

DEVELOPMENT COMMITTEE

Wednesday, 11 February 2015 at 7.00 p.m.
**Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG**

The meeting is open to the public to attend.

Members:

Chair: Councillor Sirajul Islam
Vice Chair : Councillor Marc Francis
Councillor Shiria Khatun, Councillor Suluk Ahmed, Councillor Gulam Kibria Choudhury,
Councillor Shah Alam and Councillor Chris Chapman

Deputies:

Councillor Rajib Ahmed, Councillor Asma Begum, Councillor Andrew Cregan, Councillor
Craig Aston, Councillor Andrew Wood and Councillor Julia Dockerill

[The quorum for this body is 3 Members]

Public Information.

The deadline for registering to speak is **4pm Monday, 9 February 2015**
Please contact the Officer below to register. The speaking procedures are attached
The deadline for submitting material for the update report is **Noon Tuesday, 10 February
2015**

Contact for further enquiries:

Zoe Folley, Democratic Services,
1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, E14 2BG
Tel: 020 7364 4877
E-mail: zoe.folley@towerhamlets.gov.uk
Web: <http://www.towerhamlets.gov.uk/committee>

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Public Information

Attendance at meetings.

The public are welcome to attend meetings of the Committee. However seating is limited and offered on a first come first served basis.

Audio/Visual recording of meetings.

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QR code for smart phone users

APOLOGIES FOR ABSENCE

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS (Pages 1 - 4)

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992. See attached note from the Monitoring Officer.

2. MINUTES OF THE PREVIOUS MEETING(S) (Pages 5 - 10)

To confirm as a correct record the minutes of the meeting of the Development Committee held on 14th January 2015.

3. RECOMMENDATIONS

To RESOLVE that:

- 1) in the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director Development and Renewal along the broad lines indicated at the meeting; and
- 2) in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee's decision.

4. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE (Pages 11 - 12)

To note the procedure for hearing objections at meetings of the Development Committee and meeting guidance.

PAGE NUMBER	WARD(S) AFFECTED
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5. DEFERRED ITEMS

None.

6.	PLANNING APPLICATIONS FOR DECISION	13 - 14	
6 .1	1-9 Ratcliffe Cross Street and land to the south of 8-12 Ratcliffe Cross Street (PA/14/001671)	15 - 52	Shadwell

Proposal:

Demolition of the existing building at Site A and redevelopment to provide part 6 part 7 and part 8 storey residential building/block comprising of 56 flats (30 x 1 bed, 13 x 2 bed, 13 x 3 bed) with associated ground floor car park and cycle parking. Development of Site B to provide an 8 storey residential building/block comprising of 22 flats (8 x1 bed, 7 x 2 bed, 7 x 3 bed) with associated under croft car and cycle parking and protected roof top child play space.

Recommendation:

That the Committee resolve to GRANT planning permission subject to a legal agreement, conditions and informatives.

6 .2	Silwex House, Quaker Street, London, E1 6NS (PA/14/01897)	53 - 106	Spitalfields & Banglatown
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Proposal:

Demolition of the roof and part side elevations, the retention and restoration of the southern and northern elevations and the construction of a 3 storey roof extension to provide a new hotel (Class C1) development comprising approx. 250 bedrooms over basement, ground and 5 upper floors with ancillary cafe space and servicing on the ground floor, associated plant in the basement and roof, improvements to the front pavement and associated works.

Recommendation:

That the Committee resolve to GRANT planning permission subject to a legal agreement, conditions and informatives.

7. OTHER PLANNING MATTERS

None.

Next Meeting of the Development Committee

Wednesday, 11 March 2015 at 7.00 p.m. to be held in the Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove Crescent, London, E14 2BG

Agenda Item 1

DECLARATIONS OF INTERESTS - NOTE FROM THE MONITORING OFFICER

This note is for guidance only. For further details please consult the Members' Code of Conduct at Part 5.1 of the Council's Constitution.

Please note that the question of whether a Member has an interest in any matter, and whether or not that interest is a Disclosable Pecuniary Interest, is for that Member to decide. Advice is available from officers as listed below but they cannot make the decision for the Member. If in doubt as to the nature of an interest it is advisable to seek advice **prior** to attending a meeting.

Interests and Disclosable Pecuniary Interests (DPIs)

You have an interest in any business of the authority where that business relates to or is likely to affect any of the persons, bodies or matters listed in section 4.1 (a) of the Code of Conduct; and might reasonably be regarded as affecting the well-being or financial position of yourself, a member of your family or a person with whom you have a close association, to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward affected.

You must notify the Monitoring Officer in writing of any such interest, for inclusion in the Register of Members' Interests which is available for public inspection and on the Council's Website.

Once you have recorded an interest in the Register, you are not then required to declare that interest at each meeting where the business is discussed, unless the interest is a Disclosable Pecuniary Interest (DPI).

A DPI is defined in Regulations as a pecuniary interest of any of the descriptions listed at **Appendix A** overleaf. Please note that a Member's DPIs include his/her own relevant interests and also those of his/her spouse or civil partner; or a person with whom the Member is living as husband and wife; or a person with whom the Member is living as if they were civil partners; if the Member is aware that that other person has the interest.

Effect of a Disclosable Pecuniary Interest on participation at meetings

Where you have a DPI in any business of the Council you must, unless you have obtained a dispensation from the authority's Monitoring Officer following consideration by the Dispensations Sub-Committee of the Standards Advisory Committee:-

- not seek to improperly influence a decision about that business; and
- not exercise executive functions in relation to that business.

If you are present at a meeting where that business is discussed, you must:-

- Disclose to the meeting the existence and nature of the interest at the start of the meeting or when the interest becomes apparent, if later; and
- Leave the room (including any public viewing area) for the duration of consideration and decision on the item and not seek to influence the debate or decision

When declaring a DPI, Members should specify the nature of the interest and the agenda item to which the interest relates. This procedure is designed to assist the public's understanding of the meeting and to enable a full record to be made in the minutes of the meeting.

Where you have a DPI in any business of the authority which is not included in the Member's register of interests and you attend a meeting of the authority at which the business is considered, in addition to disclosing the interest to that meeting, you must also within 28 days notify the Monitoring Officer of the interest for inclusion in the Register.

Further advice

For further advice please contact:-

Meic Sullivan-Gould, Monitoring Officer, Telephone Number: 020 7364 4801

APPENDIX A: Definition of a Disclosable Pecuniary Interest

(Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, Reg 2 and Schedule)

Subject	Prescribed description
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a member, or towards the election expenses of the Member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to the Member's knowledge)—</p> <p>(a) the landlord is the relevant authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to the Member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE DEVELOPMENT COMMITTEE

HELD AT 7.00 P.M. ON WEDNESDAY, 14 JANUARY 2015

**COUNCIL CHAMBER, 1ST FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE
CRESCENT, LONDON, E14 2BG**

Members Present:

Councillor Sirajul Islam
Councillor Marc Francis
Councillor Shiria Khatun
Councillor Suluk Ahmed
Councillor Gulam Kibria Choudhury
Councillor Shah Alam
Councillor Chris Chapman

Other Councillors Present:

None

Apologies:

None.

Officers Present:

Jerry Bell	(Applications Team Leader, Development and Renewal)
Christopher Hunt	(Senior Planning Lawyer, Directorate Law, Probity and Governance)
Robert Lancaster	(Principal Planning Officer, Development and Renewal)
Zoe Folley	(Committee Officer, Directorate Law, Probity and Governance)

1. DECLARATIONS OF DISCLOSABLE PECUNIARY INTERESTS

No declarations of disclosable pecuniary interests were made.

Councillor Sirajul Islam declared an interest in agenda item 6.1, 83 Barchester Street, E14 6BE (PA/14/02607). This was on the basis that the Councillor was acquainted with the Canary Wharf Properties (Barchester) Ltd through his work as a Councillor. He stated that this applied to all other Members of the Committee.

2. MINUTES OF THE PREVIOUS MEETING(S)

The Committee **RESOLVED**

That the minutes of the meeting of the Committee held on 17th December 2014 be agreed as a correct record and signed by the Chair subject to the following amendment:

That the third paragraph on page 7 of the minutes

“However, should such barriers not be removed, then the removal of the proposed gates would neither succeed in opening up the routes or help improve community safety especially in view of the potential for crime from congregation under the undercroft. Community safety was clearly an issue for residents”.

be replaced by:

“However, should the enforcement action not be successful, the proposed gates might not necessarily hinder public access to the site any more than present. It was also felt that the residents would benefit from action to reduce crime on the development especially in view of the potential for crime from congregation from under the undercroft. Community safety was clearly an issue for residents”.

3. RECOMMENDATIONS

The Committee **RESOLVED** that:

- 1) In the event of changes being made to recommendations by the Committee, the task of formalising the wording of those changes is delegated to the Corporate Director, Development and Renewal along the broad lines indicated at the meeting; and
- 2) In the event of any changes being needed to the wording of the Committee’s decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Corporate Director, Development and Renewal is delegated authority to do so, provided always that the Corporate Director does not exceed the substantive nature of the Committee’s decision

4. PROCEDURE FOR HEARING OBJECTIONS AND MEETING GUIDANCE

The Committee noted the procedure for hearing objections, together with details of persons who had registered to speak at the meeting.

5. DEFERRED ITEMS

None.

6. PLANNING APPLICATIONS FOR DECISION

6.1 83 Barchester Street, E14 6BE (PA/14/02607)

Update report tabled.

Jerry Bell (Planning Applications Team Leader) introduced the report, explaining that the Strategic Development Committee in March 2014 considered fully worked up plans for scheme as one of the off site affordable housing sites for the Newfoundland Scheme (granted planning permission). The Strategic Development Committee were supportive of the scheme, but this Committee now needed to determine the application on its planning merits.

The Chair invited registered speakers to address the Committee. Mario Reicht, local resident, expressed concern that the height of the scheme (6 stories) would harm the setting of the area given it was mainly lower rise houses. In addition, given the proximity to the canal, the proposal would also encroach on the setting of the canal and harm peoples enjoyment of this. Whilst welcoming the redevelopment of the site, the warehouse should be redeveloped within its current form. In response to questions, he expressed concern about the consultation carried out by the applicant and the images showing the height of the scheme.

Howard Dawber (Applicant's Representative) spoke in favour of the application highlighting the merits of the location given its ability to provide high quality units and the proximity to open space, amongst other issues. It was planned to retain most of the façade of the saw-tooth factory building and mirror the character of the building recognising that there was much affection for this building due to the history. The applicant had held meetings with residents, distributed leaflets amongst other things, at pre application stage and there was overwhelming support for the proposals given the measures to retain the character of the building. In response to questions, he provided assurances that the height of the scheme had always been made clear in the application. The applicant was in discussions with Poplar HARCA with a view to Poplar HARCA becoming the managers of the housing.

Robert Lancaster (Principal Planning Officer) presented the application and the update explaining the site and surrounds, the outcome of the local consultation and issues raised. It was considered that the loss of the existing use was acceptable due to lack of appeal of the factory/warehouse to new occupants due to the site constraints as shown by the assessment. The scheme would deliver 100% units for rent at social rent levels. It was considered that the scheme would contribute to a mixed and balanced community given the balance of housing in the area. The impact on amenity and transport was acceptable. Contributions had been secured including contributions for open space in view of the shortfall of such space on site.

In view of the merits of the scheme, Officers were recommended that the planning permission be approved.

In response to Members questions, it was considered that the development should improve safety around the path of the canal by providing natural surveillance, compared to the blank façade there at present. There were measures to ensure the scheme was secure by design.

The maximum level of contributions for health services had been secured in accordance with policy in recognition of the addition demand from the proposal on health services. The Clinical Commissioning Group (CCG) were supportive of this measures who were responsible for allocating the health care contributions based on need. Members were keen to ensure that the contributions were spent on mitigating the impact on health services in the local area from the scheme. It was therefore discussed whether a Member of the Committee should write to the CCG to request that it should allocate the health care funding to the local area.

Members were also mindful of the pressures from the development on open space and the public realm and as a result, taking into account advice from the legal officer, Councillor Marc Francis, seconded by Councillor Shiria Khatun moved an amendment to the legal agreement to allocate funding to the Lansbury Ward, which, on a unanimous vote, was approved by the Committee.

On a unanimous vote, the Committee RESOLVED:

1. That planning permission (PA/14/02607) at 83 Barchester Street, E14 6BE be **GRANTED** for the demolition of existing warehouse building and ancillary structures and part demolition of 'saw-tooth' factory building (retaining three walls of facade). Construction of three buildings ranging from four to six storeys to provide 115 residential dwellings, basement, access and surface parking, landscaping and other incidental works to the application SUBJECT to
2. The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended) to secure the planning obligations set out in the Committee report subject to the following amendment as highlighted
 - £213, 420.18 is required towards Open Space in the Lansbury Ward
 - £125,736.29 is required towards Streetscene improvements, including maintenance and enhancement of the canal towpath and improved access and wayfinding in the Lansbury Ward
3. That the Corporate Director, Development & Renewal and Head of Legal Services be delegated authority to negotiate and approve the legal agreement indicated above
4. That within 3 months the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose

conditions plus informatives to secure the matters set out in the Committee report and as amended in the update report.

6.2 1-9 Ratcliffe Cross Street and land to the south of 8-12 Ratcliffe Cross Street (PA/14/001671)

Application withdrawn from the agenda for further viability work.

7. OTHER PLANNING MATTERS

None.

The meeting ended at 7.50 p.m.

Chair, Councillor Sirajul Islam
Development Committee

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Guidance for Development Committee/Strategic Development Committee Meetings.

Who can speak at Committee meetings?

Members of the public and Councillors may request to speak on applications for decision (Part 6 of the agenda). All requests must be sent direct to the Committee Officer shown on the front of the agenda by the deadline – 4pm one clear working day before the meeting. Requests should be sent in writing (e-mail) or by telephone detailing the name and contact details of the speaker and whether they wish to speak in support or against. Requests cannot be accepted before agenda publication. Speaking is not normally allowed on deferred items or applications which are not for decision by the Committee.

The following may register to speak per application in accordance with the above rules:

Up to two objectors on a first come first served basis.	For up to three minutes each.
Committee/Non Committee Members.	For up to three minutes each - in support or against.
Applicant/ supporters. This includes: an agent or spokesperson.	Shall be entitled to an equal time to that given to any objector/s. For example: <ul style="list-style-type: none"> • Three minutes for one objector speaking. • Six minutes for two objectors speaking. • Additional three minutes for any Committee and non Committee Councillor speaking in objection.
Members of the public in support	It shall be at the discretion of the applicant to allocate these supporting time slots.

What if no objectors register to speak against an applicant for decision?

The applicant or their supporter(s) will not be expected to address the Committee should no objectors register to speak and where Officers are recommending approval. However, where Officers are recommending refusal of the application and there are no objectors or members registered, the applicant or their supporter(s) may address the Committee for 3 minutes.

The Chair may vary the speaking rules and the order of speaking in the interest of natural justice or in exceptional circumstances.

Committee Members may ask points of clarification of speakers following their speech. Apart from this, speakers will not normally participate any further. Speakers are asked to arrive at the start of the meeting in case the order of business is changed by the Chair. If speakers are not present by the time their application is heard, the Committee may consider the item in their absence.

This guidance is a précis of the full speaking rules that can be found on the Committee and Member Services webpage: www.towerhamlets.gov.uk/committee under Council Constitution, Part.4.8, Development Committee Procedural Rules.

What can be circulated?

Should you wish to submit a representation or petition, please contact the planning officer whose name appears on the front of the report in respect of the agenda item. Any representations or petitions should be submitted no later than noon the working day before the committee meeting for summary in the update report that is tabled at the committee meeting. No written material (including photos) may be circulated at the Committee meeting itself by members of the public including public speakers.

How will the applications be considered?

The Committee will normally consider the items in agenda order subject to the Chair's discretion. The procedure for considering applications for decision shall be as follows:

Note: there is normally no further public speaking on deferred items or other planning matters



- (1) Officers will announce the item with a brief description.
- (2) Any objections that have registered to speak to address the Committee
- (3) The applicant and or any supporters that have registered to speak to address the Committee
- (4) Committee and non- Committee Member(s) that have registered to speak to address the Committee
- (5) The Committee may ask points of clarification of each speaker after their address.
- (6) Officers will present the report supported by a presentation.
- (7) The Committee will consider the item (questions and debate).
- (8) The Committee will reach a decision.

Should the Committee be minded to make a decision contrary to the Officer recommendation and the Development Plan, the item will normally be deferred to a future meeting with a further Officer report detailing the implications for consideration.

How can I find out about a decision?

You can contact Democratic Services the day after the meeting to find out the decisions. The decisions will also be available on the Council's website shortly after the meeting.

For queries on reports please contact the Officer named on the front of the report.

<p>Deadlines. To view the schedule of deadlines for meetings (including those for agenda papers and speaking at meetings) visit the agenda management timetable, part of the Committees web pages. Visit www.towerhamlets.gov.uk/committee - search for relevant Committee, then 'browse meetings and agendas' then 'agenda management timetable'.</p>	 <p>Scan this code to view the Committee webpages.</p>
<p>The Rules of Procedures for the Committee are as follows:</p> <ul style="list-style-type: none">• Development Committee Procedural Rules - Part 4.8 of the Council's Constitution (Rules of Procedure).• Terms of Reference for the Strategic Development Committee - Part 3.3.5 of the Council's Constitution (Responsibility for Functions).• Terms of Reference for the Development Committee - Part 3.3.4 of the Council's Constitution (Responsibility for Functions).	 <p>Council's Constitution</p>

Agenda Item 6

Committee: Development	Date: 11 February 2015	Classification: Unrestricted	Agenda Item No:
Report of: Corporate Director Development and Renewal		Title: Planning Applications for Decision	
Originating Officer: Owen Whalley		Ref No: See reports attached for each item	
		Ward(s): See reports attached for each item	

1. INTRODUCTION

- 1.1 In this part of the agenda are reports on planning applications for determination by the Committee. Although the reports are ordered by application number, the Chair may reorder the agenda on the night. If you wish to be present for a particular application you need to be at the meeting from the beginning.
- 1.2 The following information and advice applies to all those reports.

2. FURTHER INFORMATION

- 2.1 Members are informed that all letters of representation and petitions received in relation to the items on this part of the agenda are available for inspection at the meeting.
- 2.2 Members are informed that any further letters of representation, petitions or other matters received since the publication of this part of the agenda, concerning items on it, will be reported to the Committee in an Addendum Update Report.

3. ADVICE OF HEAD OF LEGAL SERVICES

- 3.1 The relevant policy framework against which the Committee is required to consider planning applications comprises the Development Plan and other material policy documents. The Development Plan is:
 - the London Plan 2011
 - the Tower Hamlets Core Strategy Development Plan Document 2025 adopted September 2010
 - the Managing Development Document adopted April 2013
- 3.2 Other material policy documents include the Council's Community Plan, supplementary planning documents, government planning policy set out in the National Planning Policy Statement and planning guidance notes and circulars.
- 3.3 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Committee to make its determination in accordance with the Development Plan unless material planning considerations support a different decision being taken.

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THE REPORTS UNDER ITEM 7

Brief Description of background papers:	Tick if copy supplied for register:	Name and telephone no. of holder:
Application, plans, adopted UDP, Interim Planning Guidance and London Plan	✓	Eileen McGrath (020) 7364 5321

- 3.4 Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects listed buildings or their settings, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest it possesses.
- 3.5 Under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a conservation area, the local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
- 3.6 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 3.7 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.
- 3.8 In accordance with Article 31 of the Development Management Procedure Order 2010, Members are invited to agree the recommendations set out in the reports, which have been made on the basis of the analysis of the scheme set out in each report. This analysis has been undertaken on the balance of the policies and any other material considerations set out in the individual reports.

4. PUBLIC SPEAKING

- 4.1 The Council's constitution allows for public speaking on these items in accordance with the rules set out in the constitution and the Committee's procedures. These are set out at the relevant Agenda Item.

5. RECOMMENDATION

- 5.1 The Committee to take any decisions recommended in the attached reports.

Agenda Item 6.1

Committee: Development Committee	Date: 11 th February 2015	Classification: Unrestricted
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Shahara Ali-Hempstead	Ref No: PA/14/001671
	Ward: Shadwell

1.0 APPLICATION DETAILS

Location: 1-9 Ratcliffe Cross Street and land to the south of 8-12 Ratcliffe Cross Street

Existing Use: Warehouse and brown field land

Proposal: Demolition of the existing building at Site A and redevelopment to provide part 6 part 7 and part 8 storey residential building/block comprising of 56 flats (30 x 1 bed, 13 x 2 bed, 13 x 3 bed) with associated ground floor car park and cycle parking. Development of Site B to provide an 8 storey residential building/block comprising of 22 flats (8 x1 bed, 7 x 2 bed, 7 x 3 bed) with associated undercroft car and cycle parking and protected roof top child play space.

Drawings:

- P772/000 Site Location Plan
- EX 770-100 Existing Ground Floor Plan
- EX 770-101 Existing First Floor Plan
- EX 770-102 Existing Roof Plan
- EX 770-300 Existing West Elevation- (Block A)
- EX 770-301 Existing South Elevation
- EX 770-302 Existing Elevation- (Block B)

- P 772/200 Rev C: PROPOSED GROUND FLOOR
- P 772/201 Rev C: PROPOSED FIRST FLOOR
- P772/ 202 Rev A: PROPOSED SECOND FLOOR
- P772/ 203 Rev A: PROPOSED THIRD FLOOR
- P772/ 204 Rev A: PROPOSED FOURTH FLOOR
- P772/ 205 Rev A: PROPOSED FIFTH FLOOR
- P772/ 206 Rev A: PROPOSED SIXTH FLOOR
- P772/ 207 Rev A: PROPOSED SEVENTH FLOOR
- P772/ 208 Rev A: PROPOSED ROOF PLAN
- P772/ 209 Rev B: PROPOSED SOUTHERN + NORTHERN ELEVATIONS SITE A
- P772/ 210 Rev A: PROPOSED WESTERN ELEVATION SITE A
- P772/ 211 Rev A: PROPOSED EASTERN ELEVATION SITE A
- P772/ 212 PROPOSED SECTION A-A SITE A P

P772/ 213 PROPOSED SECTION B-B SITE A P
P772/ 214 PROPOSED SECTION C-C SITE A P
P772/ 215 Rev A: PROPOSED SOUTHERN +
EASTERN ELEVATIONS SITE B
P772/ 216 Rev A: PROPOSED NORTHERN +
WESTERN ELEVATIONS SITE B
P772/ 217 PROPOSED SECTION D-D + E-E
SITE B
P772/ 300 Rev A: SITE A WHEELCHAIR
ACCESSIBLE UNIT 01
P772/ 301 Rev A: SITE A WHEELCHAIR
ACCESSIBLE UNIT 02
P772/ 302 Rev B: SITE B WHEELCHAIR
ACCESSIBLE UNIT 03
P772/ 303 Rev A: SITE B WHEELCHAIR
ACCESSIBLE UNIT 04

Document: Design and Access Statement dated 17.06.2014,
prepared by Milan Babic Architects
Accommodation Schedule dated 17.06.2014
Planning Statement dated June 2014, prepared by
CgMs
Sunlight Daylight Assessment, dated January 2014,
provided by Twenty16 Design
Noise and Vibration Assessment, REF.: Report
10735.NVA.01, dated 20 January 2014, prepared
by KP Acoustics
Phase 1 Preliminary Contamination Assessment
Report dated 1 August 2014, prepared by MLM
Energy Statement and CSH Pre – Assessment,
dated August 2014, prepared by Twenty 16 Design
Statement of Community Involvement dated June
2014, prepared by CgMs
Transport Assessment, dated prepared by YES
Engineering
Travel Plan, dated June 2014, prepared by YES
Engineering
Case for Loss of Employment Land, dated 14
March 2014, prepared by Matthews and Goodman

Applicant: C/O Israel, Strange and Conlon
Ownership: C/O Israel, Strange and Conlon
Historic Building: None
Conservation Area: No

2.0 EXECUTIVE SUMMARY

2.1 The report considers an application for demolition of existing warehouse and redevelopment of the site to provide a residential development of 78 new dwellings arranged over two blocks of between six to eight storeys in height.

- 2.2 Officers have considered the particular circumstances of this application against the provisions of the Local Plan and other material considerations as set out in this report, and recommend approval of planning permission.
- 2.3 The development would result in the provision of 30% affordable housing.
- 2.4 The residential quality of the scheme would be very high. Out of the 15 affordable rented units 40% would be of a size suitable for families. All of the proposed affordable units would meet or exceed the floorspace and layout standards with family sized units being more spacious. All affordable rented units would be provided with separate kitchens and living/dining rooms. All of the dwellings would meet Code of Sustainable Homes and Lifetime Homes standards and 10% would be provided as wheelchair accessible.
- 2.5 The report explains that the proposals would be acceptable in terms of height, scale, design and appearance and would deliver good quality homes in a sustainable location. The proposed flats would be served by private balconies and terraces that meet or exceed minimum London Plan SPG space requirements.
- 2.6 The amenity impact of the development would be acceptable. Officers consider that the design of the development, massing of the site minimise any adverse amenity implications, in terms of light, privacy, noise and traffic impacts.
- 2.7 The proposal would be acceptable with regard to highway and transportation matters including parking, access and servicing.
- 2.8 The scheme would meet the full obligation of financial contribution.

3.0 RECOMMENDATION

- 3.1 That the Committee resolve to GRANT planning permission subject to:
- 3.3 The prior completion of a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended), to secure the following planning obligations:
- 3.4 Financial Obligations:
- a) A contribution of **£250,000** towards Affordable Housing
 - b) A contribution of **£196,209.73** towards education.
 - c) A contribution of **£15,318.96** towards employment, skills, training and enterprise initiatives.
 - d) A contribution of **£89,593.94** towards community facilities.
 - e) A contribution of **£101,277** towards Health.
 - f) A contribution of **£23,992.38** towards street scene improvements.
 - g) A contribution of **£120,919.68** towards public Open space
 - h) A contribution of **£2,260.35** toward sustainable transport.
 - i) **£10,991.44** towards monitoring fee (2%)

Total £810,563.48

- 3.5 Non-financial Obligations:
- a) Affordable housing 30% by habitable room (22 units)
 - 68% Affordable Rent at Borough affordable rental levels (15 units)
 - 32% Intermediate Shared Ownership (7 units)
 - b) Access to employment
 - 20% Local Procurement
 - 20% Local Labour in Construction
 - c) Car free agreement
 - d) S278 Highways agreement
 - e) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal
- 3.4 That the Corporate Director, Development & Renewal is delegated authority to negotiate and approve the legal agreement indicated above.
- 3.5 That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:
- 3.6 Conditions:
- 1. Three year time limit
 - 2. Compliance with approved plans and documents
 - 3. Samples and details of all facing materials
 - 4. Details of hard and soft landscaping, including boundary treatment
 - 5. Details of play equipment
 - 6. Details of green roof
 - 7. Details of drainage and mitigation of surface water run-off
 - 8. Details of all Secure by Design measures
 - 9. Hours of construction and demolition
 - 10. Demolition and Construction Management/Logistics Plan
 - 11. Delivery and Servicing Management Plan
 - 12. Contamination
 - 13. Code for Sustainable Homes Level 4 post completion testing
 - 14. Lifetime Homes
 - 15. Compliance with Energy Statement
 - 16. Details of cycle parking
 - 17. Details of noise and Vibration levels post completion testing
 - 18. Details of piling, all below ground works and mitigation of ground borne noise
 - 19. Ground borne noise post-completion testing as requested
 - 20. Scheme of highway improvement works as requested by LBTH Highways
- 3.7 Any other conditions considered necessary by the Corporate Director Development & Renewal.
- 3.8 Informatives:
- 1. Subject to a S106 agreement
 - 2. Thames Water standard informative
 - 3. Building Control

- 4. Network Rail
- 5. CIL

3.9 Any other informatives considered necessary by the Corporate Director Development & Renewal.

4.0 PROPOSAL AND LOCATION DETAILS

Site and Surroundings

- 4.1 The application proposal consist of two sites, Site A and Site B. Site A is currently vacant although once operated as a car body repair and vehicle painting workshop.
- 4.2 The site frontage is on Ratcliffe Cross Street and forms its western boundary. The site is bounded to the south by a railway viaduct serving national rail and DLR stations. A six storey mixed use development is located directly north of Site A and fronts Commercial Road. To the east of the site lies an existing two storey building fronting Boulcott Street No.6, a current application for a 8 storey development has recently been approved on the site constructed and at 2-4 Boulcott Street a 6 storey building has recently been constructed.
- 4.3 Site B is smaller; it also fronts Ratcliffe Cross Street on its eastern boundary. To the north of the site is a warehouse building approximately 15 meters tall (no.s 8-12). The railway viaduct runs along its southern boundary and to the west is a two storey warehouse/storage building. Further north of the proposed development is Commercial Road and York Square conservation area.
- 4.4 The site is located on the boundary of Limehouse neighbourhood centre and the surrounding area is in mixed use, having originally formed a part of an area of commercial/industrial development, the character of which has changed over recent years with many of the older industrial sites being re-developed for housing. Much of the housing takes the form of multi-storey flats which have become a feature of the streetscape in this part of the Borough. A grade II listed building known as the 'TROXY' lies to the west of Site B on Caroline Street.
- 4.5 The site benefits from excellent access to public transport with a Public Transport Accessibility Level (PTAL) of 5/6, the site is within close proximity to Limehouse Docklands Light Railway (DLR) and National rail. Bus no. 15, 115, 135 and D3 all serve Commercial Road.

Planning History and Project Background

None

Proposal

- 4.7 Full planning permission is sought for demolition of the existing building at Site A and redevelopment to provide part 6, part 7 and part 8 storey residential comprising of 56 flats (30 x 1 bed, 13 x 2 bed, 13 x 3 bed) with associated ground floor car park and cycle parking. Development of Site B to provide an 8 storey residential comprising of 22 flats (8 x 1 bed, 7 x 2 bed, 7 x 3 bed) with associated undercroft car and cycle parking and protected roof top child play space.

4.8 All proposed units on Site B would be provided as affordable units (15 for affordable rent and 7 intermediate). Out of the 15 affordable rented units, 40% would be 3 bed units.

5.0 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 Government Planning Policy

National Planning Policy Framework 2012

5.3 London Plan 2011 with Revised Early Minor Alterations published 11/10/2013

- 2.9 - Inner London
- 2.14 - Areas for regeneration
- 2.18 - Green infrastructure: the network of open and green spaces
- 3.1 - Ensuring equal life chances for all
- 3.2 - Improving health and addressing health inequalities
- 3.3 - Increasing housing supply
- 3.4 - Optimising housing potential
- 3.5 - Quality and design of housing developments
- 3.6 - Children and young people’s play and informal recreation facilities
- 3.7 - Large residential developments
- 3.8 - Housing choice
- 3.9 - Mixed and balanced communities
- 3.10 - Definition of affordable housing
- 3.11 - Affordable housing targets
- 3.13 - Affordable housing thresholds
- 4.12 - Improving 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
- 5.9 - Overheating and cooling
- 5.10 - Urban greening
- 5.11 - Green roofs and development site environs
- 5.12 - Flood risk management
- 5.13 - Sustainable drainage
- 5.14 - Water quality and wastewater infrastructure
- 5.15 - Water use and supplies
- 5.18 - Construction, excavation and demolition waste
- 5.21 - Contaminated land
- 6.3 - Assessing effects of development on transport capacity
- 6.9 - Cycling
- 6.10 - Walking
- 6.13 - Parking
- 7.1 - Building London’s neighbourhoods and communities
- 7.2 - An inclusive environment
- 7.3 - Designing out crime

- 7.4 - Local character
- 7.5 - Public realm
- 7.6 - Architecture
- 7.7 - Location and design of tall and large buildings
- 7.8 - Heritage assets and archaeology
- 7.13 - Safety, security and resilience to emergency
- 7.14 - Improving air quality
- 7.15 - Reducing noise and enhancing soundscapes
- 7.18 - Protecting local open space and addressing local deficiency
- 7.19 - Biodiversity and access to nature
- 7.21 - Trees and woodland
- 8.2 - Planning obligations

5.4 Core Strategy 2010

- SP02 - Urban living for everyone
- SP03 - Creating healthy and liveable neighbourhoods
- SP04 - Creating a green and blue grid
- SP05 - Dealing with waste
- SP09 - Creating attractive and safe streets and spaces
- SP10 - Creating distinct and durable places
- SP11 - Working towards a zero-carbon borough
- SP12 - Delivering placemaking (Bow)
- SP13 - Planning Obligations

5.5 Managing Development Document 2013

- DM0 - Delivering Sustainable Development
- DM1 - Development within the town centre hierarchy
- DM3 - Delivering homes
- DM4 - Housing standards and amenity space
- DM9 - Improving air quality
- DM10 - Delivering open space
- DM11 - Living buildings and 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
- DM27 - Heritage and the historic environments
- DM29 - Achieving a zero-carbon borough and addressing climate change
- DM30 - Contaminated Land

5.6 Supplementary Planning Guidance/Documents and Other Documents

Mayor of London

- Further Alterations to the London Plan - Draft (2014)
- Shaping Neighbourhoods: Play and Informal Recreation (2012)
- Shaping Neighbourhoods: Character and Context - Draft (2013)
- Sustainable Design and Construction - Draft (2013)
- Sustainable Design and Construction (2006)

- Accessible London: Achieving an Inclusive Environment (2004)
- Planning for Equality and Diversity in London (2007)
- All London Green Grid (2012)
- East London Green Grid Framework (2008)
- Housing (2012)
- London Planning Statement - Draft (2012)

Other

- Planning Obligations SPD (LBTH 2012)
- Affordable Housing SPD - Engagement Version (LBTH 2013)
- By Design 'Urban Design in the Planning System: Towards Better Practice' (CABE 2000)

5.7 Tower Hamlets Community Plan objectives

- A Great Place to Live
- A Prosperous Community
- A Safe and Supportive Community
- A Healthy Community

6.0 CONSULTATION RESPONSE

6.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The summary of consultation responses received is provided below.

6.2 The following were consulted regarding the application:

External Consultees

London Fire and Emergency Planning Authority

6.3 No comments received

Transport for London

6.4 The site is accessed from Commercial Road which forms part of Transport for London's Road Network.

6.5 TfL have the following comments:

- a) TfL request a Construction Logistics Plan prior to approval. This will need to include vehicular routing as it is unacceptable for construction vehicles to be reversing onto Commercial Road. Also, deliveries should not occur between the peak hours of 7:00-10:00 and 15:00-18:00. Guidance about CLPs can be found here : <http://www.tfl.gov.uk/cdn/static/cms/documents/construction-logistics-plan-guidance-for-developers.pdf>
- b) TfL request that the provision of cycle parking for Site B is increased to 29 in line with London Plan standards.
- c) TfL request that 20% car parking spaces are have electric charging points and a further 20% have passive charging points.

- d) TfL recommend that the development is car-free with the car parking spaces allocated to blue badge holder only. 10% of the units are wheelchair accessible and TfL recommend that each of these units are given a car parking space in accordance with the London Housing SPG.

6.6 If the comments are addressed, TfL would have no objection to the application.

6.7 [OFFICER COMMENT: These matters are discussed in paragraphs 8.102The application proposes 46 cycle parking spaces within Site B. Appropriate conditions will be secured for points a and d.]

Network Rail

6.8 No comments received

6.9 [OFFICER COMMENT: An informative will be secured requesting developer to contact Network Rail before works commence on site]

Thames Water

Waste Comments

6.10 Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over / near to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit our website at www.thameswater.co.uk.

6.11 Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

6.12 Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

6.13 Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

6.14 No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to

subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the details of the piling method statement.

- 6.15 Where a developer proposes to discharge groundwater into a public sewer, a groundwater discharge permit will be required. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Groundwater permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 8507 4890 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

Water Comments

- 6.16 On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.
- 6.17 Thames Water recommends the following informative be attached to this planning permission. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 6.18 [OFFICER COMMENT: The requested condition and informative will be secured]

Internal Consultees

Environmental Health –Contamination

- 6.19 Additional information submitted - Geotechnical ground investigation report. The findings of the site investigation work and the proposals to address the elevated concentration of lead in the made ground is acceptable.
- 6.20 However, additional works including a programme of gas monitoring to characterise the gas regime at the site and any proposed protective measures should be reported in the remedial method statement to be submitted in due course.

Initial comments (29/07/2014)

- 6.21 Previous uses of industrial nature may have resulted in contamination of the area. I understand ground works are proposed and therefore a potential pathway for contaminants may exist and will need further characterisation to determine associated risks with future development including soft landscaped areas.
- 6.22 The site investigation works should delineate the extent and nature of any contamination on site including potential ground gas issues and should be undertaken in accordance with the following guidance:

- DCLG (2012) NPPF, National Planning Policy Framework (All relevant sections)
- Environment Agency and Defra (2004) Model Procedures for the Management of Land Contamination. CLR 11.
- NHBC and Environment Agency (2008) Guidance for the Safe Development of Housing on Land Affected by Contamination. R&D Publication 66.
- British Standards: BS10175: 2011. Investigation of potentially contaminated sites. Code of practice

- 6.23 The Phase 2 site investigation should include a risk assessment of the contamination at the site. Risk assessment can be undertaken by comparing measured levels of soil contamination with generic assessment criteria, such as the UK Soil Guideline Values or by deriving site-specific assessment criteria. The assessment methodology used for assessing contamination should be undertaken consistent with the current guidance available on the Environment Agency's website
- 6.24 Where the risk assessment indicates that remediation is required a report or series of reports setting out the remedial objectives, remedial options, selected remedial strategy and implementation plan should be submitted for approval. Occupation of the completed development will generally not be permitted until a Verification Report is submitted and approved. This should include a description of the remedial works, analytical data used to verify that the works have achieved the agreed remedial objectives, photographs and as-built drawings of the works, records of consultations and agreements with regulatory authorities, records relating to waste management and disposal held under the Duty of Care Regulations, environmental monitoring data, a description of any residual contamination and arrangements for any post-remediation management/monitoring.
- 6.25 [OFFICER COMMENT: The above comments are noted. Suggested condition has been included]

Environmental Health - Noise and Vibration

- 6.26 EH have reviewed the comments from the Acoustic Consultant in response to EH previous comments. The information provides spectral qualities of the glazing instead of the actual glazing composition. Although similar, can be accepted in this instance. EH is happy for Planning Permission to be considered but conditioned for post completion assessment for Noise and Vibration, before residential occupation so as to ensure that future residents are protected from Noise/Vibration disturbance or nuisance.
- 6.27 [OFFICER COMMENT: These matters are discussed in paragraphs 8.94 -8.101 Suggested condition has been included]

Environmental Health - Housing

- 6.28 No comments

Transportation and Highways

- 6.29 All issues are resolved except for loading for block A. As proposed by the applicant, bay 3 should be used as a loading bay to prevent service vehicles from reversing off the highway as suggested. A plan showing this should be provided.

Initial Comments (31/07/14)

CAR PARKING

- 6.30 The site is located in an area of very good public transport access (PTAL5) therefore Highways require an agreement prohibiting all future residents from obtaining an on-street resident parking permit.
- 6.31 The proposed level of car parking is acceptable. However, Highways require tracking diagrams to show how:
- vehicles using spaces labelled 4 and 5 in Site A will enter and exit the site forward gear should the service be occupied;
 - vehicles using the space labelled 2 in Site B will enter and exit the site forward gear;
 - service vehicles using the service bay in Site A will enter and exit the site in forward gear.
- 6.32 The three parking bays for Blue Badge holders should be reserved exclusively for this use and should not be made available for general use (by lease, sale etc). This restriction should be a condition of any permission either as a compliance condition by requiring approval of a Car Park Management Plan prior to occupation of the site.

6.33 CYCLE PARKING

- 6.34 The applicant is required to demonstrate that there is a minimum 2.0m width between the double stack cycle parking to allow loading of the stands (the recommended width is for stands of this type is 2.5m). It appears from the plans only c1.5m and c1.2m wide strips of hard standing between the car parking and cycle racks in Site A and Site B would be provided. If the required space is not provided then Highways would object to the cycle parking and require that the plans are amended accordingly.

SERVICING

- 6.35 Colleagues in Waste will provide more detailed comments on the proposed collection arrangements but in the meantime can the applicant provide the width of the vehicle access to Site B.
- 6.36 In addition the applicant should clarify whether it is their intention that goods vehicles will use the vehicle access route on Site B as a facility to turn around before exiting Ratcliffe Cross Street. If it is not, they should explain how such manoeuvres will be performed.
- 6.37 It is critical that the need for vehicles reversing along Ratcliffe Cross Street onto Commercial Street is removed as far as possible. To this end a Construction Management Plan and Service Management Plan should be secured by condition.

GENERAL

- 6.38 The applicant is required to clarify whether any balconies are proposed that would over hang public highway. It appears from the plans that balconies on the upper levels would overhang the footway on Radcliffe Cross Street. Any balconies overhanging the public highway will not be licenced by Highways and should be removed from the plans.

- 6.39 To facilitate the development works to the public highway on Ratcliffe Cross Street will be required including (but not limited to)
- construction of new footway adjoining Site B
 - construction of new vehicle crossover for access to Site A
 - construction of new vehicle crossover for access to Site B
- 6.40 Please attach the following condition for scheme of highway improvements to any permission.
- 6.41 [OFFICER COMMENT: Further to highways Officer comments the applicant has submitted a revised plan showing the omitted loading bay to prevent service vehicles from reversing off the highway. Suggested conditions have been included]

Inclusive Access Officer

- 6.42 Following amendments to the floor plans the proposal is considered to be acceptable and to fully meet the appropriate requirements.

Employment and Enterprise

Proposed employment/enterprise contributions at construction phase:

- 6.43 The developer should exercise reasonable endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. We will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services.
- 6.44 To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets. We will support the developer to achieve their target through ensuring they work closely with the council to access businesses on the approved list, and via the East London Business Place.
- 6.45 The Council will seek to secure a financial contribution of £15,317 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development. This contribution will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created.
- 6.46 Proposed employment/enterprise contributions at end-use phase: N/A resi development.
- 6.47 [OFFICER COMMENT: The financial and non-financial obligations are discussed in paragraphs 8.133-8.141]

6.48 Energy Efficiency and Sustainability

- 6.49 The additional information responds to my initial queries relating to the sizing and selection of CHP. Also, it identifies that the provision of a CHP would have net present value benefit to the scheme. Based on the information provided I have no

objections to the proposals although I would question the deliverability of a CHP for this size of scheme and additional details should be secured via condition for:

- Plant room: the energy assessment must demonstrate that enough space has been allocated for a sufficiently large energy centre. This must be clearly shown on the plan drawings of the development and the floor area in m² confirmed in writing. A floor plan showing the layout of the energy centre should also be provided
- Site heat network: a simple schematic of the site heat network showing all apartments and non-domestic buildings/uses connected into it, as well as the location of the single energy centre, must be provided as part of the energy assessment. Where the development is phased, a number of schematics should be provided showing how the network will evolve, including indicative timescales if available.
- SAP calculations for the units

6.50 It also recommended that a condition be attached to any permission for the submission of the final code for sustainable homes certificates, demonstrating the scheme has achieved Code Level 4, within 3 months of completion.

6.51 The proposals are anticipated to achieve a 53.6% reduction in CO₂ emissions through energy efficiency measures and integration of a CHP. The proposals are also designed to meet Code for Sustainable Homes Level 4 rating. This is in accordance with MDD policy DM29 and London Plan policies 5.2 and 5.6.

6.52 [OFFICER COMMENT: These matters are discussed in paragraphs 8.107. Requested conditions have been included while the request for a financial planning obligation is discussed further in this report at paragraph 8.117-8.124]

Waste Collection

6.53 The space provided for turning the refuse vehicle is too *tight*. I am assuming the width is 3.1 metres, whilst the vehicle is approximately 2.5 metres. An allowance of half a metre is restrictive considering that the vehicle will be turning. In view of this I can accept your proposal for collections

6.54 [OFFICER COMMENT: The submitted plans have been revised, to show that a service vehicle can be accommodated on site.]

Crime Prevention Officer

6.55 The following issues have been identified:

- a. This is a poor location from a security point of view. It is very narrow street and has very little to no natural surveillance.
- b. The entrances for both vehicles and pedestrians are placed too far back creating large recessed/undercroft areas which, are not good for security and anti-social behaviour in most locations, but in this location there will be a major problem with crime and ASB in a very short period of time.
- c. Car park entry. There MUST be additional secure barrier at building line in Ratcliffe Cross St to prevent an undercroft area.

- d. Pedestrian access. No recess area greater than 600mm.
- e. GF windows in Ratcliffe Cross St MUST have a low level defensible space between the window and street.
- f. Cycles need to be within a secured cage or similar.
- g. There needs to be a second security (access/control) door after external communal door and before access to stairs, doors, lifts etc.
- h. Access door/gate to refuse store is recessed. No greater recess than 600mm.
- i. The Glass blocks proposed to site A are not a sensible choice on the GF due to criminal damage.
- j. Site A – security concerns regarding climbing onto balconies.
- k. I would strongly suggest the current plans are reconsidered. There must be no recessed areas greater than 600mm and the car parking will not work due to restriction of space. Creating the undercrofts/recesses to allow car parking is creating problems relating to ASB and crime for the proposed residents.

6.56 [OFFICER COMMENT: These matters are discussed in paragraphs 8.65-8.68]

6.57 Head of Building Control

No comments received

6.58 Education Development

No comments received

6.59 Idea Sore

No comments received

7.0 LOCAL REPRESENTATION

Statutory Consultees

7.1 On 25th July 2014, a total of 198 letters were sent to occupiers of neighbouring properties, a site notice was displayed outside the application site, and a press advert was published in the East End Life Newspaper.

7.2 The number of representations received in response to notification and publicity of the application is as follows:

No of individual responses: Objecting: 5 Supporting: 0

No of petitions received: 0

7.3 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:

Density

- Over development

7.4 [Officer Comment: The above issues is fully discussed in paragraph 8.11 - 8.13 of this report].

Design

- Out of character
- Out of scale
- Over bearing

7.5 [Officer Comment: The above issues are fully discussed in paragraph 8.49-8.64 of this report].

Amenity

- Development will reduced light
- Overshadowing
- Loss of privacy

7.6 [Officer Comment: The above issues are fully discussed in paragraph 8.75-8.93 of this report].

Transport

- Noise from increased traffic

7.7 [Officer Comment: The above issues are fully discussed in paragraph 8.102-8.106 of this report].

Other

- Noise and pollution from construction

7.8 [Officer Comment: A condition will be secured to restrict hours of construction and for the submission of a construction management plan to address access and health and safety issues.)

- The location of the window on the western flank elevation could prejudice future development at 3-33 Caroline Street.

[Officer Comment: The above issues are fully discussed in paragraph 8.78-8.81 of this report].

- Lack of consultation with neighing site at 6 Boulcott Street

- 7.9 [Officer Comment: The applicant has advised that two meetings were held with the interested parties of 6 Boulcott Street on 23rd July 2013 and 9th October 2013, furthermore a leaflet outlining the proposed development was sent to 6 Boulcott Street. The Council's consultation included a letter sent on 25th July 2014, to occupiers of neighbouring properties, which included 6 Boulcott Street, displayed a site notice outside the application site, and a press advert was published in the East End Life Newspaper. Officers consider that sufficient consultation was undertaken.]

8.0 MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the Committee are requested to consider are:
- Land Use
 - Housing
 - Design
 - Amenity
 - Transport, Access and Servicing
 - Sustainability and Environmental Considerations
 - Planning Obligations

Land Use

- 8.2 The National Planning Policy Framework sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles: an economic role – contributing to the economy through ensuring sufficient supply of land and infrastructure; a social role – supporting local communities by providing a high quality built environment, adequate housing and local services; and an environmental role – protecting and enhancing the natural, built and historic environment. These economic, social and environmental goals should be sought jointly and simultaneously.
- 8.3 Paragraph 9 of the NPPF highlights that the pursuit of sustainable development includes widening the choice of high quality homes, improving the conditions in which people live and take leisure, and replacing poor design with better design. Furthermore, paragraph 17 states that it is a core planning principle to efficiently reuse land that has previously been developed and to drive and support sustainable economic development through meeting the housing needs of an area.
- 8.4 Policy 2.9 of the London Plan identifies the unique challenges and potential of inner London and specifies that boroughs should work to sustain its economic and demographic growth while addressing concentrations of deprivation and improving the quality of life and health for those living there.
- 8.5 The application site carries no site-specific policy designations but is located within an 'edge of centre' area for the Limehouse Neighbourhood Town Centre, located approximately 16m to the north. Site A is occupied by a double height industrial building now vacant but was in use as car body repair and vehicle painting workshop. Site B is largely vacant brownfield land.

Principle of residential use

- 8.6 Delivering new housing is a key priority both locally and nationally. Through policy 3.3, the London Plan seeks to alleviate the current and projected housing shortage in the Capital through provision of an annual average of 32,210 of new homes over a ten year period. The minimum ten year target for Tower Hamlets, for years 2011-2021 is set at 28,850 with an annual monitoring target of 2,885; however the Draft Further Alterations to the London Plan revise the Council's ten year target to 39,314 with an annual monitoring target of 3,931, for years 2015-2025. The need to address the pressing demand for new residential accommodation is embraced by the Council's strategic objectives SO7 and SO8 and policy SP02 of the Core Strategy. These policies and objectives place particular focus on delivering more affordable homes throughout the borough.
- 8.7 Objective S05 and policy SP01 identify edge of town centre locations, such as the application site, as suitable for mixed use development with the proportion of residential accommodation increasing away from designated town centres. Additionally, the place making policy SP12 envisages Stepney as a great place for families.
- 8.8 Given the above, the predominantly residential character of the site's environs, the principle of intensification of housing use on this brownfield site is strongly supported in policy terms.

Housing

- 8.9 The NPPF identifies as a core planning principle the need to encourage the effective use of land through the reuse of suitably located previously developed land and buildings. Section 6 of the NPPF states that "housing applications should be considered in the context of the presumption in favour of sustainable development" Local planning authorities should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- 8.10 As mentioned in the Land Use section of this report, delivering new housing is a key priority both locally and nationally.

Residential density

- 8.11 Policy 3.4 of the London Plan seeks to optimise the density of development with consideration for local context and public transport capacity. The policy is supported by Table 3A.2 which links residential density to public transport accessibility and urban character. Policy SP02 of the Core Strategy while reiterating the above adds that density levels of housing should correspond to the Council's town centre hierarchy and that higher densities should be promoted in locations in or close to designated town centres.
- 8.12 The application site measures approximately 0.126 hectares for Site A and 0.038 for Site B, the two sites have a PTAL rating of 5/6. In areas of PTAL 5/6 and urban setting, the density matrix 5 associated with policy 3.4 of the London Plan suggests a density of between 200-700 habitable rooms per hectare. The proposed density would be 1198.4 habitable rooms per hectare (net site area) for Site A and 1710 habitable rooms per hectare (net site area) for Site B and therefore would be above the recommended density range. It should be remembered that density only serves as

an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:

- Access to sunlight and daylight;
- Lack of open space and amenity space;
- Increased sense of enclosure;
- Loss of outlook;
- Increased traffic generation; and
- Impacts on social and physical infrastructure.

8.13 This report will go on to show that whilst some of the symptoms of overdevelopment are present in this application, Officers have sought to weigh up its impacts against the benefits of the scheme and in particular the provision of affordable housing.

Affordable housing

8.14 In line with section 6 of the National Planning Policy Framework, the London Plan has a number of policies which seek to guide the provision of affordable housing in London. Policy 3.8 seeks provision of a genuine choice of housing, including affordable family housing. Policy 3.9 seeks to encourage mixed and balanced communities with mixed tenures promoted across London and specifies that there should be no segregation of London's population by tenure. Policy 3.11 identifies that there is a strategic priority for affordable family housing and that boroughs should set their own overall targets for affordable housing provision over the plan period. Policy 3.13 states that the maximum reasonable amount of affordable housing should be secured.

8.15 The Strategic Housing Market Assessment (2009) identifies that there is an affordable homes shortfall of 2,700 homes per year. Additionally, current rates of over-occupation (over-crowding) are at 16.4%, significantly higher than the national average at 2.7%. The LBTH Community Plan identifies the delivery of affordable homes for local people as one of the main priorities in the Borough and Policy SP02 sets a strategic target of 35-50% affordable homes on sites providing 10 new residential units or more (subject to viability).

8.16 Policy SP02 requires an overall strategic tenure split for affordable homes from new development as 70% social rent and 30% intermediate. The proposed units will provide a mixed tenure of affordable rent (69.9%) and shared ownership (30.1%), which is in line with Council's preferred split.

8.17 As detailed in table 1 below, the proposal provides 30% affordable housing provision by habitable room, or 22 units and payment in lieu towards affordable housing.

Table 1: Affordable Housing Provision

Unit Type	Affordable Housing				Market Housing		Total	
	Affordable Rent		Intermediate		Unit	Hab. Rm.	Unit	Hab. Rm.
	Unit	Hab. Rm.	Unit	Hab. Rm.				
1 bed flat	6	12	2	4	30	60	38	76

2 bed flat	3	9	4	12	13	39	20	60
3 bed flat	6	24	1	4	13	52	20	80
4 bed house	0	0	0	0	0	0	0	0
Total	15	45	7	20	56	151	78	216

- 8.18 The application was submitted with a viability appraisal which was independently assessed on behalf of the Council, the viability expert advised that the development could support a level of 30% affordable housing which equates 22 affordable units on site and a commuted sum payment of £249,773.
- 8.19 A total of 22 of the 78 residential units within the proposal have been provided as affordable units, which represents a total on-site provision of 30% based on habitable rooms. The applicant has proposed a cash contribution of £250,000 towards affordable housing provision. This is the maximum reasonable amount of affordable housing and planning contributions whilst ensuring the scheme can be delivered and is viable.
- 8.20 Policy DM3 (3) of the MDD states that development should maximise the delivery of affordable housing on-site. Part (a) of the policy states that off-site provision will only be considered in circumstances that it is not practical to provide affordable housing on site.
- 8.21 There are specific constraints associated with the subject site; the site is located off a narrow road with the DLR and national rail lines running along the south of the site. This accordingly has an impact on the level of affordable housing the scheme can deliver, whilst being viable. The affordable units are to be provided within Site B, which accommodates 22 units consisting of 8 x 1 beds, 7 x 2 beds and 7 x3 beds.
- 8.22 The affordable rented accommodation would be let in accordance with the Councils Borough affordable rent level for E1 areas. The viability assessment submitted with the application was independently reviewed by external consultants which demonstrates that the scheme would not be able to produce an adequate number of new units if social rent levels were charged. The intermediate properties are to be provided as shared ownership and would accord with affordability levels of the London Plan.
- 8.23 The proposed tenure mix within the affordable tenure is 69.9% affordable rent and 30.1% intermediate, which is in accordance with the Council's preferred split of 70/30.
- 8.24 Site A would be provided solely as private units and Site B as affordable units. Separate access cores would be provided for affordable and private tenures.
- 8.25 Overall, the proposal meets policy targets and the overall tenure mix on site would assist in creation of a mixed and balanced community.

Dwelling mix

- 8.26 In line with section 6 of the National Planning Policy Framework and London Plan policy 3.8, the Council's Core Strategy policy SP02 and policy DM3 of the Managing

Development Document require development to provide a mix of unit sizes in accordance with the most up-to-date housing needs assessment. The relevant targets and the breakdown of the proposed accommodation are shown in the table below.

Unit size	Affordable Rented			Intermediate			Private Sale		
	Units	%	Target	Units	%	Target	Units	%	Target
1 bed	6	40%	30%	2	28.57%	25%	30	53.5%	50%
2 bed	3	22%	25%	4	57.13%	50%	13	23.25%	30%
3 bed	6	40%	30%	1	14.30%	25%	13	23.25%	20%
4 bed	-	-	15%	-	-		-	-	

8.27 Within the affordable rent units the housing mix (with policy target in brackets) would be as follows: one-bed 40% (30%), two-bed 22% (25%) and three-bed 40% (30%). The proposed provision of a substantial number of larger family units 40% of three-bed units against a policy target of 30% is especially welcome and supported by Housing colleagues. It is considered that the over provision of three bedroom units mitigates towards the shortfall in four-bed units.

8.28 Within the intermediate tenure the mix would be: one-bed 28.57% (25%), two-bed 57.13% (50%) and three-bed 14.30% (25%). In the market sale tenure it would be: one-bed 53.5% (50%), two-bed 23.25% (30%) and 23.25% three-beds (20%). Officers note that the shortfall in the proportion of larger intermediate units assists with the viability of the proposal and thus enables for a larger proportion of family sized units to be provided within the affordable housing tenure.

8.29 Overall, in light of the proposed quantity and quality of family housing in the affordable rented tenure, the shortfall in intermediate tenures is considered to be acceptable and would not prejudice the relevant policy objectives.

Standard of residential accommodation

8.30 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document seek to ensure that all new housing is appropriately sized, high-quality and well-designed. Specific standards are provided by the Mayor of London Housing SPG to ensure that the new units would be “fit for purpose in the long term, comfortable, safe, accessible, environmentally sustainable and spacious enough to accommodate the needs of occupants throughout their lifetime.”

8.31 All of the proposed units would meet or exceed the baseline floorspace standard. It is also noteworthy that all units in the affordable rent tenure would be provided with separate kitchens. In line with guidance, the detailed floor plans submitted with the application demonstrate that the proposed dwellings would be able to accommodate the furniture, storage, access and activity space requirements. The family sized affordable rent units would be provided with sizeable private amenity space.

8.32 All units within the affordable tenure will be dual aspect, 17 units within the private tenure will be dual, although all units are either south, west or east facing.

- 8.33 The distances between opposite elevations with habitable rooms exceed the requirements of policy DM25. All of the proposed units would benefit from adequate privacy and defensible space, and would not be subject to undue overlooking.
- 8.34 The applicant has submitted a Daylight & Sunlight report addressing daylighting and sunlighting to the proposed units. The report highlights that all of the proposed rooms would meet the average daylight factor (ADF) requirements of the British Standard. All of the proposed units would receive adequate sunlighting where the orientation of the units makes it a reasonable requirement.
- 8.35 Entrance areas have been designed with safety and security in mind. Access cores to the flats have similarly been designed and sited to ensure safety, security and passive surveillance. Defensible space has been provided for the ground floor units on both sites.
- 8.36 Overall, it is considered that the proposal would meet and exceed the relevant qualitative and quantitative design standards and would represent an exemplary standard of living accommodation and amenity to the future occupiers of the scheme.

Wheelchair Accessible Housing and Lifetime Homes Standards

- 8.37 Policy 3.8 of the London Plan and Policy SP02 of the Core Strategy require that all new housing is built to Lifetime Homes Standards and that 10% is designed to be wheelchair accessible or easily adaptable for residents who are wheelchair users.
- 8.38 Six wheelchair accessible homes are proposed, two units (1 x 2 bed and 1 x 3 bed) will be located within the affordable tenure and four units within the private tenure.
- 8.39 This is in accordance with the needs of families waiting for fully accessible housing on the Common Housing Register. The detailed floor layouts and locations within the site for the wheelchair accessible homes have been reviewed by the Council's Inclusive Access Officer and are considered to meet the appropriate requirements. 3 accessible parking spaces would be provided throughout the development and allocated in accordance with need.

Private and communal amenity space

- 8.40 London Plan policy 3.5, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require adequate provision of private and communal amenity space for all new homes.
- 8.41 The private amenity space standard is set at a minimum of 5sqm for 1-2 person dwellings with an extra 1sqm for each additional occupant. All of the units within the affordable tenure would have adequately sized balconies or terraces all meeting or exceeding the minimum standard. Within the private tenure, with the exception on one unit all units would benefit from balconies or private terrace, some of which substantially exceed the policy requirement.
- 8.42 For all developments of 10 units or more, 50sqm of communal amenity space plus 1sqm for every additional unit should be provided. The scheme provides 364sq metres of communal space for the private tenure however, no communal space is provided for the affordable tenure.
- 8.43 Overall, the proposed provision of private amenity space would significantly exceed the policy requirements and make a significant contribution to creation of a

sustainable, family friendly environment. The non-provision of communal space within the affordable tenure would not undermine the scheme.

Child play space

- 8.44 In addition to the private and communal amenity space requirements, policy 3.6 of the London Plan, policy SP02 of the Core Strategy and policy DM4 of the Managing Development Document require provision of dedicated play space within new residential developments. Policy DM4 specifically advises that applicants apply LBTH child yields and the guidance set out in the Mayor of London's SPG 'Shaping Neighbourhoods: Play and Informal Recreation' which sets a benchmark of 10sqm of useable child play space per child. Play space for younger children should be provided on-site, with older children being able to reasonably use spaces off-site, within a short walking distance.
- 8.45 Using the LBTH child yield calculations, the development is anticipated to yield 17 children (6 under 5s, 7 of 5-11 year olds and 4 of 12+ year olds) on Site B. Accordingly; 110sqm of on-site play space is required for under 5s and 6-10 year olds. Not including private amenity space, the application proposes a total of 118sqm of on-site play space.
- 8.46 For Site A the development is anticipated to yield 5 children (3 under 5s and 2 of 5-11 year olds). Accordingly; 50sqm of on-site play space is required for under 5s and 6-10 year olds. Not including private amenity space, the application proposes a total of 60sqm of on-site play space. The proposed play area is in accordance with policy requirement. Full details of play space facilities and equipment would be reserved by condition.
- 8.47 For older children, the London Mayor's SPG sees 400m and 800m as an acceptable distance for young people to travel for recreation. This is subject to suitable walking or cycling routes without the need to cross major roads. The proposal does not include any dedicated on-site play space for older children, however Stepney sports ground is located approximately 655 metres from the site.
- 8.48 Overall, it is considered that the proposal would provide an excellent play environment for younger children while the lack of dedicated provision for older children and teenagers does not raise concerns bearing in mind the location of Stepney sports ground within a short walking distance of the application site.

Design

- 8.49 The National Planning Policy Framework attaches great importance to the design of the built environment.
- 8.50 In accordance with paragraph 58 of the NPPF, new developments should:
- function well and add to the overall quality of the area,
 - establish a strong sense of place, creating attractive and comfortable places to live,
 - respond to local character and history, and reflect the identity of local surroundings and materials,
 - create safe and accessible environments, and
 - be visually attractive as a result of good architecture and appropriate landscaping.
- 8.51 Chapter 7 of the London Plan places an emphasis on robust design in new development. In particular:

- Policy 7.1 seeks creation of distinct, liveable neighbourhoods and requires new buildings to interface with surrounding land, improve access to social and community infrastructure, local shops and public transport. The character, legibility, permeability and accessibility of neighbourhoods should be reinforced.
 - Policy 7.2 seeks creation of an inclusive environment catering to the needs of all sections of the population, while policy 7.3 requires development to reduce the opportunities for criminal behaviour and to contribute to a sense of safety and security.
 - Policy 7.4 requires development to respect local character - this should be achieved by a high quality design response informed by the surrounding historic environment and which has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass. Development should be human in scale, ensuring that buildings have a positive relationship with street level activity.
 - Policy 7.5 the public realm should be secure, accessible, inclusive, and legible. Opportunities for greening should be maximised.
 - Policy 7.6 specifies that in terms of assessing the architecture of a development as a whole the development should make a positive contribution to a coherent public realm, streetscape and wider townscape. It should incorporate the highest quality materials and design appropriate to the site's context.
 - Policy 7.7 gives detailed guidance on design of tall and large buildings which should not have an adverse effect on the character of their surroundings, should relate well to the surrounding buildings, urban grain and public realm, and incorporate the highest standard of architecture and materials.
- 8.52 The Council's policy SP10 sets out the broad design requirements for new development to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds. Further guidance is provided through policy DM24 of the Managing Development Document. Policy DM26 gives detailed guidance on tall buildings and specifies that building heights should be considered in accordance with the town centre hierarchy, and generally respond to predominant local context. Policies SP09 and DM23 seek to deliver a high-quality public realm consisting of streets and spaces that are safe, attractive and integrated with buildings that respond to and overlook public spaces. The placemaking policy SP12 seeks to improve, enhance and develop a network of sustainable, connected and well-designed neighbourhoods across the borough through retaining and respecting features that contribute to each neighbourhood's heritage, character and local distinctiveness.

Design, massing and scale

- 8.53 The application has been put forward with two sites on Ratcliffe Cross Street opposite each other, Site A and Site B. Site A 1-9 Ratcliffe Cross Street is located on the eastern side of Ratcliffe Cross Street. To the east of the site are nos 2-4 Boulcott Street and the Dockers Club at 6 Boulcott Street, the south of the site backs onto a railway viaduct serving national rail and DLR stations and to the north the site adjoins No. 516 Commercial Road (1-23 Lavender House) a six storey residential development which, also fronts Commercial Road and 526 – 528 Commercial Road, which forms the boundary of the York Square Conservation Area.
- 8.54 The existing building is a vacant double height two storey warehouse, previously used as car body repair and vehicle painting workshop.
- 8.55 Site B Land to the south of 8-9 Ratcliffe Cross Street is a plot of vacant land located on the western side of Ratcliffe Cross Street. To the north and west of the site is no.

8-12 Ratcliffe Cross Street and to the south the railway viaduct. There is also a derelict building to the south-west corner which is not owned by the applicant.

- 8.56 The surrounding area is interesting in its diverse uses, different architecture and character, being close to the busy Commercial Road to the north and opposite Limehouse town centre.
- 8.57 This change of character is evident within Ratcliffe Cross Street itself, which is a narrow road intersected by the railway viaduct and terminated at its southern end by Cable Street. Lying directly to the east of the site is no's 2-4 Boulcott Street, a recently constructed five storey residential building with a sixth floor setback. Committee resolved to grant planning permission for a part 7 part 8 storey mixed use residential development at 6 Boulcott Street, the railway line runs east to west and to the south of the railway line lies a plot of undeveloped land with permitted outline permission for a part 7, part 8 storey mixed use residential development.
- 8.58 The main design constraint to development of the site is, first and foremost its proximity to the railway viaduct to the south and the narrow street.
- 8.59 The proposal for Site A is for a part 6 with a setback 7 storey rising to 8 storey residential development. The development rises in height from north to south providing a transition with the 6 storey being adjacent to the Lavender House and the 8 storey element to the south to achieve better sunlight and daylight and better outlook for residents. The massing of Site A has been well thought through by maximising the development potential whilst respecting the surrounding context so as not to dominate.
- 8.60 The development has been set back from the east by 18 metres to afford light to penetrate the courtyard space and allow for a higher number of dual aspect units. Communal amenity space has been provided at ground and first floor level east, the proposals also incorporates projecting and recessed balconies and terraces. An undercroft car and cycle parking and refuse store is provided to the northern end.
- 8.61 The west elevation of building fronts Ratcliffe Cross Street and will form the main elevation, at ground floor level the entrance and residential lobby has been slightly recessed to afford shelter and provide a point of access. Full height glazing is proposed for the residential lobby and main door, emerald green glazed wall tiles will be used at ground and first floor with patterned tiled floor, this will provide a prominent entrance point from the street.
- 8.62 The elevation treatment and massing to this frontage has been well thought through and the architects have employed a number of imaginative architectural devices to create articulation and introduce a more industrial feel to the development, which ties in with the existing use of the site and surrounding properties. The block would be faced with a smooth blue/silver grey dark brick at ground and first floor creating a plinth base. The upper floor would consist of brickwork piers in beamish blend brick rising to stacked soldier course parapet with brickwork panels in lighter red brick set within brick frame. Pre-cast pigmented concrete panels would be beneath the windows to express the floor plate. In contrast the setback sixth storey will be fully glazed.
- 8.63 The windows would consist of double height glazing with full brick reveals, with bronze powder coated window and door frame, adding visual interest. A mix of projecting and recess balconies is proposed. The projecting balconies will be finished with anodized aluminium and timber handrails. The recessed balconies will consist of

pre-cast concrete frame. The proposed window details will be conditioned to ensure high thermal and acoustic levels are obtained. Officer considered that careful consideration has been given to the approach to fenestration and balcony locations as well as to the design of entrances.

Site B, will consist of a T-shape building, whilst smaller in scale, similar architectural elements and devices have been employed to articulate the building with recessed and projecting balconies as Site A, providing continuity to the street scene. The building will be 7 stories in height with the children's play space provided at roof level enclosed with high wall for safety. An undercroft car and cycle parking and refuse store is provided to the western end.

- 8.64 The design of the proposal has been subject to extensive pre-application discussions between the applicant and the Officers. Officers are satisfied that the proposed buildings would be of a very high architectural quality, relate well to their surroundings and enhance the local street scene. The layout and distributions of buildings within the site would create an active high quality environment.

Safety and security

- 8.65 Both sites would benefit from prominent entrances located on Ratcliffe Cross Street. The entrances will have a slight recess with PIR directional security lights. The crime prevention officer raised concerns regarding the entrance and cycle storage. The applicant has taken on board the concerns and has amended the scheme to include secure caged cycle enclosures and an additional security door has been included within Site A. Ratcliffe Cross Street can be characterised as an industrial street with limited pedestrian footfall. The proposed entrances as well as the glazed fenestration to the ground floor would result in a high proportion of active frontage. This would result in a high level of passive surveillance and have a positive effect on actual and perceived safety and security.
- 8.66 The Crime Prevention officer has raised concerns regarding the proposed recessed undercroft and potential for anti-social activity. Whilst the concerns are noted, the recessed undercrofts have been proposed in accordance to advise provided by the Highways Officer, in order to comply with highways safety and also to aid in turning points for refuse vehicles. It is the view of Officers that the construction of the proposed development would introduce increase footfall within Ratcliffe Cross Street and the public highway would be well overlooked. Suitable measures such as external lighting strategy can mitigate security concerns. Appropriate consideration has also been given to the boundary treatment to different areas and general circulation through the site.
- 8.67 The above measures would ensure that the proposal enhances safety and provide a deterrent to loitering and anti-social behaviour.
- 8.68 The applicant has responded positively to the advice provided by the Tower Hamlets Crime Prevention Design Advisor. Details of all Secured by Design measures as well as external lighting would be conditioned.

Landscaping

- 8.69 The landscape area to Site A is proposed to the rear in the form of a communal court yard. The court yard will contain a number of different areas; these consist of a raised court yard area with seating area and raised planters to accommodate herb garden. The ground level communal space will contain a play area, seating area and a small

terrace for the ground floor units. This area is to be screened from the communal garden by planting to retain the privacy of the residents but at the same time not completely blocking off the outside world to the ground floor units.

- 8.70 The landscaped court yard is accessed via the communal area of core at the ground floor level. The planting will consist of a mix variety, details of which will be conditioned to ensure that suitable species are selected to increase biodiversity.
- 8.71 Landscape area to Site B is proposed to the roof, in the form of play area and green roof. The play space will contain timber seating, perimeter planting and grip grooved treated timber decking.
- 8.72 The constraint site provides limited space for an elaborate landscape scheme; however the proposed landscaping is considered to be well thought out and would be of a particularly high quality.

Amenity

- 8.73 In line with the principles of the National Planning Policy Framework the Council's policies SP10 of the Core Strategy and DM25 of the Managing Development Document aim to safeguard and where possible improve the amenity of existing and future residents and building occupants, as well as to protect the amenity of the surrounding public realm with regard to noise and light pollution, daylight and sunlight, outlook, overlooking, privacy and sense of enclosure.
- 8.74 The application site is surrounded by residential properties to the north and east. The east lies no.6 Boulcott Street has a current application approved at committee for an 8 storey residential development and no.2-4 Boulcott Street consist of recently constructed r a six storey residential development. To the north of the sitelies No. 516 Commercial Road (1-23 Lavender House) a six storey residential development and 526 – 528 Commercial Road

Overlooking and privacy

- 8.75 Policy DM25 of the Managing Development Document requires new developments to be designed to ensure that there is sufficient privacy and that they do not enable an unreasonable level of overlooking between habitable rooms of adjacent residential properties, schools or onto private open spaces. The degree of overlooking depends on the distance and the horizontal and vertical angles of view. The policy specifies that in most instances, a distance of approximately 18 metres between windows of habitable rooms would reduce inter-visibility to a degree acceptable to most people.

Site A

- 8.76 In a dense urban context, such as this site must address the sensitive issue of overlooking onto existing properties. The windows in Site A on the eastern elevation are located more than 18 meters to the proposed windows of the building at 6 Boulcott Street and windows of recently completed development at 2-4 Boulcott Street, windows to the north elevation will be obscured glazed and will either serve as windows to circulation space or a secondary window to habitable rooms, windows to the west elevation face onto the public highway and windows to the south face onto the railway viaduct. It is considered that sufficient mitigation measures have been employed to the south elevation to ensure that the windows and use of rooms would not lead to significant impact in terms of overlooking and loss of privacy.

- 8.77 It is considered that 18m is an acceptable distance between new developments and existing properties. Within an urban setting, overlooking distances are often less than this to reflect the existing urban grain. Concerns have been raised by neighbouring properties to the north relating to the proposed amenity space at podium level and possible overlooking and impact on privacy. The proposal includes the erection of timber louvered privacy screens at 1.8 metres high to reduce any overlooking or loss of privacy from the proposed amenity space.

Site B

- 8.78 There are no residential properties located to the west or north of the site, notwithstanding, concerns have been expressed by land owners to the west of the site over a small part of the proposed development which backs on to and adjoins part of the site at 3 - 33 Caroline Street.
- 8.79 Whilst the site at 3 - 33 Caroline Street currently occupies a low-rise warehouse; the objector has advised that the land is likely to come forward for a residential development. The general concern is in regards to the windows on the western flank elevation of the site which is within close proximity of the boundary line facing on to the land at 3-33 Caroline Street. The placement and orientation of the proposed kitchen windows could prejudice future development on site and result in an unreasonable level of overlooking.
- 8.80 The subject windows, on all floors, serve kitchens and are secondary windows, as the kitchens have another window facing north onto land owned by the applicant. To mitigate the impact on the neighbouring site the plans have been amended omitting the windows on the western flank elevation.
- 8.81 It is considered that the provision of louvered screens, removal of windows and the distance between the development and the existing properties are acceptable in reducing intervisibility between windows.

Outlook and sense of enclosure

- 8.82 The distance between the development proposal at Site A and habitable rooms of adjoining properties to the east would be mostly at around 18 metres and outlook to these properties would not be significantly impacted. The development to the north of the site will be 6 stories in height, this mirrors the height of neighbouring building at No. 516 commercial Road (1-23 Lavender House). The proposed development will have a seventh storey set back and will rise to 8 stories building, furthermore the development is set back from the east elevation by 14 metres; thus reducing impact on the properties to the north of the site, as such the proposed massing would not result in an overbearing appearance or sense of enclosure. The outlook of these properties would not be restricted to an unacceptable level due to the separation distance and setback from the eastern elevation.
- 8.83 There are no residential properties located to the west or south of the site, to the south of the site is the railway viaduct and beyond that is a ware house and residential development located approximately 42 metres from the site. The outlook of these properties would not be restricted due to the separation distance.

Daylight and sunlight, overshadowing

- 8.84 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. The

primary method of assessment is through calculating the vertical sky component (VSC). BRE guidance specifies that reductions in daylighting materially affect the living standard of adjoining occupiers when, as a result of development, the VSC figure falls below 27 and is less than 80% times its former value.

- 8.85 In order to better understand impact on daylighting conditions, should the VSC figure be reduced materially, the daylight distribution test (otherwise known as the no skyline test) calculates the area at working plane level inside a room that would have direct view of the sky. The resulting contour plans show where the light would fall within a room and a judgement may then be made on the combination of both the VSC and daylight distribution, as to whether the room would retain reasonable daylighting. The BRE does not set any recommended level for the Daylight Distribution within rooms but recommends that where reductions occur, they should be less than 20% of the existing.
- 8.86 The applicant has submitted a Daylight and Sunlight Assessment prepared in line with the BRE methodology, which looks at the impact of the development on the neighbouring properties to the east and north, No. 516 Commercial Road (1-23 Lavender House), 256-258 Commercial Road, 6 Boulcott Street (proposed development) and 8-12 Ratcliffe Cross Street. However, 8-12 Ratcliffe Cross Street is in industrial use and only the residential properties to the east no. 6 Boulcott Street directly opposite and No. 516 Commercial Road (1-23 Lavender House) to the north are therefore the most likely to be effected.

1-23 Lavender House

- 8.87 Of the 15 windows surveyed 11 would be affected with VSC results of 61% – 76%. Of the windows surveyed only 5 windows serve primary living spaces, of the 5 windows 2 would however be significantly affected with VSC results of 75% and 76%. The resultant VSC is not uncommon in inner city locations and would not be considered unacceptable for only some of the rooms in a property.

6 Boulcott Street

- 8.88 Of the 27 windows surveyed 18 would be affected with VSC results of 58% – 75%. All 18 windows are located within the lightwell of the development of the windows surveyed 12 windows be significantly affected with VSC results below 75%.
- 8.89 In terms of sunlight, the entire windows surveyed only one window at 1-23 Lavender House will suffer a whole year loss of sunlight to less than 80%. It is noted that all of the relevant windows with the exception of one receive in excess of 25% of available sunlight hours throughout the year. The overall sunlighting conditions including winter sunlighting at Lavender House would remain significantly above the BRE guidelines.

Conclusion

- 8.90 It should be accepted that the general pattern of development in this area is higher and denser than used for setting the targets in the BRE Guidelines and it is therefore appropriate to apply a greater degree of flexibility.
- 8.91 The results of the Daylight and Sunlight tests also clearly demonstrate that the impact on the habitable rooms within 1-23 Lavender House No.6 Boulcott Street will be affected to a degree.

- 8.92 In conclusion, notwithstanding the above findings, it should be noted that the application site is located in a constrained urban environment and a degree of loss of daylight and sunlight is to be expected.
- 8.93 The BRE guidelines should be interpreted flexibly and account should be taken of the constraints of the site and the nature and character of the surrounding built form which in this location is characterised by a narrow street with opposing properties in close proximity to each other. Officers consider that there are impacts; however benefits of the scheme outweigh those impacts given the character and nature of the area.

Noise and Vibration

- 8.94 Policy 7.15 of the London Plan (2011), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013) seek to ensure that development proposals reduce noise by minimising the existing and potential adverse impact and separate noise sensitive development from major noise sources.
- 8.95 Site A will be located approximately 6.5 metres from the railway viaduct and Site B located approximately 1 metre from the railway viaduct. Due to the two site's proximity to the railway viaduct the level of noise and vibration to future residents are of concern.
- 8.96 This development will experience high levels of noise and vibration from the Railway and Commercial Road in close proximity and is considered to fall within a SOAEL (Significant Observable Adverse Effect Level) as defined by the NPL (Noise Policy for England) under the current Planning Framework; as such significant noise insulation and acoustic ventilation measures will need to be incorporated to ameliorate the likely noise impact on future residents.
- 8.97 A high degree of noise insulation and vibration isolation will be required, to meet the "good standard" of BS2333.
- 8.98 A Noise and Vibration Assessment by KP Acoustics accompanied the application. The contents of the report takes into account the glazing specification and the very high LAmax values.
- 8.99 In terms of vibration full analysis has been provided showing actual spectral amplitudes of the total vibration profile of the area (i.e. DLR and Viaduct) on the proposed site. This methodology is fully commensurate to all current Standards and it demonstrates that the current vibration profile due to all present vibration sources will not have any detrimental effect on the proposed development.
- 8.100 Whilst the noise and vibration report has been reviewed and accepted by the Environmental Noise Officer, further testing would be required post completion. In accordance with Officers request a condition will be secured for post completion assessment for Noise and Vibration, before residential occupation so as to ensure that future residents are protected from Noise/Vibration disturbance or nuisance.
- 8.101 It is the officers view that considering the site constraints, the proposals are generally in keeping with NPPF, Policy 7.15 of the London Plan (2011), Policies SP03 and SP10 of the Core Strategy (2010) and Policy DM25 of the Managing Development Document (2013).

Transport, Access and Servicing

- 8.102 The National Planning Policy Framework emphasizes the role transport policies have to play in achieving sustainable development and stipulates that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities.
- 8.103 The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel by making it safer and easier for people to access jobs, shops, leisure facilities and services by public transport, walking and cycling. Strategic Objective SO20 of the Core Strategy states that the Council seeks to: “Deliver a safe, attractive, accessible and well-designed network of streets and spaces that make it easy and enjoyable for people to move around on foot and bicycle.” Policy SP09 provides detail on how the objective is to be met.
- 8.104 Policy DM20 of the Council’s Managing Development Document reinforces the need to demonstrate that developments would be properly integrated with the transport network and would have no unacceptable impacts on the capacity and safety of that network. It highlights the need to minimise car travel and prioritise movement by walking, cycling and public transport. The policy requires development proposals to be supported by transport assessments and a travel plan.
- 8.105 The site benefits from excellent access to public transport, being located approximately 242 metres to the west of the Limehouse Docklands Light Railway (DLR) and National rail. Bus no. 15, 115, 135 and D3 all serve Commercial Road. The site has a Public Transport Accessibility Level (PTAL) of 6/5.
- 8.106 Overall, the proposal’s likely highways and transport impact are considered to be minor and acceptable to the Council’s Transportation & Highways section. The relevant issues are discussed below.

Cycle parking

- 8.107 The London Plan policy 6.9 and policy DM22 of the Managing Development Document set minimum cycle parking standards for residential development. In accordance with these standards, the application proposes 126 (80 in Site A & 46 Site B) secured, covered spaces for residents. The cycle stands would be distributed across the development site with an adequate number of spaces provided within each access core and within individual houses. The storage areas are distributed across the site in a manner that would ensure each residential unit is located within a convenient distance to cycle parking.

Car parking

- 8.108 Policy DM22 sets out the Council’s parking standards in new developments. The application site falls mainly within PTAL 5/6.
- 8.109 Notwithstanding the above the development proposed 4 car spaces within Site A, 2 of which will be accessible parking. Site B will have 3 car parking spaces 1 of which will be accessible parking. This level of parking is considered acceptable and would not impact on the public highway.

- 8.110 The development would also be subject to a 'car free' planning obligation restricting future occupiers from obtaining residential on-street car parking permits, with the exception of disabled occupants or beneficiaries of the Council's permit transfer scheme.

Vehicular and Pedestrian Access

- 8.111 Vehicle and cycle access to the sites will be via an undercroft, the undercroft at Site A has been recessed to allow sufficient room for service vehicles to manoeuvre.
- 8.112 Separate access is provided for pedestrians at both sites. It is noted that Site B does not currently benefit from a public footway. A footpath will need to be created via a S278 agreement.
- 8.113 All pedestrian access points are DDA compliant. Pedestrian routes within the site courtyard, which is a shared surface, are designated by a change in surface material in terms of colour and where appropriate tactile surfaces.

Servicing and refuse storage

- 8.114 Servicing will take place on site. The applicant has demonstrated that service vehicle can enter the site via the undercroft. Reverse in the area provided and then leave in forward gear. A swept path analysis using AUTOTRACK has been provided for the typical range of vehicles that would be expected to attend the site. The proposed servicing arrangements are acceptable to the Council's Highways Officers. This would help to minimise the impact of deliveries and servicing of the development on the immediate highway network.
- 8.115 Further to policy SP05 of the Core Strategy which requires provision of adequate waste storage facilities in all new development, policy DM14 of the Managing Development Document sets out the Council's general waste and recycling storage standards.
- 8.116 The proposed capacity of the waste storage has been calculated for once-weekly collections, in accordance with waste policy.

Sustainability and Environmental Considerations

Energy efficiency and sustainability standards

- 8.117 The National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.
- 8.118 At a strategic level, the climate change policies as set out in chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the emerging Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.119 In line with London Plan policy 5.6, the Core Strategy policy SP11 seeks to implement a network of decentralised heat and energy facilities that connect into a heat and power network. Policy DM29 requires development to either connect to, or demonstrate a potential connection to a decentralised energy system.

- 8.120 The Managing Development Document policy 29 includes the target for new developments to achieve a 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.
- 8.121 The proposals have followed the London Plan energy hierarchy of Be Lean, Be Clean and Be Green, and sought to minimise CO2 emissions through a 53.6% reduction in CO2 emissions against the benchmark of Building Regulations 2010.
- 8.122 The applicant has advised that in accordance with the above policy a site-wide CHP system will provide energy to the residents the residential units.
- 8.123 The overall development has been designed to achieve a minimum Code of Sustainable Homes Level 4.
- 8.124 The proposed energy efficiency and sustainability measures are supported by the Council's Energy Efficiency and Sustainability section. It is considered that the proposal broadly complies with the relevant policies and that no further mitigation is required.

Biodiversity

- 8.125 Policy 7.19 of the London Plan, policy SP04 of the Core Strategy and policy DM11 of the Managing Development Document 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 an overall increase in biodiversity.
- 8.126 The applicant proposes a green roof; details of which will be reserved by condition.

Land Contamination

- 8.127 The site has been identified as having potential historic contamination. In accordance with the Environmental Health Contaminated Land Officer's comments a condition will be attached which will ensure the developer carries out a site investigation to investigate and identify potential contamination.

Flood Risk

- 8.128 The application site is not located within a flood risk zone.

Health Considerations

- 8.129 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals as a mechanism for ensuring that new developments promote public health within the borough while the Council's policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 8.130 Part 1 of Policy SP03 in particular seeks to support opportunities for healthy and active lifestyles through:
- Working with NHS Tower Hamlets to improve healthy and active lifestyles.

- Providing high-quality walking and cycling routes.
- Providing excellent access to leisure and recreation facilities.
- Seeking to reduce the over-concentration of any use type where this detracts from the ability to adopt healthy lifestyles.
- Promoting and supporting local food-growing and urban agriculture.

8.131 The application proposal would result in the delivery of much need affordable housing within in a brown field site. A proportion of housing on site would also be provided as wheelchair accessible or capable of easy adaptation.

8.132 Health infrastructure contribution of £101,277 has been secured, to mitigate against the proposed development, it is considered that the proposal broadly accords with the abovementioned policies and would generally contribute to improved health outcomes and opportunities for active and healthy lifestyles.

Planning Obligations and CIL

8.133 Planning Obligations Section 106 Head of Terms for the proposed development are based on the priorities set out in the adopted Tower Hamlets Planning Obligations SPD (January 2012).

8.134 The NPPF requires that planning obligations must be:

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

8.135 Regulation 122 of CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.

8.136 Securing appropriate planning contributions is supported by policy SP13 of the Core Strategy which seeks to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate impacts of the development.

8.137 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides further guidance on the planning obligations policy SP13.

8.138 The SPG also sets out the Borough's key priorities:

- Affordable Housing
- Employment, Skills, Training and Enterprise
- Community Facilities
- Education

The Borough's other priorities include:

- Public Realm
- Health
- Sustainable Transport
- Environmental Sustainability

8.139 This application is supported by a viability toolkit which details the viability of the development proposal through interrogation of the affordable housing provision and the planning obligations required to mitigate the impacts of this development proposal. The viability appraisal has established that it is viable for the proposal to deliver 30% affordable housing, of which £250,000 will be payment in lieu for affordable units and a full contribution of **£810,563.48**.

8.140 The proposed heads of terms are:

Financial Obligations:

- a) A contribution of **£250,000** towards Affordable Housing
- b) A contribution of **£196,209.73** towards education.
- c) A contribution of **£15,318.96** towards employment, skills, training and enterprise initiatives.
- d) A contribution of **£89,593.94** towards community facilities.
- e) A contribution of **£101,277** towards Health.
- f) A contribution of **£23,992.38** towards street scene improvements.
- g) A contribution of **£120,919.68** towards public Open space
- h) A contribution of **£2,260.35** toward sustainable transport.
- i) **£10,991.44** towards monitoring fee (2%)

Total £810,563.48

8.141 The following non-financial planning obligations were also secured:

- a) Affordable housing 30% by habitable room (22 units)
69.9% Affordable Rent at East Thames levels (15 units)
30.1% Intermediate Shared Ownership (7 units)
- b) Access to employment
20% Local Procurement
20% Local Labour in Construction
- c) Car free agreement
- d) Highways s278 agreement

8.142 It is considered that the level of contributions would mitigate against the impacts of the development by providing contributions to all key priorities and other areas. Finally, it is considered that the S106 pot should be pooled in accordance with normal council practice.

Local Finance Considerations

8.143 Section 70(1) of the Town and Country Planning Act 1990 (as amended) provides: "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.

- 8.144 In this context “grants” might include the Government’s “New Homes Bonus” - a grant paid by central government to local councils for increasing the number of homes and their use.
- 8.145 It is considered that the level of contributions would mitigate against the impacts of the development by providing contributions to all key priorities and other areas. Finally, it is considered that the S106 pot should be pooled in accordance with normal council practice.
- 8.146 Members are reminded that that the London Mayoral CIL became operational from 1 April 2012 and would normally be payable. However, officers have determined that due to estimated amount of the affordable housing relief and the amount of the existing occupied floorspace on site, it is likely that a percentage of the proposal would not be liable for any CIL payments.
- 8.147 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides un-ring-fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.
- 8.148 Using the DCLG’s New Homes Bonus Calculator, and assuming that the scheme is implemented/occupied without any variations or amendments, this development is likely to generate approximately £119,148 in the first year and a total payment £714,889 over 6 years.

Human Rights Considerations

- 8.149 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:
- 8.150 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
 - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and

- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court of Human Rights has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".
- 8.151 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 8.152 Members need to satisfy themselves that the potential adverse amenity impacts are acceptable and that any potential interference with Article 8 rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.153 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 8.154 The balance to be struck between individual rights and the wider public interest has been carefully considered. Having taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement, officers consider that any interference with Convention rights is justified.

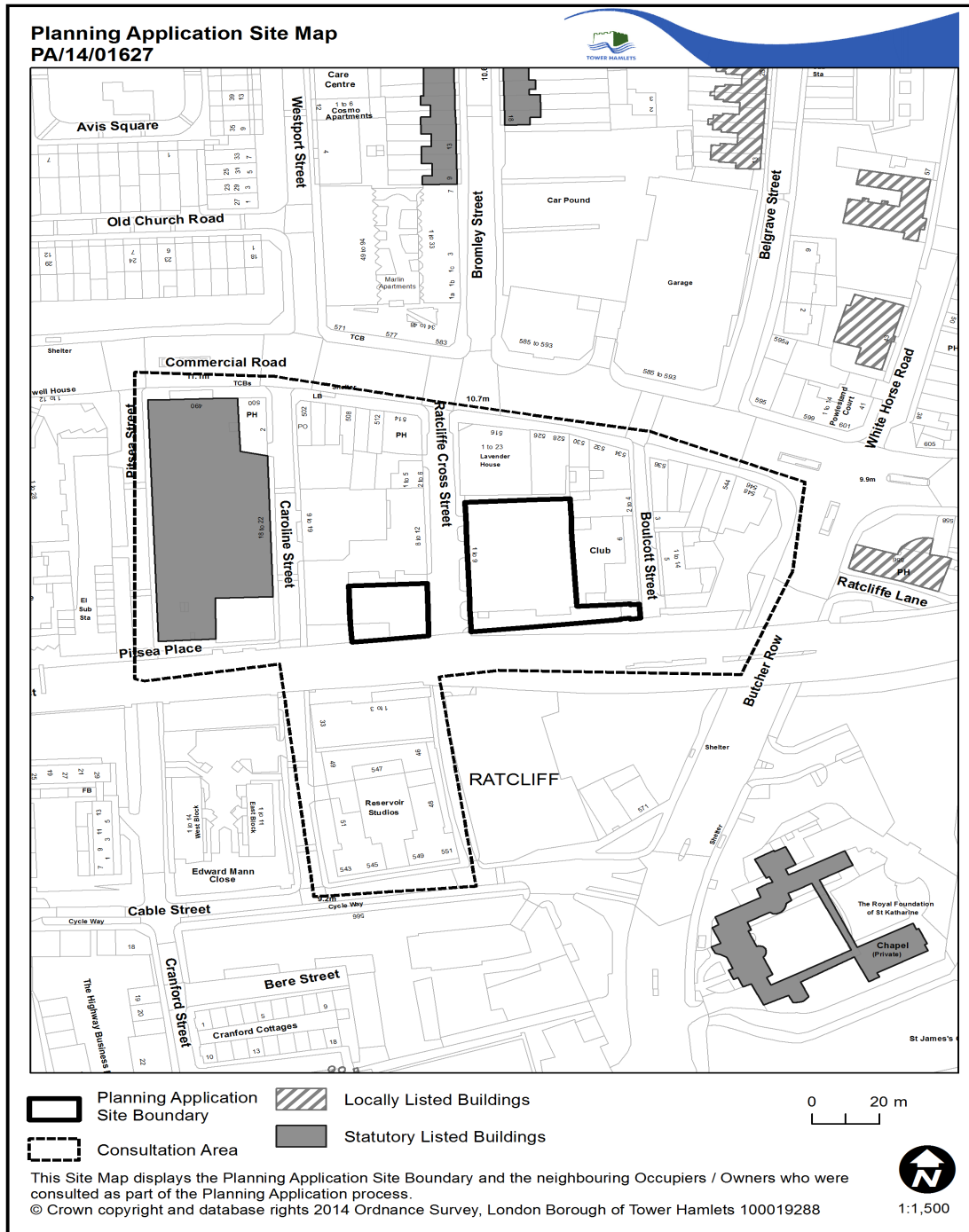
Equalities Act Considerations

- 8.155 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 - foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.156 The proposed contributions towards, commitments to use local labour and services during construction, apprenticeships and employment training schemes, provision of a substantial quantum of high quality affordable housing and improvements to permeability would help mitigate the impact of real or perceived inequalities and would serve to support community wellbeing and promote social cohesion.

9.0 CONCLUSION

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 EXECUTIVE SUMMARY and MATERIAL PLANNING CONSIDERATIONS sections and the details of the decision are set out in the RECOMMENDATION at the beginning of this report

10.0 SITE MAP



Agenda Item 6.2

Committee: Development Committee	Date: 11 th February 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Adam Williams	Ref No: PA/14/01897
	Ward: Spitalfields and Banglatown

1. APPLICATION DETAILS

Location: Silwex House, Quaker Street, London, E1 6NS

Existing Use: Vacant warehouse (Use Class B8)

Proposal: Demolition of the roof and part side elevations, the retention and restoration of the southern and northern elevations and the construction of a 3 storey roof extension to provide a new hotel (Class C1) development comprising approx. 250 bedrooms over basement, ground and 5 upper floors with ancillary cafe space and servicing on the ground floor, associated plant in the basement and roof, improvements to the front pavement and associated works.

Drawing No: 932_07_001 (Rev P1);
932_07_002 (Rev P1);
932_07_09 (Rev P1);
932_07_10 (Rev P1);
932_07_11 (Rev P1);
932_07_12 (Rev P1);
932_07_20 (Rev P1);
932_07_21 (Rev P1);
932_07_22 (Rev P1);
932_07_30 (Rev P1);
932_07_49 (Rev P1);
932_07_50 (Rev P2);
932_07_51 (Rev P2);
932_07_52 (Rev P2);
932_07_53 (Rev P2);
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932_07_56 (Rev P2);
932_07_098 (Rev P2);
932_07_099 (Rev P2);
932_07_100 (Rev P2);
932_07_101 (Rev P3);

932_07_102 (Rev P3);
932_07_103 (Rev P2);
932_07_104 (Rev P2);
932_07_105 (Rev P2);
932_07_106 (Rev P2);
932_07_200 (Rev P2);
932_07_201 (Rev P2);
932_07_202 (Rev P2);
932_07_203 (Rev P1);
932_07_300 (Rev P2);
932_07_301 (Rev P2);
932_07_400 (Rev P2);
932_07_401 (Rev P2);
932_07_410 (Rev P1);
932_07_411 (Rev P1);
932_07_412 (Rev P1);
932_07_413 (Rev P1).

Documents:

Planning Supporting Statement, prepared by Porta Planning, dated July 2014;
Addendum to Planning Supporting Statement, prepared by Porta Planning, dated December 2014;
Design and Access Statement, prepared by Allies and Morrison, dated July 2014;
Design and Access Statement Addendum, prepared by Allies and Morrison, dated December 2014;
Historic Building Report, prepared by Donald Insall Associates, dated December 2014;
Provisional Methodology for Repairs and Restoration of Northern Wall, prepared by EC Harris Build Asset Consultancy, dated December 2014;
Daylight and Sunlight Report, prepared by GL Hearn, dated 19 June 2014;
Daylight and Sunlight – VSC and Sunlight Results – Balconies Included – Eagle Building, prepared by GL Hearn, including Eagle Works Window Maps, reference JO31687/08;
Transport Statement (Issue 3, Revision A), prepared by Russell Giles Partnership, dated 10 December 2014;
Transport Statement Addendum Sheet, prepared by Russell Giles Partnership;
Travel Plan (Revision A), prepared by Russell Giles Partnership, dated December 2014;
Delivery and Servicing Plan (Issue 3, Revision A), prepared by Russell Giles Partnership, dated 10 December 2014;
Environmental Performance Statement (Issue 03), prepared by Grontmij, dated December 2014;
Response to Planning Consultation Comments (Revision 00), prepared by Grontmij;
BRUKL Output Document – Quaker Street, dated 16 December 2014;
Noise Impact Assessment (Revision 01), prepared by Scotch Partners, dated 30 May 2014;

Vibration Impact Assessment (Revision 00), prepared by Scotch Partners, dated 30 May 2014;
Statement of Community Involvement, prepared by Curtin & Co., dated June 2014;
Phase I Geo-Environmental Risk Assessment, reference 13-223.01, prepared by Aviron Associates Limited, dated September 2014;
Phase II Geo-Environmental Risk Assessment, reference 13-223.02, prepared by Aviron Associates Limited, dated October 2014;
Air Quality Assessment (Revision 3), prepared by URS, dated 11 December 2014;
Initial Assessment Bat Survey, prepared by Arbtech Consulting Ltd.,
Letter from Owen Ellender of Whitbread.
Letter from Peter Spence of GL Hearn, dated 23 January 2015, including drawing J031687/17

Applicant: Premier Inn Ochre Ltd

Ownership: Premier Inn Ochre Ltd
Network Rail
UK Power Networks

Historic Building: N/A

Conservation Area: Brick Lane and Fournier Street Conservation Area

2. EXECUTIVE SUMMARY

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development Document (2013), the London Plan (2013) and national planning policy and guidance, along with all other material considerations and has found that:
- 2.2 The proposals include the partial demolition of the late Victorian stables/warehouse building, with the retention and restoration of the front, rear, east and part-west facades. It is then proposed to convert and extend the building from Use Class B8 warehouse to a 250 bedroom Use Class C1 hotel, including ancillary café, loading bay and on-site disabled car parking space.
- 2.3 Whilst the proposals would result in the loss of the existing B8 warehouse floorspace, given the location, size, accessibility and poor condition of the building, it is considered that the proposals would not result in the loss of an active or viable employment use. As such, the loss of B8 floorspace accords with the objectives of Policy DM15 of the managing Development Document (2013).
- 2.4 In terms of the proposed use of the site, it is considered that the application site is suitably located for a hotel development of this scale. The proposals also accord with the requirements of Policy 4.5 of the London Plan (2013), Policy SP06(4) of the Core Strategy (2010) and Policy DM7(1) of the Managing Development Document (2013) and are therefore considered to be acceptable in principle in land use terms.

- 2.5 The application site is an undesignated heritage asset and lies within the Brick Lane and Fournier Street Conservation Area. In addition, the site lies within the setting of the Grade II listed Braithwaite Viaduct and the Grade II listed Bedford House. The proposals include the partial demolition of the building, with retention of front, rear, east and part west façade, and erection of three additional storeys.
- 2.6 It is considered that the proposals have been well designed and take into account and respect the surrounding built form and public realm. Whilst the proposals would result in some harm to the significance of the Conservation Area and the building itself through the loss of original built fabric, it is considered that the level of harm would be less than substantial and would be outweighed by the public benefits of the scheme, including bringing the vacant building back into active use and restoring the retained facades. In addition, it is considered that the development would protect the special historic and architectural interest of nearby listed buildings. As such, the development accords with Policy SP10 of the Core Strategy (2010), Policies DM24 and DM27 of the Managing Development Document (2013) and government guidance in the NPPF (2012).
- 2.7 The hotel development would include adequate provision of wheelchair accessible rooms and incorporates inclusive and accessible design features, in accordance with Policies 4.5 and 7.2 of the London Plan (2013). In addition, subject to a condition securing details of Secured by Design measures to be incorporated into the scheme, the development would reduce the opportunities for criminal behaviour and improve safety and security at and around the site, in accordance with Policy 7.3 of the London Plan (2013) and Policy DM23(3) of the Managing Development Document (2013).
- 2.8 With regard to impacts on residential amenity, the development would result in material reduction to the daylighting conditions of some properties within Wheler House to the south of the site. However, as these impacts are exacerbated by the deep access balconies on Wheler House, and as the primary habitable (living) rooms would maintain good light levels, on balance it is considered that these impacts are acceptable.
- 2.9 It is considered that any noise impact can be suitably mitigate through the use of conditions, including limiting the hours that the hotel café can serve non-hotel guests, securing details of the glazing specification and plant specification, and securing a Construction Environmental Management Plan to details measures to mitigate the impacts of the works on nearby residents and the area generally. Subject to conditions, it is considered that the development will adequately protect surrounding residential amenity.
- 2.10 The proposals would result in an increase in the number of pedestrian/cycle/public transport two-way daily trips compared to both the existing warehouse use and the consented apart hotel scheme, although it would result in a reduction in the number of vehicle borne trips. Given the proposed drop in the number of vehicle trips, together with the very high PTAL of the site and the good levels of pedestrian access and permeability within surrounding streets, this uplift in trip generation is considered acceptable by LBTH Transportation & Highways and Transport for London (TfL).
- 2.11 The development will incorporate energy efficiency measures that will result in policy complaint levels of CO2 reduction and will incorporate a high standard of sustainable design and construction measures, to achieve a BREEAM Excellent rating.

3. RECOMMENDATION

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

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

3.2 Financial Contributions

- a) A contribution of **£17,672** towards Construction Phase Skills and Training
- b) A contribution of **£11,970** towards End User Phase Skills and Training
- c) A contribution of **£1,012** towards Idea Stores, Library and Archives
- d) A contribution of **£4,048** towards Leisure
- e) A contribution of **£407,662** towards Public Open Space
- f) A contribution of **£46,800** towards Public Realm
- g) A contribution of **£413,824** towards Crossrail
- h) A contribution of **£18,060** towards Monitoring (at 2% of total)

3.3 Non- Financial Contributions

- a) A commitment to provide 20% local employment during the construction and operational phases
- b) A commitment to source 20% of procurement from local business during the construction phase
- c) A commitment to complete 14 apprenticeships during the first 5 years of occupation.
- d) A commitment to comply with the Council's Code of Construction Practice
- e) Restriction of coach party hotel bookings
- f) Travel Plan

3.4 That the Corporate Director Development & Renewal is delegated power to negotiate and approve the legal agreement indicated above acting within normal delegated authority.

3.5 That the Corporate Director Development & Renewal is delegated power to issue the planning permission and impose conditions and informatives on the planning permission to secure the following matters:

3.6 **Conditions**

1. Three year time limit
2. Development to be carried out in accordance with the approved plans and documents
3. Restriction of hotel use within Use Class C1
4. Samples and details of external materials, gable treatments, entrance canopy, windows, doors and openings
5. Details of treatment of upper arched windows and roof level behind
6. Structural survey and Method Statement for repair and rebuilding works

7. Wheelchair accessible rooms to be retained
8. Details of Secured by Design measures
9. Details of noise/vibration mitigation measures, including glazing and ventilation
10. Details of mechanical plant and Noise Impact Assessment
11. Restricted hours for hotel café serving non-hotel guests
12. Hotel Management Plan
13. East facing windows to be obscure glazed
14. Construction Logistics Plan
15. Delivery and Servicing Plan
16. Construction Environmental Management Plan
17. Details of cycle parking
18. Disabled Car Parking Management Plan
19. Disabled car parking space to be retained
20. Waste storage facilities to be retained
21. Construction working hours
22. Contaminated land
23. Programme of recording and archaeological investigation
24. Water capacity study
25. Details of bio-diverse green/brown roof and habitat
26. Bat emergence survey
27. Bird nest survey
28. CO2 reductions to accord with Environmental Performance Statement
29. Details of CHP and ASHP
30. BREEAM 'Excellent' certification

Any other condition(s) considered necessary by the Corporate Director Development & Renewal.

3.7 Informatives

1. This development is to be read in conjunction with the S106 agreement.
2. The developer is to enter into a S278 agreement for works to the public highway.
3. Developer to contact the Designing Out Crime Officer.
4. Developer to contact Network Rail.
5. Minimum recommended water pressure (Thames Water)
6. No building within 5m of large water mains (Thames Water)
7. Any other informative(s) considered necessary by the Corporate Director

Development & Renewal.

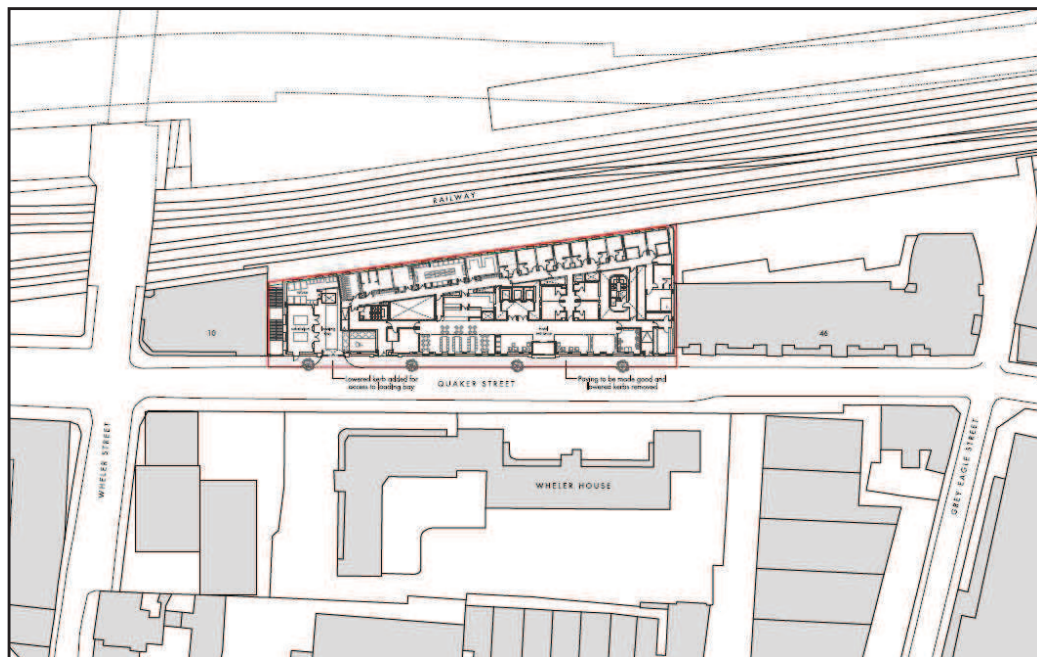
8. That, if within 3-months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The proposals are for the partial demolition of the late Victorian stables/warehouse building, with the retention and restoration of the front, rear, east and part-west facades, and conversion and extension of the building from Use Class B8 warehouse to a 250 bedroom Use Class C1 hotel, including ancillary café, loading bay and on-site disabled car parking space, with 10% of the hotel rooms being wheelchair accessible.
- 4.2 The proposals include the erection of three additional roof storeys, which would be set back from the gables and would have a sloping and undulating/folding form at the front elevation and a recessively stepped form at the rear elevation, with both the front and rear additional storeys including off-set dormer windows.

Figure 1: Site Location and Layout



Site and Surroundings

- 4.3 The application site is a late Victorian building dating from 1873-94 that was built as a stable for the Great Eastern Railway. The building comprises two full floors and the north and south elevations have been constructed as 8 bay gable facades, with transverse spans running from the front to the back of the building. The elevations are robustly detailed, including a triptych of high-level arched windows with rubbed-red-brick voussoirs within each bay. The rear elevation is built off jack arches that are visible from the emergency train platform that lies at lower ground floor level (track level) along the northern boundary of the building.

- 4.4 The site is bounded by the National Rail railway cutting to the north, by the adjoining six storey mixed live/work and apartment block known as Eagle Works to the east, by the public highway on Quaker Street to the south and by the contemporary five storey corner building at 10 Quaker Street to the west, which includes commercial units at ground level and residential units on the upper floors.
- 4.5 The application site lies within the Central Activities Zone (CAZ) and within the City Fringe Opportunity Area, as designated in the London Plan (2013). The site lies 60 meters beyond (outside) the western boundary of the Brick Lane District Centre, as designated in the Council's adopted Managing Development Document (2013).
- 4.6 The surrounding area includes a mix of uses, with Quaker Street itself being predominantly residential in character, including a number of apartment blocks, whilst Brick Lane to the east and Commercial Street to the west of the site are predominantly commercial in character, including a range of retail, restaurant, entertainment and office uses.
- 4.7 The application site lies within the Brick Lane and Fournier Street Conservation Area, which was designated in July 1969 as 'Fournier Street' and extended in 1978 and again in 1998, when its name was changed to reflect Brick Lane's contribution to the character of the area. It is one of the largest in Tower Hamlets, running along Brick Lane from Bethnal Green Road in the north down to Whitechapel in the south. It contains some of the most architecturally and historically significant buildings in the Borough, including the exceptional group of 18th Century houses around Fournier Street. They comprise the most important early Georgian quarter in England and include Christ Church Spitalfields, designed by Nicholas Hawksmoor.
- 4.8 The application site does not include any listed buildings or structures. However, the site lies immediately to the south of the Grade II listed Braithwaite Viaduct and lies to the north-east of the Grade II listed Bedford House, which is located on the corner of Quaker Street and Wheler Street.
- 4.9 The application site benefits from excellent access to public transport, with the site being located 110 metres to the south of Shoreditch High Street Station and 610 metres to the north-east of Liverpool Street Station. In addition, the site lies a short distance to the east of Commercial Street, which is served by a number of bus routes. As a result, the site has a Public Transport Accessibility Level (PTAL) of 6b, on a scale from 1a to 6b where 6b is excellent.

Planning History

The following planning decisions are relevant to the application:

- 4.10 PA/07/02310 & PA/07/02311
On 30 May 2008 planning permission and conservation area consent was **granted** for the construction of a two storey roof extension in connection with a change of use from workshop/warehouse (Class B8) to apartment hotel accommodation (Class C1) with ancillary commercial floor space (661sqm), service areas as well as provision of basement parking.
- 4.11 PA/11/00364
On 23 May 2011 planning permission was **granted** to replace extant permission ref PA/07/2310, dated 30/05/08, in order to extend the time limit for implementation for the construction of a two storey roof extension in connection with a change of use

from workshop/warehouse (Class B8) to apartment hotel accommodation (Class C1) with ancillary commercial floor space (661sqm), service areas as well as provision of basement parking.

4.12 PA/11/00436

On 18 April 2011 conservation area consent was **granted** to replace extant consent ref PA/07/02311, dated 30/05/08, in order to extend the time limit for implementation demolition of internal structures, partition walls and roof of building (facade retention on all four elevations).

4.13 PA/14/00312

On 29 April 2014 the Council **granted** consent for a non-material amendment to Planning Permission PA/11/00364, dated 23/05/2011, including variations to the wording of conditions 3 (samples of materials) ,5 (construction traffic route) ,8 (privacy screens) and 16 (highway improvement works).

4.14 PA/14/00454

On 4 March 2014 the Council **granted** consent for the discharge of Condition 3 (Construction Contract) of Conservation Area Consent dated 18/04/2011, ref: PA/11/00436.

4.15 PA/14/00673

ON 22 April 2014 the Council **granted** consent for the discharge of Condition 3 (Construction Contract) of Conservation Area Consent dated 18/04/2011, ref: PA/11/00436.

Figure 2: Front Elevation of Extant Consent for Serviced Apartment Hotel

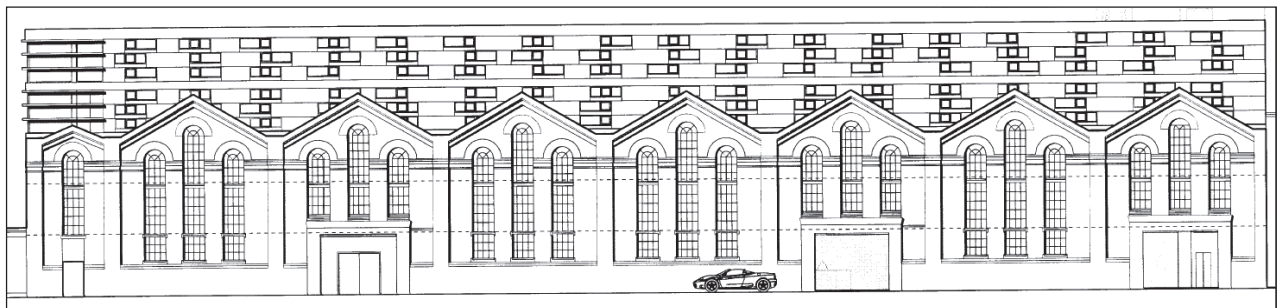
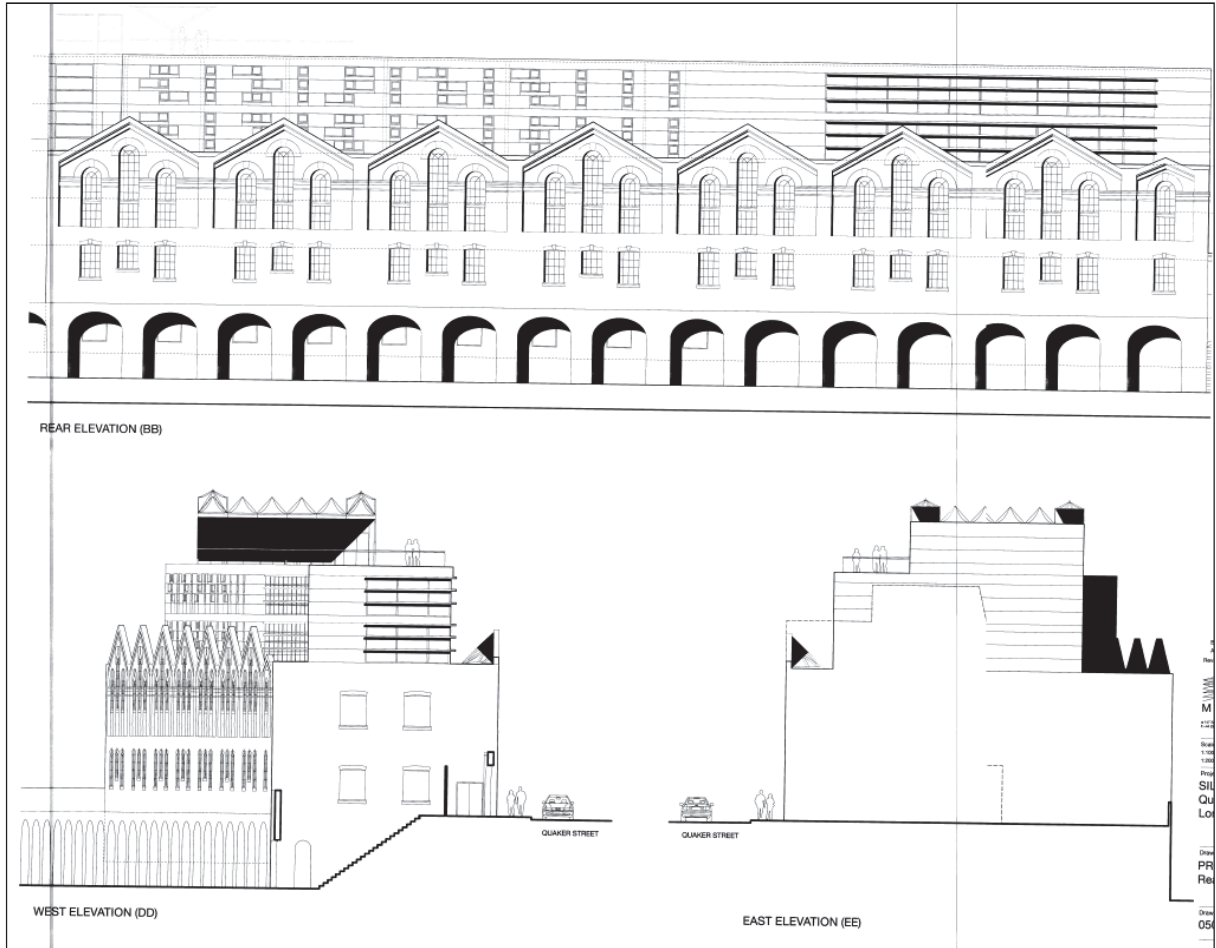


Figure 3: Rear and Side Elevations of Extant Consent Scheme (including rooftop bar)



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:

Government Planning Policy Guidance/Statements

- National Planning Policy Framework (2012)
- Technical Guidance to the National Planning Policy Framework (2012)
- National Planning Policy Guidance (Online)

Spatial Development Strategy for Greater London (London Plan) (2013)

- 2.10 Central Activities Zone – strategic priorities
- 2.11 Central Activities Zone – strategic functions
- 2.12 Central Activities Zone – predominantly local activities
- 2.13 Opportunity areas and intensification areas
- 4.1 Developing London’s economy
- 4.5 London’s visitor infrastructure
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.16 Waste self-sufficiency
- 5.17 Waste capacity
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London’s transport connectivity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.10 Walking
- 6.11 Smoothing traffic flow and tackling congestion
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Building London’s neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture
- 7.8 Heritage assets and archaeology
- 7.9 Heritage-led regeneration
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.19 Biodiversity and access to nature
- 8.2 Planning Obligations
- 8.3 Community Infrastructure Levy

Core Strategy Development Plan Document (September 2010) (CS)

SP01	Refocusing on our Town Centres
SP03	Creating healthy and liveable neighbourhoods
SP04	Creating a green and blue grid
SP05	Dealing with waste
SP06	Delivering successful employment hubs
SP08	Making connected places
SP09	Creating attractive and safe streets
SP10	Creating distinct and durable places
SP11	Working towards a zero-carbon borough
SP12	Delivering placemaking and Implementation

Managing Development Document (April 2013) (MDD)

DM0	Delivering Sustainable Development
DM1	Development within the Town centre hierarchy
DM7	Short stay accommodation
DM9	Improving air quality
DM11	Living buildings and biodiversity
DM14	Managing waste
DM15	Local job creation and investment
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 built environment
DM29	Achieving a zero carbon borough and addressing climate change

Supplementary Planning Guidance/Documents

Planning Obligations Supplementary Planning Document, LBTH (2012)
Brick Lane and Fournier Street Conservation Area Character Appraisal and Management Guidelines, LBTH (2009)
London Borough of Tower Hamlets Rail Noise Policy Statement Incorporating a Code of Practice, LBTH (1994)
Greater London Authority Sustainable Design and Construction SPG (2014)
Greater London Authority Planning Energy Assessment Guidance (2014)
Draft City Fringe/Tech City Opportunity Area Planning Framework, GLA (December 2014)
Conservation Principles, Policies and Guidance for the Sustainable Management of the Historic Environment, English Heritage (2008)
The Setting of Heritage Assets, English Heritage (2011)

6. CONSULTATION RESPONSE

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

6.2 LBTH Environmental Health (Noise & Vibration)

Having reviewed the planning application our department would not object to the proposal but would make the following comments. The applicant has considered the noise impact from local railway noise, traffic and plant, although the requirements for ground-borne noise should be agreed and compliant with our own

Rail Noise Policy target of 35 dB L_{Amax}(f). The acoustic consultant has also taken into account the requirements of BS8233 which states that hotel bedrooms should be treated in the same way as residential bedrooms. Therefore we would always require that the relevant standards in BS8233:2014 are met. Further information on the glazing and ventilation requirements should be provided, as acoustic trickle vents may not be sufficient at this development.

Other noise impacts may also occur from any other Commercial activities at the hotel including the bar, restaurant and any likely functions. Other impacts are also likely from the associated air conditioning / handling plant kitchen extract systems or mechanical and electrical plant used transport and delivery issues from taxis, HGV deliveries, waste disposal and collections. Consideration should also be given to the construction and any required demolition activities, including permitted working hours.

Officer Comments: Noted. If planning permission were to be granted it is recommended that a condition is included to secure details of the acoustic specification of the glazing and the ventilation system and to require the development to meet the residential standard of BS8233:2014. It is also recommended that further condition be included to require full details of all plant, together with an associated Noise Impact Assessment, and to ensure the development accords with the Delivery and Servicing Plan, which stipulates that refuse vehicles will not access the site during sensitive hours. In addition, the associated S106 agreement would include an obligation requiring the development to accord with the Council's Code of Construction Practice.

6.3 **LBTH Environmental Health (Contaminated Land)**

The conclusions and recommendations of the Phase I Geo-Environmental Risk Assessment Report with respect to soil contamination and the proposed ground gas monitoring to characterise the ground gas regime at the site as agreed. As indicated in the report, the results of the outstanding gas monitoring in accordance with Ciria 665 should be reported to this department in due course and depending on the results, suitable protective measures may be required to mitigate gas ingress into the building.

It is recommend that conditions be included to secure a scheme to identify the extent of the contamination and the measures to be taken to avoid risk to the public, buildings and environment, and to require any necessary remediation works to be carried out prior to the occupation of the building and for a verification report to be submitted on completion of the remediation works.

Officer Comments: Noted. If planning permission were to be granted it is recommended that the above conditions are included.

6.4 **LBTH Environmental Health (Air Quality)**

The predicted NO₂ levels exceed the annual standard; however as the proposed use is a hotel, this standard does not apply, as stated in the AQ Assessment. Therefore mitigation is not required.

The demolition/construction assessment is accepted provided the mitigation measures stated in the report are instigated at the development. The developer should submit a construction/demolition management plan detailing how the potential air quality effects will be controlled and mitigated in line with the 'The Control of Dust and Emissions during Construction and Demolition Supplementary Planning Guidance 2014' and the 'Tower Hamlets Code of Construction practice.'

This is required prior to the commencement of the development.

Officer Comments: Noted. If planning permission were to be granted it is recommended that a condition is included to secure a Construction Environmental Management Plan

6.5 **LBTH Designing Out Crime Officer**

The crime statistics show that the area has higher rates of most relevant types of crime than is average for Tower Hamlets or the Metropolitan Police Service area as a whole, particularly for theft, robbery and drug offences.

If planning permission is to be granted it is recommended that a condition is included to secure details showing how the principles of the Secured by Design scheme are to be incorporated into the development. It is also recommended that an informative be included advising the applicant to contact the Police Designing Out Crime Officers.

Officer Comments: Noted. If planning permission were to be granted, it is recommended that the above condition and informative be included.

6.6 **LBTH Transportation & Highways**

- The interaction between the servicing and the disabled parking will need to be further developed if permission is granted.
- Further details are required of the entrance canopy.
- A Delivery and Servicing Plan has been submitted and is considered to be acceptable.
- The supporting statement says that it is unlikely that coaches will use the hotel but a condition should be included restricting this type of booking.
- A robust Construction Management Plan will need to be secured by condition.
- The applicant will be expected to enter into a S278 agreement with the local highway authority to cover the costs of works deemed necessary or arising from the development.
- The revised scheme reduces the number of rooms from 290 to 250, which will result in less pedestrian movements and taxi movements to the previously submitted scheme. A revised Travel Plan (TP) has been submitted and a final TP will be required as a condition to any planning permission granted.
- The cycle parking provision is considered acceptable given the footprint of the site and the subsequent reduction in the number of rooms.

Subject to the above, the Highways and Transportation Group has no objection to the proposal and considers it an improvement, in transport terms, when compared to the previously consented scheme.

Officer Comments: Noted. This is discussed further in the 'Material Planning Considerations' section of this report.

6.7 **LBTH Waste Policy & Development**

Waste storage arrangement (capacity and location) is satisfactory. The Delivery & Servicing Plan has been reviewed and is considered to be acceptable.

Officer Comments: Noted. If planning permission were to be granted it is recommended that a condition be included to require the waste and recyclables

storage facilities as shown on the plan to be provided prior to first occupation of the development and to be retained as approved thereafter. In addition, it is recommended that a condition be included to require the development to be carried out in accordance with the Delivery and Servicing Plan.

6.8 **LBTH Enterprise & Employment**

The following obligations should be secured:

- Financial contribution to support/provide training for local residents for construction phase jobs
- 20% local workforce during construction phase
- Financial contribution towards training unemployed local residents for operational phase jobs.
- 14 apprenticeships to be completed during the first 5 years of occupation.

It has been recognised by LB Tower Hamlets that the site is constrained in terms of its location and accessibility and as such is no longer suitable for continued industrial use. This was recognised in the planning committee reports associated with the original apart-hotel scheme in 2008 and the subsequent renewal of this permission in 2011. It is not considered that this position has changed. Due to the level of new development and regeneration that has taken place in the area, it is probably even less suitable for industrial uses.

The building is in a poor condition. It has also recently been occupied by squatters and has fallen into disrepair. The building is therefore unsuitable for other employment uses and the costs of refurbishing the building for such uses would not be a viable option. Taking into account the above matters, the provision of a warehouse facility is considered to be inappropriate in this location and due to the condition of the building, the continued use of the building for employment purposes would not be viable.

Officer Comments: Noted. The above planning obligations would be secured through the S106 agreement. Officers' consideration of the loss of existing B8 warehouse floorspace is set out in the 'Material Planning Considerations' section of this report.

6.9 **LBTH Communities, Localities and Culture**

Communities, Localities and Culture note that the increase in population as a result of the proposed development will increase demand on the borough's open spaces, sports and leisure facilities and on the borough's idea stores, libraries and archive facilities. The increase in population will also have an impact on sustainable travel within the borough. The comments and requests for s106 financial contributions set out below are supported by the Planning Obligations Supplementary Planning Document (SPD):

- A total contribution of £1,012 is required towards Idea Stores, Libraries and Archives.
- A total contribution of £4,048 is required towards Leisure Facilities.
- A total contribution of £407,662 is required towards Public Open Space.
- A total contribution of £46,800 is required towards public realm improvements.

Officer Comments: Noted. The above planning obligations would be secured through the S106 agreement if planning permission were to be granted.

6.10 **LBTH Conservation and Design Advisory Panel (CADAP)**

Members wholeheartedly welcomed the new proposals which enable retention of the striking rear elevation. They felt that the new scheme with its robust architectural treatment suited the urban context and recognised that whilst it may be desirable to reduce the scale of the roof to make it more subordinate in proportion to the elevations, the form of the roof, which steps back at each level would only work if it were to incorporate three floors as proposed.

There was still some concern over the treatment of the end gables. It was felt that these were not yet satisfactorily resolved and required some further consideration. It was noted that the details of the proposals and materials proposed would be important to the overall success of the scheme, both in terms of appearance and technical performance and it was suggested that samples and examples of where materials had previously been used would all be required as part of the development of proposals. It was suggested that further details of the brickwork repairs were required either now, or later by condition.

Officer Comments: Noted. Details of the gable treatments and facing materials would be secured by condition if planning permission were to be granted. This is discussed further in the 'Material Planning Considerations' section of this report.

6.11 **English Heritage**

English Heritage (EH) remain concerned about the impact that the revised proposals will have on the historic environment. Whilst EH welcome the retention of the north elevation of the Victorian warehouse/stable building, EH still believes that the very substantial roof extensions will visually dominate the historic building and seriously reduce its contribution to this part of Brick Lane and Fournier Street Conservation Area and to the settings of nearby listed buildings.

EH remain of the view that the current proposals fail to accord with the NPPF or Section 72 of the Planning (LBCA) Act 1990, which states that local authorities should have special regard to preserving or enhancing the character and appearance of the conservation area and the setting of listed buildings. We therefore maintain our objection to the current proposals.

Officer Comments: Noted. This assessment is at odds with the views of the Council's Conservation Officer, which is discussed further in the 'Material Planning Considerations' section of this report.

6.12 **English Heritage (Greater London Archaeological Advisory Service)**

An impact on buried remains and historic fabric can be expected from any consented scheme. Important issues relating to heritage impact created by the design of the proposed scheme have already been emphasised to the council by other consultees, as has the building's historic significance.

Archaeological remains connected with the early railway and with the post-mediaeval development of London may also be expected beneath the site, as were found at the neighbouring Eagle Works site and the northern half of Bishopsgate Goods Yard.

Should consent be granted for this application, then archaeological impacts could likely be covered by a condition, to include recording of the pre-conversion building itself as well as a staged programme of investigation into buried deposits.

Officer Comments: Noted. It is recommended that a condition be included to require a programme of recording and archaeological investigation in accordance with the above advice.

6.13 Council for British Archaeology

This Committee met and discussed the above case at its meeting on Tuesday, 26 August 2014 and made the following observations:

There were no objections in principle as overall the intended works preserve and enhance the area. It was noted that there was an existing permission for a hotel but with two and not three extra storeys.

In addition it was thought unfortunate that the north elevation was lost and, given the importance of this site directly opposite the Bishopsgate Goods Yard and Braithwaite Viaduct (which may have a NY High Line type open space scheme) further work was needed to show why the existing brickwork could not be retained with a more imaginative extension (echoing the south side).

The Committee discussed other ideas such as using dark brickwork for the lower three storeys and banded above to improve this elevation, but it was felt that a more fundamental change was needed to make this north side acceptable.

Officer Comments: Noted. These comments were made in relation to the scheme as originally submitted and no further comments have been received in response to the revisions to the scheme. The scheme was subsequently amended to include the retention and restoration of the existing north elevation and the current proposals appear to address the substantive concerns above. The detailed assessment of the design of the scheme and its impacts on surrounding heritage assets is provided within the 'Material Planning Considerations' section of this report.

6.14 The Society for the Protection of Ancient Buildings

No comments have been received.

6.15 The Victorian Society

The revisions to the scheme have been noted, and the society's original objection is reiterated - the retention of the north façade is not sufficient for the Victorian Society to withdraw its objection to the application. The proposed height of the building would have both a harmful effect on the Conservation Area and a severe detrimental effect on the building itself. In addition, the Victorian Society still objects to the substantial demolition of the building itself and consider that the harm caused by the proposals is not justified.

Silwex House has not been maintained and repaired as necessary and in accordance with paragraph 130 of the NPPF, the dilapidated condition of the building should not be taken into account in any decision and does not justify the proposed substantial demolitions. It is also considered that the north and south facades would be overwhelmed by the upward extension, which would dominate the Victorian building, and that the existing roof (to be demolished) adds to the building's value as part of the conservation area.

If planning permission is to be granted, a condition should be included to secure details of the roofline, to ensure that it does not cut across the tall central gable windows.

Whilst there are potential opportunities to retain and reuse the building close to its current form, the harm of the proposal would outweigh the public benefits gained by it. The Victorian Society recommends that the application is refused.

Officer Comments: Noted. The detailed assessment of the design of the scheme and its impacts on surrounding heritage assets is provided within the 'Material Planning Considerations' section of this report.

6.16 Spitalfields Community Association

No comments have been received.

6.17 Spitalfields Joint Planning Group

No comments have been received.

6.18 The Spitalfields Historic Buildings Trust

We are writing to object to the above application for Silwex House in its revised form. We still maintain that the demolition of the roof and proposed extension upwards is vandalism to this historic building. The space within the present envelope of the building with its present roof is very large and ample for many suitable uses. If this space is not large enough for the proposed hotel, the hotel should go elsewhere. In short the proposal for the site in its present 'revised' form still does not positively enhance the Conservation Area and should therefore be turned down. We urge yourselves, Tower Hamlets to turn this application down.

Officer Comments: Noted. The detailed assessment of the design of the scheme and its impacts on surrounding heritage assets is provided within the 'Material Planning Considerations' section of this report. It should be noted that precedent for the demolition of the roof and erection of additional storeys is set by the extant (implemented) consent for a serviced apartment hotel with ancillary offices (reference PA/07/02310 and PA/07/02311, extended by PA/11/00364 and PA/11/00436).

6.19 The Spitalfields Society

The Spitalfields Society object to this scheme on a number of particular issues, particularly in the light of the character and setting of the building framed by the Braithwaite railway arches listed grade 2, all of which are being carefully retained in the Goodsyards project under consideration by the planning team presently.

The Spitalfields Society believe any removal of any of the façades front or rear represents a major heritage loss. Further that the design proposed is not of high quality and could not be described as an appropriate replacement. The front elevation has an innovative design which we can support as it retains the existing elevation, however the rear removal is not only impractical, but expensive working over rail track's working railway lines.

Further the effect of the proposed flush vertical wall of accommodation and its overbearing graphic design, on a future park to the north must reinforce the belief that this be considered as a frontage and not a rear, as this public park facility comes forward, what was in the past considered a rear elevation to the south onto railway lines will now have a more public face.

Officer Comments: Noted. These comments were made in relation to the scheme as originally submitted and no further comments have been received in response to the revisions to the scheme. The detailed assessment of the design of the scheme and its impacts on surrounding heritage assets is provided within the

'Material Planning Considerations' section of this report.

6.20 Crossrail

No comments have been received.

6.21 EDF Energy Networks

No comments have been received.

6.22 National Grid

No comments have been received.

6.23 London Borough of Hackney

No comments have been received.

6.24 London Fire and Emergency Planning Authority

No comments have been received.

6.25 Thames Water Authority

The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend that a condition be included to require the submission and approval of impact studies of the existing water supply infrastructure, which should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Thames Water recommend that an informative be attached to this planning permission to advise the applicant that Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes, which should be taken into account in the design of the proposed development.

A further informative should be included to advise the applicant that there are large water mains adjacent to the proposed development and that Thames Water will not allow any building within 5 metres of them and will require 24 hours access for maintenance purposes.

Officer Comments: Noted. If planning permission were to be granted, it is recommended that the above condition and informative be included.

6.26 Transport for London

The site is near to Commercial road which is part of Transport for London's Road Network (TLRN).

- TfL request a Construction Logistics Plan (CLP) to be conditioned in accordance with TfL guidance.
- The site resides within a Crossrail charging zone. On the basis that there is an uplift of 6,784sqm of GIA chargeable floorspace TfL requests a Crossrail contribution of £413,824 is secured within the S106 agreement.
- TfL recognise that the London Plan standards for coach parking are not suitable in this location. Therefore, TfL welcomes the proposal to insert a S106 clause restricting coach bookings to the hotel.

Subject to the above, TfL feels the proposal would not result in an unacceptable impact on the Transport for London Road Network (TLRN).

Officer Comments: Noted. It is recommended that a CLP is secured by condition. In addition, a financial contribution of £413,824 towards Crossrail and a restriction on coach party booking would be secured through the S106.

6.27 **Network Rail**

The proposed building is located in extremely close proximity to Network Rail's boundary and operational railway infrastructure. The developer will need to liaise and obtain the necessary consents and licences from Network Rail in relation to construction and maintenance of the development.

The developer must ensure that their proposal, both during construction and after completion of works on site, does not:

- encroach onto Network Rail land
- affect the safety, operation or integrity of the company's railway and its infrastructure
- undermine its support zone
- damage the company's infrastructure
- place additional load on cuttings
- adversely affect any railway land or structure
- over-sail or encroach upon the air-space of any Network Rail land
- cause to obstruct or interfere with any works or proposed works or Network Rail development both now and in the future

Officer Comments: Noted. If planning permission were to be granted it is recommended that an informative be included advising the applicant to contact Network Rail.

6.28 **London Underground**

I can confirm that London Underground Infrastructure Protection has no comment to make on this planning application.

Officer Comments: Noted.

7. **LOCAL REPRESENTATION**

7.1 The submission of the current application has followed formal pre-application discussions between the applicant and officers. Prior to the submission of the planning application, the applicant engaged in public consultation with local stakeholder, details of which are provided in the submitted Statement of Community Involvement (SCI), prepared by Curtin & Co. This has included holding public exhibitions at 24-26 Fournier Street on 27th and 31st May 2014 and a letter drop to surrounding homes. Copies of the completed consultation feedback forms are provided in the SCI.

7.2 A total of 334 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 (including the East End Preservation Society) in response to notification and publicity of the application were as follows:

No of individual responses: 42 Objecting: 42 Supporting:0
No of petitions received: 1 (including 24 signatories) in objection

7.3 Of the above local representations, 41 letters of objection and the petition were received in response to public consultation on the proposals as originally submitted (for a 290 room hotel, including the demolition of the existing rear elevation). Following the revisions to the scheme in December 2014 (reducing the number of rooms to 250 and retaining and restoring the rear elevation) a public re-consultation exercise was carried out, following which one additional letter of objection was received and four local stakeholders who had previously objected to the proposals submitted further representations.

7.4 The following issues were raised in representations in objection to the scheme and are addressed below and within the 'Material Planning Considerations' section of this report:

7.5 **Land Use**

- There are too many hotels in Spitalfields, which is ruining the character of the area.
- The scale of the hotel should be downsized.
- A more imaginative/creative use for the building should be found instead of a generic hotel.
- The light-industrial nature of the building should be retained to support local employment.
- The building would be better used to support social enterprise or provide community facilities.
- The building should be converted into affordable housing for the local community.

Officer Comments: The applicant has undertaken a review of the number of existing hotels in the vicinity of the site within the submitted Planning Statement. Officers consider that the proposals would not result in an over-concentration of hotel accommodation within the locality, having regard to the site's location within the CAZ, within which adopted policy seeks to focus new hotel development. It should be noted that the existing use of the building is B8 warehouse, and not B1(c) light industrial as stated above. Officers have assessed the current application on its own merits and the suitability or otherwise of alternative uses is not germane to the determination of the current application.

7.6 **Design and Conservation**

- The existing building is attractive and of historic significance and should be retained/renovated/re-used
- The retention of the facade does not maintain the integrity of the building.
- This is an example of ugly facadism.
- The additional storeys are disproportionately tall and will detract from the original facade.
- The design of the additional storeys does not relate to the design of the retained facade and will harm the significant of the building and Conservation Area.
- The creation of large windows in the (retained) front elevation will fundamentally alter the character of the former stables.
- Further investigation should have been carried out to see if the existing windows are original and should be repaired/replaced like-for-like.

- The development will adversely impact on listed buildings within the area.
- Reducing the building to a facade with three extra storeys will ruin the immediate Conservation Area's aesthetic.
- The design of additional storeys is lazy, poorly proportioned and bland.
- The development would contribute to the erosion of Shoreditch's character.
- The proposals do not respect the significance or character of the building.
- The rear facade will be highly visible from the park at the Bishopsgate Goodsyards and there is no justification for the rear wall not to be preserved.
- In accordance with the NPPF, the Council should consider whether the poor condition of the north elevation is due to deliberate neglect (and thus should not be taken into account in any decision).
- The scheme does not comply with Policy DM27 of the Managing Development Document.

Officer Comments: Details of officers' assessment of the design and conservation implications of the development are set out in the 'Material Planning Considerations' section of this report. It should be noted that the proposals were amended during the course of the application to include the retention and restoration of the north (rear) facade, which was originally to be demolished and replaced with a new facade.

7.7 Amenity

- The development will adversely impact on daylight/sunlight/overshadowing levels at neighbouring residential properties.
- The development will result in a loss of privacy to neighbouring residents through overlooking.
- The development will result in a loss of visual amenity.
- The hotel use will result in noise disturbance to neighbouring residents.
- The roof level plant will result in noise disturbance to neighbouring residents.
- The construction works will cause disturbance/disruption to residents.

Officer Comments: Officers' assessment of the impacts of the proposed development on the amenity of neighbouring residents and the surrounding area generally is provided in the 'Material Planning Considerations' section of this report.

7.8 Highways

- The development will significantly increase traffic in the area.
- The current plans do not include a taxi drop-off area, which would exacerbate traffic congestion on the street.
- Servicing vehicles reversing into the loading bay poses a risk to pedestrians and local school children.
- The proposals will put additional pressure on local on-street car parking.

Officer Comments: These points are addressed in the 'Material Planning Considerations' section of this report.

7.9 Other

- The development will block the view from neighbouring terraces.
- The development will lower the value of some neighbouring flats.
- The development will contribute nothing to the community.
- The development would affect/should be downsized on the basis of Right to Light.
- The hotel will reduce social cohesion and increase the alienation of local residents.

- The additional storeys could enable access from the site to neighbouring buildings, posing a security risk.
- Contrary to the applicant's Statement of Community Involvement, community consultation was not well publicised by the applicant.
- It does not appear that the process set out in the letter from Whitbread would prevent the hotel from taking bookings from groups such as stag and hen parties.
- The development will increase anti-social behaviour in the area.

Officer Comments: It should be noted that the loss of a view and the effect of a development on surrounding property prices are not relevant material planning considerations and can therefore be given little weight during the determination of this application. With regard to community benefits, the S106 agreement that would accompany this planning permission, were it to be granted, would secure financial contributions towards training local residents and those unemployed in the borough for jobs during both the construction and operational phases of the development and would also provide 14 apprenticeships. In terms of the security implications of the development, the proposals have been reviewed by the Council's Designing Out Crime Officer, who raises no objections subject to the inclusion of a condition to secure details of the Secured by Design measures that will be incorporated into the scheme. In terms of restrictions on the size of party bookings, the accompanying S106 agreement would include an obligation to prevent the hotel operator from taking coach party bookings.

8. MATERIAL PLANNING CONSIDERATIONS

- 8.1 The main planning issues raised by the application that the Committee must consider are:
- (a). Land Use
 - (b). Design and Conservation
 - (c). Amenity
 - (d). Highways
 - (e). Waste and Recyclables Storage
 - (f). Archaeological Impacts
 - (g). Biodiversity
 - (h). Energy & Sustainability
 - (i). Contaminated Land
 - (j). Air Quality
 - (k). Planning Obligations
 - (l). Human Rights Considerations
 - (m). Equalities Act Considerations
 - (n). Section 70(2) of the TCPA 1990

Land Use

Proposals

- 8.2 The application site currently comprises 2,600qsm of vacant warehouse (Use Class B8) floorspace arranged over the ground and first floors of the building. The proposals are for the partial demolition, conversion and extension of the building to provide 6,784 sqm of hotel (Use Class C1) floorspace. The proposed hotel comprises 250 guest rooms and would be operated as a 'Hub' by Premier Inn hotel. The hotel

includes a small cafe at ground floor level and does not include a separate hotel restaurant/bar. The hotel would also include an integral loading bay for servicing and deliveries and one disabled car parking space.

- 8.3 The proposed development presents two land use issues, specifically the acceptability of both the loss of the existing B8 warehouse floorspace and the proposed C1 hotel use. These issues must both be assessed within the context of the fact that there is an extant permission for the conversion and extension of the building to a Use Class C1 serviced apartment hotel (see the 'Relevant Planning History' section of this report).

Loss of Use Class B8 Warehouse Floorspace

- 8.4 Policy DM15 of the Council's adopted Managing Development Document (2013) seeks to resist the loss of active and viable employment uses, unless it can be shown that the site has been actively marketed or that the site is unsuitable for continued employment use due to its location, viability, accessibility, size and condition. Strategy 3 within the Mayor of London's Draft City Fringe Opportunity Area Planning Framework (Consultation Draft, December 2014) seeks to ensure that developments resulting in the loss of employment floorspace within the Inner Core area of the City Fringe produce a higher employment yield than the existing employment uses.
- 8.5 The proposals would result in the loss of 2,600sqm of existing Use Class B8 warehouse floorspace. It is noted that the site has been vacant for several years and has fallen into disrepair, with the site recently being occupied by squatters. It is noted that the acceptability in principle of the loss of B8 warehouse floorspace is established by the extant serviced apartment hotel consent. It is also noted that the application site is not designated for any specific land use and is not included in the Site Allocations within the Council's Managing Development Document (2013).
- 8.6 In addition, given the location, size, accessibility and poor condition of the building, it is considered that the proposals would not result in the loss of an active or viable employment use, which is confirmed by LBTH Enterprise & Employment (see the 'Consultation Responses' section of this report). It is also noted that the projected employment yield of the proposed hotel (83 employees) is greater than that of the existing warehouse use (33 employees). As such, it is considered that the proposed loss of B8 floorspace accords with the objectives of Policy DM15 of the managing Development Document (2013) and Strategy 3 of the Draft City Fringe Opportunity Area Planning Framework (Consultation Draft, December 2014).

Proposed Use Class C1 Hotel Use

- 8.7 Policy 4.5 of the London Plan (2013) seeks the delivery of 40,000 new hotel bedrooms by 2031 and supports the delivery of new hotel accommodation in appropriate locations, including focusing strategically important hotel provision within the CAZ and Opportunity Areas, with smaller scale hotel provision within CAZ fringe locations in areas with good access to public transport.
- 8.8 Policy SP06(4) of the Council's adopted Core Strategy (2010) seeks to concentrate hotels within the CAZ, City Fringe Activity Area, Canary Wharf Activity Area and Major and District Centres.
- 8.9 Policy DM7(1) of the Managing Development Document (2013) supports the development of new visitor accommodation in the Borough, provided new hotels are

appropriate in size relative to their location within the town centre hierarchy; serve a need for such accommodation; do not compromise the supply of land for new homes; do not to create an over-concentration of hotels in a given area or harm residential amenity, and; benefit from adequate access for servicing, coach parking and vehicle setting down and picking up movements.

- 8.10 It is noted that the current proposals would result in the intensification of C1 hotel use over and above the extant consent, with the overall quantum of C1 floorspace increasing from 3,800sqm (as consented) to 6,784 sqm (as proposed). However, given that the site is located within the Central Activities Zone (CAZ) and lies 60 metres to the west of the boundary of the Brick Lane District Centre, and that the site benefits from excellent access to public transport, with a PTAL of 6b, it is considered that the application site is suitably located for a hotel development of this scale.
- 8.11 Given the physical constraints of the existing Victorian stable building and its immediate surroundings it is considered that the proposals would not compromise the supply of land for new homes. The applicant has provided details of the location of other hotels within the surrounding area within the submitted Planning Supporting Statement. These include the Tune Hotel at Liverpool Street Station and the Boundary and Shoreditch House to the north of Shoreditch Overground Station. Having regard to the site's location within the Central Activities Zone, within which adopted policy seeks to focus the delivery of new hotel accommodation, it is considered that the proposals would not result in an over-concentration of hotel accommodation in this area.
- 8.12 Taking into account the above, it is considered that the proposed hotel use accords the objectives of Policy 4.5 of the London Plan (2013), Policy SP06(4) of the Core Strategy (2010) and Policy DM7(1) of the Managing Development Document (2013). The proposals are therefore considered to be acceptable in principle in land use terms. The amenity issues associated with the proposed hotel use are discussed in the 'Amenity' section of this report.

Design & Conservation

Legislative and Policy Context

- 8.13 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) requires decision makers determining planning applications that would affect a listed building or its setting to "have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses".
- 8.14 Section 72(1) of the Planning (LBCA) Act 1990 requires decision makers determining planning applications that would affect buildings or other land in a conservation area to pay "special attention [...] to the desirability of preserving or enhancing the character or appearance of that area".
- 8.15 Paragraph 134 of the NPPF states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'
- 8.16 Paragraph 135 states that "the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated

heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

- 8.17 Policy 7.8 of the London Plan (2013) states that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. Policy 7.9 of the London Plan (2013) states that the significance of heritage assets should be assessed when development is proposed and schemes designed so that the heritage significance is recognised both in their own right and as catalysts for regeneration. Wherever possible heritage assets should be repaired, restored and put to a suitable and viable use that is consistent with their conservation and the establishment and maintenance of sustainable communities and economic vitality.
- 8.18 Policy SP10(2) of the Council's adopted Core Strategy (2010) seeks to protect and enhance the Borough's Conservation Areas and Listed Buildings and their settings and encourages and supports development that preserves and enhances the heritage value of the immediate and surrounding environment and wider setting.
- 8.19 Policy DM27(1) of the Council's adopted Managing Development Document (2013) requires development to protect and enhance the Borough's heritage assets, their setting and their significance as key elements of developing the sense of place of the Borough's distinctive 'Places'.
- 8.20 Policy DM27(2) states that the alteration, extension, change of use, or development within a heritage asset will only be approved where: it does not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting; it is appropriate in terms of design, scale, form, detailing and materials in its local context; it enhances or better reveals the significance of the asset or its setting; opportunities to mitigate or adapt to climate change through the re-use or adaptation are maximised; and in the case of a change of use, a thorough assessment should be carried out of the practicability of retaining its existing use and the wider benefits of the proposed use.

Demolition Works

- 8.21 The application site lies within the Brick Lane and Fournier Street Conservation Area, which is a designated heritage asset and is one of the largest Conservation Areas in Tower Hamlets, running along Brick Lane from Bethnal Green Road in the north down to Whitechapel in the south. The site lies on the north side of Quaker Street, located between Brick Lane to the east and Commercial Street to the west. The site sits immediately to the south of the National Rail tracks running to Liverpool Street Station and to the north of this lies the Grade II listed Braithwaite Viaduct and wider Bishopsgate Goodsyards site. The northern boundary of the application site also forms the northern boundary of the Brick Lane and Fournier Street Conservation Area.

Figure 5: South-eastwards View of the Existing North Facade



- 8.22 The subject building dates from 1873-94 and was built as a stable for the Great Eastern Railway. The building is trapezoidal in plan form and comprises two full floors (ground and first) and rises to a height equivalent to approximately 3 residential storeys. The building is faced in stock brick and the north and south elevations comprise robust and decorative gabled facades, each with eight bays, which correspond to the building's Victorian 'saw tooth' roof with transverse spans that run north/south. The north and south elevations include high-level arched windows, with three windows per bay and window arches detailed with rubbed red-brick voussiors. The rear (north) elevation is built of jack arches that extend down to the track level of the adjacent railway cutting.
- 8.23 The proposals include the partial demolition of the building, including the loss of the roof, part of the west elevation and the internal floors and partitions. It should be noted that the proposals as originally submitted included the demolition of the rear (north) elevation of the building, although the proposals were amended to include the retention of this elevation in response to concerns raised by officers, consultees and local stakeholders.
- 8.24 The building is a non-designated heritage asset and it is considered that the building makes a positive contribution to the significance of the Brick Lane and Fournier Street Conservation Area. This is provided through both building's distinctive character and appearance when seen local views from the surrounding public realm, with the building being a good example of robust Victorian railway architecture in an area where development was heavily influenced by the development of the railway in the late nineteenth and early twentieth centuries, together with the building's value in providing a link to the past through the understanding of the original use of the site and its relationship with the adjacent railway.

- 8.25 The site is located in an area with a relatively fine urban grain, characterised by narrow streets and buildings ranging between three and five storeys in height. In addition, the railway line to the north of the site effectively severs the site from any public realm to the north. As a result, the building is only visible in a limited number of local views, with the front (south) elevation visible in views along Quaker Street and glimpsed from Brick Lane and Commercial Street to the east and west respectively. At present, views of the north elevation are limited, with the upper section of the elevation visible from Wheler Street to the north-west of the site, whilst the west elevation is only clearly visible from a narrow section of road on Quaker Street, when looking down the narrow alley between the application site and the adjacent building at 10 Quaker Street to the west.
- 8.26 However, it is noted that that the current proposals for the redevelopment of Bishopsgate Goodsyards include provision of a public park on top of the viaduct to the north of the site, from which the north elevation of the building would be highly visible in views into the Brick Lane and Fournier Street Conservation Area. The retention of the north elevation of the building is therefore key to ensuring the continuing relationship between this historic railway stable/warehouse building and adjacent railway line in southwards views from the redeveloped Goodsyards.
- 8.27 Having regard to the above, it is considered that the building's contribution to the significance of the Conservation Area is principally through the character and appearance of the distinctive south and north elevations and saw-tooth roof in local views and in providing an understanding of the original use of the building as a stables associated with the development of the adjacent railway. The proposals would retain both the front and rear elevations elevations, together with the east and part of the west elevations, and on this basis it is considered that the demolition work, in and of itself, would retain the majority of the key elements of the building which positively contribute to the significance of the Conservation Area and the identity of the building itself.
- 8.28 It should also be noted that the demolition works to the envelope of the building are broadly consistent with those that have already been granted consent (twice) for the serviced apartment hotel scheme, although that scheme also includes the retention of the west elevation. The applicant has advised that the serviced apartment hotel scheme has been implemented through the carrying out of enabling works at the site and could therefore be built out at any time, subject to the discharge of the relevant pre-commencement conditions.

Redevelopment Proposals

- 8.29 The proposals include the formation of a new basement level and the installation of new internal floors, together with the erection of three additional roof storeys. The resulting building would comprise a basement, ground floor and five upper floors. The proposals also include external alterations to the north and south facade, including extending the high level windows vertically down the façade to provide additional natural light and outlook to the lower floors of the building. It is also proposed to form a new opening at the western end of the front (south) facade to provide access to the new on-site loading bay.
- 8.30 At the front elevation, the additional roof storeys would be set-back behind the gables and would slope backwards to minimise massing on Quaker Street. The roof form incorporates undulating folds that correspond to the gable bays of the original facade below and includes off-set dormers of contemporary design and construction that have deep reveals and appear to puncture through the plane of the roof using a

shadow gap detail.

Figure 6: CGI View of Front Elevation (Westwards along Quaker Street):



8.31 At the rear of the building it is proposed to retain, repair and re-build (where necessary) the existing rear elevation. The current application is accompanied by a 'Provisional Methodology for Repairs and Restoration of Northern Wall' report, prepared by EC Harris. Whilst the general methodology for cleaning and repairing the elevation is considered to be appropriate, it is noted that a full structural survey of the wall has yet to be carried out and the extent of the required re-building works is not confirmed at this stage. If planning permission were to be granted it is recommended that an updated Methodology for Repairs and Restoration of Northern Wall be secured by condition, to include the results of a structural survey of the wall and to clearly illustrate the extent of the wall that will be required to be re-built on structural grounds, together with the detailed methodology for each stage of the rebuilding works.

- 8.32 Above the retained rear facade it is proposed for the three additional roof storeys to be set back from the gables, incorporating a stepped roof profile that is recliner in form, which contrasts with the sloping and folding form of the front of the roof. As with the front elevation, the additional storeys at the rear would be punctuated by off-set dormer windows that reflect the design and pattern of fenestration to the front roof slope.

Figure 7: CGI View of Rear Elevation (South-Eastwards from Whelster Street):



- 8.33 It is noted that letters of representation have been received from English Heritage and other national and local amenity societies, including the Victorian Society and the Spitalfields Historic Buildings Trust, in which objection is raised to the extent of the demolition works and the scale, height and design of the additional storeys (see the 'Consultation Response' section of this report). These consultees consider that the proposed additional storeys, given their scale and height, would visually dominate the retained facades of the building, diminishing the legibility of the original building and harming the significance of the Conservation Area and the building itself.
- 8.34 The design of the scheme has evolved following several meetings between the applicant's architects and consultants and Council officers, including the Borough Conservation Officer. Officers expressed strong concerns over the loss of the original rear elevation of the building and the scheme was subsequently amended to include the retention of the rear facade, which is supported in principle. It is also noted that the concerns raised by the Council for British Archaeology and the Spitalfields

Society principally relate to the loss of the north elevation, which has now been addressed.

- 8.35 In terms of the height and scale of the development, when viewed purely in elevation the additional storeys would effectively double the height of the building. However, the site is located in an area of fine urban grain and Quaker Street is relatively narrow in width. In addition, there are no side streets leading off of Quaker Street directly to the south of the site and as such there are no areas of public realm where the front elevation of the building would be seen head-on in medium or long distance views. The front elevation of the building will therefore largely be visible on views along Quaker Street and as a result of the set-back and sloping profile of the roof, the massing of the additional storeys would be minimised when viewed from street level.
- 8.36 In addition, within the context of the surrounding built form on Quaker Street, the proposed building would rise one storey above the neighbouring building to the west at 10 Quaker Street, would rise one and a half storey above the Eagle Works building to the east and would effectively match the height of the Wheler House building, which is located on the opposite side of Quaker Street (see Figures 8 and 9 below – the latter illustrates the height of the proposed development with a dashed line in the context of surrounding buildings on Quaker Street). The existing building rises to 24.75m (AOD) at the top of the gables and the proposed building would rise to 31.65m (AOD) at the parapet. As such, in townscape terms, it is considered that the proposed building would sit comfortably within the street scene and would not appear unduly overbearing within its local context.

Figure 8: Building Heights within the Local Context:

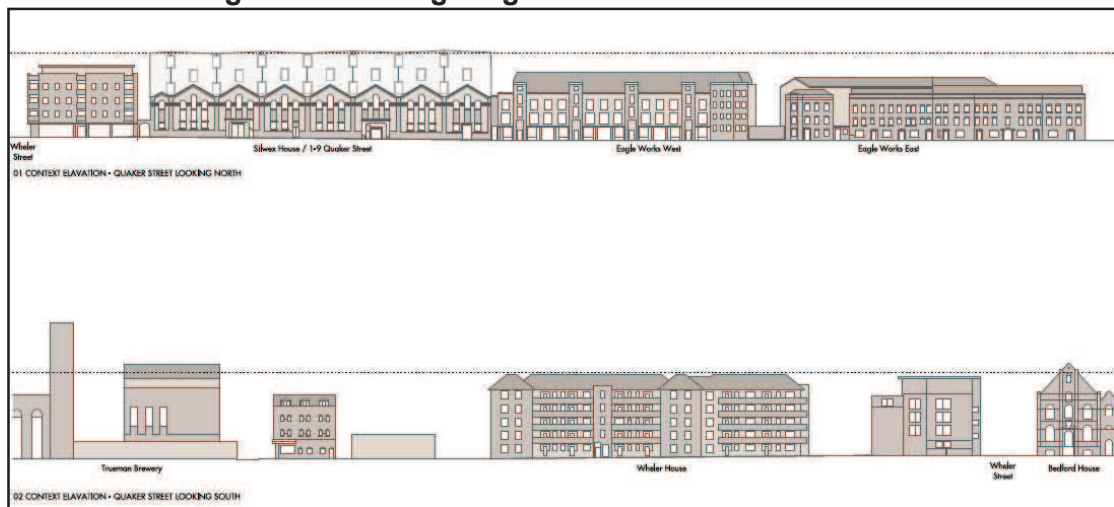
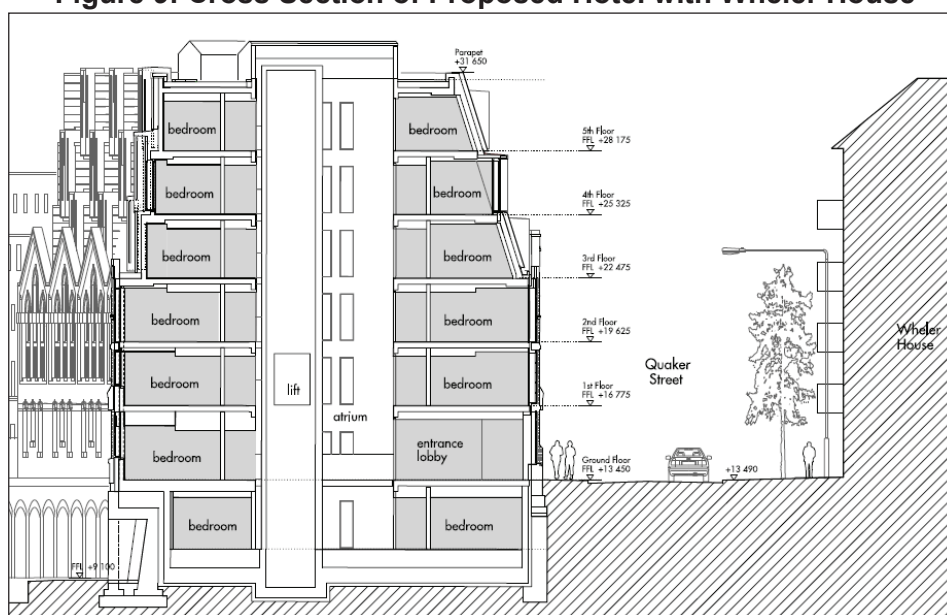


Figure 9: Cross Section of Proposed Hotel with Wheler House



- 8.37 In views of the rear elevation from the north of the site, including from the proposed park within the Bishopsgate Goodsyrd, the existing rear elevation is read together with the jack arches on which it sits, increasing the proportions of the original façade to read as four storeys in height. The set-back and stepped roof storeys therefore would therefore appear as subservient and recessive elements in this context and it is considered that the vertical extension of the building would not inhibit passers-by from reading and understanding the form, scale and purpose of the original building in these southwards views.
- 8.38 In terms of the detailing of the additional storeys, officers are supportive of the clean, contemporary aesthetic of the extension, which would not detract from the rich detailing and composition of the original facades below. In order to ensure the architectural quality of the scheme is carried through to the completed development, if planning permission were to be granted it is recommended that conditions be included to secure samples and details of all facing materials, together with detailed drawings and sections of the roof, windows, doors and new openings.
- 8.39 It is also noted that there are other examples of successful contemporary roof extensions to period buildings within the area, including the Boundary Hotel, which was extended by two storeys and is located at the corner of Boundary Street and Redchurch Street, 250 metres to the north-west of the site within the Redchurch Street Conservation Area (reference PA/06/02279).
- 8.40 It is noted that the proposed building lies within the setting of the Grade II listed Braithwaite Viaduct to the north of the site and the Grade II listed Bedford House to the south-west of the site, which is located on the corner of Quaker Street and Wheler Street. Having regard to the afore mentioned statutory duties and adopted policies, officers have had special regard to the desirability of preserving the setting of these listed buildings during their assessment of the application proposals. Given the nature, form, design and scale of the proposed development, together with its location in relation to these listed buildings in local views, it is considered that the proposals would not adversely impact on the special historic and architectural interest of the listed buildings, in accordance with Policy SP10(2) of the Core

Strategy (2010) and Policy DM27 of the Managing Development Document (2013).

- 8.41 With regard to the effect of the proposals on the significance, character and appearance of the Brick Lane and Fournier Street Conservation Area, it is considered that the loss of the roof and part of the west elevation of the original building would cause a degree of harm to the significance of the building and wider Conservation Area. However, the value of the building as an example of local railway infrastructure would be largely preserved and given the scale of the loss of original built fabric in relation to the Conservation Area as a whole, it is considered that the harm to the Conservation Area and building would be less than substantial and would be outweighed by the public benefits of the scheme, including bringing the vacant site back into active use and the restoration and refurbishment of the retained facades, in accordance with paragraphs 134 and 135 of the NPPF.
- 8.42 The Victorian Society have stated that the building may have been deliberately neglected, with reference to paragraph 130 of the NPPF. It should be noted that the site was only recently acquired by the applicant (in February 2014) and from observations made during the case officers site visit and in the knowledge that the applicant acted quickly to remove squatters from the building during the pre-application stage of the scheme, it is considered that the building has not been deliberately neglected and the condition of the building is not unduly poor for an industrial Victorian building of this type that has been vacant for a number of years.
- 8.43 Taking into account the above, it is considered that the proposed development is sensitive to and enhances the local character and setting of the development, taking into account the surrounding scale, height, mass and form of development, together with building and roof lines, set-back streetscape rhythm, detailed design and finished appearance. The proposals therefore accord with Policy SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM24 of the Council's adopted Managing Development Document (2013).
- 8.44 In addition, having regard to the high quality of the design, detailing and form of the extension and alterations to the building, together with the public benefits that would be brought by the scheme and the incorporation of suitable climate change mitigation measures, it is considered that the proposals are sensitive to their local context and would preserve and enhance the character and appearance of the Brick Lane and Fournier Street Conservation Area. The proposals therefore accord with Policy SP10(2) of the Council's adopted Core Strategy (2010) and Policy DM27(1)&(2) of the Council's adopted Managing Development Document (2013).

Accessibility and Inclusive Design

- 8.45 Policy 4.5 of the London Plan (2013) requires at least 10% of all new hotel bedrooms to be designed to be wheelchair accessible. Policy 7.2 of the London Plan (2013) seeks to ensure that the principles of inclusive design, including the specific needs to older and disabled people, are incorporated into new developments.
- 8.46 The proposed hotel comprises a total of 250 bedrooms, of which 25 (10%) have been designed to be wheelchair accessible. In addition, the development incorporates the principles of inclusive design in the layout of the hotel, including appropriate layouts of the wheelchair accessible rooms, corridor and door widths for wheelchair users, the inclusion of suitable wheelchair passing points and the provision of level access throughout the building. The proposals also include the provision of one on-site disabled car parking space, located adjacent to the loading bay, which is supported in principle. The proposals have been assessed by the LBTH

Corporate Access Officer, who raises no objections.

- 8.47 As such, it is considered that the proposed hotel includes adequate provision of wheelchair accessible rooms and that the development incorporates the principles of inclusive design, including the specific needs to older and disabled people. The proposals therefore accord with the requirements of Policies 4.5 and 7.2 of the London Plan (2013).

Safety and Security

- 8.48 Policy 7.3 of the London Plan (2013) seeks to ensure that developments are designed so as to reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating by ensuring that routes and spaces are legible and well maintained, by enabling natural surveillance of publicly accessible spaces and by encouraging a level of human activity that is appropriate to the location, incorporating a mix of uses where appropriate, to maximize activity throughout the day and night, creating a reduced risk of crime and a sense of safety at all times.
- 8.49 Policy DM23(3) of the Council's adopted Managing Development Document (2013) requires development to improve safety and security without compromising good design and inclusive environments by locating entrances in visible, safe and accessible locations, by creating opportunities for natural surveillance, by avoiding the creation of concealment points, by making clear distinctions between public, semi-public and private spaces and by creating clear sightlines and improving legibility.
- 8.50 The proposals have been assessed by the LBTH Designing Out Crime Officer, who notes that the crime statistics for the area show higher than average rates of most relevant types of crime, particularly for theft, robbery and drugs offences. In order to ensure that the development accords with 'Secure by Design' standards, the LBTH Designing Out Crime Officer recommends that suitable access control measures are incorporated into the development, together with the installation of a CCTV system, PAS24:2012 specification doors, secure ground floor windows.
- 8.51 If planning permission were to be granted, the LBTH Designing Out Crime Officer recommends that a condition is included to secure details showing how the principles and practices of the Secured by Design Scheme are to be incorporated into the development. It is also recommended that an informative is included advising the applicant to contact the LBTH Designing Out Crime Officer to discuss the security implications of the proposals further.
- 8.52 Subject to condition, it is considered that the proposals would reduce the opportunities for criminal behaviour and improve safety and security at and around the site without compromising good design. The proposals therefore accord with Policy 7.3 of the London Plan (2013) and Policy DM23(3) of the Council's adopted Managing Development Document (2013).

Amenity

Policy Context

- 8.53 Policy SP10(4) of the adopted Core Strategy (2010) and Policy DM25 of the adopted Managing Development Document (2013) require development to protect, and where possible improve, the amenity of surrounding existing and future residents and

building occupants, as well as protect the amenity of the surrounding public realm. Residential amenity includes such factors as a resident's access to daylight and sunlight, outlook and privacy.

Daylight / Sunlight

- 8.54 The daylighting conditions at neighbouring properties are normally calculated by two main methods, namely the Vertical Sky Component (VSC) and No Sky Line (NSL). Building Research Establishment (BRE) guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should be reduced to no less than 0.8 times their former value, in order to ensure that sufficient light is still reaching windows. These figures should be read in conjunction with other factors, including NSL, which takes into account the distribution of daylight within the room and figures should not exhibit a reduction beyond 20% of their former value.
- 8.55 Sunlight is assessed through the calculation known as the Annual Probable Sunlight Hours (APSH), which considers the amount of sunlight available during the summer and winter for each window facing within 90 degrees of due south (i.e. windows that receive direct sunlight). The amount of sunlight that a window receives should not be less than 5% of the APSH during the winter months of 21 September to 21 March, so as to ensure that such windows are reasonably sunlit. In addition, any reduction in APSH beyond 20% of its former value would be noticeable to occupants and would constitute a material reduction in sunlight.
- 8.56 A number of objections have been received from neighbouring residents on the grounds that the proposal would result in a deterioration in the daylighting and sunlighting conditions of habitable rooms within their properties. The application is accompanied by a Daylight & Sunlight Report, prepared by GL Hearn, dated 19th June 2014, which has been independently assessed by the Council's appointed consultant, Delva Patman Redler (DPR), and details of the assessment and officers' recommendations are provided below.

25 & 26 Wheler Street:

- 8.57 The apartment block at 25 & 26 Wheler Street is located to the south-west of the application site and is five storeys in height with residential units on all floors.
- 8.58 The Daylight & Sunlight Report shows that the reductions to the VSC and APSH of all 41 affected windows would be BRE complaint, which is accepted by DPR. As such, it is considered that the proposed development would not result in any significant adverse impacts on the daylighting or sunlighting conditions of residential properties within 25 & 26 Wheler Street.

Eagle Works:

- 8.59 Eagle Works is a six storey mixed live/work and apartment block that adjoins the eastern side of the application site. Given the location of the building in relation to the application site, only a limited number of north facing windows would be affected by the proposals.
- 8.60 The report assesses the impacts of the development on the VSC of the 12 north facing windows located closest to the application site and shows that all 12 windows would be BRE complaint. As such, it is considered that the proposed development would not result in any significant adverse impacts on the daylighting or sunlighting

conditions of residential properties within Eagle Works.

Wheler House:

- 8.61 Wheler House is an apartment block that is located immediately to the south of the application site and is five storeys in height with residential units on all floors. The north elevation of the building includes deck access to the flats on the upper floors of the building.
- 8.62 The Daylight & Sunlight Report identifies 228 windows that face towards the development, although notes that of these windows only 90 serve habitable rooms (bedrooms and kitchens), with the remaining 138 windows serving bathrooms (for which the BRE guidance gives no minimum requirement for daylight).
- 8.63 In terms of VSC reductions, of the 90 affected habitable room windows, 32 windows (35.6%) would be BRE compliant, whilst 58 windows (64.4%) would experience VSC reductions of over 20% and the impact on the daylighting conditions on those windows would therefore be noticeable to residents.
- 8.64 The report notes that a number of the worst affected windows are located below deck access/balconies and that BRE guidance acknowledges that windows below balconies may be subject to disproportionately large VSC reductions due to the 'canopy effect' of the balconies and that further assessment can illustrate this effect by testing such windows both with and without the balconies in place.
- 8.65 The submitted report includes a further VSC assessment for Wheler House, with the balconies removed, which shows that the impacts would be lessened, with 46 windows (51%) being BRE compliant, whilst the impacts on a further 33 windows would be relatively minor in nature (reductions of between 20% and 30%). The report also notes that the affected north facing windows serve kitchens and bedrooms, and that the primary living spaces (living rooms) within these properties would not be affected.
- 8.66 The report also includes an assessment of the impacts of the development on the daylight distribution (NSL) within 198 affected habitable rooms within Wheler House, which shows that 82.3% of rooms would be BRE compliant.
- 8.67 The Council's appointed consultant, DPR, notes that the proposals do not meet BRE guidelines in respect of Wheler House. However, they advise that it would be difficult for a development to meet these standards for windows and rooms on the north elevation of Wheler House given the presence of deep access balconies that restrict light. DPR further note that the affected rooms are secondary rooms that the main rooms will retain good light, which could be considered to be an adequate mitigating factor.
- 8.68 Taking into account the above, it is considered that the impacts on the daylighting and sunlighting conditions of properties within Wheler House are not so significant so as to warrant a reason for refusal on amenity grounds.

Enclosure and Overlooking/Loss of Privacy

- 8.69 Eagle Works is a six storey residential block that adjoins the east side of the site and includes south facing terraces on the upper two floors of the building. The proposed set-back roof storeys would rise one storey higher than the Eagle Works building and consideration has therefore been given to the extent to which the development would

enclose these nearby amenity spaces.

- 8.70 It is noted that the nearest terraces at Eagle Works are set 5 metres back from the western site boundary. Given that the terraces enjoy an open aspect across Quaker Street to the south and that the Eagle Works building continues at the same height to the east, and given the height of the proposed additional storeys in relation to the Eagle Works building, together with their set-back and sloping profile, it is considered that the proposal would not result in an unacceptable degree of enclosure to these neighbouring terraces.
- 8.71 It is noted that the separation distance between the south elevation of Silwex House and the north elevation of Wheler House (located to the south of the site on the opposite side of Quaker Street) ranges between 13m and 18m. Given that Silwex House presently includes south-facing windows and given the across-street relationship between the two buildings, it is considered that the proposed development would not result in any significant overlooking or loss of privacy to neighbouring residents to the south of the site.
- 8.72 It is further noted that the three upper floors of the development each include a narrow east facing window, which has the potential to result in a degree of overlooking into north facing windows within Eagle Works, although the angle of view would be oblique. In order to ensure that the development does not result in a material loss of privacy to residents within Eagle Works, it is recommended that a condition be included to require the east facing windows to be obscure glazed.
- 8.73 Whilst the three upper floors also include west facing windows, given that there are no facing windows within 10 Quaker Street, they would not adversely affect the privacy of residents within that block.

Overshadowing

- 8.74 The BRE guidelines for transient overshadowing advise that at least half of a garden or amenity area should receive at least two hours of sunlight on 21st March. If as a result of new development an existing garden or amenity space does not meet this criteria and the area which can receive two hours of sun on 21st March is less than 0.8 times its former value, then the loss of sunlight is likely to be noticeable. It should be noted that BRE guidelines for overshadowing only applies to the shadow cast over designated amenity areas such as gardens and areas for sitting out, but is not applied to areas of public realm such as the footpath or pavement areas.
- 8.75 The report confirms that overshadowing analysis was carried out on the proposed park within the Bishopsgate Goodsyrd site to the north, which shows that the development would not have any overshadowing effect on the proposed park. It is noted that the Eagle Works includes high-level south facing terraces and that the block at 10 Quaker Street includes south facing terraces on the top floor and south facing recessed balconies on the lower floors.
- 8.76 Given that the proposed additional storeys are located immediately to the west and east of these adjacent buildings and are set back both from neighbouring terraces and the south façade of the building, and given that the additional storeys would only rise between one and one and half storey above these buildings, it is considered that any overshadowing impacts on these terraces would be negligible.

Noise & Vibration (Within the Development)

- 8.77 The current application is accompanied by Noise and Vibration Impact Assessments, prepared by Scotch Partners, which include the results of background noise and vibration surveys carried out at the site and include details of proposed noise and vibration mitigation measures to be incorporated into the building, together with the projected noise and vibration levels within the hotel bedrooms.
- 8.78 LBTH Environmental Health have reviewed the reports and raise no objections, although advise that the hotel will be required to comply with the Council's Rail Noise Policy, which stipulates that noise levels within bedrooms should not exceed 35dB(A) L_Amax. Within the submitted Noise Impact Assessment, it is confirmed that all new 'Hub' by Premier Inn developments are constructed to stringent noise thresholds, with the noise within bedrooms not to exceed 30dB L_Aeq (1 hour).
- 8.79 In accordance with the recommendations of LBTH Environmental Health, if planning permission were to be granted, it is recommended that a condition be included to secure full details of the noise and vibration mitigation measures, including the specification of the glazing and means of ventilation.
- 8.80 Subject to condition, it is considered that the proposed development would not result in undue noise or vibration disturbance to future hotel guests, in accordance with Policy SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013).

Noise & Vibration (to Neighbouring Sensitive Receptors)

- 8.81 It is noted that letters of objection have been received from neighbouring residents on the grounds that the operation of the proposed hotel will result in noise disturbance to neighbouring residents. The application site has been vacant for several years and the reintroduction of active uses to a site of this size will invariably increase activity along Quaker Street, including an uplift in footfall and vehicle trips.
- 8.82 It is also noted that there is an extant consent for the conversion and extension of the building to provide a 105 bedroom serviced apartment hotel (reference PA/07/02310 and PA/07/02311, extended by PA/11/00364 and PA/11/00436). As set out in the 'Highways' section of this report, the submitted Transport Statement projects that the extant serviced apartment hotel would generate a higher number of vehicle borne trips than the proposed hotel. It is also noted that the extant serviced apartment hotel includes a restaurant at ground floor level, which has the potential to increase night-time activity at and around the site, whilst the proposed hotel only includes a small cafe, with no hotel restaurant.
- 8.83 The current application is accompanied by a letter from Whitbread, in which it stated that the applicant would seek to put in place a Hotel Management Plan, which would set out the site specific measures that would be put in place to ensure that the hotel does not result in undue disturbance or disruption to neighbouring residents and the surrounding area generally. It is recommended that a Hotel Management Plan is secured by condition if planning permission were to be granted.
- 8.84 In addition, in order to ensure that the comings and goings of visitors to the hotel cafe do not result in undue noise disturbance to neighbouring residents during sensitive (night-time) hours, it is recommended that a condition be included to prevent any cafe or bar established in the hotel from being open to non-hotel guests between

23:00 and 06:00 hours, Monday to Sunday and on Public Holidays.

- 8.85 It is noted that letters of objection have been received from neighbouring residents on the grounds that the servicing vehicle trips to the site will result in noise disturbance to neighbouring residents. However, at Appendix B of the submitted Delivery and Servicing Plan it is confirmed that refuse collections will not take place between 21:00 and 08:00 hours in order to ensure that the collections do not result in noise disturbance to guests and surrounding residents. This would be secured by condition.
- 8.86 Such measures form part of the Whitbread 'Good Night Guarantee' that is in operation at all Premier Inn hotels, whereby hotel guests who were unable to have a 'great nights sleep' due to factors such as noise disturbance from the operation of the hotel are able to claim for a refund for the relevant night(s) of their stay. Whilst this policy has no direct bearing on neighbouring residents, it does highlight the applicant's commitment towards ensuring that the operation of their hotels does not generate excessive noise.
- 8.87 It is also noted that letters of objection have been received from neighbouring residents on the grounds that the roof level plant will result in noise disturbance to residents. The proposed development includes three plant enclosures at roof level, which will house the Air Source Heat Pumps that will provide space heating to the development, together with other associated plant.
- 8.88 The submitted Noise Impact Assessment includes a preliminary assessment of the noise impacts of the plant on nearby sensitive receptors (residential properties), which concludes that the noise emissions of the plant can be attenuated to approximately 10dB below the lowest background noise level (LA90) at the nearest sensitive receptor, and thus would be inaudible to neighbouring residents. The Noise Impact Assessment has been reviewed by LBTH Environmental Health, who raise no objections.
- 8.89 If planning permission were to be granted, it is recommended that a condition be included to require the submission of the full technical specification for all plant, together with details of all acoustic enclosures and noise and vibration attenuation measures and an updated Noise Impact Assessment. The condition will also require the noise generated by the plant to meet the Council's plant noise requirements of LA90 – 10dB(A) at the nearest sensitive receptor.
- 8.90 Some local residents have also objected to the proposals on the grounds that the demolition and construction works will result in disturbance and disruption to nearby residents. Whilst impacts arising from construction works are transitory in nature, it is acknowledged that such works have the potential to adversely impact on surrounding residential amenity for extended periods of time.
- 8.91 In order to ensure that these impacts are suitably and proportionately mitigated, it is recommended that a condition be included to restrict the hours for demolition and construction works to between 08:00 and 18:00, Monday to Friday, and between 08:00 and 13:00 on Saturday, with no works to take place outside these times. These are the Council's standard construction working hours, as set out in the Council's Code of Construction Practice.
- 8.92 In addition, it is recommended that a condition be included to secure a Construction Environmental Management Plan, to include full details of all measures that are to be put in place mitigate noise and vibration impacts arising from the works, together with

details of dust suppression measures. The S106 agreement that would accompany the planning permission, were it to be granted, would also include an obligation requiring the developer to comply with the Council's Code of Construction Practice, which sets out a range of measures that must be incorporated into construction programmes in order to mitigate adverse noise, vibration, dust and pollution impacts within the locality.

- 8.93 Subject to these conditions, it is considered that the operation of the proposed hotel would not result in undue noise, vibration or dust disturbance to neighbouring residents, in accordance with Policy SP10(4) of the Council's adopted Core Strategy (2010) and Policy DM25 of the Council's adopted Managing Development Document (2013).

Highways

- 8.94 The NPPF (2012) and Policy 6.1 of the London Plan (2013) seek to promote sustainable modes of transport and accessibility and reduce the need to travel by car. Policy 6.3 of the London Plan (2013) also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 8.95 Policy SP08 and SP09 of the Council's adopted Core Strategy (2010) and Policy DM20 of the adopted Managing Development Document (2013) together seek to deliver an accessible, efficient and sustainable transport network, ensuring new development does not have an adverse impact on safety and road network capacity, requiring the assessment of traffic generation impacts and also seeking to prioritise and encourage improvements to the pedestrian environment.

Trip Generation

- 8.96 The current application is accompanied by a Transport Statement (TS), prepared by Russell Giles Partnership, which sets out the projected trip generation for the proposed hotel across all modes of transport. The trip generation figures have been derived using guest survey data from other Whitbread (Premier Inn) hotels with similar characteristics to the hotel proposed under the current application. The TS benchmarks the trip generation of the proposed hotel against that of the consented serviced apartment hotel scheme (reference PA/07/02310 and PA/07/02311, extended by PA/11/00364 and PA/11/00436).
- 8.97 The submitted TS and TS Addendum show that the existing B8 warehouse use would generate a total of 176 two-way trips per day across all modes of transport, of which 71 trips would be by walking/cycling/public transport and 105 trips would be vehicle borne (car, taxi, coach etc...). The consented serviced apartment hotel would generate of a total of 544 two-way trips per day, of which 434 trips would be by walking/cycling/public transport and 110 trips would be vehicle borne. The hotel proposed in the current application would generate a total of 822 two-way trips per day, of which 746 would be by walking/cycling/public transport and 76 trips would be vehicle borne.
- 8.98 The trip generation for the proposed hotel is based on the assumption that all 250 rooms are occupied. However, as set out in the accompanying letter from Whitbread, the average occupancy in their London hotel is approximately 85%, with an average of 1.2 guests per 'Hub by Premier Inn' hotel, and thus the actual trip generation of the proposed hotel would almost certainly be lower. The assessment has therefore been carried out on a 'worst case scenario' basis.

- 8.99 It can be seen that the total two-way daily trip generation of the proposed hotel would represent a large increase over that of the existing warehouse, and also an increase over the consented apart hotel, when taken across all modes of transport. However, the assessment shows that the proposed hotel would generate less vehicle borne trips than both the existing warehouse use and the consented apart hotel.
- 8.100 The Transport Statement has been assessed by LBTH Transportation & Highways, who raise no objections on the grounds that the proposed hotel use would represent a reduction in the number of vehicle borne trips when compared with the extant serviced apartment hotel scheme. In addition, TfL have reviewed the trip generation data and raise no objections. Whilst the proposals would result in an increase in the number of pedestrian/cycle/public transport trips, given the very high PTAL of the site and the good levels of pedestrian access and permeability within surrounding streets, this uplift in trip generation is considered acceptable. As such, it is considered that the proposed development would not result in any significant adverse impacts on the capacity of the road network, including the Transport for London Road Network (TLRN), in accordance with Policy 6.3 of the London Plan (2013), Policy SP09(3) of the Core Strategy (2010) and Policy DM20(2) of the Managing Development Document (2013).

Car Parking

- 8.101 Policy SP09(4) of the Council's adopted Core Strategy (2010) and Policy DM22(2) of the Council's adopted Managing Development Document (2013) seek to ensure that new development includes adequate provision of accessible parking for disabled people. The Council's parking standards, as set out in Appendix 2(1) of the Managing Development Document (2013), seek the provision of 1 on-site disabled parking space in developments without off-street car parking.
- 8.102 The proposals include the provision of one on-site disabled car parking space, located immediately adjacent to the loading bay at the western end of the site, accessed from the carriageway on Quaker Street, which is supported in principle. LBTH Transportation & Highways note that it is not ideal for disabled parking and servicing vehicles to manoeuvre in the same area, although given the physical constraints of the site they consider this to be the best available solution. It is noted that the submitted Transport Statement includes swept path analysis plans that demonstrate that a car would be able to enter and exit the site in forward gear and that there would not need to be any modifications to existing on-street parking bays to accommodate these vehicle movements.
- 8.103 If planning permission were to be granted, it is recommended that a condition be included to secure a Disabled Parking Management Plan, to include details of how the disabled parking will operate when servicing vehicles are using the loading bay, together with details of how the disabled parking bay will be advertised and booked. It is also recommended that a further condition be included to require the disabled parking space to be provided prior to occupation of the hotel and be retained solely for use as disabled parking for users of the development in perpetuity.
- 8.104 Subject to conditions, it is considered that the proposals include adequate provision of disabled car parking, in accordance with Policy SP09(4) of the Council's adopted Core Strategy (2010), Policy DM22(2) of the Managing Development Document (2013).

Cycle Parking

- 8.105 Policy DM22(4) of the Council's adopted Managing Development Document (2013) and Policy 6.9 of the London Plan (2013) encourage sustainable forms of transport and require development to include adequate provision of safe, secure and usable cycle parking facilities. The Council's cycle parking standards for hotel use, as set out in Appendix 2(1) of the adopted Managing Development Document (2013), requires the provision of 1 cycle space per 10 staff and 1 cycle space per 15 guests. The London Plan (2013) has a lesser cycle parking requirement for hotels of 1 space per 10 staff and minimum of 2 spaces for guests.
- 8.106 The proposed hotel is projected to employ 83 staff and has 250 rooms, with a theoretical maximum of 500 guests. The proposed development includes a cycle store room, located at the western end of the site, adjacent to the loading bay, which would accommodate up to 12 bicycles. In addition, staff changing and shower facilities would be provided immediately next to the cycle store.
- 8.107 The proposed cycle parking arrangements have been assessed by LBTH Transportation & Highways, who note that the number of spaces provided falls short of the Council's target, although on balance considers the cycle parking facilities to be acceptable, given the physical constraints of the site. It is also noted that the number of cycle parking spaces exceeds the London Plan target.
- 8.108 On balance, officers consider that the proposed cycle parking facilities are acceptable in this instance. If planning permission is to be granted, it is recommended that a condition be included to require the submission for approval of full details of the cycle parking facilities, which must be installed prior to first occupation of the development and retained and maintained as approved thereafter.
- 8.109 Subject to condition, it is considered that the proposals accord with Policy DM22(4) of the Council's adopted Managing Development Document (2013), and Policy 6.9 of the London Plan (2013). These policies promote sustainable forms of transport and seek to ensure the developments include adequate provision of safe, secure and usable cycle parking facilities.

Coach Parking

- 8.110 Policy DM22(2) of the Council's adopted Managing Development Document (2013) and Policy 6.13 of the London Plan (2013) require the provision of 1 coach parking space per 50 hotel guest rooms.
- 8.111 The proposed hotel building covers the entire application site and as such there is no availability for off-street coach parking. In addition, given the limited width of the carriageway on Quaker Street, which is further restricted by on-street parking bays, there would be insufficient space for on-street coach parking in the immediate vicinity of the site.
- 8.112 Both LBTH Transportation & Highways and TfL acknowledge that the adopted standards for coach parking are not suitable in this location and recommend that restrictions be placed any permission to prevent the hotel from accepting coach party bookings. It is noted that this approach has previously been accepted on a recently consented hotel scheme at 86 Brick Lane (reference PA/13/00494, dated 6 December 2013), which restricts coach parking by way of a clause within the S106 agreement.

- 8.113 Taking into account the above, it is noted that it would be undesirable to provide coach parking in this instance and it is considered that the inclusion of a clause within the S106 agreement to restrict coach party bookings would make the proposals acceptable in policy terms.

Deliveries and Servicing

- 8.114 The application is accompanied by a Delivery and Servicing Plan (DSP), prepared by Russell Giles Partnership, in which it is stated that all deliveries and servicing will take place on-site within the loading bay at the western end of the site. Given the size of the loading bay, the size of delivery and servicing vehicles will be restricted to 'Super Seven' rigid vehicles, which are of a similar size to 7.5t panel vans. The DSP includes vehicle tracking plans showing that the proposed service vehicles would have adequate space to reverse into the loading bay from Quaker Street and exit back out into the street in forward gear.
- 8.115 It is anticipated that the proposed hotel will require approximately 3 service vehicles movements per day, including movements for linen, food, beverages and refuse/recycling. The hotel would be operated by Whitbread, who will also operate the consented 'Hub by Premier Inn' hotel at 86 Brick Lane. In order to minimise vehicle movements, the DSP states that deliveries would be coordinated to ensure that the same vehicle services both hotels, which is supported in principle.
- 8.116 The DSP has been reviewed by LBTH Transportation & Highways and is considered to be acceptable. If planning permission is granted it is recommended that a condition be included to require the development to be carried out in accordance with the DSP.
- 8.117 Subject to condition, it is considered that the servicing of the proposed hotel will not result in any significant adverse impacts on the safety or capacity of the road network, in accordance with Policy SP09(3) of the Council's adopted Core Strategy (2010) and Policy DM20(2) of the Council's adopted Managing Development Document (2013).

Waste and Recyclables Storage

- 8.118 The proposed development includes an internal refuse store, located at the western end of the site, adjoining the loading bay. The submitted Delivery and Servicing Plan confirms that the refuse store will include containers to accommodate 5,500 litres of waste, 5,500 litres of mixed recyclables, 240 litres of food waste and 3,300 litres of glass, and will require three refuse collections per week.
- 8.119 In order to ensure that refuse collections do not result in undue noise disturbance to hotel guests or neighbouring residents during sensitive hours, the Delivery and Servicing Plan confirms that refuse collection will only take place between 08:00 and 21:00 hours.
- 8.120 The proposals have been reviewed by LBTH Waste Policy & Development, who consider the waste storage arrangements to be acceptable. If planning permission were to be granted, it is recommended that a condition be included to require the waste and recyclables storage facilities as shown on plan to be provided prior to first occupation of the development and to be retained as approved thereafter. In addition, it is recommended that a condition be included to require the development to be carried out in accordance with the Delivery and Servicing Plan.

- 8.121 Subject to conditions, it is considered that the proposal includes adequate facilities for the storage of waste refuse and recyclables, in accordance with Policy SP05 of the Council's adopted Core Strategy (2010) and Policy DM14 of the Managing Development Document (2013). These policies require planning applications to be considered in light of the adequacy and ease of access to the development for waste collection and the adequacy of storage space for waste given the frequency of waste collections.

Construction Traffic

- 8.122 In order to ensure that construction traffic for both the demolition and construction phases of the development do not adversely impact on the safety or capacity of the road network, and in accordance with the advice of Transport for London, it is recommended that a condition be included to secure a Construction Logistics Plan (CLP).
- 8.123 The CLP will be required to be approved prior to the commencement of development (including works of demolition) and will provide full details of the number, frequency, timings, vehicle sizes, traffic routes and stopping locations for all construction vehicles accessing the site. Given the proximity of the site to Commercial Street, which forms part of the Transport for London Road Network (TLRN), the CLP would be assessed by officers in consultation with TfL.
- 8.124 Subject to condition, it is considered that the demolition and construction works associated with the development would not have any significant adverse impacts on the safety or capacity of the road network, in accordance with Policy SP09(3) of the Council's adopted Core Strategy (2010) and Policy DM20(2) of the Council's adopted Managing Development Document (2013).

Alterations to the Public Highway

- 8.125 At present, the public highway adjacent to the southern boundary of the site includes three vehicle crossovers. The proposals would require the removal of re-paving of the three existing crossovers and the creation of one new vehicle crossover at the western end of the site for the loading bay. These proposals have been assessed by LBTH Transportation & Highways, who raise no objections and advise that such works will need to be secured under a separate S278 agreement between the applicant and the Council as Highway Authority. It is recommended that the applicant be advised of this requirement by way of an informative on the decision notice.

Archaeological Impacts

- 8.126 Policy SP10(2) of the Council's adopted Core Strategy (2010) seeks to protect and enhance archaeological remains and Archaeological Priority Areas. Policy DM27(4) of the Council's adopted Managing Development Document (2013) requires any nationally important archaeological remains to be preserved permanently in site, subject to consultation with English Heritage.
- 8.127 The proposals have been reviewed by the English Heritage Greater London Archaeological Advisory Service (GLAAS), who advise that the proposed development, which includes the creation of a new basement, has the potential to impact on buried remains. Given the location of the site, GLAAS, advise that archaeological remains connected with the early railway and with the post-mediaeval development of London may be expected beneath the site.

- 8.128 In order to adequately mitigate any impacts on buried archaeological resource, if planning permission were to be granted GLAAS recommend the inclusion of a condition to require the recording of the existing building itself, together with a staged programme of investigation into buried deposits. Officers consider that the proposed condition is a suitable and proportionate means of mitigation given the potential for buried archaeological remains at the site.
- 8.129 Taking into account the above and subject to condition, it is considered that the proposed development would not adversely affect any buried archaeological remains, in accordance with Policy SP10(2) of the Council's adopted Core Strategy (2010), Policy DM27(4) of the Council's adopted Managing Development Document (2013) and government guidance set out in Section 12 of the National Planning Policy Framework (2012).

Biodiversity

- 8.130 Policy 7.19 of the London Plan (2013), Policy SP04 of the Council's adopted Core Strategy (2010) and Policy DM11 of the Council's adopted Managing Development Document (2013) seek wherever possible to ensure that development makes a positive contribution to the protection, enhancement, creation and management of biodiversity. Where sites have biodiversity value, this should be protected and development which would cause damage to a Site of Importance to Nature Conservation (SINC) or harm to protected species will not be supported unless the social or economic benefits of the development clearly outweigh the loss of biodiversity.
- 8.131 The application site is not located within a SINC. The proposals have been assessed by the LBTH Biodiversity Officer, who notes that the application site is entirely covered by an existing building and there is no vegetation on site. The proposed development includes a biodiverse brown roof over much of the roof space of the building and the LBTH Biodiversity Officer considers that this will provide significant biodiversity benefits within the site. If planning permission were to be granted, it is recommended that a condition be included to secure full details of the biodiverse brown roof and any habitat features.
- 8.132 Given the age, condition and the location of the building, there is a potential for bats to roost in the building and for black redstarts to nest at the site. The LBTH Biodiversity Officer recommends that surveys be carried out to identify whether there are any bat roosts or bird nests within the site.
- 8.133 An initial bat survey was subsequently carried out by the applicant, which found that the existing building has low potential to support bat roosts and that no evidence of bats was found, although there were some potential roost sites which could not be examined. The LBTH Biodiversity Officer raises no objections to the proposals, subject to conditions being included to secure a further bat emergence survey and a bird nest survey prior to any works commencing on site.
- 8.134 Taking into account the above and subject to condition, it is considered that the proposed development would protect and enhance biodiversity value at the site through the design of buildings, including the use of biodiverse green roofs, in accordance with Policy SP04 of the Council's adopted Core Strategy (2010) and Policy DM11 of the Council's adopted Managing Development Document (2013).

Energy & Sustainability

Energy Efficiency

- 8.135 At a national level, the NPPF (2012) sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.
- 8.136 At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan (2013), Policies SO24 and SP11 of the Council's adopted Core Strategy (2010) and Policy DM29 of the Council's adopted Managing Development Document (2013) collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.137 The London Plan sets out the Mayor of London's energy hierarchy which is to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green).
- 8.138 The current application is accompanied by an Environmental Performance Statement, which has been reviewed by the Council's Energy Efficiency Officer, who confirms that the proposed development accords with the energy hierarchy and seeks to minimise CO2 emissions through the implementation of energy efficiency measures (10.66% CO2 reduction), use of a centralised Combined Heat and Power (CHP) system for hotwater (34.3% CO2 reduction) and renewable energy technologies (Air Source Heat Pumps (ASHP) for cooling and space heating). The CO2 emission reductions proposed would result in a circa 45% reduction against the Building Regulations 2013, which accords with adopted policy requirements and is supported.
- 8.139 If planning permission were to be granted, it is recommended that conditions be included to require the development to meet the CO2 emission reductions in the Environmental Performance Statement, and to secure details of the CHP and ASHP systems and specifications.

Sustainability

- 8.140 In terms of sustainability, the London Borough of Tower Hamlets requires new commercial development to achieve a BREEAM 'Excellent' rating. This is to ensure the highest levels of sustainable design and construction are achieved, in accordance with Policy 5.3 of the London Plan (2013) and Policy DM29 of the Council's adopted Managing Development Document (2013).
- 8.141 The application as originally submitted targeted a BREEAM rating of 'Very Good'. During the course of the application the applicant has identified potential achievable credits in order to deliver a BREEAM 'Excellent' development, which has been reviewed by the Council's Energy Efficiency Officer and is supported. If planning permission were to be granted it is recommended that an appropriately worded condition is included to secure the delivery of an 'Excellent' BREEAM rating.
- 8.142 Subject to condition, it is considered that the proposed development will incorporate an appropriately high standard of sustainable design and construction, in accordance

with Policy 5.3 of the London Plan (2013) and Policy DM29 of the Council's adopted Managing Development Document (2013).

Contaminated Land

- 8.143 The policy context is set by the National Planning Policy Framework (2012) and Policy DM30 of the Council's adopted Managing Development Document (2013). Specifically, Policy DM30 requires suitable site investigation and remediation schemes to be secured and agreed for development proposals on contaminated land or potentially contaminated land.
- 8.144 The current application is accompanied by Geo-Environmental Risk Assessment reports, prepared by Aviron Associates Limited, which have been reviewed by the LBTH Environmental Health (Contaminated Land) Officer, who agrees with the conclusions and recommendations of the reports with respect to soil contamination and the proposed ground gas monitoring to characterise the ground gas regime at the site.
- 8.145 If planning permission were to be granted, the LBTH Environmental Health (Contaminated Land) Officer recommend that conditions be included to secure a scheme to identify the extent of the contamination and the measures to be taken to avoid risk to the public, buildings and environment, and to require any necessary remediation works to be carried out prior to the occupation of the building and for a verification report to be submitted on completion of the remediation works.
- 8.146 Subject to conditions, it is considered that the proposals include suitable land contamination site investigation and remediation schemes, in accordance with Policy DM30 of the Council's adopted Managing Development Document (2013).

Air Quality

- 8.147 Policy 7.14 of the London Plan (2013) seeks to ensure that design solutions are incorporated into new development to minimise exposure to poor air quality and promotes sustainable design and construction to reduce emissions from the demolition and construction of buildings.
- 8.148 Policy SP03(2) of the Council's adopted Core Strategy (2010) seeks to manage and improve air quality along transport corridors and traffic congestion points and seeks to implement a 'Clear Zone' in the borough to improve air quality. Policy DM9 of the Council's adopted Managing Development Document (2013) requires applications for major development to be accompanied by an Air Quality Assessment to demonstrate how it will prevent or reduce associated air pollution during construction or demolition.

Air Quality Assessment

- 8.149 The applicant has provided an Air Quality Assessment (AQA), prepared by URS, dated 11 December 2014, which provides an assessment of the potential effect on local air resulting from the demolition, construction and operational phases of the development.
- 8.150 The submitted AQA notes that the demolition and construction works have the potential to cause dust impacts on nearby sensitive receptors and the surrounding environs. In order to mitigate these impacts, the AQA proposes a number of measures, including the preparation of a Dust Management Plan, locating machinery

and dust causing activities away from sensitive receptors, erecting screens around dusty activities and covering stockpiles to prevent wind whipping.

- 8.151 The AQA also provides an assessment of the impact of the development on local air quality and provides details of the projected air quality (in terms of NO₂ concentrations) at various receptor points in the vicinity of the site. The AQA projects that the annual mean concentrations of NO₂ to receptors on Quaker Street would increase by 0.2 micrograms during the operational phase of the development, which is stated as being a negligible (imperceptible) effect.
- 8.152 The submitted AQA has been reviewed by the LBTH Environmental Health (Air Quality) Officer, who notes that the NO₂ level would exceed the annual standard, although as the proposed use a hotel, this standard does not apply and mitigation is therefore not required. In order to ensure suitable dust monitoring and mitigation measures are put in place during the demolition and construction phases, LBTH Environmental Health recommend that a Construction Environmental Management Plan be secured by condition prior to the commencement of the development.
- 8.153 Subject to condition, it is considered that the proposed development is acceptable in air quality terms, in accordance with the objectives of Policy 7.13 of the London Plan (2013) and Policy SP03(2) of the Council's adopted Core Strategy (2010).

Impact on the Railway

- 8.153 The application site backs onto a railway cutting, including an emergency platform at the rear of the site and access stairs leading from the public highway on Quaker Street down an alleyway along the western boundary of the site to the emergency platform. The railway tracks and surrounding environs, including the access passage from the street to the emergency platform, are under the ownership and operation of Network Rail. It is noted that the proposals would retain the existing Network Rail access along the western and northern sides of the site.
- 8.154 Network Rail were consulted on the application and have advised that the applicant will be required to obtain the necessary licences and consent from Network Rail in relation to the construction and maintenance of the development. Network Rail has further advised that the developer must ensure that the development, during both construction and operational phases, must not adversely impact on Network Rail infrastructure and the safe operation of the railway. It is recommended that the applicant be advised to contact Network Rail by way of an informative on the decision notice.

Planning Obligations

- 8.155 Regulation 122 of the CIL Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet the following tests:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Are fairly and reasonably related in scale and kind to the development.
- 8.156 This is further supported by Policy SP13 of the Council's adopted Core Strategy (2010) which seeks to negotiate planning obligations through their deliverance in kind

or through financial contributions to mitigate the impacts of a development.

8.157 The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in Policy SP13 of the adopted Core Strategy (2010).

8.158 The document also sets out the Borough's key priorities as being:

- Affordable Housing
- Employment, skills, training and enterprise
- Community facilities
- Education

8.159 The Borough's other priorities include:

- Health
- Sustainable transport
- Environmental sustainability
- Public realm

8.160 The general purpose of S106 contributions is to ensure that development is appropriately mitigated in terms of impacts on existing social infrastructure such as health, community facilities and open space and that appropriate infrastructure to facilitate the development are secured.

8.161 The obligations agreed can be summarised as follows:

Financial Contributions:

- a) A contribution of £17,672 towards Construction Phase Skills and Training
- b) A contribution of £11,970 towards End User Phase Skills and Training
- c) A contribution of £1,012 towards Idea Stores, Library and Archives
- d) A contribution of £4,048 towards Leisure
- e) A contribution of £407,662 towards Public Open Space
- f) A contribution of £46,800 towards Public Realm
- g) A contribution of £413,824 towards Crossrail
- h) A contribution of £18,060 towards Monitoring (at 2% of total)

Non- Financial Contributions:

- i) A commitment to provide 20% local employment during the construction and operational phases
- j) A commitment to source 20% of procurement from local business during the construction phase
- k) A commitment to complete 14 apprenticeships during the first 5 years of occupation.
- l) A commitment to comply with the Council's Code of Construction Practice
- m) Restriction of coach party hotel bookings
- n) Travel Plan

The above contributions represent 100% of the planning obligations as required by the Council's Planning Obligations Supplementary Planning Document (2012) and officers consider that these obligations met the tests set out in Regulation 122 of the CIL Regulations 2010. Details of the formulae used to calculate these contributions are provided in the Planning Obligations SPD.

8.162 It is considered that the level of contributions would mitigate against the impacts of

the development by providing contributions to all key priorities and other areas.

9.0 Human Rights Considerations

- 9.1 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-
- 9.2 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
 - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
 - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that *"regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole"*.
- 9.3 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.
- 9.4 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.
- 9.5 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 9.6 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.7 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 9.8 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and the associated section 106

agreement to be entered into.

10.0 Equalities Act Considerations

- 10.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
 2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
 3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.2 The contributions towards infrastructure improvements addresses, in the short-medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support community wellbeing and social cohesion.
- 10.3 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.
- 10.4 The community related contributions (which will be accessible by all), help mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.

11.0 Section 70(2) of the Town and Country Planning Act 1990

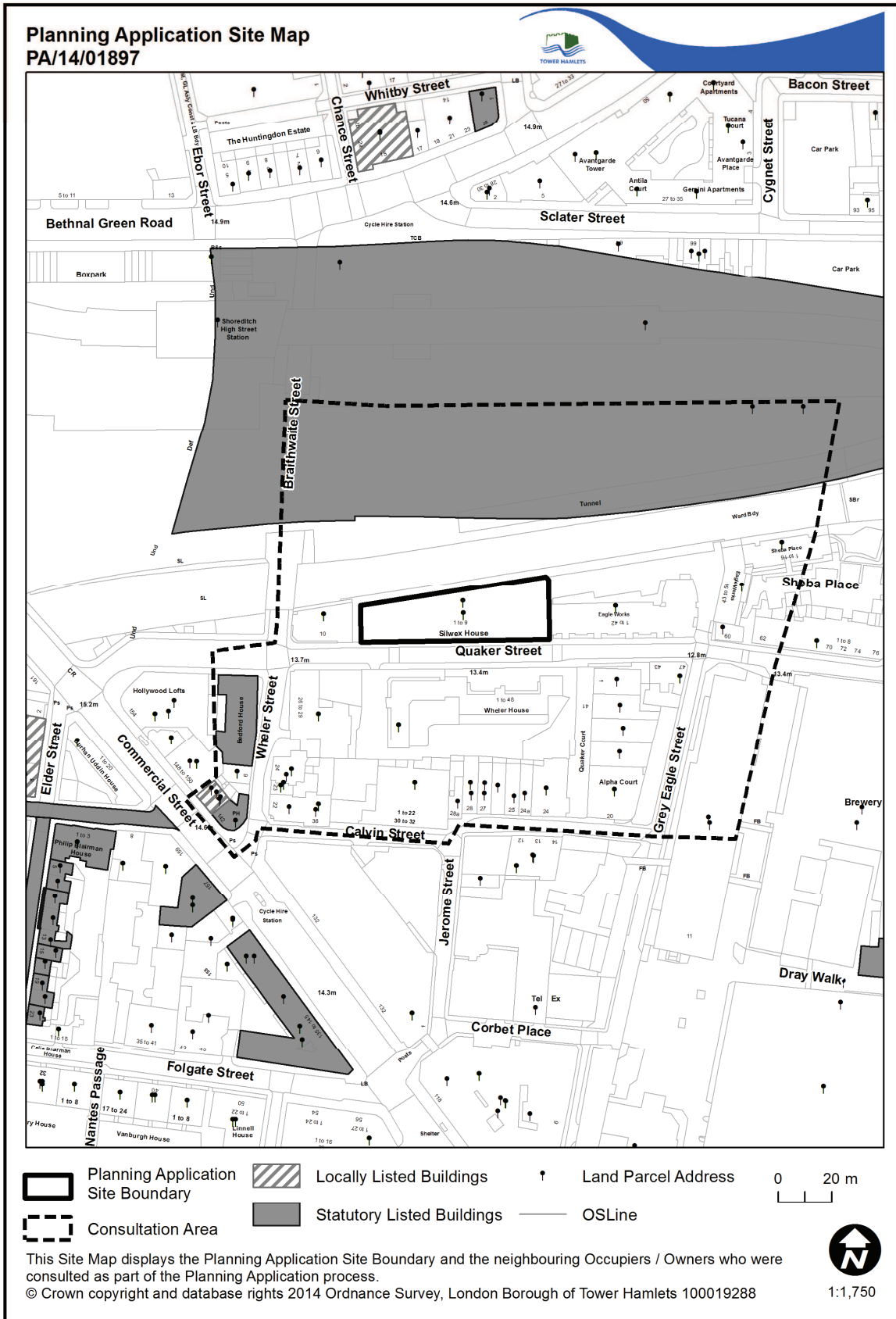
- 11.1 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. Section 70(2) states that:
- 11.2 In dealing with such an application the authority shall have 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.
- 11.3 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.
- 11.4 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals so far as they are material to the application.

- 11.5 Regarding Community Infrastructure Levy considerations, it is estimated that the Mayoral CIL charge for the proposed development would total approximately £146,440.

12.0 CONCLUSIONS

- 12.1 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.

13.0 SITE MAP WITH CONSULTATION BOUNDARY



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