design Statement;
- § Transport and Access revised March 2012;
- § Impact on Amenity revised March 2012;
- § Daylight, Sunlight and Overshadowing;
- § Energy and Sustainability revised March 2012;
- § Site Waste Management and CoCP;
- § Archaeology;
- § Heritage;
- § Ground Contamination;
- § Phase 1 Habitat Survey;

§ Socio Economic Assessment;
§ Transport and Access Revised March 2012;
§ Wind;
§ Air Quality;
§ Noise revised March 2012;
Interim Travel Plan Draft February 2012;
Visual Impact Study dated December 2011;
BREEAM Assessment Report received March 2012

Applicant: Pinehill Capital S.A
Owner: Pinehill Capital S.A
Historic Building: No
Conservation Area: No

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The Local Planning Authority has considered the particular circumstances of these applications against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan (1998), the Council's Interim Planning Guidance (2007), Core Strategy 2010, Managing Development DPD (proposed submission version 2012), associated supplementary planning guidance, the London Plan and National Planning Guidance and has found that:

1. A hotel scheme will contribute to the strategic target for new hotel accommodation. The scheme therefore accords with policy 4.5 of the London Plan (2011), policies SP06 and SP12 of the Core Strategy Local Development Framework (2010) and policies CFR1, CFR9 and CFR14 of the City Fringe Area Action Plan (submission version) of the Interim Planning Guidance (2007) which seek to promote and concentrate tourism and hotel developments within the City Fringe Opportunity Area and Central Activity Zone.
2. The height, materials, scale, bulk and design of the building is acceptable and relates well within the emerging context of Aldgate. The proposal is not considered to impact upon the setting of any listed buildings nearby, nor impact upon the World Heritage Sites and strategic views. As such, the proposal is in accordance with policies within Planning Policy Statement 5, policies: 7.4, 7.6, 7.8, 7.9, 7.10, and 7.11 of the London Plan (2011); saved policy DEV1 of the Unitary Development Plan (1998); DEV2, DEV27, CON1, CON2 and CON5 of the Interim Planning Guidance (2007); policies CFR1 and CFR12 of the City Fringe Area Action Plan submission version of the Interim Planning Guidance (2007); SP10 and SP12 of the Core Strategy Development Plan Document (2010); and DM23, DM24, DM26, DM27, and DM28 of Managing Development DPD (submission version 2012) and objectives as outlined within the Aldgate Masterplan, which seek to protect the character, appearance and setting of heritage assets.
3. The proposed hotel development is considered to be inclusive and also improves the permeability of the site and its immediate area. As such, it complies with policies: 7.2, 7.4 and 7.5 of the London Plan (2011), DEV1 of the Council's Unitary Development Plan (1998); SP09 of the Core Strategy (2010); DEV3 and DEV4 Interim Planning Guidance (2007); CFR2 of City Fringe Area Action Plan submission version of the Interim Planning Guidance (2007); and DM23 and DM24 of Managing Development DPD submission version 2012 which seek to maximise safety and security for those using the development and ensure public open spaces incorporate inclusive design principles.
4. On balance, it is not considered that the proposal would give rise to any undue impacts in terms of loss of privacy, overlooking, sunlight and daylight, and noise upon

the surrounding residents or occupiers. As such, the proposal is considered to satisfy the relevant criteria of saved policies: DEV2 of the Council's Unitary Development Plan (1998); SP10 of the Core Strategy Local Development Framework (2010); DEV1 of the Council's Interim Planning Guidance (2007); and DM25 of Managing Development DPD submission version 2012, which seek to protect existing residential and future occupants' amenity.

5. Transport matters, access and servicing, are acceptable and in line with London Plan policies 6.4, 6.7, 6.9, 6.10, 6.11, 6.12 and 6.13 of the London Plan (2011), saved policies T16 and T19 of the Council's Unitary Development Plan (1998), policy SP09 of the Core Strategy Local Development Framework (2010); policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007); and DM20, DM21, and DM22 of the Managing Development DPD submission version 2012, which seek to ensure developments minimise parking, provide appropriate servicing and promote sustainable transport options.
6. Sustainability matters, including energy, are acceptable and in line with policies 5.1 – 5.3 of the London Plan (2011), policy SP11 of the Core Strategy Local Development Framework (2010); policies DEV5 to DEV9 of the Council's Interim Planning Guidance (October 2007); and DM29 of Managing Development DPD submission version 2012 which seek to promote sustainable and low carbon development practices.
7. Financial contributions have been secured towards the provision of training initiatives; community facilities including Libraries and Leisure; street scene and public realm improvements; open space; Legible London pedestrian wayfinding system; and Crossrail in line with Government Circular 05/05, the Community Infrastructure Levy Regulations 2010, policies 8.2 and 8.3 of the London Plan 2011; DEV4 of the Council's Unitary Development Plan (1998); SP13 of the Core Strategy (2010); and the Council's Planning Obligation SPD which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

3. RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission subject to:

A. The prior completion of a **legal agreement** to secure the following planning obligations:

Financial Contributions

- a) Employment & Enterprise: **£40,075** towards the training and development of unemployed residents in Tower Hamlets to access:
 - Jobs within the hotel developmental end-use phase (£19,822);
 - Jobs during the construction phase of the development (£20,253);
- b) Community Facilities:
 - Leisure: **£8,998**
 - Libraries: **£3,022**
- c) Street scene and Public Realm: **£12,676;**
- d) Open Space: **£422,070;**
- e) Legible London pedestrian wayfinding and signage system (TfL): **£15,000;**
- f) Crossrail (TfL): **£267,875**

g) LBTH S106 monitoring fee (2% of the LBTH financial contribution): **£9,736**

Non-Financial Contributions

- h) Reasonable endeavours for 20% goods/services to be procured during the construction phase should be achieved by businesses in Tower Hamlets;
- i) Reasonable endeavours for 20% of the construction phase workforce to be local residents of Tower Hamlets through Skills Match.
- j) Social Compact;
- k) Code of Construction Practice - To mitigate against environmental impacts of construction;
- l) Car-free agreement;
- m) Green Travel Plan;
- n) Public access through the site; and
- o) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

Financial contribution: £779,452

B. Any direction by The Mayor of London

- 3.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.
- 3.3 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

Conditions

- 1) Permission valid for 3 years;
- 2) Submission of details and samples of all materials;
- 3) Submission of hard and (soft) landscaping;
- 4) Submission of sustainable drainage details;
- 5) Biodiversity/brown roofs;
- 6) Construction Management and Logistics Plan;
- 7) Cranage;
- 8) Maximum height 86.2AOD;
- 9) CCTV and lighting details;
- 10) Impact studies on the existing water supply;
- 11) Piling method statement;
- 12) Archaeology;
- 13) Contamination;
- 14) Scheme of necessary highways improvements to be agreed (s278 agreement);
- 15) Relocation of on-street parking bays prior to occupation.
- 16) Ventilation and extraction for A3;
- 17) Delivery and Service Management Plan;
- 18) Restricted servicing and delivery hours;
- 19) Site/Hotel Management Plan to include restricted use of entrances on Buckle Street after hours;
- 20) Recycling provision;
- 21) Compliance with Waste Management Plan;
- 22) 10% Accessible hotel rooms;
- 23) BREEAM 'excellent';
- 24) Hammer driven piling;
- 25) Compliance with the submitted Energy Strategy;
- 26) Hotel Use Only and Occupation no longer than 90 consecutive days;

- 27) Hours of construction;
- 28) Site survey for nesting birds prior to site vegetation clearance or vegetation clearance to only take place during September to February inclusive.
- 29) One disabled parking space;
- 30) 32 cycle parking spaces;
- 31) Approved plans; and
- 32) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

3.4 Informatives

- 1) Section 106 agreement required;
- 2) Section 278 & 72 Highways agreements required;
- 3) Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

3.5 That, if after 6 weeks following GLA's Stage II response, the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

4.1 The application proposes the erection of a 23storey building fronting Lemman Street and Buckle Street. It comprises a 251-room hotel with associated ancillary hotel facilities including restaurant and bar (A3/A4) located at ground and first floor levels.

Site and Surroundings

- 4.2 The application site is 0.05hectares in size and is a rectangular site located on the north east corner of the junction of Lemman and Buckle Street, in Aldgate. The site is bounded by Buckle Street to the south and Lemman Street to the east. To the north and east, a development known as Aldgate Union has been permitted and some surface works have commenced. The area is of a mixed-use character, however commercial offices are the dominant uses within the area.
- 4.3 The site is currently vacant and cleared following demolition of the previous three storey brick building which was last used as a café on the ground floor. The surrounding context consist of a 6/7 storey residential apartment block known as City Reach to the southern side of Buckle Street, a 10 storey office development to the west, known as Beagle House and a large redevelopment to the north of the site known as Aldgate Union for a commercial building with height ranging from 37.2m to 88.4m. To the east, a 4 storey car park currently stands and is in operation however this forms part of the Aldgate Union redevelopment.
- 4.4 The site has a Public Transport Access Level of 6b (Excellent) where 1 represents the lowest and 6b the highest. The site is within close proximity to Aldgate East and Aldgate Underground Stations and also has access to numerous bus services within the vicinity.
- 4.5 In terms of the Development Plan context, the site is located within the: City Fringe Opportunity Area and Central Activities Zone (London Plan 2011); and City Fringe Activity Area (Core Strategy 2010). The site is also designated as a development site (reference CF12c) within the Interim Planning Guidance City Fringe Area Action Plan (2007) which cites Employment (B1), Retail (A1,A2, A3, A4), Public Open space as the preferred use. The Council's Aldgate Masterplan also covers the application site and promotes leisure and tourism within its boundaries.

Relevant Planning History

4.6 The following planning decisions are relevant to the application:

PA/05/01666 Construction of a building comprising basement plus 17 storeys to provide either Class A1, A3, A4 uses (retail, restaurant, public house), Class B1 (business) use on the basement, ground, first and second floors with 75 flats above was withdrawn on 15/12/2006 .

PA/08/02720 Outline Planning Application for the redevelopment of the site comprising the construction of a part 18, part 26 storey hotel (GEA 12,696sq.m, Use Class C1) including ancillary coffee shop on the ground floor and ancillary restaurant / bar at mezzanine level and associated servicing and access.

This Outline Application seeks for the approval for the layout, access and scale of the proposed development. Matters of the final appearance of the proposed buildings and landscaping are to be approved by the London Borough of Tower Hamlets at a later stage under reserved matters.

PA/09/02430 Application was withdrawn on 12/09/2009
Redevelopment of site comprising the construction of a 23 storey hotel including ancillary café, bar and restaurant with associated servicing and access was refused on 11/02/10 and subsequent appeal dismissed. (This is discussed in paragraph 8 in more detail)

5. POLICY FRAMEWORK

5.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:

5.2 Unitary Development Plan 1998 (as saved September 2007)

Proposals: City Fringe Site
Area of Archaeological Importance or Potential

Policies: DEV1 Design Requirements
DEV2 Environmental Requirements
DEV3 Mixed Use development
DEV4 Planning Obligations
DEV12 Provision of Landscaping in Development
DEV50 Noise
DEV51 Contaminated Land
DEV55 Development and Waste Disposal
DEV69 Water Resources
EMP1 Encouraging New Employment Uses
EMP6 Employing Local People
T16 Impact of Traffic
T18 Pedestrian Safety and Convenience
T21 Existing Pedestrians Routes
S7 Restaurants

5.3 Interim Planning Guidance for the purposes of Development Control

Proposals: CF12c Employment (B1); Retail (A1, A2, A3, A4); Public open space
City Fringe Activities Area
Archaeological Priority Area

Policies:	DEV1	Amenity
	DEV2	Character & Design
	DEV3	Accessibility & Inclusive Design
	DEV4	Safety & Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency & Renewable Energy
	DEV7	Water Quality and Conservation
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Quality
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV20	Capacity of Utility Infrastructure
	DEV22	Contaminated Land
	EE2	Redevelopment / Change of Use of Employment Sites
	RT5	Evening and Night-time Economy
	CON1	Listed Buildings
	CON2	Conservation Areas
	CON4	Archaeology and Ancient Monuments
	CON5	Protection and Management of Important Views
	CFR1	City Fringe spatial strategy
	CFR2	Transport and movement
	CFR6	Infrastructure and services
	CFR7	Infrastructure capacity
	CFR8	Waste
	CFR9	Employment uses in Aldgate and Spitalfields Market sub-area
	CFR11	Retail and leisure in Aldgate and Spitalfields Market sub-area
	CFR12	Design and built form in Aldgate and Spitalfields Market sub-area
	CFR13	Local connectivity and public realm in Aldgate and Spitalfields Market sub-area
	CFR14	Site allocations in Aldgate and Spitalfields Market sub-area

5.4 Managing Development DPD (proposed submission version 2012)

Proposals:		Central Activities Zone
		City Fringe Activities Area
		Archaeological Priority Area
Policies:	DM1	Development within the town centre hierarchy
	DM7	Short stay accommodation
	DM9	Improving air quality
	DM11	Living buildings & biodiversity
	DM13	Sustainable drainage
	DM14	Managing Waste
	DM20	Supporting a sustainable transport network
	DM21	Sustainable transportation of freight
	DM22	Parking
	DM23	Streets and the public realm
	DM24	Place-sensitive design

DM25	Amenity
DM26	Building heights
DM27	Heritage and the historic environment
DM28	World Heritage
DM29	Achieving a zero carbon borough and addressing climate change
DM30	Contaminated land and development and storage of hazardous substances

5.5 Local Development Framework Core Strategy (2010)

Policies:

SP01	Refocusing on our town centres
SP02	Urban living for everyone
SP03	Creating healthy and liveable neighbourhoods
SP04	Creating a green and blue grid
SP05	Dealing with waste
SP06	Delivering successful employment hubs
SP07	Improving education and skills
SP08	Making connected places
SP09	Creating attractive and safe streets and spaces
SP10	Creating distinct and durable places
SP11	Working towards a zero-carbon borough
SP12	Delivering placemaking – Priorities and Principles – Wapping
SP13	Planning Obligations

5.6 Spatial Development Strategy for Greater London (The London Plan 2011)

Policies

2.9	Inner London
2.13	Opportunity areas and intensification areas
4.1	Developing London's economy
4.3	Mixed use development and offices
4.5	London's visitor attraction
4.10	New and emerging economic sectors
4.11	Encouraging a connected economy
4.12	Improved opportunities for all
5.1	Climate Change mitigation
5.2	Minimising carbon dioxide emissions
5.3	Sustainable design and construction
5.5	Decentralised energy networks
5.6	Decentralised energy in development proposals
5.7	Renewable energy
5.8	Innovative energy technologies
5.13	Sustainable drainage
5.18	Water use and supplies
5.21	Contaminated land
6.4	Enhancing London's transport connectivity
6.7	Better streets and surface transport
6.8	Coaches
6.9	Cycling
6.10	Walking
6.11	Smoothing traffic flow and tackling congestion
6.12	Road network capacity
6.13	Parking
7.2	An inclusive environment
7.3	Designing out crime

7.4	Local Character
7.5	Public realm
7.6	Architecture
7.8	Heritage Assets and Archaeology
8.2	Planning Obligations

5.7 **London Plan – Relevant Supplementary Planning Guidance**

- Accessible London: Achieving an Inclusive Environment (April 2004)
- Mayor of London’s Accessible Hotels (March 2010)
- Sustainable Design and Construction (May 2006)
- The London World Heritage Site – Guidance of Settings SPG
- The London View Management Framework SPG

5.8 **National Planning Policy Framework**

5.9 **Community Plan** The following Community Plan objectives relate to the application:

- A better place for living safely
- A better place for creating and sharing prosperity
- A better place for excellent public services

6. **CONSULTATION RESPONSE**

6.1 The views of officers within the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application:

LBTH Accessibility Officer

6.3 No principle objection, subject to a condition requiring 10% of hotel rooms to be wheelchair accessible.

(OFFICER COMMENT: Conditions have been attached to this effect.)

LBTH Communities, Localities and Culture

6.4 No objections. In line with the Planning Obligations SPD, the occupants and employees of the hotel will increase the demand on the Borough’s Public Open Space and Leisure, library facilities. Accordingly, based on 138 employees and hotel guest density, the following contribution is sought: £422,070 towards public opens space; £3,022 towards Libraries, and £8,998 towards Leisure.

(OFFICER COMMENT: This contribution request has been agreed by the applicant, as detailed within the s106 Heads of Terms at paragraph 3.1)

LBTH Crime Prevention Officer

6.5 Management of the hotel and CCTV details are required.

(OFFICER COMMENT: Appropriately worded condition will be imposed)

LBTH Enterprise & Employment

6.6 To ensure that local businesses benefit from this development we expect that 20% of goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets.

The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets.

The Council seeks contribution towards training and development of unemployed residents in Tower Hamlets to access to jobs within construction and end-use phases.

Applying the formula within the Planning Obligation SPD the following financial contribution towards training and skills in:

- Jobs within the hotel developmental end-use phase (£19,822); and
- Jobs during the construction phase of the development (£20,253) is sought.

Non-financial contribution towards promoting 20% goods/services to be procured during the construction phase and 20% of the construction phase workforce to be local residents of Tower Hamlets through Skills Match should also be secured.

(OFFICER COMMENT: The applicant has agreed to the above contribution and obligations, as detailed within the s106 Heads of Terms in paragraph 3.1. The method of calculating the financial contribution is detailed within section 8 of this report)

LBTH Environmental Health

6.7 Environmental Health (Air Quality)

No comments received

Environmental Health (Contaminated Land)

No objections subject to the attachment of an appropriate condition requiring any contaminated land to be properly investigated, treated and made safe before development commences.

Environmental Health (Food Safety)

No objections subject to the attachment of an appropriate informative regarding food safety

Environmental Health (Noise & Vibration)

The activities associated with the proposed hotel use are likely to have impact on the existing residential occupiers. Noise impact may occur from commercial activities such as the bar, restaurant and other noise associated with air conditioning plant, mechanical and electrical plant, taxis, deliveries and waste disposal collection.

Environmental Health (Smell/Pollution)

Details of kitchen extract system is required to be inline with DEFRA guidelines so as to ensure that there is no likely odour nuisance that will impact on local residents. Details are required.

(OFFICER COMMENT: The requested conditions and informatives have been attached to the draft decision notice, as detailed above at paragraph 3.3 and further commentary on issues raised will be addressed under Amenity at paragraph 8.)

LBTH Highways

6.8 Parking

The development is proposed to be entirely car free and given the location this is considered to be acceptable.

The site has a PTAL rating of 6b which demonstrates that an excellent level of public transport service is available within the immediate vicinity of the site.

The proposal includes one disabled parking spaces on site in a convenient location to the main entrance to the hotel. This is considered to be acceptable.

Coach Parking:

The drop off/pick up activities will occur on site within the shared surface area where servicing will take place.

Cycle:

The Council's Parking Standards require a minimum of 1 space per 10 staff. The proposal includes a total of 32 cycle parking spaces in the basement. This is considered to be acceptable.

Servicing arrangements:

The proposal includes off-street arrangement within the shared surface area. A servicing management plan will be required to ensure that there is no conflict of use of this area.

The Delivery/Servicing and Coach Management Plan should be secured to ensure that servicing activities do not occur during peak hours.

Refuse:

Details of refuse collection activities shall also be managed as part of Delivery and Servicing Management Plan.

Conditions

Should planning permission be granted, conditions would be required to secure the following:

1. Submission of details of necessary highways works
2. Servicing and Coach Management Plan to be submitted and approved.
3. Construction Management and Logistics Plan to be submitted and approved
4. Travel Plan to be secured through s106.

(OFFICER COMMENT: The requested conditions are proposed to be secured, as detailed within section 3 of this report. Highways and transportation matters are discussed in greater detail within section 8 of this report)

LBTH Sustainable Development

6.9 Energy

No objections – The proposal will achieve 36.1% reduction in carbon emissions through energy efficiency measures, a CHP system and renewable energy technologies is considered to be acceptable and in accordance with the above mentioned development plan policies.

Sustainability

No objections - the applicant has submitted a Sustainability Statement which commits the development to achieve a BREEAM (Building Research Establishment Environmental Assessment Method for buildings) rating of 'Excellent' as minimum. Conditions should be attached to secure this.

(OFFICER COMMENT: Conditions have been attached as requested. Energy and sustainability measures are discussed in further detail within section 8 of this report)

LBTH Waste Policy & Development

- 6.10 No objections to the proposed waste storage and collection. One third of the waste storage shall be made for recycling. A condition should be imposed to ensure that recycling provision is made available and compliance with the waste management plan during the construction phase.

(OFFICER COMMENT: Condition has been attached)

English Heritage (statutory consultee)

6.11 Archaeology

A condition is requested requiring the submission and implementation of a programme of archaeological mitigation.

(OFFICER COMMENT: A condition has been attached to this effect)

Historic Buildings and Areas

No comments had been received at the time of writing. Further update will be provided in an Update Report.

City of London Corporation

6.12 City of London Corporation did not make any observations in relation to the scheme.

London Underground Ltd

6.13 No objections to the planning application.

Natural England

6.14 The proposal does not significantly affect any priority interest area for Natural England; therefore no substantive comments are provided.

City Airport

6.15 The proposal has been examined from an aerodrome safeguarding aspect and does not conflict with safeguarding criteria. Accordingly, no safeguarding objection to the proposal is raised subject to a condition.

(OFFICER COMMENT: Condition has been attached)

NATS

6.16 No safeguarding objections to the proposal

Thames Water

6.17 The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommends conditions to ensure that the proposal does not have adverse affect on the water supply infrastructure. In addition, piling methods statement should be secured through a condition.

(OFFICER COMMENT: Conditions have been attached)

Environment Agency

6.18 Surface water flood risk is the only constraint on this site and therefore management of surface water should ensure that the development does not increase flood risk either on site or elsewhere.

Greater London Authority – Stage 1 response.

6.19 • The principle of a hotel development at the site within the boundary of the City Fringe

Opportunity Area and City Activities Zone is supported in line with London Plan Policy 4.5.

- The proposal is acceptable in terms of how it relates to surrounding buildings, and in terms of its impact upon strategic views, demonstrating a suitably high standard of architecture and quality of public realm. Subject to further information on details design aspects, the scheme is in accordance with London Plan heritage and design policies.

(Officer's Comment: Amendments have been made to the ground floor layout which now addresses the GLA's concern)

- The proposal involves a number of inclusive design measures to make the scheme is accessible, and an appropriate amount of accessible rooms in accordance with London Plan policies 4.5 and 7.2.
- The applicant has broadly followed the energy hierarchy. Sufficient information has been provided to understand the proposals as a whole. The proposals are broadly acceptable however, further technical information is required before the carbon savings can be verified. The commitments to sustainable design and construction measures are welcome, but further details are required to ensure full accordance with the London Plan.

(Officer's Comment: The required technical information has been submitted and the Council's Energy Officer is satisfied with the details submitted.

- The proposed development will have minimal impact on the capacity of the surrounding highway network however, further information and mitigation measures are required to ensure full accordance with the London Plan.

(Officer's Comment: The applicant has provided additional information and clarification on transport matters and TfL have confirmed that the information is sufficient).

(OFFICER COMMENT: Further details are discussed in section 8 of the report).

7. LOCAL REPRESENTATION

- 7.1 A total of 402 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 3 Objecting: 3 Supporting: 0 Neither: 0
No of petitions received: None received

- 7.2 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

Objection

- § Traffic congestion
- § Buckle Street to become servicing area
- § Noise nuisance from the hotel, bar and restaurant
- § Over concentration of hotels in the area
- § Lack of parking
- § Privacy
- § Impact to character of the area

(OFFICER COMMENT: These issues are discussed in detail in section 8 of the report).

8. MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the committee must consider are:

1. The Planning Inspectorates Appeal Decision dated 17 December 2010.
2. Land Use
3. Design (including World heritage sites and strategic views)
4. Transportation and Highways
5. Amenity
6. Energy Efficiency and Sustainability
7. S106 Agreement

The Planning Inspectorate's Appeal Decision dated 17th December 2010

8.2 The application which was refused was subject to an appeal by a way of Public Inquiry. The main issues in this appeal were:

- § Whether the height, scale, massing and design would be harmful to the area's character;
- § Whether the development would cause harm to the residential amenities of occupiers of City Reach (privacy and outlook)
- § Whether the development would preserve the appropriate setting of neighbouring listed buildings and conservation areas; and

Whether vehicular access and servicing would interfere with the safe and free movement of traffic on adjacent highways.

8.3 The Inspector noted that the building subject of this appeal would be seen in close association with the development proposed on the vacant Aldgate Union site to the north, where planning permission had previously been granted for an office and retail development of between 4 and 21 storeys. In view of other planning permission granted nearby, the inspector concluded that the development, by reasons of its height would not appear out in keeping with the character of the area. However, the Inspector raised concerns to the architectural detailing of the lower levels of the building as it had failed to engage with the public realm and would dominate the site's immediate surroundings. Therefore, the Inspector concluded that the building would appear out of scale with its surroundings. With regards to massing the Inspector considered that the appeal building was capable of making an original and pleasing contribution to development in Aldgate area.

8.4 As regards to the residential amenity, the Inspector was satisfied that the views of north facing residential windows would not be reduced by any amount that would create oppressive conditions and that the residents would not have experienced a loss of privacy (subject to imposition of conditions).

8.5 The Inspector was satisfied that the development would not have harmed the setting of neighbouring listed buildings or the character and appearance of the Whitechapel High Street Conservation Area.

8.6 Finally, the Inspector found the proposal lacking in terms of the provision of adequate servicing and its failure to provide for safe use by pedestrians in Buckle Street. However, in view of the close proximity of the site to public transport, the Inspector found no need for specific provision to be made for guest arriving by coach or taxi.

8.7 Whilst the appeal was dismissed, it is important to note that the appeal was only dismissed on the following grounds:

- § Design and layout of the lower part of the building which failed to achieve a satisfactory relationship with the public realm.

Inadequate servicing arrangement to the detriment of free flow of traffic on Lemn Street and Buckle Street and pedestrian movement.

Land Use

8.8 The application proposes the erection of a 251 room hotel (Use Class C1) with associated

ancillary hotel facilities including restaurant and bar (Use Class A3 and A4, respectively) located on the ground and first floor of the 23 storey building.

- 8.9 The site is located within the City Fringe Activity Area, and Central Activities Zone where mixed use developments are encouraged to provide vitality and diversity in the City Fringe and support the functions of Central London.
- 8.10 The London Plan (2011) identifies tourism as an important part in the city's economy. To support London's visitor economy, policy 4.5 of the London Plan specifies a target of 40,000 net additional hotel bedrooms by 2031, of which at least 10 percent should be wheelchair accessible. The policy identifies the Central Activities Zone (CAZ) as a priority location for new hotel accommodations and it also recognises town centres, opportunity and intensification areas, and CAZ fringe locations where there is good public transport access to central London, to be suitable locations. Therefore it is considered that the application site is wholly appropriate location for hotel.
- 8.11 Policy SP06 of the Core Strategy (2010) states that hotel developments should be concentrated in the Central Activities Zone and City Fringe Activity Area. Given the site's location in the CAZ and CFAA, the proposed land use is therefore considered to be in accordance with the Core Strategy.
- 8.12 It is recognised that the IPG City Fringe Area Action Plan (2007) identifies the application site together with the Aldgate Union Site to the north for Employment, retail and public open space. The proposed use is considered to complement the consented employment, retail and public open space at Aldgate Union site. Furthermore, the proposal include a public walk link through the site to the open spaces consented on Aldgate Union site and therefore corresponds with overall vision of the area. The proposal also falls within the Aldgate Union Masterplan which also promotes leisure and tourism uses within its boundary.
- 8.13 In light of the above, it is considered that the proposed hotel and ancillary restaurant/bar land uses together with the proposed public walkway link through to Aldgate Union site are in accordance with the abovementioned development plan policies. In addition, The Planning Inspector found no objections to the use of the proposed building.

Design

- 8.14 Good design is central to all the objectives of the London Plan. Chapter 7 of the London Plan sets high design standard objectives in order to create a city of diverse, strong, secure and accessible neighbourhoods as well as a city that delights the senses. In particular, policy 7.2 seeks to achieve the highest standards of inclusive and accessible design; policy 7.4 requires development to have regard to the form, function and structure of an area, place or street and scale, mass and orientation of buildings around it; policy 7.5 seeks to enhance the public realm by ensuring that London's public spaces are secure, accessible, easy to understand and incorporate the highest quality landscaping, planting, furniture and surfaces; whilst policy 7.6 seeks to secure highest architectural quality.
- 8.15 Policies DEV1 and DEV2 of the UDP (1998) and the IPG (2007) state that the Council will ensure development creates buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings. Policy DEV27 of the IPG (2007) sets out the tall buildings assessment criteria which ensure that tall buildings do not have significant impacts on transport, visual, microclimate and amenity. Tall buildings are generally supported as part of a cluster of tall buildings.
- 8.16 Policy SP10 of the Core Strategy (2010) seeks to ensure that developments promote good design to create high quality, attractive and durable buildings. This policy also seeks to preserve or enhance the wider built heritage and historic environment of the borough. The policy also seeks to ensure that buildings and neighbourhoods promote good design

principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds. The policy lists 8 criteria against which development proposals will be assessed in order to ascertain whether they achieve this.

- 8.17 Policy DM24 of the Managing Development DPD (proposed submission version 2012) also seeks to ensure that development is designed to the highest quality standards incorporating principles of good design. Policy DM26 seeks to ensure that buildings heights are in accordance with the town centre hierarchy. The illustrated figure 9 within the Managing Development DPD identifies that the buildings within the CAZ and Activity Area to have a maximum height of 150m Above Ordnance Datum level.
- 8.18 Lastly, policy CFR12 of the IPG City Fringe Area Action Plan (2007) requires new development within Aldgate and Spitalfields Market sub-area to have high quality, tall buildings focused around existing Aldgate Union, manage strategic views, and respect the backdrop of the strategic views. The policy also seeks to create a network of urban and green public spaces in the City Fringe and also to create active and vibrant north-south and east-west pedestrian links through the area.

Analysis

- 8.19 As detailed earlier in this report, the proposed building constitutes a 23 storey building comprising a 251-room. Ancillary restaurant/bar on the ground and first floors are also proposed. The ground floor is designed appropriately to provide good relationship with the surrounding public realm and the proposed ground floor and first floor use will activate the street frontage along Leman and Buckle Streets. The proposal also provides a public walk link through the site through the undercroft of the building, although this would be via shared surface area with servicing and deliveries vehicles for the hotel. The proposed link will connect Buckle Street and the open space within Aldgate Union site providing better permeability and connectivity around the area (see Images 1 and 2). With the appropriate service and management plans ensuring pedestrian safety, this is considered to be an appropriate dual use of the area.
- 8.20 The current proposal activates the street frontages which addresses the concerns raised by the Planning Inspector on the previous appeal scheme. The Inspector's main concern to the appeal scheme was to the design and treatment of the lower floors of the building which failed to engage with the public realm and which would dominate the immediate surrounding. The applicant has successfully addressed this issue in the current scheme through design and treatment that interacts with the surrounding public realm and also through the selected uses on the ground and first floor of the hotel.
- 8.21 The proposal also includes the widening of the existing footway along Buckle Street by setting the building back on the ground floor level. This is considered to be a significant improvement to the pedestrian environment on Buckle Street and the public realm in general.

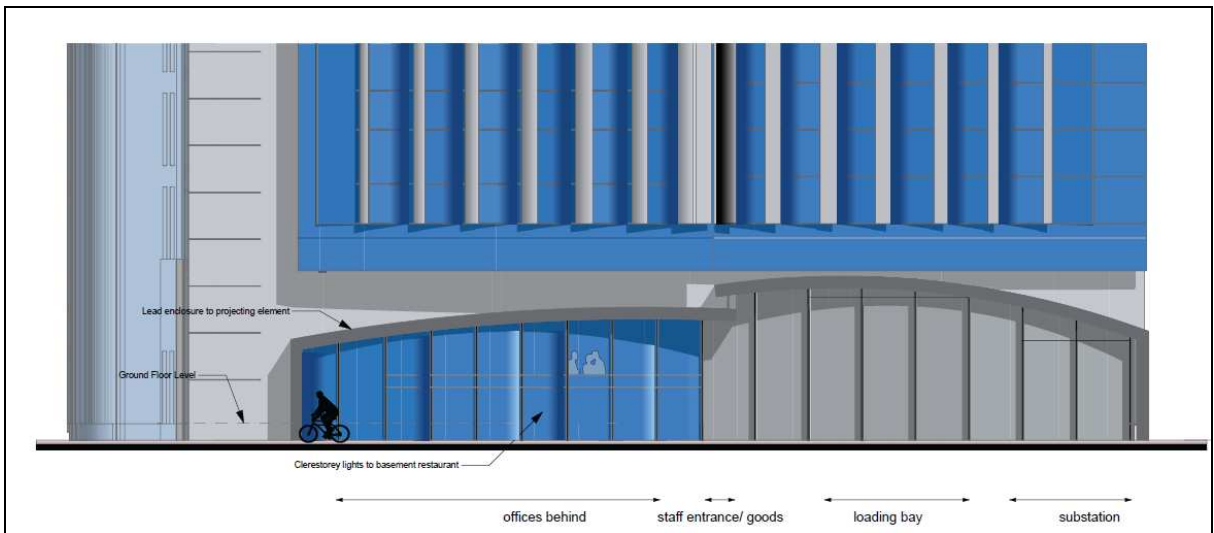


Image 3: Appeal Scheme lower level design and treatment (Buckle Street Elevation)

8.22 In relation to the height of the building and the tall building assessment criteria, it is worthwhile to note that the Planning Inspector, in his decision, outlined that the height of the appeal scheme which was at 71 metres in height to be acceptable. He considered that the visual impact would not be dissimilar from other tall buildings which would, in due course, form an identifiable cluster. Whilst the proposed scheme is only 70cm taller than the appeal scheme this will still be lower than the consented development at Aldgate Union site and is still considered to be acceptable. The proposed height complies with the maximum height within the CAZ as illustrated within the Managing Development DPD proposed submission version 2012 and therefore the principle of a tall building within this location is acceptable.

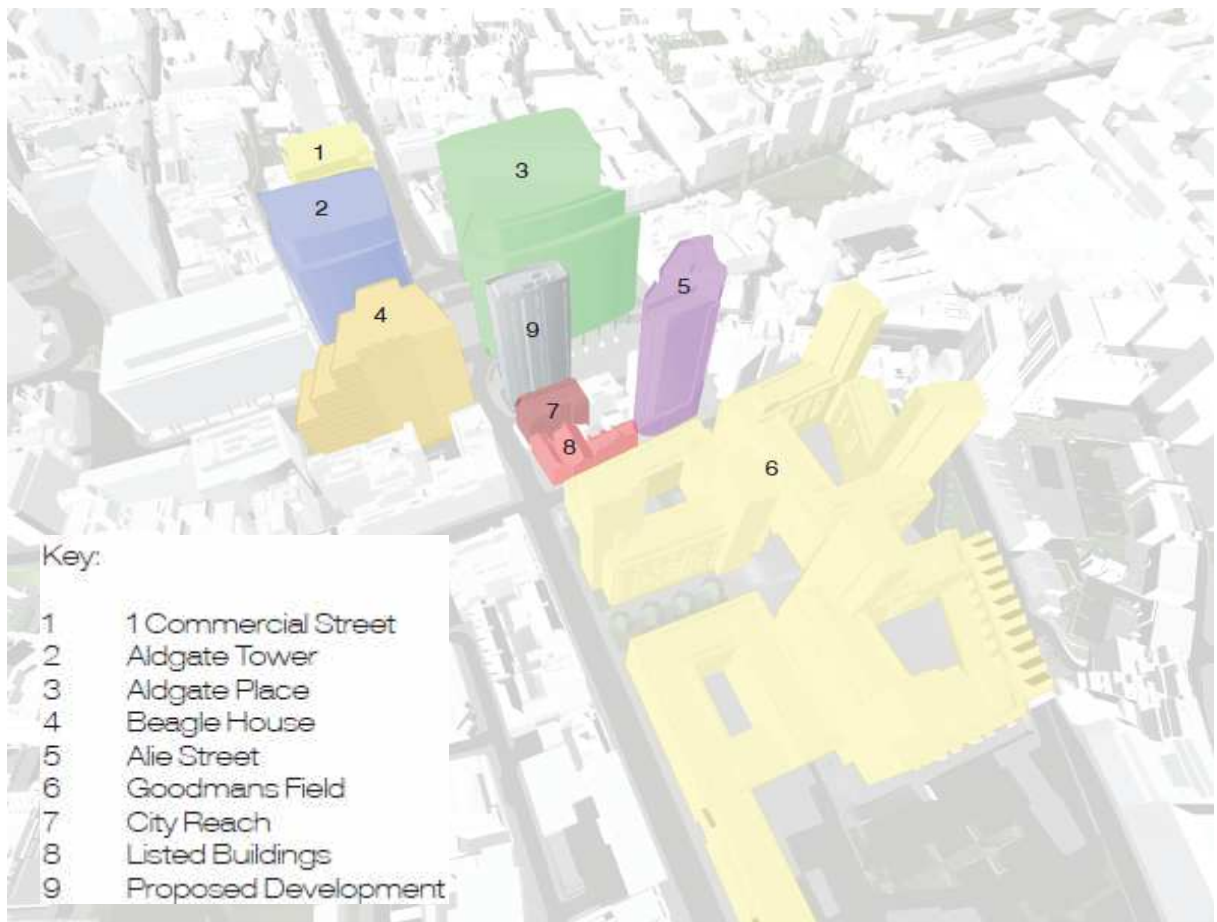


Image 4 Cluster of tall buildings.

- 8.23 The design of the hotel is in response to the context of the locality and emerging developments nearby. The development on this site has been subject to lengthy discussions following two previous applications and more recently the appeal decision. The current scheme is a significant improvement to the previously considered scheme and the proposed design will integrate well with the emerging surrounding built form.
- 8.24 The proposed massing, its relationship between shape and volume is considered to be elegantly proportioned that would contrast with the buildings of generally more bulky appearance of the earlier developments in the area. The massing and scale of the building remains same as the appeal scheme. The application site's narrow footprint creates a building mass that is slender and elegant which will add visual interest to the existing and emerging built environment in the area. This is the same conclusion the Planning Inspector reached with the appeal scheme in that the proposed bulk and scale of the building is capable of making an original and pleasing contribution to the development in the Aldgate area.
- 8.25 In light of the above, and having considered the planning appeal history for the site, the current proposal satisfactorily in terms of height, design, scale and massing. The proposal also satisfactorily addresses The Planning Inspector's concerns in relation to the treatment and design of the lower floors. The proposal is considered to comply with the above mentioned policies.

World Heritage Sites and Strategic views

- 8.26 The application site is located within the setting of the Tower of London World Heritage Site. In July 2009, the Government published a Circular on the Protection of World Heritage Site through conservation and preservation of its outstanding universal value.
- 8.27 The National Planning Policy Framework (NPPF) defines the World Heritage Sites (WHS) as a Designated Heritage Assets. Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It further stresses that the more important the asset, the greater the weight should be.
- 8.28 Chapter 7 of the London Plan (2011) sets out policies relating to London's living places and spaces. Policies 7.10 states that 'Development should not cause adverse impacts on World Heritage Sites or their settings. In particular, it should not compromise a viewer's ability to appreciate its Outstanding Universal Value, integrity, authenticity or significance. Policy 7.11 also stresses the need to identify and protect aspects of views that contribute to a viewer's ability to recognise and to appreciate a World Heritage Site's authenticity, integrity, significance and Outstanding Universal Value (OUV).
- 8.29 The Mayor's London World Heritage Site – Guidance of Settings SPG sets out a framework for undertaking the assessment in relation to Policy 7.11 and sets out guidance on a number of elements of setting which may contribute to the significance of the World Heritage Site. The London View Management Framework SPG is also applicable.
- 8.30 Policy SP10 of the Core Strategy (2010) seeks to ensure that new development preserves or enhances the wider built heritage and historic environment of the borough, including World Heritage Sites.
- 8.31 Policies CON3 and CON5 of the IPG (2007) seek to protect heritage assets and protect and manage important views.
- 8.32 Policy DM27 of the Managing Development DPD (proposed submission version 2012) seek to protect and enhance the borough's heritage assets.

Analysis

- 8.33 The Mayor of London has previously accepted the proposal in terms of its insignificant impact upon the setting of the Tower of London World Heritage Site. The Planning Inspector had also considered that given the changing development in the area and the increasing prevalence of tall buildings that the proposal would not be prominent and therefore not conflict with the aims and objectives of the policies relating to heritage assets.
- 8.34 The applicant has submitted a Townscape and Visual Impact Assessment to detail that there would be no harm or adverse impacts to the townscape or visual amenity.
- 8.35 Whilst the proposed building is 70cm taller than the appeal scheme, given the proposal is of same bulk and scale the visual impact is virtually the same and therefore it is not considered to adversely affect the Tower of London World Heritage site or its setting. The GLA, in their Stage I response, concluded the same.
- 8.36 In terms of heritage assets such as Conservation Areas, or Listed Buildings nearby, the nearest Listed Buildings are: 19a Lemn Street (Grade II), St George's Lutheran Church and Vestry House, Alie Street (Grade II*), St George's German and English Schools at 55-59 Alie Street (Grade II), and St George's Infant's School (Grade II); and Whitechapel Conservation Area is the nearest.
- 8.37 It is worthwhile to note that the proposed development will not physically affect the listed buildings listed above, nor is the site within a conservation area.
- 8.38 The affect to nearby listed buildings was considered by the Planning Inspector for the appeal scheme and he concluded he is satisfied that no harm would be caused to their setting. Additionally, the Inspector also concluded that setting of the nearest Whitechapel Conservation Area would be preserved by the development. This conclusion is still shared, as the proposed form and scale of the development has not changed.
- 8.39 In relation to the views, the site falls within a number of views designated in the London View Management Framework (LVMF), namely those associated with the View 25: City Hall to Tower of London (Views 25A.1, 25A.2, and 25A.3). It is considered that the proposal in relation to the setting of the WHS and strategic views are acceptable. The proposal would not be visible from the three view points due to either it being obscured by another building or sits below the existing established tree line. The proposal is considered to be acceptable due to the limited visibility from the view points.
- 8.40 In summary, it is not considered that the proposed building would harm the setting of the World Heritage Site, nearby listed buildings or the Whitechapel Conservation Area. The proposed building design and scale are considered to protect and enhance the setting of the aforementioned heritage assets; and the area as a whole. The proposal is therefore in accordance with NPPF and the abovementioned development plan policies.

Inclusive Design

- 8.41 Policies 4.5 and 7.2 of the London Plan (2011); Saved UDP Policy DEV1; policies DEV3 of the IPG; DM24 of the Managing Development DPD (proposed submission version 2012); and SP10 of the Core Strategy 2010 seek to ensure that developments are accessible, usable and permeable for all users and that developments can be used easily by as many people as possible without undue effort, separation or special treatment.
- 8.42 The proposed 251 room hotel would provide 25 fully accessible bedrooms with at least one room on each floor. This would comply with requirements of the London Plan policy 4.5, with 10% of the bedrooms to be wheelchair accessible.

- 8.43 The proposal also provides a wheelchair parking space on site, within close proximity to the hotel main entrances. The main entrances to the hotel development are also levelled with the public highway and the adjacent Aldgate Union site and will be serviced by sliding doors which are satisfactory. The proposal encompasses full accessibility provision and therefore accords with the aims and objectives of the aforementioned development plan policies.

Transportation & Highways

- 8.44 The London Plan (2011) seeks to promote sustainable modes of transport, accessibility, and reduce the need to travel by car.
- 8.45 Saved UDP policies T16, T18, T19 and T21 require the assessment of the operation requirements of the development proposal and the impacts of traffic generation. They also seek to prioritise pedestrians and encourage improvements to the pedestrian environment. IPG policies DEV 16, 17, 18 and 19 require the submission of transport assessments including travel plans and set maximum parking standards for the Borough. Core Strategy policies SP08 and SP09 seek to deliver accessible, efficient and sustainable transport network and to ensure new development has no adverse impact on the safety and capacity of the road network, whilst ensuring that new developments have a high level of connectivity with the existing and proposed transport and pedestrian network. Policies DM20, DM21 and DM22 of the Managing Development DPD (proposed submission version 2012) seek similar objections and aims as the Core Strategy.
- 8.46 As detailed within section 4 of this report, the site has an excellent level of accessibility to public transport, with a Public Transport Access Level of 6b where 1 represents the lowest and 6b the highest. The site is located approximately 80m to Aldgate Station to the north and there are numerous bus routes within the vicinity. The site's access is off Buckle Street which is a no through road and is not heavily accessed by vehicles.

Car Parking

- 8.47 Policy 6.13 of the London Plan (2011), saved Policy T16 of the UDP, policies DEV17, DEV18 and DEV19 of the IPG and Policy SP09 of the Core Strategy seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.
- 8.48 The proposed development is a car-free development with on-site provision for a disabled parking space within the undercroft of the building which is within close proximity to the main entrances. The disabled parking space will be accessed off Buckle Street. Given the site's locality and with excellent level of public transport, the proposed car parking provision is satisfactory.

Coach Parking, Servicing, Deliveries and taxi drop off

- 8.49 Planning Standard 3 of the Interim Planning Guidance (2007) and Parking Standards in Appendix 2 of the Managing Development DPD (proposed submission version 2012) require a coach parking bay to be provided for every 100 hotel bedrooms. IPG policy DEV19 states that proposals which do not accord with the standard should demonstrate that the variation is necessary through a detailed transport assessment.
- 8.50 The application does not propose any provision for on-site coach parking. However, the proposal includes drop off area within the undercroft area of the building. This area will be accessed off Buckle Street. The proposal demonstrates that a 12m coach tracking access to Buckle Street and to the site can be accommodated subject to the removal of the existing two on-street business parking bays located on the southern side of Buckle Street. The Council's Parking have confirmed that subject to appropriate costs borne by the applicant to relocate the on-street business parking spaces the removal can be agreed in principle. The applicant has agreed to the payment of necessary costs and appropriately worded condition

will ensure that the occupation of the hotel cannot take place until the on-street parking spaces are successfully relocated.

8.51 In addition, The Planning Inspector concluded that the area is well serviced by public transport and therefore arrivals and departures by coach are unlikely to occur with any frequency. Were it to happen, there would be no reason why the transfer of passengers could not take place in a nearby loading bay in Leman Street.

8.52 In light of:

- § the site's location in the Central Activities Zone,
- § the City fringe location,
- § its excellent PTAL rating within close proximity of Underground stations, and
- § the provision of dedicated drop-off/pick-up area,

it is considered that the likelihood of coaches arriving at the hotel is minimised and therefore the proposal would not unduly detriment pedestrian movement nor the safe operation of the highway. The Council's Highway Officer and TfL are satisfied with the proposed arrangement. On balance, the proposal is considered to be acceptable and accord with the aforementioned policies.

8.53 With regards to the servicing and deliveries, the submitted Transport Assessment, (which includes a survey and a comparison with a comparable hotel within inner London) the proposed development could expect up to 5 transit sized goods vehicle over 12 hour period. Notwithstanding this, it would be possible to secure lesser vehicle trips by way of requiring the submission and agreement of a Delivery & Service Management Plan by condition. The Plan will also ensure that delivery times are managed so that only one delivery occurs at any one time. A separate condition is also proposed which prevents servicing from taking place between 2300-1000 hours; 1600-1900 hours inclusive to ensure that such activities occur during off-peak hours and to ensure protect the amenities of the residential occupiers nearby.

8.54 The Planning Inspector previously raised concerns to the servicing provision of the appeal scheme. The appeal scheme had proposed 8m long servicing area which restricted servicing vehicle size for the development and therefore the Inspector concluded that failure to provide adequate servicing provision would be harmful to the safe and free flow of traffic and pedestrian movement. The current proposal now includes 12m long servicing area which will be located on the shared surfaced area with the coach drop off/pick up area. As part of the Delivery & Servicing Management Plan, details will be secured to ensure that there will be no conflict in the use of the area. In any event, it is not likely that the area for servicing and coach drop off and pick up will occur at the same time with any frequency. The Council's highways officer and TfL are content with the proposed servicing and delivery arrangement.

8.55 The proposal does not include any dedicated taxi drop off area however the submitted Travel Plan has included instructions that any taxis or private hire vehicles for picking up guest would be arranged for it to take place on Buckle Street. TfL has considered that this arrangement is acceptable in this instance. The Planning Inspector, in reaching his decision concluded that the lack of provision for taxi drop off/pick up does not raise any issues of traffic or highway safety of any greater significance than might be found in other parts of London.

8.56 Given that taxis are legally permitted to drop off and pick up on red routes the proposed inclusion of pick up arrangements within the Travel Plan is welcomed.

Refuse

8.57 The application details that the proposal incorporates waste storage at the basement floor

level which would be collected on-site from the shared surface area within the undercroft accessed off Buckle Street. The application is also accompanied by the Waste Management Plan. The Council's Waste Officer is satisfied with the proposed details subject to a condition requiring a compliance with the Plan submitted. A servicing management plan for refuse is also required to suitably managed the shared surface.

- 8.58 It is recommended that any grant of permission is subject to a condition requiring the implementation of an agreed Delivery & Servicing Plan (DSP), as previously detailed.

Cycle Parking

- 8.59 The Interim Planning Guidance (2007) requires 1 cycle parking space per 10 staff. The Managing Development DPD (proposed submission version 2012) requires 1 space per 10 staff and 1 per 15 guests. The proposal anticipates 145 employees within the Hotel and bar/restaurant use and therefore the required provision would be 14 cycle parking spaces for employees and 33 spaces for guests.
- 8.60 A total of 32 cycle stands are proposed to be provided within the basement level of the building. This is in excess of the required cycle parking for employees, however, as a total provision it is short of 15 spaces for guests of the hotel. Given the location of the site being within close proximity to public transport and that the hotel guests are unlikely to arrive by a bicycle it is considered that the reduced provision in this instance is acceptable. In addition TfL has commented that the submitted Travel Plan is sufficient which includes promotion of the use of the TfL Cycle Hire Scheme for the guests and employees. The Council's Highways Officer supports the on-site cycle provision and therefore, on balance the proposed provision is acceptable.

Amenity

Daylight and Sunlight

- 8.61 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (second edition).
- 8.62 Policy 7.6 of the London Plan (2011) requires that all large-scale buildings to pay particular attention in residential environments to amenity and overshadowing. Furthermore, they should be sensitive to their impact on micro-climate in terms of sun, reflection and overshadowing. Saved Policies DEV1 and DEV2 of the UDP (1998) and Policies DEV1 and DEV27 of the IPG (2007) require that developments should not result in a material deterioration of sunlight and daylight conditions. Core Strategy Policy SP10 also seeks to protect amenity, and promotes well-being including preventing loss of privacy and access to daylight and sunlight. Policy DM25 of the Managing Development DPD seeks to protect and where possible improve the amenity of surrounding existing and future residents and building occupants.
- 8.63 The application is accompanied by a Daylight and Sunlight Assessment and it analysed the effect of the proposed development on the daylight and sunlight amenity to the only residential building within the immediate vicinity, The City Reach which is located to the southern side of Buckle Street.
- 8.64 The assessment concludes that the existing windows do not fully comply with the Vertical Sky Component within the BRE Guidelines in daylight terms for the current situation. Therefore, inevitably the proposal will result in failures to the tested windows. BRE guideline recommends that the VSC should be considered into context with the No Sky line analysis for such situations. If, in the room, the area of the working plane which can see sky less than 0.8 times value before, than the proposal is likely to have a daylight impact. Only 4 rooms out

of 37 will comply where the working plane which can see the sky will not be less than 0.8 times of the former value.

- 8.65 It should be noted that when the proposed development for Aldgate Union site was considered, the City Reach Apartment had failures and therefore, even without the subject development the City Reach Apartment is likely to be affected by consented developments nearby. It is also worthwhile to note that the, given the existing situation the Council did not consider sunlight and daylight impacts as a reason for refusal nor was it defended at an appeal for the previous scheme.
- 8.66 In relation to the overshadowing assessment, the BRE guidance recommends that at least half of the amenity areas such as gardens, parks, playing fields etc should receive at least two hours of sunlight on 21st March. The submitted assessment concludes that the proposed development will not cast a shadow to the nearest open space on Braham Street.
- 8.67 Whilst the proposal is not fully complying with the BRE guidance in terms of daylight, on balance, in the context of its urban location and the existing situation, it is considered that this would not warrant refusal on its own. The proposal is therefore considered to be in line with Policy 7.6 of the London Plan (2011), saved Policies DEV1 and DEV2 of the UDP (1998), Policies DEV1 and DEV27 of the IPG (2007), Policy SP10 of Core Strategy (2010) and policy DM25 of the Managing DPD with regards to sunlight and daylight.

Noise and Vibration

- 8.68 Policy 7.15 of the London Plan (2011) sets out guidance in relation to noise for new developments and in terms of local policies, saved policies DEV2 and DEV50 of the UDP (1998), policies DEV1, DEV10, DEV12, DEV27 and HSG15 of the IPG (2007), and policies SP03 and SP10 of the Core Strategy (2010) seek to minimise the adverse effects of noise. Policy DM25 Managing Development DPD (proposed submission version 2012) seeks to ensure that existing and future residential amenity is protected.
- 8.69 The applicant will be required to incorporate appropriate noise insulation measures in accordance with Building Regulations for the occupiers of the hotel, albeit the occupiers are short-term visitors. It is also considered appropriate to condition the restriction of hours for the use of the entrances to the Buckle Street elevation in association with the restaurant/bar use of the hotel. The proposed plant and machinery are located on the roof level and therefore is unlikely to have direct impact to existing residential occupiers in terms of their noise. Finally, restricted hours of servicing and deliveries through a condition and Delivery Servicing and Management Plan will be secured.
- 8.70 In terms of noise and vibration during demolition and construction, conditions are also recommended which restrict construction hours and noise emissions and requesting the submission of a Construction Management and Logistic Plan which will further assist in ensuring noise reductions. The Construction Management and Logistic Plan will also be required to address construction traffic which should avoid residential streets. The arrangement will be carefully considered, in conjunction with TfL.
- 8.71 As such, it is considered that the proposals are generally in keeping with Planning Policy Guidance Note 24, policy 7.15 of the London Plan (2011), Saved policies DEV2 and DEV50 of Tower Hamlets UDP (1998), policies DEV1, DEV10, DEV12 and DEV27 of Tower Hamlets IPG (2007), Policy DM25 of the Managing Development DPD (proposed submission version 2012) and policies SP03 and SP10 of the Core Strategy (2010).

Outlook and Privacy

- 8.72 Core Strategy Policy SP10 seeks to ensure that buildings promote good design principles to create buildings, spaces and places that are high-quality and protect amenity including

preventing loss of privacy. The habitable room to habitable room relationship between the proposed southern elevation of the hotel and the City Reach residential building on the opposite side of Buckle Street would be approximately 8m to 8.5m.

- 8.73 In terms of outlook, the Planning Inspector did not find that the same separation distance between 8 to 8.5 metres of the appeal scheme and the residential block at the City Reach to be oppressive for the existing residents. This conclusion takes into account of the urban character of the area and the extent to which outlook might be expected to be confined by other buildings.
- 8.74 In relation to privacy, the proposal includes fixed privacy louvers to the bedrooms located on 2nd to 10th floor, inclusive, on the southern elevation of the hotel. The windows to 11th floor and above will not provide direct overlooking into the 6/7 storey City Reach residential block. This is considered to provide sufficient mitigation to protect the privacy enjoyed by the existing residents of City Reach. In addition, the Planning Inspector considered that a suitably worded condition requiring design of the windows on the lower floors to the southern elevation to provide sufficient privacy screening would be acceptable and that the residents would therefore not suffer loss of privacy to an extent that might justify withholding planning permission.
- 8.75 Given that the proposed privacy screen at 2nd to 10th floors and previous conclusions by the Planning Inspector, the proposal is considered to be acceptable in terms of amenity to the existing residential occupiers and the future occupiers in accordance with the aforementioned Development Plan policies.

Micro climate

- 8.76 Planning guidance contained within the London Plan 2011 places great importance on the creation and maintenance of a high quality environment for London. Policy 7.7 (Location and Design of Tall and Large Buildings) of the London Plan, requires that *“tall buildings should not affect their surroundings adversely in terms of microclimate, wind turbulence..”* Wind microclimate is therefore an important factor in achieving the desired planning policy objective. Policy DEV1 (Amenity) of the IPG also identifies microclimate as an important issue stating that:

“Development is required to protect, and where possible seek to improve, the amenity of surrounding and existing and future residents and building occupants as well as the amenity of the surrounding public realm. To ensure the protection of amenity, development should: ...not adversely affect the surrounding microclimate.”

- 8.77 The application is accompanied by a Wind Microclimate Desk Study and it assesses the likely impact of the proposed development on the wind climate, by analysis of meteorological conditions for the region, adjusted to Assessment Site, and a review of the scheme drawings in the context of the meteorological data. The assessment has focused on the suitability of the site for desired pedestrian use (i.e. leisure walking at worst, with standing conditions at entrances, and sitting/standing conditions) and the impact relative to that use.
- 8.78 The pedestrian level wind microclimate at the site was quantified and classified in accordance with the widely accepted Lawson Comfort Criteria.
- 8.79 Overall, all condition within and around the site are suitable for the intended use and the ongoing development of the neighbouring sites, particularly those to the north of Braham Street is considered to have a favourable effect on the wind conditions around and the proposed development. Therefore, there are no recommendations for mitigation as the wind microclimate is considered to be suitable for the desired pedestrian use of the site.

Energy Efficiency and Sustainability

- 8.80 At a national level, NPPF state that the local planning authorities should adopt proactive strategies to mitigate and adapt to climate change. Paragraph 95 states that local authorities should set requirements for building's sustainability. At a strategic level, Policy 5.2 of the London Plan (2011) requires major developments to submit an energy assessment.
- 8.81 The Mayor's Energy Strategy sets out the Mayor's energy hierarchy which is to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green).
- 8.82 The London Plan 2011 includes the target to achieve a minimum 25% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2). The Council's own policy DM29 of the Managing Development DPD (proposed submission version 2012) requires developments to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010.
- 8.83 Saved Policy DEV2 of the UDP (1998), DEV6 of the IPG (2007) and SP02 of the Core Strategy (2010) seek to incorporate the principle of sustainable development, including use of energy efficient design and materials, and promoting renewable technologies. The London Borough of Tower Hamlets Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.
- 8.84 The submitted energy strategy follows the Mayor's energy hierarchy as detailed above. The development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean). The integration of a communal heating scheme incorporating a Combined Heat and Power (CHP) engine to supply the space heating and hotwater requirements in accordance with policy 5.6 of the London Plan will also reduce energy demand and associated CO2 emissions (Be Clean).
- 8.85 Photovoltaic cells are proposed to provide a source of on site renewable energy (Be Green). Approximately 34sq.m of photovoltaic panels will be installed on the roof top of the building. The technologies employed would add to the carbon savings over the baseline. Through the maximisation of the CHP system to deliver space heating and hot water it is acknowledged that achieving a 20% reduction in CO2 emissions through renewable energy technologies is not feasible. Whilst the proposed development is not meeting Core Strategy Policy SP11, the Sustainable Development Team support the application as the development is in compliance with the London Plan (Policy 5.2) through achieving a cumulative 36.1% reduction in carbon emissions above the Building Regulation requirements.
- 8.86 The anticipated 36.1% reduction in carbon emissions through energy efficiency measures, a CHP system and renewable energy technologies is considered to be acceptable and in accordance with the above mentioned development plan policies. It is recommended that the strategy is secured by Condition and delivered in accordance with the submitted details within Chapter 6d: Energy and Sustainability (revised) dated March 2012 of the Impact Statement.
- 8.87 In terms of sustainability, London Borough of Tower Hamlets requires all commercial development to achieve a BREEAM 'Excellent' rating. This is to ensure the highest levels of sustainable design and construction in accordance with Policy 5.3 of the London Plan 2011, Policy DM29 of the Managing Development DPD (proposed submission version 2012) and Policy DEV 5 of the London Borough of Tower Hamlets Interim Planning Guidance.
- 8.88 The submitted Energy and Sustainability Chapter of the Impact Statement dated March 2012 sets out the commitment to achieving an Excellent rating under the BREEAM 2008 methodology. It is recommended that the achievement of these ratings is secured through an appropriately worded Condition.

Flood Risk Assessment

- 8.89 National Planning Policy Framework, and Policy 5.12 of the London Plan (2011), Policy SP04 of Tower Hamlets CS (2010) relate to the need to consider flood risk at all stages in the planning process.
- 8.90 The application site is within Flood Zone 1 and therefore the application site is only identified to have surface water flood risk as the only constraint at this site. Environment Agency have commented of the proposal and advised that a management of surface water run-off and ensuring that drainage from the development does not increase the flood risk. An appropriately worded planning condition will seek details of surface water drainage and sustainable urban drainage system is designed and implemented to reduce surface water flooding.

Ecology and Biodiversity

- 8.91 The London Biodiversity Action Plan (2008), Policy 7.19 of the London Plan (2011), Policy SP04 Core Strategy (2010) and Policy DM11 of the Managing Development DPD (proposed submission version 2012) seek to protect and enhance biodiversity value through the design of open space and buildings and by ensuring that development protects and enhances areas of biodiversity value in order to achieve a net gain in biodiversity. Policy DM11 of the Managing Development DPD (proposed submission version 2012) also requires elements of living buildings.
- 8.92 The application site is of little value for biodiversity. The existing scrub is likely to support common breeding birds. A planning condition is necessary to ensure that vegetation clearance is only carried out when nesting birds are not present on the site. This is during September to February inclusive which falls outside of main bird nesting season or a site investigation by a suitably qualified ecologist shall be carried out for any nesting birds outside the season to avoid any potential offence relating to nesting birds.
- 8.93 The proposal also includes 120sq.m of brown/biodiversity roof which will be installed with PV Panels. The combination of the two provide ideal environment for the enhancement of biodiversity as the PV panels provide appropriate shade and shelter and brown roof provide appropriate habitat. The proposal is consider to enhance the biodiversity and ecology value of the site. Appropriate condition will be added to ensure that brown/biodiversity roof is implemented.

Contamination

- 8.94 From the Council's records, the site and surrounding area have been subject to former industrial uses, which have the potential to contaminate the area. Therefore the potential pathways for contaminants may exist and will need further characterisation to determine the associated risk from the proposed ground works. The applicant has submitted desk study report with site investigation however does not sufficiently detail the assessment of contamination risks. A planning condition is recommended by the Council's Environmental Health officer to ensure that the developer carried out a site investigation to investigate and identify potential contamination in accordance with the requirements of saved UDP policy DEV51, policy DM30 of the Managing Development DPD.

Air quality

- 8.95 Paragraph 123 of the NPPF and Policy 7.14 of the London Plan (2011) seeks to ensure design solutions are incorporated into new developments to minimise exposure to poor air quality. Saved Policy DEV2 of the UDP (1998), Policy SP02 of the Core Strategy (2011) and Policy DM9 of the Managing Development DPD (2012) seek to protect the Borough from the

effect of air pollution, requiring the submission of air quality assessments demonstrating how it will prevent or reduce air pollution in line with Clear Zone objectives.

- 8.96 The application is accompanied by an Air Quality assessment as part of the submitted Impact Statement. It is considered that as a result of the assessment a condition is necessary to require the submission and approval of a further Air Quality Management Plan as part of the Construction Management Plan, to detail measures to reduce dust escaping from the site. Such matters are also covered by separate Environmental Health legislation.

Section 106 Agreement

- 8.97 As set out in Circular 05/2005, planning obligations should only be sought where they meet the 5 key tests. The obligations should be:

- (i) Relevant to planning;
- (ii) Necessary to make the proposed development acceptable in planning terms;
- (iii) Directly related to the proposed development;
- (iv) Fairly and reasonably related in scale and kind to the proposed development; and
- (v) Reasonable in all other respects.

- 8.98 More recently, regulation 122 of the Community Infrastructure Levy Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they are:

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to the development; and
- (c) Are fairly and reasonably related in scale and kind to the development.

- 8.99 Policies 8.1, 8.2, 8.3 of the London Plan (2011), Saved policy DEV4 of the UDP (1998), policy IMP1 of the IPG (2007) and policy SP13 in the Core Strategy (2010) seek to negotiate planning obligations through their deliverance in kind or through financial contributions.

- 8.100 The Council has recently adopted Supplementary Planning Document on Planning Obligations in January 2012. This document which is currently out to public consultation; provides guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. In light of this, LBTH Officers have identified the following contributions to mitigate against the impacts of the proposed development, which the applicant has agreed.

- 8.101 As detailed above within section 3.1 of this report, LBTH Officers have identified the following contributions to mitigate against the impacts and it is recommended that a S106 legal agreement secure the following Heads of Terms and further detailed in Paragraphs 8.102 to 8.109.

Financial Contributions

1. Employment & Enterprise: **£20,253** towards the training and development of unemployed residents in Tower Hamlets to access Jobs within the construction phase; and **£19,822** towards jobs within the hotel developmental end-use phase
2. Highways, Street scene and Public Realm Improvement: **£12,676** towards improvements to public realm within the vicinity;
3. Public Open Space and Leisure: **£422,070** towards improving and increasing provision of Public Open Spaces.

4. Community facilities:
 - § **£3,022** towards libraries
 - § **£8,998** towards leisure facilities
5. Legible London (TfL): **£15,000** towards erection of a pair of Legible London signs, and general improvements wayfinding and walking routes within the vicinity of the site.
6. Crossrail: **£267,875** towards Crossrail infrastructure
7. Monitoring fee: 2% of the LBTH financial contribution

Non-Financial Contributions

8. Car-free Agreement;
9. Code of Construction Practice - To mitigate against environmental impacts of construction;
10. Reasonable endeavours for 20% goods/services to be procured during the construction phase should be achieved by businesses in Tower Hamlets;
11. best endeavours for 20% of construction work force to be local residents;
12. Social Compact;
13. Green Travel Plan; and
14. Public access through the walkway

Community Facilities

8.102 *Libraries*

The need for provision of additional Idea Stores is identified in the Core Strategy. Therefore the Council seeks a contribution of £3,022 towards a range of services the Libraries provide to the community. Given that the users access library facility that is most convenient to them, it is highly likely that the visitors and employees of the proposed hotel will add additional demand to the existing libraries. The contribution of £3,022 will be pooled together to fund required upgrade or replace libraries within the borough.

8.103 *Leisure facilities*

The provision of high quality and accessible Leisure Facilities in the borough is essential to improving health and wellbeing of residents. The contribution of £8,998 will mitigate against the additional pressure to the leisure facilities within the borough. The monies are pooled together to allow expenditure for a planned borough-wide leisure facility improvements.

Employment and Enterprise

8.104 *Proposed employment/enterprise contributions at construction phase:*

The Council seeks a contribution of £20,253 towards support and/or provide for trainings and skills needed for local residents in accessing new job opportunities in the construction phase of the development.

8.105 *Proposed employment/enterprise contributions at end-use phase:*

The council seeks a £19,822 contribution towards the training and development of unemployed residents in Tower Hamlets in accessing jobs within the commercial uses in the end-use phase.

In addition the council requests that, non-financial contribution towards promoting 20%

goods/services to be procured during the construction phase and 20% of the construction phase workforce to be local residents of Tower Hamlets through Skills Match should also be secured.

The applicant has also offered and agreed to a non-financial obligation to enter into a Social Compact between the Council and the Hotel Operator. The aim of the Social Compact would be to promote training and apprenticeships for young local residents during the construction and/or end phases of the development in order to maximise job opportunities. This includes:

- recruiting and training staff living within the locality of the application site with the focus being to offer apprenticeships places within the end-phase and during the construction phase to young unemployed people from all ethnic origins;
- mentoring staff with the aim of ensuring their retention and advancement within the total business;
- offering best spoke training opportunities to meet the specific requirements of staff which have been employed; and
- offering work placement initiatives to provide young people with an insight into a career in hotel hospitality.

The Employment and Enterprise Officer welcomes this obligation which supports getting young residents into employment.

Public Realm

8.106 *Streetscene*

The Council seeks £12,676 towards Streetscene and public realm improvements. The proposed development would represent an intensified the use of the site and a significant uplift in commercial floorspace. For these reasons upgrade to footpaths, public realm and highways is secured. £12,676 will go towards upgrading works footpath works within the vicinity, in particular on Buckle Street.

8.107 *Open space*

The Council seeks £422,070 towards provision of public open space. The proposed development would add additional population within the borough through visitors and employees generated from the hotel. It is expected that the additional population will add pressure to areas of existing open spaces within the borough and therefore contribution of £422,070 towards public open space will ensure that the impact on the existing open spaces are mitigated.

8.108 *Legible London Wayfinding Scheme*

Transport for London have requested a contribution of £15,000 for a pair of signs and wayfinding via the London wide 'Legible London' scheme as means of signposting for navigation on foot.

Transport Infrastructure

8.109 *Crossrail*

The application site falls within the Crossrail charging Zone and TfL have advised that using the formula within the London Mayor's Crossrail SPG the proposed development generates a total Crossrail contribution of **£642,900**. However, given that the proposal will be liable for CIL, TfL have advised the CIL liability of **£375,025** would be deducted from the total Crossrail Contribution and that only the difference of **£267,875** will be sought for Crossrail Infrastructure.

Other considerations

8.110 Localism Act (amendment to S70(2) of the TCPA 1990)

Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. From 15th January 2012, Parliament has enacted an amended section 70(2) as follows:

In dealing with such an application the authority shall have regard to:

- a) The provisions of the development plan, so far as material to the application;
- b) Any local finance considerations, so far as material to the application; and
- c) Any other material consideration.

Section 70(4) defines "*local finance consideration*" as:

- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

These issues now need to be treated as material planning considerations when determining planning applications or planning appeals.

Local Finance Considerations

London Mayor Community Infrastructure Levy

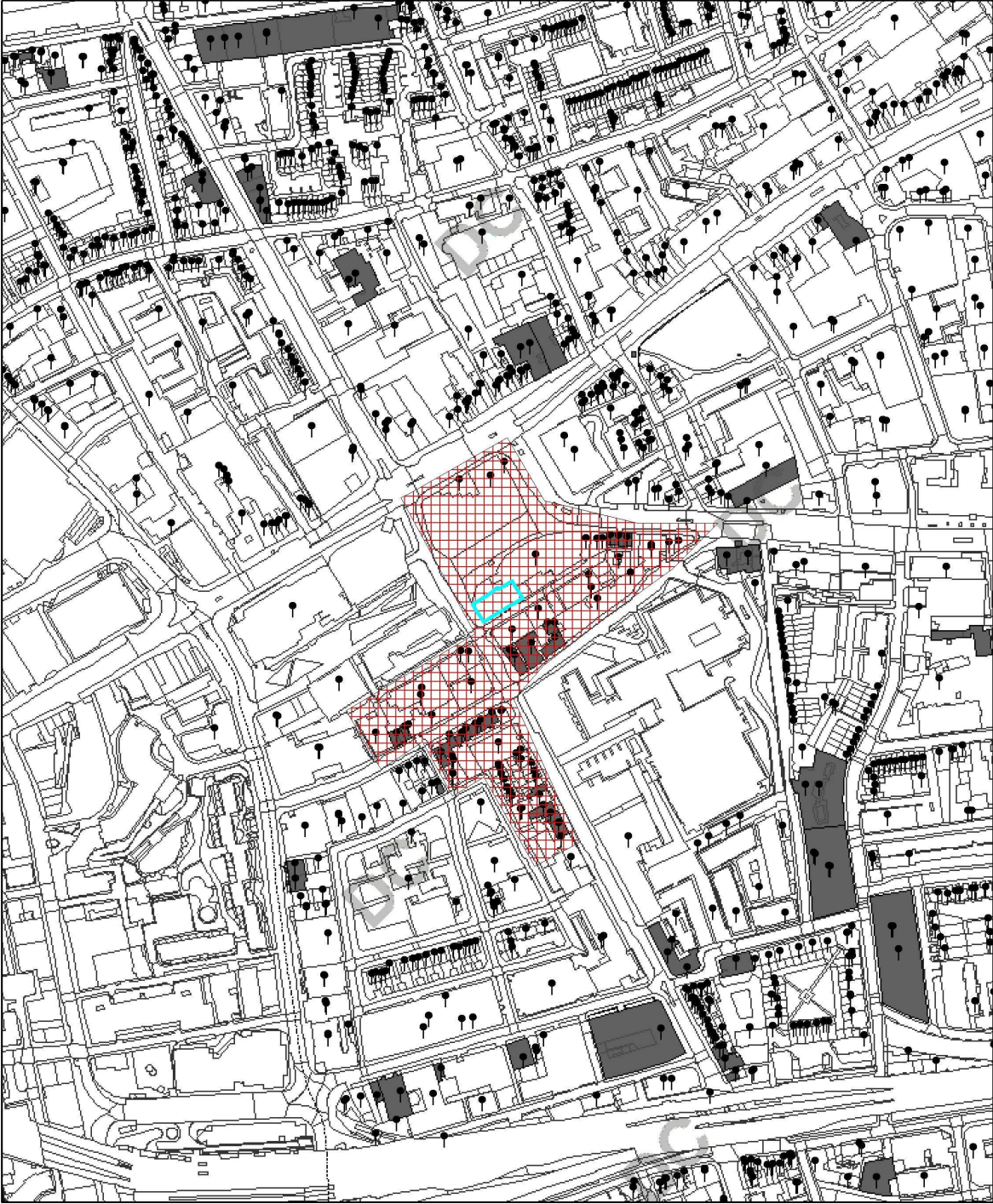
As regards Community Infrastructure Levy considerations, following the publication of the Inspector's Report into the Examination in Public in respect of the London Mayor's Community Infrastructure Levy. The Members are reminded that London mayoral CIL will become operational from 1 April 2012 and by the time this item is heard, CIL will be payable on this scheme. The anticipated calculation of the CIL payment associated with this development was provided by TfL which is in the region of **£375,025**. This is calculated on the base of the proposal creating 10,71sq.m (GIA) of floorspace multiplied by the London Borough of Tower Hamlets' charge of £35 per square meter.




Given that the full s106 package in accordance with the Council's Planning Obligation Supplementary Guidance has been secured there is no local financial consideration for this application.

9 Conclusions

- 9.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map



-  Planning Application Site Boundary
-  Other Planning Applications
-  Consultation Area
-  Land Parcel Address Point

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