

Committee: Strategic Development Committee	Date: 18 th April 2013	Classification: Unrestricted	Agenda Item No: 7.1
Report of: Corporate Director of Development and Renewal		Title: Planning Application for Decision	
Case Officer: Pete Smith		Ref No: PA/12/02703	
		Ward(s): Whitechapel	

1. APPLICATION DETAILS

1.1 **Location:** 27 Commercial Road and 29-37 Whitechurch Lane London E1 1LD

Existing Use: Mix of uses including retail, offices, research and development and storage uses.

Proposal: Development of a 25 storey hotel comprising 328 bedrooms and associated bar and restaurant facilities with one disable parking space(on site), 28 cycle parking spaces at basement and ground floor level and a service/drop off bay off Whitechurch Lane.

Drawing Nos / Documents: GA/01 (Site Location Plan), GA/100, GA/101, GA/200, GA/201, GA/202, GA/203, GA/204, GA/205, GA/206, GA/207, GA/300, GA/301, GA/302, GA/303, GA/304, GA/305

Submission Documents

Design and Access Statement
 Planning Statement
 Transport Statement
 Framework Travel Plan
 Heritage, Townscape and Visual Impact Assessment including
 World Heritage Site Self-Assessment and Heritage Impact
 Assessment
 Visual Impact Study prepared by Miller Hare
 Archaeological Assessment
 Hotel Need and Economic Statement
 Energy Statement
 Sustainability Statement
 Daylight and Sunlight Assessment
 Noise assessment
 Air Quality Assessment
 Microclimate Assessment
 Phase 1 Environmental Audit Report
 Community Involvement Statement

Applicant: Reef Estates (Aldgate) Ltd

Owners: Reef Estates (Aldgate) Ltd

Historic Building: N/A

Conservation Area: N/A

2. RECOMMENDATION

2.1 That the Committee resolve to **REFUSE** planning permission for the following reasons:

1. The proposed development, in view of its scale, height, bulk and mass, would represent an incongruous and inappropriate form of development and would fail to respect the finer grained character and local townscape found within this transitional area between the Aldgate tall buildings cluster and the lower scale development forms to the east and north-east and would fail to preserve or enhance the character and appearance of the adjacent Whitechapel High Street Conservation Area and the setting of neighbouring listed buildings, contrary to Policies 7.1, 7.4, 7.6, 7.7 and 7.8 of the London Plan (July 2011), saved Policy DEV1 of the adopted Unitary Development Plan (1998), Policy SP10 of the Core Strategy (2010), Policies DM1, DM24, DM26 and DM27 of the Managing Development DPD (Submission Version, May 2012) with modifications, Policies DEV2, DEV27, CON1 and CON2 of the Interim Planning Guidance (2007) and the Aldgate Master Plan 2007 and as a result, would not provide a sustainable form of development in accordance with the National Planning Policy Framework.
2. The proposal would represent overdevelopment of this constrained site, resulting in material losses of sunlight and daylight received by adjacent residential properties, contrary to Policies 7.4 and 7.7 of the London Plan (July 2011), saved Policy DEV2 of the adopted Unitary Development Plan (1998), Policies SP10 of the Core Strategy (2010), Policies DM7 and DM25 of the Managing Development DPD (Submission Version, May 2012) with modifications and Policies DEV1 and DEV27 of the Interim Planning Guidance (2007) and as a result, it is not considered to provide a sustainable form of development in accordance with the National Planning Policy Framework. Any benefits associated with the provision of further overnight guest accommodation within the Aldgate/City Fringe areas of the Borough and any associated hotel employment opportunities are not considered sufficient to outweigh the harm caused as a consequence of this proposed development.

3. SITE AND SURROUNDINGS

- 3.1 The application site is 0.0536 hectares in area and is located on the north side of Commercial Road, at its junction with Whitechurch Lane. It comprises a mixture of 2, 3 and 4 storey Victorian and inter-war buildings (1,905 sq. metres of accommodation) which appear to be generally under-utilised and have history of being used for a variety of commercial uses (including light industrial, storage, retail and office uses).
- 3.2 In terms of immediate neighbours, to the north of the site is a small yard with vehicular access onto Whitechurch Lane, which serves a three storey fire station situated to the west of the application site. Fire tenders etc. exit the fire station onto Commercial Road. To the west on the opposite side of Whitechurch Lane, is a range of 3, 4 and 5 storey buildings with commercial uses on ground floor and residential uses above. Either side of properties, identified as 16-24 and 34 Whitechurch Lane, is Assam Street, which provides vehicular and pedestrian access to a new student accommodation block which is currently under construction, albeit nearing completion (see paragraph 3.4 below for further details).
- 3.3 To the north of the existing fire station yard (highlighted in 3.2 above) is Manningtree Street, which is lined on its north side by 4 storey buildings. 7-8 Manningtree Street is currently being enlarged in the form of a third floor extension (pursuant to planning permission LBTH Ref PA/11/00710). Once this work has been completed, this property will accommodate 12 residential units, 8 of which have been in situ since 1996. The ground floor of 9 Manningtree Street is in commercial use with planning permission granted in 1993 for live-work units on the first floor and a two bedroom maisonette on the second and third floors (LBTH Ref ST/96/00093). At the junction of Manningtree Street (north-side) and Whitechurch Lane is a

three storey public house with ancillary residential use of upper floors.

- 3.4 The site is not located within a conservation area, although the boundary of the Whitechapel High Street Conservation Area is situated around 50 metres to the north of the application site. Important views of the site from within the Whitechapel High Street Conservation Area can be gained from Altab Ali Park, which is situated on the south side of Whitechapel High Street and at the junction of Whitechapel High Street and Whitechurch Lane (looking north). To the south west of the site on the opposite side of Commercial Road (32-34 Commercial Road) is a Grade II listed building and to the south east is the Gunmakers Proof House which is also Grade II listed. To the east of the site, on the north side of Commercial Road is a Grade II listed building known as the Brewery Building (35 Commercial Road) which is currently being refurbished and partially redeveloped, in the form of a 17 storey building, situated to the north of the listed building, to provide student accommodation pursuant to planning permission and listed building consent granted in July 2010. To the north of the site is the Grade II* listed Whitechapel Art Gallery and the Grade II listed Whitechapel Public Library.
- 3.5 The site is within the setting of the Tower of London World Heritage Site and is in an area of Archaeological Priority
- 3.6 The site is located in an area of high levels of public transport accessibility with public transport options available in the form of Aldgate East (Underground) and Whitechapel Stations (Underground and Over-ground), with Crossrail coming on line around 2017/18. Tower Gateway DLR is within relatively close walking distance from the site and 12 bus services are available in close proximity including 5 night bus services. Consequently, the PTAL for the site is 6b) which indicates “excellent” levels of public transport accessibility.
- 3.7 In terms of policy designations, the site is located within the City Fringe Opportunity Area and the Central Activities Area as identified by the London Plan (2011) and is located within the City Fringe Activity Area as identified by the Tower Hamlets Core Strategy (2010). The site is also included in the boundary of the Aldgate Master Plan, which was published by the Council in 2007.
- 3.8 The area covered by the Aldgate Masterplan has and will continue to undergo significant regeneration in the form of both commercial and residential redevelopment opportunities (especially a mixture of both commercial and residential development) and there are a number of previous/extant planning permissions and current planning applications that are of relevance, which will be further highlighted in this report. It is therefore worthwhile referring to these schemes at this stage.

Goodman's Fields

- 3.9 In March 2012, planning permission was granted for a hybrid application (outline and detailed) for the redevelopment of the site to provide 4 courtyard buildings of between 5-10 storeys incorporating 6 buildings of 19-23 storeys and the erection of 4 storey dwellings, to provide a mixture of residential apartments, a hotel, student accommodation and commercial floorspace alongside the provision of accessible open spaces and pedestrian routes through the site (LBTH Ref PA/11/01981). This development is now underway with the refurbishment of 75 Leman Street and the approved student accommodation due to be completed in the next few months. The hotel and associated residential apartments (known as the NW Block) due to start on site in the next few weeks.

Aldgate Union/ Aldgate Place

- 3.10 Outline planning permission was granted in 2007 for the demolition of existing buildings and the redevelopment of the site involving three buildings ranging from between 4 – 22 storeys to provide 84,305 sq. metres of offices and 2,805 sq. metres of retail accommodation with a

new pedestrian route leading to Drum Street and providing a new entrance to Aldgate East station (LBTH Ref PA/06/00510). Whilst previous buildings on the site have been demolished no further works have taken place.

- 3.11 The Council has recently received an application for alternative development in the form of the redevelopment of Aldgate Place involving the erection of 22,25 and 26 storey towers and a range of lower buildings (between 6-9 storeys) to provide 463 residential apartments, offices, hotel, retail and the introduction of public routes and public open spaces (LBTH Ref PA/13/00218). This application is currently being considered by officers and will be referred to the Strategic Development Committee in due course.

61-75 Alie Street and 16-17 Plough Street and 20 Buckle Street

- 3.12 In March 2008, planning permission was granted for the demolition of the existing buildings and the erection of two buildings (7 and 28 storeys) to provide 235 residential units and retail, restaurant and business accommodation (LBTH Ref PA/07/01201). This was amended by reference of an planning application for minor material amendments in August 2010 (LBTH Ref PA/10/01096) and the scheme is now been implemented by Barratt Homes and is progressing towards completion (due later this year).

Former Beagle House

- 3.13 In August 2010, planning permission was granted for the demolition of the existing building and the erection of an 18 storey building comprising ground for retail with office use of the upper floors. This planning permission remains unimplemented and the Council has recently received an alternative proposal for the site involving the demolition of the existing building and the erection a 23 storey building comprising ground and first floor retail accommodation and 291 residential apartments (LBTH Ref PA/13/00305). As with Aldgate Place, this case is still being considered by officers and will be referred to the Strategic Development Committee in due course.

15-17 Leman Street and 1A Buckle Street

- 3.14 This site lies between the Aldgate Place site and the Allie Street residential tower (as highlighted in paragraph 3.12 above) and planning permission was granted June last year for redevelopment of the site comprising the construction of a 23 storey, 251 bed hotel including ancillary cafe, bar and restaurant with associated servicing and access (LBTH Ref PA/11/03693). This site remains undeveloped but the planning permission remains extant.
- 3.15 The purpose of referring to these various planning permissions (a number of which have started on site or are nearing completion) is to indicate that the Aldgate area is attractive to redevelopment. As directed by both the London Plan and the Council's Core Strategy, Aldgate is a location where taller buildings are considered acceptable, subject to consideration of other criteria and associated planning policy issues and it is significant to note in relation to this particular case, that apart from the near completed student housing scheme at 35 Commercial Road (highlighted in paragraph 3.4 above), these scheme are more centrally located within the Aldgate area, as directed by the Aldgate Masterplan, the Core Strategy and the emerging MDDPD, or focused towards areas to the south (Goodman's Fields, Allie Street and Buckle Street). Areas/sites located to the east and north-east of the Aldgate taller buildings cluster are characterised by lower scale development and a finer-grained built form.

4. Relevant Planning History

- 4.1 There is no recent planning history associated with the application site apart from a grant of planning permission in May 2002 which proposed a change of use of the ground floor of 27C Commercial Road from retail to a hot food take-away (LBTH Ref PA/02/00286). The history

associated with relevant neighbouring sites have been outlined above, when referring to the site and its surroundings

5. The Planning Proposal

- 5.1 This application seeks full planning permission for the demolition of the existing building and the redevelopment of the site involving the erection of a 25 storey hotel comprising 328 rooms and ancillary bar and restaurant facilities (10,372 sq. metres GIA). The application documentation advises that the hotel operator would be Motel One, which is a German based international hotel which provides contemporary accommodation at the upper end of the economy market. According to the application documentation, the hotel chain has hotels in Berlin, Dusseldorf, Frankfurt, Hamburg and Munich and is seeking to expand into the UK hotel market, with three hotels planned.
- 5.2 The proposed hotel would rise to an overall height of approximately 79 metres, taken from existing ground level, with the building, comprising three elevational elements; a five storey shoulder element (ground plus 4 floors) comprising a stone and masonry frame with bronzed anodised aluminium glazing panels and curtain walling glazing at ground floor level in an attempt to reflect the scale and external appearance of neighbouring properties; an 18 storey element comprising a silver anodised aluminium frame with bronze anodised window system and an upper element utilising similar materials as the lower 18 floors but with greater use of glazing.
- 5.3 The primary entrance to the hotel would be at the junction of Commercial Road and Whitechurch Lane, with secondary access and service access located towards the northern end of the ground floor/Whitechurch Lane frontage. A further entrance into the building (specifically to facilitate disabled access) is proposed fronting Commercial Road.
- 5.4 The service entrance would lead to a small off street parking area which could be used for service delivery and for guests with disabilities (within the building envelope) although the scheme could be generally car free. The car parking space would be operated through use of a turntable mechanism, to enable a vehicle to enter and leave the parking area in forward gear. A small on site drop off/coach drop off area would be provided with an undercroft area (parallel with Whitechurch Lane) with vehicles entering the drop off area from the south, in accordance with the Whitechurch Lane one-way working (northbound). The proposed building would be set back from Whitechurch Lane to preserve the pavement width in the vicinity of the service bay/drop off zone.
- 5.5 The ground floor would be primarily used to provide reception facilities with the proposed restaurant and bar (with related kitchen facilities) provided at first floor. The basement would be used for storage, refuse storage and a centralised CHP boiler plant. Floors 2 to 4 would each accommodate 16 bedrooms along with linen and store rooms with the remaining floors each accommodating 14 bedrooms. It is proposed to make 10% of the rooms accessible to guests with disabilities (33 in all).
- 5.6 The application advises that the proposed hotel would employ 30 staff (including kitchen staff, managerial grades, room service, bar staff etc.) as well as outsourced jobs in the cleaning and maintenance services.
- 5.7 Finally, it is proposed that the proposed development would achieve 35% reduction in carbon reduction through energy measures including a CHP system and renewable energy technologies in the form of roof top photo-voltaic cells, along with a BREAM "Excellent" rating.

6. POLICY FRAMEWORK

- 6.1 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:

6.2 Government Planning Policy Guidance/Statements

National Policy Planning Framework (2012)

6.3 Spatial Development Strategy for Greater London (London Plan) 2011

Proposals: Central Activities Zone
City Fringe Opportunity Area

Policies:	Policy No.	Title
	2.10	Central Activities Zone (Strategic Priorities)
	2.11	Central Activities Zone (Strategic Functions)
	4.2	Offices
	4.5	London’s Visitor Infrastructure
	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
	5.13	Sustainable Drainage
	5.15	Water Use and Supplies
	5.17	Waste Capacity
	5.21	Contaminated Land
	6.3	Assessing Effects of Development on Transport Capacity
	6.8	Coaches
	6.9	Cycling
	6.10	Walking
	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
	7.5	Public Realm
	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
	8.2	Planning Obligations

6.4 Core Strategy Development Plan Document 2025 (adopted September 2010)

Spatial Policies:	Policy No.	Title
	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
	SP09	Creating Attractive and Safe Streets and Spaces
	SP10	Creating Distinct and Durable Places
	SP11	Working Towards a Zero-carbon Borough
	SP13	Delivering and Implementation

6.5 Unitary Development Plan 1998 (as saved September 2007)

Proposals: Area of Archaeological Importance or Potential

Policies:	Policy No.	Title
	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV4	Planning Obligations
	DEV43	Protection of Archaeological Heritage
	DEV44	Preservation of Archaeological Remains
	DEV50	Noise
	DEV51	Contaminated Land
	DEV55	Waste from New Development
	DEV56	Waste Recycling
	EMP1	Promoting Employment Growth
	EMP3	Change of Use of Redevelopment of Office Floorspace
	EMP8	Encouraging Small Business Growth
	T7	The Road Hierarchy
	T10	Strategic Traffic Management
	T16	Transport and Development
	T18	Pedestrians

6.6 Managing Development Development Plan Document (Submission Version May 2012) with modifications(MD DPD)

Development Policy No. Title

Management

Policies:

DM1	Development Within the Town Centre Hierarchy
DM7	Short Stay Accommodation
DM13	Sustainable Drainage
DM14	Managing Waste
DM15	Local Job Creation and Investment
DM16	Office Locations
DM20	Supporting a Sustainable Transport Network
DM21	Sustainable Transportation of Freight
DM22	Parking
DM23	Streets and Public Realm
DM24	Place-sensitive Design
DM25	Amenity
DM27	Heritage and the Historic Environment
DM29	Achieving a Zero-carbon Borough and Addressing Climate Change
DM30	Contaminated Land

6.7 Interim Planning Guidance for the purposes of Development Control 2007 (IPG)

Policies	Policy No.	Title
	IMP1	Planning Obligations
	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency and Renewable Energy
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction

DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV22	Contaminated Land
EE2	Redevelopment/Change of Use of Employment Sites
CON1	Listed Buildings
CON2	Conservation Areas
CON4	Archaeology and Ancient Monuments

IPG City Fringe Area Action Plan (2007)

6.8 Supplementary Planning Guidance/ Other Relevant Documents

LBTH

LBTH Planning Obligations Supplementary Planning Document (2012)

LBTH Aldgate Masterplan (2007)

LBTH Designing Out Crime Supplementary Planning Guidance (2002)

LBTH Air Quality Action Plan (2003)

LBTH Clear Zone Plan 2010-2025 (2010)

Mayor of London

Use of Planning Obligations in the Funding of Crossrail Supplementary Planning Guidance (2010)

Accessible Hotels in London (2010)

SPG - London World Heritage Guidance on Settings (2012)

7. CONSULTATION RESPONSE

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

7.2 The following were consulted regarding the application:

LBTH Cleansing Officer

7.3 As this is a commercial development, there is no objection with the proposed waste storage arrangements. Refuse collection would need to be arranged with a private contractor and frequency of collection should be determined based on the holding capacity and the amount of generated waste.

Officer Comment: these matters could be dealt with by the imposition of a condition requiring details of a delivery and servicing management plan, should Members be minded to grant planning permission.

LBTH Environmental Health (Noise & Vibration)

7.4 There are some concerns regarding the proposed development on the existing location and the sensitive receptors. A degree of noise may be generated by the commercial activities of the hotel including the bar, restaurant as well as noise generated by the air conditioning plant taxis HGV deliveries, waste disposal and collections

Environmental Health considers that the report has not covered all of the salient noise impacts. A "Good" standard should, be provided in respect of hotel bedrooms (a similar standard as residential bedrooms). Bedroom noise standards should be LAeq 30 dB, 8 hours at night-time and not regularly exceed LMax 45 dB.

Whilst Environmental Health does not object to the proposed development the applicant should address outstanding concerns.

Officer Comments: *If planning permission were to be granted it is recommended that a detailed Plant Noise Assessment(including ventilation arrangements) are secured by condition, along with details of sound insulation of hotel bedrooms.*

LBTH Environmental Health (Contaminated Land)

- 7.5 The Phase I Environmental Audit Report for the site presents the results of a historic information review and details of the environmental setting of the site. The information obtained from the desktop assessment, site walkover and Council records confirms that the site and the surrounding area have been subjected to industrial uses which have the potential to contaminate the area. It is understood that ground works and soft landscaping is proposed and therefore a potential pathway for contaminants may exist and will need further characterisation to determine the associated risks. Environmental health recommend the imposition of a standard staged contaminated land conditions which requires the submission of a scheme to identify and mitigate any contaminants, requiring the remediation to be undertaken before occupation takes place and the submission of a verification report for written approval by the local planning authority.

Officer Comments: *If planning permission were to be granted it is recommended that a condition 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 when the site is developed.*

LBTH Environmental Health (Commercial - Food Safety)

- 7.6 General information and specifications are required in relation to kitchen arrangements are required prior to the food business being registered with Environmental Health.

Officer Comments: *These are matters that can be covered by separate Environmental Health legislation.*

LBTH Environmental Health (Commercial Health and Safety)

- 7.7 The development should comply with the Construction Regulations 2007 in relation to Health and Safety and dealing with asbestos during the construction phase. The end user would also need to be made aware of their responsibilities in relation to legislation such as the Workplace Health safety and Welfare Regulations 1992.

Officer Comments: *All these matters would be the subject of an informative, should planning permission be forthcoming.*

LBTH Transportation & Highways

- 7.8 The proposals are acceptable in Highways terms, subject to the following conditions:
- The provision of a servicing bay/coach/taxi in-out bay entirely on the applicants land would be acceptable. This would be operated by the applicant in conjunction with a Servicing Management Plan. The latter should be conditioned and contain details of how the arrival of large vehicles will be staggered (through a booking system preferably) so that queuing on the highway is minimised. A layby on the public highway was not acceptable as it would have caused obstruction to vehicles at the junction of Assam Street and Whitechapel Lane.
 - Auto-tracks supplied are acceptable. Submission of a plan showing the location of a second on-site disabled space is required, with and the applicant should contact highways to prepare and agree a S.278 Agreement (to provide public highway realm improvements in the vicinity of the site).
 - Refuse storage and collection arrangements from the basement – collected via a good lift would be acceptable.
 - The provision of a single disabled parking bay is to be welcomed which should be

bookable for the use of staff or patrons. A car-free permit free agreement would not be required in this instance. The turntable solution is also welcomed but would require a convex mirror on the north side of its exit to assist in providing inter-visibility. This turntable would need to be maintained and retained for the purposes of disabled parking only. Cycle parking arrangements are also acceptable and should be conditioned to ensure delivery.

- Submission for Travel Plan to encourage more sustainable forms of travel should be required by condition.

Officer Comments:*The above conditions and informative be included if planning permission were to be granted.*

LBTH Energy Efficiency

- 7.9 The current proposals for delivering the space heating and hot water are considered acceptable – although an appropriate worded condition should be applied to any permission to ensure development is supplied by the CHP (~80kWe) following completion and prior to occupation.
- 7.10 The PV array would result in a 0.7% carbon saving over the regulated energy baseline. Overall, the level of energy saved overall would be 20% and it is acknowledged that the full level of energy reduction can sometimes be technically challenging and not feasible in all developments. Whilst the energy savings would not be sufficient to comply with Policy DM29, the approach is supported as long as the strategy is secured through the imposition of a condition.
- 7.11 In terms of the scheme's sustainability credentials, the scheme commits to achieving a BREEAM "Excellent" rating and a pre-assessment demonstrating that this level is deliverable has been submitted. A condition should be imposed to ensure that the "Excellent" rating is secured, with the final Certificate being submitted to the Council prior to occupation of the hotel.

LBTH Housing

- 7.12 As the application is for a hotel, there are no affordable housing implications associated with this proposed development.

Crime Prevention Officer

- 7.13 No objections to the proposal. Any concerns were resolved following the meeting with the applicant's agent after a site meeting in August.

LBTH Enterprise & Employment

- 7.14 No comments received at the time of writing.

LBTH Communities, Localities & Culture (Strategy)

- 7.15 The following financial contributions are required to mitigate the impacts of the development in accordance with the Council's Planning Obligations Supplementary Planning Document (2012): £2,213 is required towards Idea Stores, Libraries and Archives; £6,978 is required towards Leisure Facilities; £540,496 is required towards Public Open Space, and; £44,034 is required towards public realm improvements.

Officer Comments:*These contributions would need to be negotiated should planning permission be forthcoming.*

Transport for London

- 7.16 The multi modal trip assessment has been reviewed and TfL considers that the application would not have a detrimental impact on the highway or public transport network
- 7.17 The applicant should undertake an assessment of the bus stop P and Q located on

Commercial Road and identify a schedule of works required to improve them in line with TfL's accessible Bus Stop Design Guidance.

- 7.18 In terms of the Mayor's Cycle Hire scheme, mitigation measures towards the future phase of intensification and extension of the scheme will be sought.
- 7.19 According to London Plan standards, the development should provide 1 coach parking space per 50 rooms. The development would therefore generate a requirement for 6 coach parking spaces. However, as the site is constrained and it is recognised that such a provision would not be possible In view of design constraints, it is accepted that with an of street coach drop off area, there is sufficient room to cater for the quantum of coach trips likely to be generated, adopting a pragmatic approach.
- 7.20 A contribution of £15,000 towards the legible London initiative should be sought as part of this development. It is recognised that the drop off bay could be utilised for servicing and a delivery servicing plan would be required in order to minimise the likelihood of multiple contractors requiring access at one time. This should be secured by condition.
- 7.21 A Travel Plan should be sought by condition and it is expected that a travel plan will be secured through the S.106 Agreement. The development would be liable for London mayoral Community Infrastructure Levy.

English Heritage

- 7.22 Any development of this scale will have some impact on a wide range of heritage assets, including local conservation areas and listed buildingsThe main concern is the impact of the proposed tower on the Tower of London World Heritage Site, reflecting its "outstanding universal value" and its significance is further indicated by the number of listed buildings within its precincts. The Townscape and Visual Impact Assessment submitted with the application shows that the development would appear to the right of the White Tower and would therefore have an impact on its setting. There is already concern that whilst this view has already been affected by development, the proposal would be higher than anything that has been approved and would therefore cause further harm to the setting of the White Tower. This would be contrary to paragraph 132 of the National Planning Policy Framework. Certainly a reduction in the height would remove the proposed tower from these views.
- 7.23 English Heritage has therefore encouraged that applicant to consider reducing the height of the tower.

***Officer Comment:** Officers are satisfied that the proposed development would not cause harm to the setting of the White Tower or the wider World Heritage Site. This aspect has the support of the London Mayor.*

English Heritage Archaeology

- 7.24 No comments at the time of writing.

London Fire and Emergency Planning Authority

- 7.25 The documentation provided would indicate that, if the existing water supplies are maintained, the provision of water supplies for use by the Fire Service should be adequate. Moreover, it would indicate that Brigade access would not be problematic.

Environment Agency

- 7.26 No comments at the time of writing

London City Airport

- 7.27 Based on a maximum structure of 85 metres (AOD) the proposal would not conflict with criteria. According, London City Airport has no safeguarding objection to the proposal, subject to conditions as regards the agreement of crane heights and landscaping (to render

them more unattractive to birds, so as to limit adverse effects on the safety operations of the airport.

Officer Comments: *These aspects would need to be dealt with by way of planning conditions, should planning permission be forthcoming.*

London Mayor (Stage 1 Response)

7.28 The Planning Decisions Unit Stage 1 Report was considered by the London Mayor on the 12 December 2013. The officers report into the scheme was relatively positive and reached the following conclusions:

- The proposed hotel is supported in strategic planning terms, in accordance with London Plan Policy 4.5;
- The design of the scheme is broadly supported although a condition is sought with respect to architectural quality, to ensure accordance with London Plan Policy 7.7
- The development would be sub-ordinate to the Tower of London, would respect the historic significance of the World Heritage Site and would preserve the viewers' ability to recognise the landmark and appreciate its outstanding universal value.
- The 10% wheelchair accessible rooms are supported in line with London Plan Policy 4.5 and the design of the development accords with the principles of London Plan Policy 7.2.
- The proposed energy strategy is broadly supported in line with London Plan Policy 5.2, although further work is required in respect of district heating networks to ensure accordance with London Plan Policy 5.6. Planning conditions are also sought in respect of green roofs and renewable energy technologies
- Clarifications and commitments are sought in respect of car parking, cycling, buses, coach facilities, walking and travel planning to ensure accordance with London Plan policies.

7.29 Of significance to this application, whilst the London Mayor accepted his officers' views that the proposed development did not comply with the London Plan for the reasons outlined above, he did not share all the views of his officers on urban design and the heritage analysis. The Stage 1 letter expressed particular concern on behalf of the London Mayor with the loss of the existing 19th Century buildings on the site and expressed the view that whilst the buildings are not designated heritage assets, they positively contribute to the fine grain nature of the townscape and represent a valuable historic component of the City Fringe area and complement the setting of adjacent listed buildings. The London Mayor expressed a view that the building should be retained and refurbished.

Officer Comment: *The impact of this tall building on the character and appearance of the adjacent conservation areas as well as the setting of listed buildings and the fine grained nature of the immediate townscape will be covered in later sections of this report.*

8. LOCAL REPRESENTATION

8.1 A total of 2,886 planning notification letters were sent to nearby properties as detailed on the attached site plan. Site Notices were also displayed and the application was advertised in East End Life.

8.2 The total number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 2	Objecting: 5 – 1 of which was signed by 7 small business operating in the area	Supporting: 20(19 of which were signed proforma letters)
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- The 19 proforma letter from various local businesses, raising no objection to the proposal. These letters referred to the public exhibition dated 26th July 2012 and states that they supersede previous objections (letter previously signed by seven local businesses).
- Motel 1 offers a great product and the location is a perfect match for them;
- Opening a hotel provides employment opportunities for local people living in the area and will attract other redevelopment opportunities and businesses to the area.

Officer Comments: *The above points relate to the land use, design and impact of the proposed development, which are discussed in detail in Section 8 of this report.*

9. MATERIAL PLANNING CONSIDERATIONS

9.1 The relevant material considerations associated with this development proposal can be grouped under the following headings:

1. The loss of existing B type employment generating floorspace;
2. The principle of the proposed hotel use;
3. Design considerations, including the impact of the proposed development on the outstanding universal value of the Tower of London World Heritage Site and the impact on neighbouring heritage assets and more localised views;
4. The varied amenity considerations, including daylight/sunlight impacts and potential noise effects;
5. Highway/transportation considerations
6. Sustainability credentials

Loss of Existing (B type) Employment Generating Floorspace

9.2 Government guidance, set out in paragraph 22 of the National Planning Policy Framework (2012), states where there is no reasonable prospect of a site being used for an allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities. Policy 4.2(A) of the London Plan (2011) encourages the renewal and modernisation of the existing office stock in viable locations to improve its quality and flexibility.

9.3 Whilst there are a number of Aldgate sites (including Aldgate Place and Beagle House) located within the designated Preferred Office Location (POL), the application site is located outside this designated area and is also not included within a Local Office Location (LOL), Strategic Industrial Location (SIA) or a Local Industrial Location (LIL) as identified by the Council's adopted Core Strategy (2010) and defined by the MDDPD (Submission Version May 2012 with modifications). Policy DM15 of the MDDPD (Submission Version May 2012 with modifications) seeks to resist the loss of active and viable employment uses on sites located outside of the POL and LOL, unless it can be shown that the site has been actively marketed (for approximately 12 months) and that the site is unsuitable for continued employment use due to its location, accessibility, size and condition. This policy is further supported by Policy EMP3 of the Unitary Development Plan (1998) and Policy EE2 of the Interim Planning Guidance (2007), which seeks to resist the loss of employment floorspace, unless it can be demonstrated that it is no longer viable for continued employment use.

9.4 It is accepted that whilst the existing wholesale, storage and office space is fully let with no evidence submitted to suggest that any marketing has taken place to facilitate continued B1-B8 and retail employment, it is accepted that the existing floorspace currently provides relatively low quality employment floorspace. Officers have been advised that rental levels achieved are relatively low, with only short term let and licenses available to incoming businesses. Furthermore, evidence suggests that there is a general over-supply of B1 accommodation currently within the Borough and consequently, your officers are satisfied in

this particular case, that the loss of this limited supply of existing B type accommodation to alternative employment generating uses would be acceptable and would not significantly reduce the supply of available B1 and B8 floorspace within the Aldgate/City Fringe area. The premises exhibit poor layout configuration, accommodating a mixture of showroom space, storage, offices and retail space with very poor parking and loading-unloading opportunities. Similarly, officers are content that there is alternative second hand business/commercial floorspace available in the immediate vicinity where existing businesses could be relocated to. Consequently, it is considered that refusal of planning permission on grounds of the loss of existing B type employment generating floorspace would not be sustainable in this particular case, especially when one considers the potential for alternative employment opportunities associated with an incoming hotel development.

Principle of Hotel Use

- 9.5 Policy 4.5 of the London Plan (2011) and Policy SP06(4) of the Council's adopted Core Strategy (2010) seek to ensure that new hotel developments are sited in appropriate locations within the Borough, including the CAZ and City Fringe Activity Area and benefit from good access to public transport. In addition, the Policy requires a minimum of 10% of guest bedrooms to be wheelchair accessible. Policy 4.5 of the London Plan (2011) also includes London Mayor's target for the delivery of new hotel accommodation within London, which is set at 40,000 net additional hotel bedrooms by 2031.
- 9.6 Policy DM7(1) of the Council's MDDPD (Submission Version May 2012 with modifications) provides further detailed policy guidance for hotel developments, requiring hotels to be appropriate in size relative to their location, to serve a need for such accommodation, not to compromise the supply of land for new homes, not to create an over-concentration of hotels in a given area or harm residential amenity and to benefit from adequate access for servicing, coach parking and vehicle setting down and picking up movements. The Inspector's Report into the MDDPD Examination In Public which took place last year, recognised Tower Hamlet's role in providing for London's strategic supply of overnight guest accommodation.
- 9.7 The application site is located within the City Fringe Activity Area and the Central Activities Zone and is situated within an area characterised by excellent transportation links and high levels of accessibility by all modes of transport (including cycling and walking). These are locations where the principle of hotel development should be encouraged. 10 per cent of the proposed guest bedrooms are designed to be wheelchair accessible in accordance with Policy 4.5 of the London Plan (2011) which is to be welcomed.
- 9.8 In terms of the potential for the scheme to compromise the supply of land for housing, whilst it would be possible to convert existing accommodation or redevelop the site for residential purposes, there are significant design constraints associated with major redevelopment of this site and consequently, it is unlikely that this site could contribute significantly to housing growth in the Borough, especially as the existing floorspace is currently in employment generating use. The site is not designated for housing purposes and in terms of the projected delivery of new housing over the Plan period (up to 2025) and irrespective of existing recessionary pressures, it is anticipated that the Borough's housing targets will not only be met, but will be exceeded by 2025.
- 9.9 Evidence has also been produced which indicates that employment across the restaurant and hotel sectors over the last decade has increased by 75%. Tower Hamlets Local Economic Assessment (2010) advises that the hotel and restaurant sectors employ 9,700 people in Tower Hamlets (just under 5% of employment within the Borough) and supports around 600 separate enterprises the workforce.
- 9.10 The applicants have indicated that the hotel would directly employ around 30 staff (FTE) as well as further outsourced jobs in cleaning and maintenance, which would considerably

exceed the likely level of employment currently taking place on site. This indicates that incoming employment benefits might well outweigh the harm caused by the loss of the existing B type employment floorspace. It is also more likely that jobs in the catering and hotel/hospitality sector will be attractive to the local labour market and with other similar hotel proposals, incoming hotel operators have been prepared to work alongside the Council's Skillsmatch service to ensure maximisation of job opportunities for local people.

- 9.11 Submitted as part of the application was a Hotel Need and Economic Statement which provides evidence of the scale of need for additional hotel overnight guest accommodation within Tower Hamlets. The City of London Hotel Study 2009 indicated that some 760 additional hotel bedrooms could be accommodated within adjoining Boroughs such as Tower Hamlets, to serve the City's business community.
- 9.12 The GLA Hotel Demand Study (2006) forecasted a requirement for a further 2,800 hotel rooms to be provided in Tower Hamlets (2007-26). At that time, Tower Hamlets had some 2,200 overnight guest bedrooms (2% of the London total). Between 2007 and 2011, evidence indicates that a further 675 guest bedrooms were provided within the Borough and there is clear continuing development interest in locating new hotels in the Aldgate and the City Fringe area. As Members may be aware, the Citizen M hotel above Tower Hill tube station and the Premier Hotel, included as part of the Goodman Fields forthcoming NW Block are both soon to commence on site, with other hotels with planning permission or at planning application stage, including the Buckle Street hotel development (see paragraphs 3.14 and 3.15 above) and the Aldgate Place site (see paragraph 3.11 above). Evidence also indicates that the strongest area of growth is focused around the budget hotel sector with high levels of hotel occupancy within Tower Hamlets (across all hotel sectors). The applicant has argued that this level of demand for over-night guest accommodation, especially centred on the well located City Fringe area and close to tourist destinations, provides a clear indication for the need for further overnight guest bedrooms.
- 9.13 The pipeline hotels highlighted above (Goodmans Fields, Tower House and Buckle Street), assuming they all come forward, would deliver a further 871 additional overnight guest bedrooms in the immediate vicinity and the current Aldgate Place application proposes a further 160 guest bedrooms. With other hotels recently completed in Tower Hamlets, including the Holiday Inn Express in Commercial Road, a range of hotel schemes coming forward/potentially coming forward on the Isle of Dogs and the general rate of increase of guest bedrooms being delivered year on year, it is probable that the Borough will exceed forecast requirements by 2026, accommodating a range of overnight accommodation (budget through to high-end hotel rooms). However, existing occupancy rates and the growth forecasts in terms of tourism and corporate demand for overnight guest accommodation suggests that the targets outlined in the GLA Hotel Demand Study should be considered alongside other indicators.
- 9.14 To conclude this section of the report, it is considered that the principle of the hotel use would be acceptable, in accordance with the requirements of Policy SP06(4) of the Council's adopted Core Strategy (2010), Policy DM7(1) of the MDDPD (Submission Version May 2012 with modifications) in part and Policy 4.5 of the London Plan (2011), subject to consideration of other planning merits associated with this form of redevelopment. Whilst there is significant hotel activity in and around Aldgate and the City Fringe, although not yet overly concentrated to cause harm in itself, this scale of activity and the benefits of this further hotel proposal would need to be considered in the balance, alongside any harm caused as a consequence of the proposal.
- 8.15 Taking into account the above, it is considered that the proposed hotel is an appropriate use within this location and would accord with policies seek to ensure that new hotel developments are appropriately located within the town centre hierarchy in areas with good access to public transport, with at least 10 per cent of rooms being wheelchair accessible, and not resulting in an overconcentration of hotel uses on the surrounding area, nor

compromising the supply of land for new housing.

Design Considerations

Design and Principle of Tall Buildings

- 9.16 Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimisation of the potential of the site.
- 9.17 Policy SP10 of the Core Strategy and Policies DM23 and DM24 of the MDDPD Submission Version May 2012 – with modifications) seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surroundings. Saved Unitary Development Plan Policies DEV1, DEV2 and DEV3 seek to ensure that all new developments are sensitive to the character of their surroundings in terms of design, bulk, scale and use of materials.
- 9.18 Policy 7.7 of the London Plan deals with tall and large buildings, setting out criteria including appropriate locations such as the Central Activities Zone and Opportunity Areas with good access to public transport, that such buildings do not affect the character of the surrounding area in terms of its scale, mass or bulk; relates to the urban grain of the surrounding area; as a group of buildings improve the legibility of an area; incorporates the highest standards of architecture and materials; have ground floor uses that provide a positive experience to the surrounding streets and makes a significant contribution to local regeneration.
- 9.19 Policy SP10 (5) of the Core Strategy seeks to manage the location of tall buildings and considers that CanaryWharf and Aldgate are appropriate locations. Policy DM26 of the MD DPD provides further guidance in respect of the management of building heights across the Borough. Proposals for tall buildings will be required to satisfy the criteria listed below:
- Be of a height and scale that is proportionate to its location within the town centre hierarchy and sensitive to the context of its surroundings;
 - Within the Tower Hamlets Activity Area, development will be required to demonstrate how it responds to the difference in scale of buildings between the CAZ/Canary Wharf Major Centre and the surrounding residential areas.
 - Achieve high quality architectural quality and innovation in design through demonstration of consideration of a range of criteria;
 - Provide a positive contribution to the skyline;
 - Not adversely affect heritage assets or views;
 - Present a human scale at street level;
 - For residential uses include a high quality hierarchy of private, communal and open space;
 - Not adversely affect microclimate;
 - Not adversely affect biodiversity;
 - Provide positive social and economic benefits;
 - Comply with aviation requirements; and
 - Demonstrate consideration of public safety.
- 9.20 The application was accompanied by a detailed Design and Access Statement and a Heritage, Townscape and Visual Impact Assessment, with rendered views of the proposed 25 storey tower, taken from 11 local and longer distance viewpoints as well as from the London View Management Framework Viewpoints (LVMF 25.1, 25.2 and 25.3).

Tall Building Assessment

- 9.21 Notwithstanding the in principle and positive policy approach to tall buildings in the Central Activities Area and Aldgate in particular, a crucial aspect in this particular case is the transitional nature of the area in the immediate vicinity of the application site, compared to areas located to the west and south-west and the contrasting area characteristics between the tall building cluster centred around the former gyratory system and large floor plate office developments and the more finer grain and intimate building forms and street patterns common to areas between Commercial Road and Whitechapel High Street.
- 9.22 MDDPD Policy DM26 states that tall buildings need to be sensitive to their context> Following assessment of some of the more localised views of the development and notwithstanding the efforts made to relate the scale of the lower “shoulder” element to neighbouring 4-5 storey properties located on the opposite side of Whitechurch Lane and Manningtree Street, your officers have concluded that the overall height of the tower and its relationship with the lower scale buildings found in the immediate vicinity and further north towards Whitechapel High Street, represents an incongruous and over dominant built form which would not relate satisfactorily to the finer grain common to the streets and buildings present within the immediate vicinity of the site.
- 9.23 It is acknowledged that there are tall buildings located close-by (either in situ, under construction or with planning permission). However, these buildings are mostly centred around the former Aldgate gyratory or on sites to the south of the former Aldgate gyratory (including Allie Street, Buckle Street and Goodman’s Fields). Those areas have historically exhibited a very different character, compared to sites located between Commercial Road and Whitechapel High Street. For example, the Goodman’s Fields site was previously occupied by the bulky and somewhat ugly former RBS back-office building and the opening up of the site and the provision of generous and high quality public realm as part of the 2012 Goodman’s Fields planning permission helped justify the introduction of tall but slender tower elements. These buildings now form part of an emerging southern cluster alongside the Allie Street tower.
- 9.24 It is worth noting that the Council originally refused planning permission for the Buckle Street tower (see paragraph 3.14-3.15) on grounds of excessive height, failing to respect the general requirement to reduce scale of development and building heights as one moves away from the tall building cluster and the setting of listed buildings (as identified by the Aldgate Masterplan). Whilst the Planning Inspector dismissed the subsequent planning appeal (on grounds of inadequate site servicing arrangements) he was satisfied that the Buckle Street tower related satisfactorily to the height of adjacent buildings and did not further harm the setting of listed buildings (in view of the presence of the consented/under construction towers in the immediate vicinity). Crucially, the same cannot be said for the current proposal.

Views Assessment

- 9.25 In view of the narrow width of Whitechurch Lane and Manningtree Street, the area and the application site itself has maintained a somewhat intimate fine grain character. Views of the emerging tall building cluster located to the south and east of the application site do not dominate the character of Whitechurch Lane or Manningtree Street or the immediate areas. The immediate finer grain represents a logical progression from the character and appearance of the neighbouring Whitechapel High Street Conservation Area to the north. Whilst the Council has granted planning permission for a taller building relatively close to the application site (the 17 storey student building to the rear of 35 Commercial Road which is now nearing completion) this building is not visible from a number of key locations, especially when viewing the application site from the north side of Whitechapel High Street close to its junction with Commercial Street and when approaching the site from the north along Whitechurch Lane.

- 9.26 The submitted Townscape and Visual Impact Assessment graphically illustrates the transitional nature of the application site and its immediate surroundings, contrasted by the Aldgate cluster and the remaining elements of the City Fringe.
- 9.27 Viewing the site, looking west along Commercial Road, the proposed tower would relate satisfactorily in relation to the scale of the Aldgate Union/Place and would help signpost the arrival at the City Fringe and the Aldgate tall buildings cluster. However, when viewing the site from the opposite direction looking east along Commercial Road, the proposed building would fail to relate to the existing scale and form of development in the immediate vicinity. Again, the 17 storey student block would be visible from this view but your officers are of the view that this building blends more into the background view and does not introduce as much as a stark contrast, compared to the proposed hotel development.
- 9.28 The view looking north along Whitechurch Lane is also sensitive, with the existing view illustrating the intimate character of the street. It is most likely that this view will not be impacted by previously consented tall buildings (especially Goodman's Fields and Allie Street) and should maintain its intimate character, irrespective of the scale of development taking place around it. The proposed view, illustrates the stark contrast of scale and built form, following the introduction of the hotel. It is important to note that this view is taken from within the Whitechapel High Street Conservation Area, adjacent to the entrance of Altab Ali Park.
- 9.29 The Aldgate Masterplan 2007 makes specific reference to views out of Altab Ali Park, which represents a crucial open space adjacent to Whitechapel High Street and an important constituent of existing conservation area character. Whilst existing consented tall buildings (Goodmans Fields and Aldgate Union) will have some prominence when seen from Altab Ali Park (as indicated by view AVR2) these buildings will form part of the background view whereas the current hotel proposal would appear much closer into the foreground and would over-dominate the setting of the park especially when looking towards the south-west. It is considered important to conservation area character that there are sky views in between taller built elements, with tall buildings not over-dominating these views.
- 9.30 The London Mayor in his Stage 1 letter made specific reference to the fine grain nature of the townscape in the vicinity of the application site as well as the value of existing buildings present on site. He considered that this fine grain character represented a valuable historic component of the City Fringe area, complementing the setting of adjacent listed buildings. The various heritage issues will now be considered.

Heritage Considerations

- 9.31 The statutory requirement to consider the effect of the proposed development on designated and non-designated heritage assets is contained within the National Planning Policy Framework, the London Plan (Policy 7.8), the Council's Core Strategy SP10 and the MDDPD (Submission Version May 2012 – with modifications) Policy DM27. Policy DM27 advises that development will be required to protect and enhance the Boroughs heritage assets, their setting and their significance as key elements of developing the sense of place of the Borough's distinctive "Places".
- 9.32 The NPPF advises that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.
- 9.33 Designated heritage assets considered relevant in the context of this proposal include the

adjacent Whitechapel High Street Conservation Area, as well as the following neighbouring listed buildings, (including the Gunmakers Proof House located on the opposite side of Commercial Road, 32-34 Commercial Road situated on the south side of Commercial Road, Whitechapel Art Gallery and Whitechapel Public Library situated on the north side of Whitechapel High Street and the locally listed 17 Whitechurch Lane.

- 9.34 Whilst the buildings on site are not listed, nor are they included within the Whitechapel High Street Conservation Area and have no statutory protection, they form a relatively attractive group of late 19th Century early 20th Century buildings in keeping with the finer grain and character of the immediate vicinity and the adjacent Whitechapel High Street Conservation Area. The Borough's conservation officer has reviewed the buildings and feels that they represent important grouping of late Victorian buildings, in keeping with the finer townscape of the immediate vicinity. Your officers are therefore of the opinion that they could reasonably be classified as non-designated heritage assets.
- 9.35 Referring back to the London Mayor's Stage 1 letter, he raised particular concern about the loss of the existing buildings on the site and expressed the view that whilst the buildings are not designated heritage assets, they positively contribute to the fine grain nature of the townscape and represent a valuable historic component of the City Fringe area and complement the setting of adjacent listed buildings. The London Mayor expressed a view that the buildings should be retained and refurbished.
- 9.36 Whilst your officers do not necessarily agree with the London Mayor's view that these non-designated heritage assets should be retained and/or refurbished, his comments appear to align with those of your officers in terms of how the existing scale of development on the site positively contributes to the fine grain nature of the townscape, complementing the setting of adjacent listed buildings. Your officers would argue that this fine grain nature also complements the character and appearance of the adjacent Whitechapel High Street Conservation Area.
- 9.37 Whilst it is acknowledged that the setting of neighbouring listed buildings, especially the Whitechapel Art Gallery, the Whitechapel Public Library, the Gunmakers Proof House and 32-34 Commercial Road are affected by the presence of tall buildings, your officers are of the view that variety in the built form and the presence of lower scaled development contributes positively to existing setting of these listed buildings in this particular instance. Similarly, the character of the neighbouring Whitechapel High Street Conservation Area is very different from that of the central Aldgate tall buildings cluster and it is important to ensure that the taller built elements do not encroach unreasonably into these finer-grained, more intimate transitional character areas.
- 9.38 The views of the development from within the Whitechapel High Street Conservation Area (as outlined in paragraphs 8.24-8.29 above) are critical and your officers feel that that the hotel development, in view of its overall height, mass, bulk and scale would detract from the character and appearance of the adjacent Whitechapel High Street Conservation Area. Similarly, your officers are of the opinion that the location of further tall buildings away from the main tall building cluster, encroaching unreasonably into finer rained transitional character areas would harm the setting of the key listed buildings outlined in paragraph 8.33 above.

Strategic Views Assessment and World Heritage Site

- 9.39 The proposed development site is located within the setting of the Tower of London World Heritage Site and within a strategic view as identified by the London Mayor's London View Management Framework. Circular 07/2009 provides guidance on the protection of World Heritage Sites (WHS) and establishes the Government's objective to protect each heritage site through conservation and preservation of its "outstanding universal value" (OUV). It advises that the WHS and their setting, including any buffer zone should be protected from

inappropriate development.

- 9.40 The London Plan also has a number of new and enhanced policies in relation to World Heritage sites. In particular, Policy 7.10 states that

“Development should not cause adverse impacts on World Heritage Sites or their setting (including any buffer zone). In particular, it should not compromise a viewer’s ability to appreciate its Outstanding Universal Value, integrity, authenticity or significance. In considering planning applications, appropriate weight should be given to implementing the provisions of the World Heritage Site Management Plans.”

- 9.41 Policy 7.11 of the London Plan establishes a list of strategic views which include significant buildings or urban landscapes that help to define London at a Strategic level and states that the London Mayor will seek to protect these strategically important vistas from inappropriate development.
- 9.42 The three LVMF views (from outside City Hall) have all been assessed as part of the submitted Townscape and Visual Impact Assessment. The proposed development would result in a very minor impact in respect of the LVMF views, with possible glimpses of the top of the south west corner of the proposed building through trees (LVMF 25A.1) during winter months with a minor change to LVMF 25A.3, with the building appearing slightly above the eastern inner wall, partly obscured by the Grange Hotel in Prescott Street. Overall, your officers are satisfied that these strategic views would be maintained and it is significant that the London Mayor found the impact of the building on these strategic LVMF views to be acceptable.
- 9.43 The Townscape and Visual Impact Assessment further concludes that the effects on the World Heritage Site and the Tower Hill Conservation Area would be acceptable, due to the limited inter-visibility when viewed against the backdrop of the Tower of London and the wider World Heritage Site. The Assessment concludes that the proposed development would appear as a minor element on the skyline, secondary to the general relationship between the Tower of London and the significant taller buildings located in the City of London. Your officers agree with this conclusion and are satisfied that the proposed development will have a neutral impact on the World Heritage site, maintaining its “outstanding universal value”.

Amenity Considerations

- 9.44 Policy SP10(4) of the adopted Core Strategy (2010), saved Policy DEV2 of the Unitary Development Plan (1998), Policy DM25 of the MDDPD (Submission Version May 2012 with modifications) and Policy DEV1 of the Interim Planning Guidance (2007) 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, privacy and a lack of disturbance through noise and vibration.

Daylight and Sunlight Impacts

- 9.45 Daylight is 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 no less than 20% of the 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.
- 9.45 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 thereby ensuring that such windows are reasonably sunlit. In addition, any reduction in APSH greater than 20% of its former value would be noticeable to occupants and would constitute a material reduction in sunlight.

- 9.46 It is noted that some letters of objection have been received from neighbours, raising concern about loss of light from neighbouring residential apartments.
- 9.47 The application is accompanied by a Daylight and Sunlight Report which provides an assessment of the impacts of the proposed development on the daylight and sunlight conditions of nearby residential properties to the north, south and east of the application site. This daylight and sunlight report has been independently reviewed by GVA on behalf of the Council.
- 9.48 The properties most affected by the proposed development include, 34-38 Whitechurch Lane, 16-32 Whitechurch Lane, Bar Locks/21 Whitechurch Lane, 9 Manningtree Street, 7-8 Manningtree Street and 42 Commercial Road; basically those properties closest to the application site.

34-38 Whitechurch Lane

- 9.49 This property is located directly opposite the application site and under existing circumstances the building, viewed in an urban context, receives reasonable daylight, albeit below the 27% threshold. The analysis has indicated that all windows that face onto the site would experience very significant losses, up to 50% VSC. Even after utilising an alternative Average Daylight Factor (ADF) methodology, the analysis indicates that 4 out of the 8 living rooms would fall below the minimum ADF targets.
- 9.50 In terms of sunlight, 3 of the 8 living rooms facing out onto the application site would fail the annual APSH, by losing half of their present levels of sunlight. GVA has advised that in both daylight and sunlight factors, occupants of the relevant rooms will experience a material and significant loss of amenity.

16-32 Whitechurch Lane

- 9.51 As with 34-38 Whitechurch Lane, VCS losses in the case of this block would be up to as much as 50% (with five windows in excess of 50% daylight reduction, 4 in excess of 40% and 9 windows in excess of 30% reduction) and overall, 27 of the 49 windows tested would fail the VSC standards. Even using the ADF methodology, out of the 50 rooms measured, 31 would fail the minimum standard and the occupants would experience a significant loss of daylight amenity as a consequence of the development.
- 9.52 GVA has similarly advised that the loss of sunlight to this property would also be significant, especially as these windows fail APSH standards. Sunlight loss as a consequence of the proposed development would range from between 90% in the case of 1 window, 80% in the case of 4 windows, 70% in the case of 6 windows, 60% in the case of 6 windows down to a 20% reduction in the case of 6 windows.

21 Whitechurch Lane

- 9.53 The residential accommodation above the public house currently receives good standards of daylight and sunlight and all 6 windows that face onto the site would all experience losses in excess of 40%. However, the levels of residual sunlight within these rooms would be fair, even with the development in place.

7-8 Manningtree Street

- 9.54 All 24 windows that face onto the site currently receive good standards of daylight and sunlight under existing conditions and as a consequence of the development, all 24 windows would fail VSC standards and 12 of the windows would experience more than 40% daylight reductions with the remaining 12 windows experiencing 30% reductions. In terms of sunlight, of the 24 windows 15 would fail the APSH test and 8 would fail the winter standard, even though the sun would pass around the tower.

9 Manningtree Street

- 9.55 As with 7-8 Manningtree Street, existing windows facing onto the application site receive good levels of daylight, in the mid to high 20% bracket and the 6 windows would all experience losses in excess of 40%. The rooms affected are all living, kitchen-diners which are classified as primary rooms within each dwelling. Similarly, all windows would fail the APSH standards and 5 of the 6 windows would fail the winter standards. Loss of sunlight to this property would be in excess of 50%, which GVA has advised would not be acceptable.

42 Commercial Road

- 9.56 Located on the opposite side of Commercial Road, of the 4 windows tested all would fail the VSC standards with two windows experiencing in excess of 50% of existing daylight with the development in place.
- 9.57 In reaching conclusions in relation to daylight and sunlight impacts, it is inevitable that in an urbanised borough such as Tower Hamlets and with such pressure being placed on the local planning authority to maximise the full potential of development sites, daylight and sunlight infringement is a regular occurrence. Due to the nature of buildings and street patterns, the current levels of daylight and sunlight enjoyed by existing residential occupiers is generally below the absolute targets set out in the BRE Guidelines. It is therefore fair and appropriate for the Council to apply a certain amount of flexibility when applying the recommendations, as set out in the BRE Guidelines. This degree of flexibility is utilised on a regular basis. However, as Members will be aware, one needs to make judgements as to the acceptability of daylight and sunlight infringements on a case by case basis, when balanced against other material planning considerations.
- 9.58 As a general measure, your officers have been advised by daylight/sunlight experts that reductions in daylight in excess of 40%, especially where daylight is already below standard, would represent a serious loss of daylight and corresponding amenity. That said, there have been situations where the Council has accepted reductions in daylight in excess of 40% in the balance, especially where development delivered specific regenerative benefits which were considered to outweigh the harm caused by the reductions in daylight/sunlight, where the development was considered acceptable in relation to other policy considerations and a reason for refusal on grounds of daylight infringements was not, on its own, sustainable or where a scheme delivered other significant benefits that outweighed the harm caused, such as additional open space and/or enhanced public realm as part of the development. Officers do not believe these exceptional circumstances apply in this particular case.
- 9.59 Consequently, it is considered that the daylight and sunlight impacts on neighbouring properties fronting Manningtree Street and Whitechurch Lane and the daylight impacts in respect of 42 Commercial Road are serious and unacceptable and would result in a material and detrimental impact on the amenities of those residential occupiers, contrary to Policy SP10(4) of the adopted Core Strategy (2010), saved Policy DEV2 of the Unitary Development Plan (1998), Policy DM25 of the MDDPD (Submission Version May 2012 with modifications) and Policy DEV1 of the Interim Planning Guidance (2007).

Noise Disturbance (Impact on Neighbouring Residents)

- 9.60 The proposals include the installation of kitchen extraction on the flat roof of the 5 storey podium level and the placement of air-conditioning condensers on the flat roof of the 25 storey element along with air intake fans and filters, all of which would generate some noise when in operation. The submitted Noise Report indicates that the application site lies in NEC'C' during day time hours, with the southern extremes of the site falling within NEC'D' during the night-time period. The application site lies immediately to the south and west of a number of residential properties, including properties fronting Whitechurch Lane and Manningtree Street.
- 9.61 It is noted that the technical specifications for the proposed plant have not yet been finalised and as such the application and submitted Noise Assessment do not include any data on the projected noise emissions from the plant. However, given that the plant would be located at roof level at a height significantly above nearby sensitive receptors (i.e. residential windows) and given the prevailing environmental noise levels at the site (NEC 'C'/D') it is considered that the potential noise impacts of the development on neighbouring residents could be adequately mitigated by condition. Such a condition should require the submission for approval of a detailed Plant Noise Assessment to demonstrate that the noise generated by the development would be at least 10 decibels [dB(A)] below the lowest background noise level [LA90] when received at the nearest sensitive residential façade.
- 9.62 There has been dialogue between the applicant and environmental health colleagues about the appropriate level of sound insulation applicable to hotel guest accommodation and whether the proposed development should assume a sound insulation standard required in respect of proposed residential accommodation. The applicant has advocated a lesser standard. Whatever the outcome of these discussions, details of sound insulation could be controlled through the use of planning conditions, should Members be minded to grant planning permission.

Highways

Coach Parking and Servicing

- 9.63 The application site is located at the junction of Commercial Road and Whitechurch Lane, with Whitechurch Lane operating one-way northbound. The current proposal seeks to provide a dedicated coach drop off area within the curtilage of the site in the form of an under-croft area (with a 4.2 metre height clearance) suitably sized to accommodate a single coach or a 18 tonne Scania truck. It is proposed that the coach would enter the site from the south (entry only) and would exit the site via a southbound exit only. Works to the Whitechurch Lane footway would allow for two crossovers. The proposed drop off bay would be used both for servicing and coach drop off as well as taxis. The Transport Assessment advises that the space will not be used for coach parking and it will be the responsibility of the coach operator to arrange suitable legal coach parking elsewhere.
- 9.64 The applicant has advised that the management of the servicing and drop off arrangements will be controlled through the use of a Service and Delivery Plan. The applicant has advised that they would be prepared to accept a condition to this effect. Similarly, refuse would be collected via the off street servicing bay. Highways and Transportation colleagues are content with proposed servicing arrangements, subject to the agreement of a Servicing Delivery Plan.
- 9.65 In terms of construction traffic, the Transport Assessment advises that exact details of a Construction Logistics Plan has yet to be formulated, but will be put in place once a relevant contractor has been appointed. However, the document advises that daytime servicing would take place from Whitechurch Lane to ensure that traffic using the Commercial Road would not be inconvenienced. It is suggested that on-street servicing be facilitated through

the closure of the footway on the western side of the road in conjunction with a temporary hoarding licence which would allow construction service vehicles to load and unload without interfering with the through flow of traffic. The applicants have advised that a detailed Construction Logistics Plan could be drawn up and agreed through the imposition of a planning condition.

- 9.66 Transport for London state in their consultation response that the Policy 6.13 of the London Plan (2011) requires the provision of 1 coach parking space per 50 guest bedrooms for hotels. As such, the proposed hotel, which comprises 395 guest bedrooms, would require the provision of 7 or 8 coach parking spaces in order to meet the London Plan's parking standards. However, TfL further state that given the location of the site and the type of hotel proposed, it is accepted that such amount is excessive, bearing in mind the site constraints. It should be noted that the Council's parking standards in the MD DPD (Submission Version May 2012 with modifications) require a lesser provision of 1 coach parking space per 100 guest bedrooms.
- 9.67 Subject to conditions, it is considered that the proposed servicing arrangements for the hotel are satisfactory and would not significantly impact on the capacity or safety or the road network, which accords with the requirements of Policy SP09(3) of the Council's adopted Core Strategy (2010), saved Policy T16 of the Unitary Development Plan (1998), Policy DM20(2) of the MD DPD (Submission Version May 2012 with modifications) and Policy DEV17 of the Interim Planning Guidance (2007).

Car Parking

- 9.68 The hotel proposals indicate a single on site car parking space (for use by disabled guests) which would be located within the building envelope and accessed via the servicing bay. The space would utilise a 5 metre turntable to allow vehicles to enter and leave in forward gear.
- 9.69 Given the central location of the site, together with its excellent access to public transport, with a Public Transport Accessibility Level (PTAL) of 6b, Transport for London and Highway colleagues welcome the generally 'car free' nature of the proposed development. Data collected by the hotel operator advises that 93% of guests would travel to the hotel by either public transport, on foot or by taxi.

Cycle Parking

- 9.70 The Council's cycle parking standards are set out in Appendix 2(1) of the MD DPD (Submission Version May 2012 with modifications), which for Use Class C1 hotel use require the provision of 1 cycle space for every 10 staff and for every 15 guests.
- 9.71 The proposed hotel comprises 328 guest bedrooms and would employ 30 staff (FTE). The scheme proposes 24 long term cycle parking spaces in the basement and 4 further short term spaces within the hotel forecourt zone (total of 28 spaces). Whilst this provision would be in excess of the London Plan cycle parking standards for hotels of this size, it would fall short of the Boroughs cycle parking requirements (47 spaces). Notwithstanding this, highway colleagues are satisfied with the proposed provision, subject to a planning permission ensuring delivery of the proposed spaces.
- 9.72 Taking into account the above, subject to condition, it is considered that the proposal includes adequate secure cycle parking facilities and car parking facilities for disabled hotel guests, in accordance with Policy DM22(1) of the MD DPD (Submission Version May 2012 with modifications), Policy DEV16 of the Interim Planning Guidance (2007) and Policy 6.9 of the London Plan (2011). These policies promote sustainable forms of transport and seek to ensure the developments include adequate provision of secure cycle parking facilities and limitations on on-site car parking, especially in areas characterised by high levels of public transport accessibility.

Waste and Recyclables Storage

- 9.73 The proposed hotel includes an integral refuse and recyclables storage room located within the basement with refuse transported to ground floor via a service lift and would be dispatched from the building via the space set aside for the disabled car parking bay. As raised above, it is the intention that refuse collection would take place from within the off street servicing bay.
- 9.74 If Members are minded to grant planning permission, a condition should be imposed requiring the submission of a Hotel Waste Management Plan for approval, to include details of the specific refuse and recyclables storage capacity at the site, together with confirmation that a contract has been entered into with a private waste management company/or Council along with details of collection frequency. Such details should be approved prior to first occupation of the hotel.
- 9.75 Subject to condition, it is considered that the proposal includes adequate facilities for the storage of waste refuse and recyclables, in accordance with Policy SP05(1) of the Council's adopted Core Strategy (2010), saved Policy DEV55 of the Unitary Development Plan (1998), Policy DM14 of the MD DPD (Submission Version May 2012 with modifications) and Policy DEV15 of the Interim Planning Guidance (2007). 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.

Energy and Sustainability

- 9.76 The National Planning Policy Framework (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. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan (2011), together Strategic Objective SO24 and Policy SP11 of the Council's adopted Core Strategy (2010) and Policy DM29 of the Council's MD DPD (Submission Version May 2012 with modifications), require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 9.77 The London Plan (2011) sets out the Mayor's energy hierarchy, which is for development to be designed to:
- Use Less Energy (Be Lean);
 - Supply Energy Efficiently (Be Clean); and
 - Use Renewable Energy (Be Green).
- 9.78 Policy DM29 of the Council's MD DPD (Submission Version May 2012 with modifications) includes the target to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. Policy DM29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all developments to achieve a minimum BREEAM Excellent rating.
- 9.79 Strategic Objective SO3 of the Council's adopted Core Strategy (2010) seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. Policy SP11 of the Core Strategy (2010) requires all new developments to provide a reduction of carbon dioxide emissions through on-site

renewable energy generation.

- 9.80 The current application is accompanied by an Energy Strategy and Renewable Energy Report, which follows the Mayor's energy hierarchy as detailed above. The strategy shows that the development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean). The proposed development also includes the integration of a communal heating scheme incorporating a Combined Heat and Power (CHP) engine as the lead source of hot-water and space heating requirements, which accords with Policy 5.6 of the London Plan (2011) and will also reduce energy demand and associated CO2 emissions (Be Clean). The CHP boiler would be located within the hotel basement.
- 9.81 The current proposals for delivering the space heating and hot-water are considered to be acceptable. However, if Members are minded to grant planning permission, a condition would need to be imposed to ensure that the development is supplied with the CHP equipment and is operational prior to occupation.
- 9.82 60sq metres of 15% efficiency PV modules (12Wp) are proposed to be sited on the roof of the proposed hotel which would produce a further 0.6% savings in Co2. The size and shape of this site is particularly constrained which does limited the capacity of the proposal to accommodate significant levels of renewable energy options. Whilst the proposed development is not meeting the full requirements of Policy SP11 of the Council's adopted Core Strategy (2010), the Council's Sustainable Development Team support the application as the applicant has demonstrated that the design has followed the energy hierarchy and sought to integrate renewable energy technologies where feasible.
- 9.83 The total anticipated CO2 savings from the development would be 37.2%, through a combination of energy efficiency measures, a CHP power system and renewable energy technologies. The CO2 savings exceed the London Plan (2011) and DMDPD requirements. If Members are minded to grant planning permission for this development, it is recommended that the strategy is secured by condition and delivered in accordance with the submitted Energy Statement.
- 9.84 In terms of sustainability, the submitted information commits to achieving a BREEAM "Excellent" rating and a pre-assessment has been submitted to demonstrate how this level is deliverable. If Members are minded to grant planning permission for this hotel proposal, such a planning permission should be made subject to an appropriately worded condition requiring delivery of BREEAM "Excellent" with the final certificate submitted to the Council within 3 months of occupation. This would facilitate the highest levels of sustainable design and construction in accordance with Policy 5.3 of the London Plan (2011) and Policy DM29 of the Council's MDD DPD (Submission Version May 2012 with modifications).
- 9.85 If planning permission were to be granted, it is recommended that a condition be included to require the submission for approval of an updated Air Quality Assessment, to include current data and modelling for all proposed plant.

Planning Obligations

- 9.86 Policy SP13 of the Council's adopted Core Strategy (2010), saved Policy DEV4 of the Unitary Development Plan (1998) and Policy IMP1 of the Interim Planning Guidance (2007) state that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.
- 9.87 The Community Infrastructure Levy Regulations 2010 state in order for a planning obligation to constitute a reason to grant planning permission, the 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.

9.88 The general purpose of S106 obligations is to ensure that development is appropriately mitigated in terms of the impacts on existing social infrastructure such as education, community facilities and health care and that appropriate infrastructure to facilitate the development are secured. It is noted that objections to the proposed development have been received on the grounds that the uplift in residential population at the site will put a strain on local social infrastructure. However, it is considered that such impacts are mitigated through the contributions outlined below.

9.89 Notwithstanding the views of CLC colleagues, the S106 obligations for the scheme have been calculated using the formulae set out in the Council's adopted Planning Obligations Supplementary Planning Document (2012). The total financial contribution sought amounts to **£875,645** and details of the breakdown are provided below:

Employment and Training - £31,339 (including contributions towards construction and end user phases)

Library/Idea Stores	- £437
Leisure Uses	- £1,787
Public Open Space	- £529,189
CIL Offset Payment	- £244,375
Public Realm/Streetscene	- £40,609
Sustainable Transport	- £10,740
2% Monitoring Fee	- £17,169

9.90 The applicant has challenged a number of these figures (especially the proposed public open space figure) arguing that the likelihood of hotel guests utilising public open spaces in the Borough to the full extent would be most unlikely and therefore it is unreasonable to require such a contribution. They have argued that a lower figure should be required.

9.91 The applicants have made the following S.106 offer with an overall package of around **£410,000** (which equates to around £1,250 per hotel bedrooms) made up of the following financial heads

Employment and Enterprise Initiatives	- £45,000
Streetscene Improvements and open space contribution	- £90,000
Community facilities	- £25,000
Crossrail/Transport contributions (offset against CIL payment)	- £244,375
2% Monitoring	- £8,087

9.92 This development would also be chargeable under the London Mayors London wide Community Infrastructure Levy – with a CIL payment expected to be a further £269,345.

9.93 There is clearly a difference between the parties in terms of the levels of contributions considered appropriate to mitigate the impact of this development, especially in relation to the level of contribution to be directed towards open spaces in the Borough. Your officers have not progressed negotiations on the S.106 Agreement, in view of the recommendation to refuse planning permission. There has been no testing of viability as part of the planning application process although the applicant has clearly stated that in their opinion, the level offered reasonably deals with the requirements to fully mitigate the impact of the development.

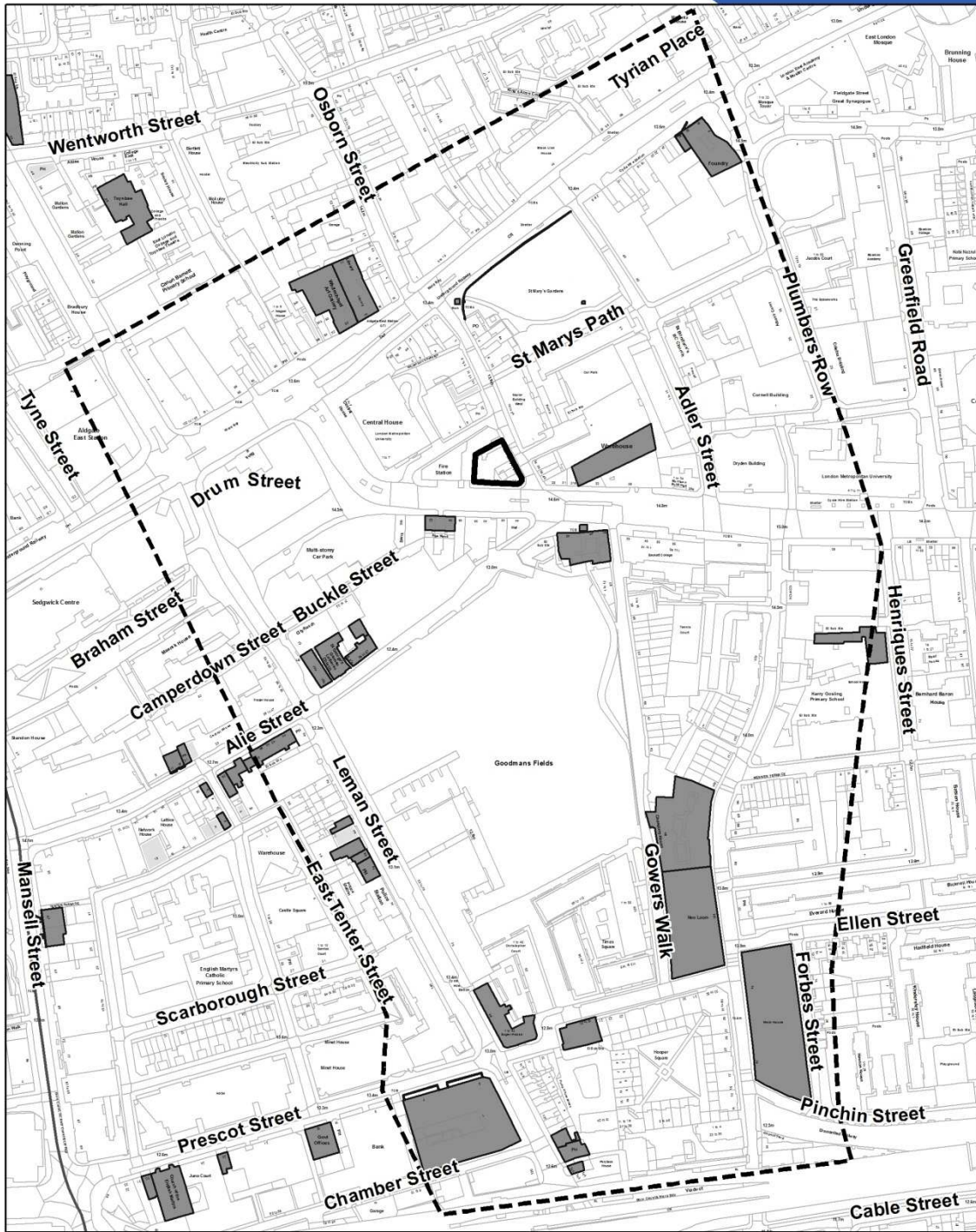
9.94 If Members are minded to overturn officer recommendation and grant planning permission, officers will need to further discuss the S.106 planning obligations with the applicant and any grant of planning permission would be subject to an agreed S.106 package.

10. CONCLUDING REMARKS AND CONSIDERATION OF THE PLANNING MERITS IN THE

BALANCE

- 10.1 This report has highlighted what officers believe to be a number of design shortcomings in respect of this proposed development. In view of its bulk, mass, height and form, the proposed 25 storey building would represent an overdevelopment of this constrained site, failing to respect the more intimate finer grain character of the area found between Commercial Road and Whitechapel High, whilst failing to preserve or enhance the character and appearance of the adjacent Whitechapel High Street Conservation and detracting from the setting of neighbouring listed buildings.
- 10.2 It is also of concern that the proposed development would result in serious reductions in daylight and sunlight to neighbouring residential properties. Whilst it is acknowledged that the incoming hotel use would bring with it employment opportunities, financial contributions to mitigate impact as well as further overnight guest accommodation within the City Fringe, your officers are of the view that these aspects of the proposal would not outweigh the harm cause as a consequence of the scale and form of development.
- 10.3 All other relevant policies and considerations have been taken into account. Planning Permission should be REFUSED for the reasons set out in the RECOMMENDATION at the beginning of this report.

Planning Application Site Map PA/12/02703



Planning Application Site Boundary

Locally Listed Buildings

Consultation Area

Statutory Listed Buildings



1:3,250

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.

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