

<b>Committee:</b> Development	<b>Date:</b> 26 <sup>th</sup> November 2013	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Town Planning Application
<b>Case Officer:</b> Iyabo Johnson	<b>Ref No:</b> PA/13/02162
	<b>Ward:</b> Spitalfields and Banglatown

## 1. APPLICATION DETAILS

**Location:** Black Lion House, 45 Whitechapel Road E1 1DU  
**Existing Use:** Office (B1), retail (A1)

**Proposal:** Change of use, refurbishment and extension to existing office building (Use Class B1), to provide 11, 537 square metres / 217 bed hotel (Use Class C1) including an additional 7th, 8th and 9th storey extension. Erection of a single storey office building measuring 29 square metres (use class B1) and associated works, including associated highways and landscaping works

**Drawing Nos/Documents:** PL000 001 Rev P0  
PL000 002 Rev P0  
PL025 001 Rev P0  
PL025 002 Rev P0  
PL025 003 Rev P0  
PL025 006 Rev P0  
PL025 003 Rev P0  
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PL110 001 Rev P0  
PL110 002 Rev P0  
PL110 003 Rev P0  
PL110 004 Rev P0  
PL120 001 Rev P0  
PL120 002 Rev P0  
PL120 003 Rev P0  
Design Statement prepared by Grzywinski and

Pons/Dexter Moren Associates. Dated August 2013  
Energy Statement prepared by Chapman BDS. Dated August 2013  
Planning Statement prepared by GL Hearn. Dated August 2013  
Transport Statement Incorporating Travel Plans and Servicing and Waste Management Strategy prepared by WSP Group. Dated August 2013  
Employment Study prepared by GL Hearn. Dated August 2013  
Noise and Vibration Survey and Assessment Report prepared by Pace Consult. Dated August 2013.  
Category A Refurbishment Report prepared by GL Hearn. Dated August 2013  
Statement of Community Involvement prepared by PPS Group. Dated August 2013  
Heritage Appraisal prepared by KM Heritage. Dated August 2013.  
Daylight and Sunlight Assessment prepared by GL Hearn. Dated August 2013  
Employment Floorspace Review prepared by GL Hearn. Dated August 2013.

<b>Applicant:</b>	Black Lion Ventures LLP
<b>Ownership:</b>	Black Lion Ventures LLP
<b>Historic Building:</b>	N/A
<b>Conservation Area:</b>	N/A

## **2. EXECUTIVE SUMMARY**

- 2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the National Planning Policy Framework (2012), Spatial Development Strategy for Greater London (2013), Core Strategy Development Plan Document 2025 (2010) and the Managing Development Plan Document (2013) and has found that:
- 2.2 The application demonstrates that the existing office accommodation has become outmoded, particularly in the context of the existing office market and without extensive redevelopment would continue to be unattractive to the market. The applicant proposes to change the use to a 217 room hotel with an ancillary restaurant and bar. The change of use is considered to be acceptable given that the site lies within the Central Activity Zone where there is a strategic need for additional hotel bed spaces.
- 2.3 In addition to the change of use, the application proposes an overhaul of the building's external appearance through a high quality façade replacement and an increase in the shoulder height of the building through a three storey extension. The use of brick, glazing, brass and vegetation make for a high quality design that will both enhance the appearance of the existing building and mitigate its increase in height.
- 2.4 The scheme fully mitigates impacts on local infrastructure with a S106 planning obligation which is fully compliant with the Council's Planning Obligations Supplementary Planning Document (2012).

### **3. RECOMMENDATION**

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

The prior completion of a legal agreement, to the satisfaction of the Assistant Chief Executive (Legal Services), to secure the following obligation:

#### **Financial contributions**

- a) Employment training initiatives for the construction phase skills and training: £30,053.89
- b) Employment initiatives for end-user phase skills and training: £24,935.90
- c) Ideas stores, libraries and archives: £3,801.63
- d) Leisure facilities: £12,479.00
- e) Sustainable transport: £2,604.00
- f) Public realm: £372,469.92
- g) Streetscene and built environment: £138,638.22
- h) Monitoring fee (2%): £11,699.65
- i) Total financial contribution: £596,682.21

#### **Non-financial contributions**

- j) Developer to exercise best endeavours to ensure that 20% of the construction phase work force reside in Tower Hamlets
  - k) Developer to exercise best endeavours to ensure that 20% of goods and services procured during construction phase are sourced in Tower Hamlets
  - l) The Council's Skillsmatch service to have access to all non-technical hotel vacancies 72 hours prior to general release
- 3.2 That the Corporate Director of Development and Renewal is delegated powers to negotiate the legal agreement indicated above acting with normal delegated authority.
- 3.3 That the Assistant Chief Executive (Legal Services) is delegated power to complete the legal agreement.
- 3.4 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

#### **Conditions**

##### **Compliance Conditions**

1. Time limit – three years
2. Compliance with plans - Development in accordance with the approved schedule of drawings and documents.
3. Hours of construction (08.00 until 17.00 Monday to Friday; 08.00 until 13:00 Saturday. No work on Sundays or Bank Holidays).
4. Retention of 10% wheelchair accessible rooms
5. Retention of wheelchair accessible parking spaces
6. Compliance with Delivery and Service Management Plan
7. Compliance with Construction Management Plan
8. Compliance with Energy Statement.
9. Hotel (C1) - use of guest bedrooms to be limited to maximum 90 day occupancy.
10. Ninth floor restaurant terrace to open no later than 11pm

##### **Pre-Commencement Conditions**

11. Submission of full details of facing materials
12. Submission of full details of hard and soft landscaping including management plan for window planters
13. Submission of full details of boundary treatments
14. Submission of Secure By Design (Level 2) Statement with details of lighting and security
15. Submission of details of Air Source Heat Pump
16. Submission of BREEAM (Excellent) Pre-Assessment
17. Submission of full details of specification, samples and detailed design (including drawings at scale 1:20 of windows.
18. Submission of full details of specification and detailed design (including drawings at scale 1:20 (plus sections) of detailed design of shop front to be installed prior to first occupation of the hotel
19. Submission of full details of detailed design for SME unit
20. Submission of full details of internal noise mitigation measures for lower floors
21. Submission of full details of external plant and noise assessment
22. Submission of full details of cycle store
23. Submission of full details of archaeological investigation
24. Submission of full details of travel plan
25. Submission of signage strategy

#### **Prior to Occupation Conditions**

26. Post-completion noise assessment and mitigation measures.
27. Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

#### **Informatives**

1. The decision notice to be read in conjunction with the associated S106
2. Compliance with Environmental Health Legislation
4. Compliance with Building Regulations
5. CIL Liability
6. Necessity for Section 27 agreement to cover any highways improvements

Any other informative(s) considered necessary by the Head of Development Decisions.

## **4. PROPOSAL AND LOCATION DETAILS**

### **Proposal**

- 4.1 The proposal seeks the change of use of 8483sqm of office (use B1a) floorspace to a 217 room hotel (use C1).
- 4.2 The proposal also involves the removal and replacement of the existing façade and the addition of a three storey roof extension and the provision of an ancillary restaurant and bar.
- 4.3 A small office space suitable for a small or medium enterprise (SME) is to be provided at ground floor.

### **Site and Surroundings**

- 4.4 The application site measures 0.25 hectares and is occupied by a six storey office building containing a mix of uses including retail on the ground floor and office uses

on the floors above. An ancillary car park with capacity for 16 vehicles is located to the rear.

- 4.5 The site is located on the northern side of Whitechapel Road. Whitechapel Road is a heavily trafficked arterial route leading eastwards from the City. A range of commercial, residential and civic uses characterise the western end of Whitechapel Road. Altab Ali Park lies to the immediate south west of the site.
- 4.6 King's Arms Court is a narrow alleyway running adjacent to the site to the immediate east. The alleyway provides an unrestricted cut through from Whitechapel Road to Old Montague Street to the north west. A four storey residential block is situated to the immediate north of the site on King's Arms Court and a large four and five storey hostel is located to the north east of the site at 60 Old Montague Street.
- 4.7 The site is located within the City Fringe Activity Area (which is part of the Tower Hamlets Activity Area 'THAA'). The site also lies within the Central Activity Zone.
- 4.8 The site lies adjacent to the Fournier Street Conservation Area and to the north of the Whitechapel High Street Conservation Area. The site is not listed but is in close proximity to Whitechapel Gallery to the west and The Bell Foundry to the south east which both have a listing of Grade II\*.

### **Planning History**

#### 4.9 **Black Lion House**

##### **PA/05/01011**

1. Change of ground floor from vacant B1 use to create (5) five units of A1 (Shops) or A2 (Financial and Professional Services)
2. Enlargement of ground floor space by enclosure of part of the open land fronting 45 Whitechapel Road to create a continuous double height glazed elevation
3. Creation of escape stairs to the west side of the building from basement to ground level

**Approved – 8<sup>th</sup> August 2005**

### **5. POLICY FRAMEWORK**

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

#### **Government Planning Policy Guidance/Statements:**

National Planning Policy Framework 2012

#### **Spatial Development Strategy for Greater London (London Plan) (Revised Early Minor Alterations October 2013):**

- 2.10 – Central Activities Zone – strategic priorities
- 2.11 – Central Activities Zone – strategic functions
- 4.5 – London's visitor infrastructure
- 4.12 – Improving opportunities for all
- 6.3 – Assessing effects of development on transport capacity
- 6.4 – Enhancing London's transport connectivity
- 6.5 – Funding Crossrail and other strategically important transport infrastructure

- 6.9 – Cycling
- 6.13 – Parking
- 7.3 – Designing out crime
- 7.4 – Local character
- 7.6 – Architecture
- 7.8 – Heritage assets and archaeology
- 7.14 – Air quality
- 7.15 - Reducing noise and enhancing soundscapes

**Core Strategy Development Plan Document 2025 (adopted September 2010) (CS):**

- SP06 – Delivering successful employment hubs
- SP10 - Creating distinct and durable places
- SP12 – Delivering placemaking (LAP 3 and 4 Whitechapel)

**Managing Development Document (Adopted 2013) (MDD):**

- DM0 – Delivering sustainable development
- DM1 – Development within the town centre hierarchy
- DM7 – Short stay accommodation
- DM14 – Managing waste
- DM15 – Local job creation and investment
- DM20 – Supporting a sustainable transport network
- 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

**Supplementary Planning Guidance:**

N/A

**6. CONSULTATION RESPONSE**

- 6.1 The views of the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.
- 6.2 The following were consulted regarding the application:

### 6.3 **LBTH Transportation & Highways**

The proposals are acceptable in highways terms, subject to the following conditions:

- Submission of Servicing Management Plan
- Submission of a Travel Plan
- Submission of a Construction Management Plan
- Contributions towards the street scene and built environment within Whitechapel in addition to the street scene adjacent to the proposed development

In addition, the Highways officer also requested that an informative be added to ensure that the developer enters into a Section 278 agreement with the Council to cover any improvements required to footway and highway in the Council's domain following construction of the scheme.

*(Officer's comment: It is recommended that the above conditions and informative be included if planning permission were to be granted)*

### 6.4 **LBTH Waste Policy and Development** - No objections

### 6.5 **LBTH Plan Making** – The proposal is acceptable in principle and accords with policies DM15 and DM7 in respect of the change of use from B1 to C1

### 6.6 **LBTH Parks and Open Space** – No comments have been received to date

### 6.7 **LBTH Communities, Localities and Culture** – Recommendation that financial obligations be sought for sustainable transport, public open space and street scene improvements to mitigate impacts of development on local infrastructure.

### 6.8 **LBTH Energy and Sustainability** – No objections raised. Recommendation that planning permission be subject to the following conditions:

- Delivery of energy efficiency, CHP heat network and CO2 savings as proposed in the Sustainability and Energy Statement (August 2013);
- Details of the proposed AIR Source Heat Pump including:
  - Details of the Coefficient of Performance (COP) and Energy Efficiency ratio (EER) of the proposed heat pump under test conditions
  - Evidence that the heat pump complies with the minimum performance standards as set out in the Enhanced Capital Allowances (ECA) product criteria for the relevant ASHP technology (<http://etl.decc.gov.uk>)
  - Evidence that the heat pump complies with other relevant issues as outlined in the Microgeneration Certification Scheme Heat Pump Product Certification Requirements document at: <http://www.microgenerationcertification.org>
  - An indication of the seasonal COP and EER of the heat pumps
- BREEAM pre-assessment submitted prior to commencement to demonstrate Excellent is achievable
- Submission of final BREEAM certificates within 3 months of occupation to demonstrate a BREEAM excellent has been delivered

- 6.9 **LBTH Environmental Health (Noise and Vibration)** – Concerns were expressed about the levels of internal noise levels and ground borne noise levels within the basement level arising from the underground railway.

(Officer comment: The submitted Noise and Vibration Assessment acknowledges the need for mitigation measures and makes suggestions as to the form these could take. Officers consider that full details of mitigation measures together with measurements of internal air borne and ground borne noise levels could be secured prior to commencement of the development via a suitably worded conditions which have been agreed in principle with the applicant. Given that the application proposes the conversion of an existing building and that the proposed use is C1 (hotel), officers consider the proposal to be acceptable in respect of noise and vibration, subject to the aforementioned condition. This matter is discussed in further detail in paragraphs 8.64 to 8.69 of this report.

- 6.10 **LBTH Communities Localities and Culture** – Recommended that planning obligations in respect of public realm improvements be secured.

- 6.11 **LBTH Employment and Enterprise** – No objections raised to the principle of the change of use and the provision of a hotel.

*Proposed employment/enterprise contributions at construction phase:*

The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. We will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services. To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets. We will support the developer to achieve their target through ensuring they work closely with the council to access businesses on the approved list, and via the East London Business Place.

The Council will seek to secure a financial contribution of approximately £30,054 to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development.

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

The council seeks a monetary contribution of approximately £24,936 towards the training and development of unemployed residents in Tower Hamlets to access either:

- i) jobs within the hotel development in the end-phase
- ii) jobs or training within employment sectors relating to the final development

It is important that local employment is maximised through the end-user phase of the development (hotel). The Section 106 agreement should include wording to commit the developer to facilitating an introduction with the hotel operator prior to occupation. Wording should also be included to ensure that Skillsmatch have access to all non-technical hotel vacancies 72 hours prior to general release. We expect that this would include roles such as: receptionists, housekeeping, room attendants, bar/waiting staff, customer service, and security.

- 6.12 **Transport for London** –



Having reviewed the application and supporting documentation TfL have no problems in principle with the application. However TfL have a number of comments namely:-

1. Whilst TfL has a concern regarding the TRAVL sites selected for the existing office use as being representative of the site, the trip rates calculated from these sites do produce a worst case scenario and are therefore accepted by TfL. All other trip rates are accepted by TfL.

2. TfL welcomes the provision of electric vehicle charging points and blue badge spaces within the car park

3. TfL welcomes the inclusion of the Delivery and Servicing Plan and Construction Management Plan and is content for these to be secured as planning conditions.

4. The inclusion of a framework travel plan is welcomed by TfL. This has been assessed through ATTrBuTE and passed the assessment. This will need to be secured, delivered and monitored through a s106 agreement with the borough.

5. The site lies within the Central Charging Zone set out in the Use of planning obligations in the funding of Crossrail, and the Mayoral Community Infrastructure Levy – SPG. Having assessed the likely contribution from this development and due to the loss of office space, there will be no Crossrail contribution from this development.

(Officer's Comment: If planning permission is granted, the submission of a travel plan in addition to provisions for its monitoring and delivery would be secured through a Section 106 agreement.)

6.13 **English Heritage** – No comments received to date

6.14 **English Heritage Archaeology** – The application site lies within an area of archaeological potential connected with the line of the Roman road to Colchester and the early settlement of Whitechapel. Conditions designed to satisfy the requirement for archaeological evaluation and any appropriate mitigation of development impact should be imposed.

(Officer Comment: *It is recommended that the above recommended archaeological condition be included if planning permission were to be granted*).

6.15 **Designing Out Crime Officer** – Concerns were raised about potential for unlawful entry to the site particularly from the rear and from scaling the walls. Recommendation that the development be required to achieve Secure by Design level 2 accreditation.

(Officer comment: Given that the application proposes the conversion of the existing building, officers do not consider that the proposal gives rise to any new issues in respect of safety and security, particularly in relation to climbing and trespassing. Officers consider that the general increase in activity will in turn increase opportunities for natural surveillance. Notwithstanding, if planning permission is granted, a condition requiring that the development demonstrate compliance with level 2 of the Secure by Design standards would be attached to the consent.

6.16 **Crossrail Charging Zone** – No comments received to date

## 7. LOCAL REPRESENTATION

- 7.1 A total of 31 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. A site notice was also displayed and the application was advertised in East End Life. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 6            Objecting: 5            Supporting: 1  
No of petitions received: 0

- 7.2 The five representations that have been registered as objections do not raise any material planning objections to the scheme. Rather, concerns are raised about incidences of crime and anti social behaviour along King's Arms Court which runs adjacent to the site, outside of the red line boundary and at the entrance to the car park off Old Montague Street. A number of residents suggest that the proposed development should seek to address these concerns through the gating of King's Arms Court and the removal of the recess at the car park entrance.

(Officer's comment: Whilst there is an existing issue with crime and anti social behaviour, there is no evidence to suggest that the proposed development would perpetuate this. In addition, as King's Arms Court falls outside of both the application site and the ownership of the developer, there would be no obligation on their part to carry out works there to enhance security. Nonetheless, a planning obligation of approximately £139,000 for street scene and public realm improvements has been agreed in principle. Some of these funds could be targeted at improving the environment in King's Arms Court through urban design techniques and more overt security measures.)

## 8. MATERIAL PLANNING CONSIDERATIONS

- 8.1. The main planning issues raised by the application that the Committee must consider are:
- (a). Land Use
  - (b). Design
  - (c). Amenity
  - (d). Highways

### **Land Use**

#### *Loss of Use Class B1 Employment Floorspace*

- 8.2. Government guidance set out at 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.
- 8.3. The application site is not located within a Preferred Office Location (POL) or Local Office Location (LOL), as designated in the Council's adopted Core Strategy (2010) and defined in the Managing Development Document (adopted April 2013). Policy DM15 of the Managing Development Document (adopted April 2013) 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.
- 8.4. Black Lion House is a purpose built office building that was erected in the early 1980s. The building comprises 8,483 sqm of B1 office floorspace arranged over six floors with retail uses located on the ground floor. The building is partially occupied by Natwest and World Pay who have surrendered their leases and are scheduled to vacate the premises in December 2013.
  - 8.5. The proposal would result in the loss of all of the existing office floorspace (8483 sqm), which the Council will normally seek to resist unless it can be shown that the floorspace in question is unsuitable for continued employment use due to its location, accessibility, size and condition, or that it has been marketed for office use at prevailing values for a prolonged period, or that there is a surplus of office floor space or unimplemented planning permissions for offices in the surrounding area.
  - 8.6. The applicant has prepared an "Employment Study" in support of the application. The report seeks to explain the connection between the current condition of the building and its position within the local office rental market in response to the requirements of Policy DM15 of the Managing Development Document (April 2013).
  - 8.7. Whilst the building is currently partially occupied, it did lay vacant between January 2010 and October 2011. According to the Employment Study, two letting agents undertook an extensive, joint marketing exercise to secure tenants for the building at a rate of £17.50 per square feet per annum.
  - 8.8. The report goes on to state that despite the scope and intensity of the marketing exercise, levels of interest in the building were very low in comparison to other properties within the City Fringe. Reasons for the lack of demand centred on the size of the floor plates and the perceived poor image of the building.
  - 8.9. Following the failure to secure a long term tenancy, the owners of the building adopted a different leasing strategy whereby short term leases were offered at a rate of £5 per square foot. This change in approach resulted in the current occupants; World Pay, taking up a 12 month lease. The lease to World Pay will expire in December 2013, and World Pay has confirmed that they do not intend to renew it or remain in occupation. In a letter appended to the submitted Planning Statement, World Pay cites their reasons for wanting to vacate the premises. These reasons include the outdated nature of the office space, a general decline in the reliability and suitability of the buildings M&E services and its lack of a ground floor frontage on Whitechapel Road and limited presence as a result.
  - 8.10. In order to provide further evidence of the buildings outmoded offer, the applicant submitted a Category A Refurbishment Report prepared by GL Hearn which sets out the findings of a survey of the building's condition and the likely cost of refurbishment. The report outlines a range of refurbishment works that would be required in order to allow 10-15 year leases of the building to be granted. The external works include the overhauling of the existing cladding to counteract the effects of condensation in addition to the overlaying of the roof with a plastic thermal system to lengthen the lifespan of the roof and to allow for the installation of new air conditioning plant. Internal works include the removal of partitions, the renewal of raised floors, upgrading of the ceilings, refurbishment of WCs and common parts, overhauling of the existing air conditioning and lighting systems and the removal of asbestos. The report includes an elemental cost plan which suggests that the cost of refurbishment would exceed £4 million.
  - 8.11. With this type of refurbishment, the building would realistically attract a rental level of just £20 per square foot which would render an investment of £4m economically unviable. In addition,

the applicants have alluded to an over-supply of office space in London and a general down turn in the office rental market which would generally limit the viability of office rentals outside of primary office locations such as the West End, City and Canary Wharf.

- 8.12. Officers consider that weight can also be given to the benefits of the hotel use which would create its own employment and support employment uses in the vicinity.
- 8.13. Taking into account the above, it is considered that sufficient evidence has been provided to justify the loss of employment floorspace in this instance, in accordance with the requirements of Policy DM15 of the Managing Development Document (adopted April 2013) which seeks to resist the loss of employment floorspace in the Borough unless it can be demonstrated that the floorspace in question is unsuitable for continued employment use due to its location, viability, size and condition.

*Provision of C1 Hotel*

- 8.14. The proposal would provide 11,201sqm of C1 hotel floorspace. The proposed hotel would comprise of 217 guest rooms in addition to an ancillary bar and restaurant within new ninth floor roof extension. The proposed hotel would target a 4\* rating. Existing retail uses on the ground floor would remain unchanged.
- 8.15. 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, no less than 10 per cent of bedrooms are required to be wheelchair accessible. Policy 4.5 of the London Plan (2011) also includes Mayor's target for the delivery of new hotel accommodation within London, which is set at 40,000 net additional hotel bedrooms by 2031.
- 8.16. Policy DM7 of the Council's Managing Development Document (adopted April 2013) 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.
- 8.17. Whilst the site is situated outside of a designated town centre, it does lie within the Central Activity Area (CAZ) an area identified in the London Plan (2011) as being appropriate for strategic hotel provision. Given the location of the site within the CAZ it is considered that the size of the proposed hotel is proportionate to function of the CAZ. In addition site's position within the City Fringe and its high public transport accessibility (PTAL) rating of 6a further compounds its suitability for hotel provision. The proposal further helps to meet the London Plan (2011) targets by providing 23 wheelchair accessible rooms (10% of the overall total).
- 8.18. Given that the application proposes the conversion of an existing office building, it is not considered that the development would compromise the supply of land for new homes and the Council's ability to meet its housing targets.
- 8.19. In terms of concentration of hotels in the surrounding area, Table 1 below provides a summary of existing hotels and proposed hotels that are subject to a current planning application in the surrounding area (within approximately 500m). This shows that approximately 2498 hotel bedrooms either exist or are proposed, with the figure rising to 2715 rooms taking account of this proposal. Officers consider that the proposed hotel at 45 Whitechapel Road would not lead to an over-concentration of hotel uses in the CAZ/City fringe activity area.

8.20.	Address	No. of rooms	Existing/Approved
	Brick Lane Hotel, 12 Brick Lane	8	Existing
	City Hotel, 12-20 Osborn Street	110	Existing
	Ibis London City, 5 Commercial Street	348	Existing
	Tune Hotels Liverpool Street, Folgate Street	183	Existing
	45-47 Hanbury Street	59	Approved
	86 Brick Lane	189	Approved
	107 Whitechapel Road	39	Approved
	100 Whitechapel Road	169	Approved
	1-4 Blossom Street	183	Approved
	Silwex House, Quake Street	105	Approved
	40-42 Raven Road	21	Approved
	Former Goodmans Fields	250	Approved
	Royal Mint Street	236	Approved
	15 Leman Street	251	Approved
	42 Adler Street	187	Approved
	Aldgate Place	160	Approved
	Total	2498	

**Table 1: Existing and approved hotels in the surrounding area**

Provision of SME business space

- 8.21. The application proposes the provision of a small office space at ground floor level towards the rear of the site. The space would measure 29sqm and would be accessed from the car park to the rear of the site. The space has been designed to meet the needs of Small and Medium Enterprises (SMEs) and the applicant has indicated that discussions are already under way with the East London Business Alliance to explore opportunities for local businesses to occupy the space.
- 8.22. Policy DM15 of the Managing Development Document (adopted April 2013) seeks to secure the provision of employment floor space within units measuring less than 100sqm to meet the needs of SMEs, a growing sector in the Borough. Through the provision of this space, it is considered that the proposal will assist the Council in facilitating the growth of existing and future businesses in the Borough, a strategic aim expressed in both Policy DM15 of the Managing Development Document (adopted April 2013) and Policy SP06 of the adopted Core Strategy (2010).

**Design**

- 8.23. Policy 7.6 of the London Plan (2011) states that buildings should be of the highest architectural quality and be of a proportion, composition, scale and orientation that enhances, activates and appropriately defines the public realm. In addition, buildings should comprise details and materials that complement, not necessarily replicate, the local architectural character, whilst incorporating best practice in resource management and climate change mitigation and adaptation, together with providing high quality indoor and outdoor spaces.
- 8.24. Policy SP10 of the Council's adopted Core Strategy (2010) seeks to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, attractive, durable and well-integrated with their surrounds. Policy DM24 of the Managing Development Document (adopted April 2013) seeks to ensure that design is sensitive to and enhances the local character and setting of the development, taking into account: the surrounding scale, height, mass, bulk and form of the development; building plot sizes and street patterns; building lines and setbacks, rooflines and streetscape rhythm; design details and elements, and the natural environment.
- 8.25. The application proposes the transformation of the appearance of the existing building

through the replacement of the façade and the addition of a rooftop extension.

Façade treatment

- 8.26. The application proposes the complete removal of the existing cladding system. The proposal seeks to introduce variety and texture to the façade through a composite approach to the recladding. The lower floors of the building are largely cladded in masonry; a black/grey coloured stock brick which is waterstruck, coal fired and hand-laid. As the building progresses through to the upper floors the brickwork increasingly gives way to glazing. The use of glazing is maximised at the east and west corners of the site and particularly at the central junction between the projecting and set back elements of the building. The use of glazing serves to break down the mass of the existing building as perceived from the principle view corridor down Whitechapel Road to the east and west and from Altab Ali Park to the south.



Figure 1: Visual of proposal from Whitechapel Road (looking west)

- 8.27. The fenestration to the building forms an important design component. The larger glazed elements are framed by deep spandrels that provide sun shade and muntins finished in pale brass. The fenestration within the brick includes deep reveals and projecting sills and lintels which lend to the appearance of texture on the building's façade. At the corners, the projecting lintels serve as planters for indigenous vegetation which also serves to enrich the external appearance of the building.
- 8.28. On the northern elevation, the building is clad in a lighter colour brick. This serves to reduce the perception of mass as viewed from the rear of the site. Some elements of the corner glazing and brass details wrap around to the rear and are visible there. The use of black zinc provides relief from the expanse of light brick.



Figure 2: Detail of proposed north and west elevations

#### *Roof extension*

- 8.29. The proposal seeks the addition of three extra floors to the existing building. However the overall height of the building would only increase by approximately 2m by virtue of the 6m protrusion of the existing lift overrun from the main mass of the building. The extension would accommodate hotel rooms in addition to a restaurant on the upper most level.
- 8.30. The upper most level of the extension would be clad in structural glazing and set back from all four edges of the building to allow for terrace areas and perimeter planting zones. Timber cladding details are used to conceal the lift overrun and services as well as the canopy element and soffits.
- 8.31. Officers consider that the proposed height of the building is appropriate in townscape terms given the location of the site in the City Fringe and the existence of significantly taller buildings in the locale. Additionally, it is considered that the proposed high quality treatment, through the use of glazing in particular will serve to reduce the perception of an increase in height and mass.

#### *Heritage impacts*

- 8.32. The site whilst not in a conservation area itself, the site lies to the immediate north of the edge of the Whitechapel High Street Conservation Area and to the east of the Fournier Street/Brick Lane Conservation Area. In addition, The Bell Foundry and the Whitechapel Gallery are in close proximity.
- 8.33. Officers consider that by virtue of the high quality external treatment, the proposed development would serve to enhance the setting of nearby heritage assets. This accords with the aims and requirements of policy DM27 of the Managing Development Document (adopted April 2013).

#### *Shop front upgrade*

- 8.34. The retail units at ground floor are to be retained. However, the application proposes to integrate the shop fronts into the new façade through the overhauling of the existing frontages. The brick cladding is carried down to ground floor level. The redesign of the retail frontages will allow for uniformity in the positioning of signage within the apertures

immediately above the shop fronts.

#### *SME Office*

- 8.35. A 29sqm office space is to be located to the rear of the site. The office space is provided in a single storey building which is clad in timber panelling to integrate with the proposed timber fencing. The building would include a sedum roof with roof lights. The office would operate independently from the main hotel and would be accessed from the car park to the rear.

#### *Landscaping*

- 8.36. At the ground and lower ground floors a linear area of landscaping is provided to form a buffer between the rear of the hotel and the car park. Existing footbridge accesses are to be retained and enhanced in order to provide a link between the lower ground and ground floor terraces. As these areas would be north facing, the applicant is proposing to plant a variety of shade tolerant woodland shrub and tree species.
- 8.37. At first floor, podium level gardens are situated immediately above the retail units beneath the set back element of the main building. A 2.5m timber clad enclosure would shield the gardens from Whitechapel Road.
- 8.38. The terrace on the eighth floor is also split up into individual gardens for the use of hotel residents in each room. Each terrace has a hardwood timber deck area directly outside the window and a raised planting bed (450mm high) inside the parapet wall. The planting beds also include a variety of shade and drought tolerant species.
- 8.39. The ninth floor terraces have a more communal function and are linked to the cafe, restaurant and bar area inside the building. Again, the terraces include a hardwood timber deck area directly outside the window doors, raised individual planting beds containing small trees and raised linear planting beds running parallel with the parapet wall. The planting would be visible at street level on Whitechapel Road.
- 8.40. Officers consider that the proposed landscaping incorporates principles of high quality design and will serve to both enhance the appearance and setting of the building and the quality of hotel accommodation on offer. If planning permission were granted, a condition requiring the submission and approval of a detailed landscaping scheme and management plan would be attached to the consent.

#### *Accessibility*

- 8.41. Policy 4.5 of the London Plan (2011) requires that 10% of all new hotel bedrooms be accessible to meet the needs of wheelchair users and people with limited mobility. The proposal provides a total of 23 wheelchair accessible rooms across all floors which equates to more than 10%.

#### *Safety and security*

- 8.42. Policy DM23 of the Managing Development Document (adopted April 2013) states that development is required to improve safety and security without compromising good design and inclusive environments.
- 8.43. A number of local residents have expressed concerns about existing problems with crime and anti-social behaviour along King's Arms Court. It should be noted that the alleyway does not form part of the application site and that there is no evidence to suggest that a hotel use would increase incidences of crime and anti-social behaviour. However, officers consider that a hotel use with 24 hour activity will increase opportunities for natural surveillance, particularly to the rear of the site where the alleyway is located. Additionally, the application proposes the relocation of an entrance to an existing retail unit abutting the alley way away from the Whitechapel Road street frontage and to the corner with King's Arms Court. Again,



this will serve to increase activity and footfall at the entrance to the alley way and increase opportunities for natural surveillance.

- 8.44. Furthermore, a planning obligation of approximately £139,000 for public realm has been agreed in principle with the applicant. Subject to the Council's procedures for allocating Section 106 monies, the potential exists for the use of this money to improve the environment in King's Arms Court and as a result tackle any residual problems with crime and anti-social behaviour.
- 8.45. The Council's Crime Prevention Officer has commented on the application and recommended that the development be required to comply with Secure by Design level 2. If planning permission is granted, a condition requiring the submission and approval of a Secure by Design statement showing that the development achieves level 2 of that standard would be attached to the consent.

#### *Design conclusion*

- 8.46. The existing building, whilst occupying a prominent position with the Whitechapel Road frontage, is monolithic in appearance and lacking in architectural merit. Through the choice of materials, design detailing and the scale and mass of the building, officers consider that the proposal demonstrates principles of high quality design as required by Policy DM24 of the Managing Development Document (adopted April 2013). The proposed works will serve to significantly enhance the appearance of the building and its contribution to the local townscape and the setting of nearby heritage assets.

#### **Amenity**

##### 8.47. *Daylight and Sunlight*

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.

- 8.48. Sunlight is assessed through the calculation known as the Annual Probable Sunlight Hours (APSH), which considers the amount of sunlight available during the summer and winter for each window facing within 90 degrees of due south (i.e. windows that receive direct sunlight). The amount of sunlight that a window receives should not be less than 5% of the APSH during the winter months of 21 September to 21 March, so as to ensure that such windows are reasonably sunlit. In addition, any reduction in APSH beyond 20% of its former value would be noticeable to occupants and would constitute a material reduction in sunlight.
- 8.49. The application is accompanied by a Daylight and Sunlight Assessment, prepared by GL Hearn, which provides an assessment of the impacts of the proposed development on the daylighting and sunlighting conditions of nearby residential properties to the north and north-east of the site.

##### *60 Old Montague Place*

- 8.50. 60 Montague Place is a 4 and 5 storey building located to the north east of the site.
- 8.51. In terms of daylight as expressed by VSC, all of the windows facing the proposal would meet the BRE recommended guidance.

- 8.52. In terms of sunlight, all of the windows would meet the criteria for annual sunlight. A total 6 windows out of the 35 tested would see minor failures in the amount of winter sunlight (less than 5% annual probable sunlight hours between September and March). Given that these failures occur on the ground and first floors and the constrained urban setting of the site, these results are considered acceptable on balance.

*King's Arms Court off Old Montague Street*

- 8.53. This building is located to the north of the development site and contains residential flats over 4 floors.
- 8.54. In terms of daylight (VSC), all of the windows facing the proposal would meet the BRE recommended guidance.
- 8.55. In terms of sunlight, all of the windows tested would meet the criteria for annual sunlight and only 1 of the 53 windows tested would see a failure in terms of winter sunlight.

*Green Dragon Yard, Old Montague Street*

- 8.56. This is a large residential development located to the north of the site. The building rises to 4 and 5 storeys.
- 8.57. In respect of both daylight and sunlight, all the windows tested would meet the BRE requirements.

*25, 27 and 29 Whitechapel Road*

- 8.58. Numbers 25, 27 and 29 Whitechapel Road are located adjacent to the development site to the immediate west.
- 8.59. In respect of daylight, all of the windows tested meet the BRE guidance. None of the windows tested face within 90-degrees of due south and, in line with BRE guidance do not require testing for sunlight access.

*85 Whitechapel Road*

- 8.60. These buildings comprise 3 blocks of student accommodation situated behind Magenta House to the east of the site.
- 8.61. In terms of daylight, all of the windows facing the proposal would meet the BRE recommended guidance.
- 8.62. In terms of sunlight, all the windows would meet the requirement for annual sunlight. Of the 37 windows tested, 13 would see minor failures in respect of winter sun. Again, given the urban context and the VSC and annual sunlight passes, the results are considered acceptable on balance in this instance.

*Noise and Vibration*

*Proposed Development*

- 8.63. The applicant has submitted a "Noise and Vibration Survey and Assessment Report" prepared by Pace Consult in support of the application. The report identifies hotel rooms as being noise sensitive areas but explains that façade acoustic design has sought to respond to varying noise levels across the site. Across the whole of the site, the report states that through the use of attenuating measures it will be possible to attain the "good" internal noise level within the hotel rooms recommended in British Standard BS 8233:1999 "Sound Insulation and Noise Reduction for Buildings – Code of Practice".
- 8.64. In terms of vibration, VDV measurements set out in the report suggest that the levels of vibration will be below the range where a low probability of adverse impacts is anticipated as

stipulated under British Standard BS:6472. The report concludes that no vibration mitigation will be required.

- 8.65. In terms of ground borne noise levels brought about by the London Underground (District Line) which runs close to the site; the report states that bedrooms as basement level would be subject to disturbance. Whilst there is no British Standard for ground borne noise levels, research suggests that these should not exceed 35dB. The likely ground borne noise level at the proposal is predicted to be in the order of 42dB. Therefore, the report recommends that mitigation measures be employed to reduce the levels to within an acceptable range.
- 8.66. The Council's Environmental Health Officer has commented on the application and has recommended that mitigation measures be incorporated into the detailed design in order address both the impacts of traffic noise from Whitechapel Road and ground borne noise. If planning permission is granted it is recommended that conditions requiring compliance with the findings of the report and further details setting out mitigation measures for environmental and ground borne noise be attached to the consent.

#### *Impacts on existing residents*

- 8.67. The submitted roof plans indicate that there will be a small area of plant adjacent to the lift overrun. Precise technical information about this is not yet known so an assessment of the impact of these on existing noise receptors has not been undertaken. The Noise Assessment states that in order to avoid a discernible impact, the maximum noise limit for any external plant should not exceed 47dB during the day and 48dB at night.
- 8.68. If planning permission is granted, a condition requiring the submission and approval of details of any external plant together with a noise assessment would be attached to the consent.

#### **Highways and Servicing**

##### *Coach and taxi drop offs and parking*

- 8.69. The application is accompanied by a document entitled "Transport Statement Incorporating Travel Plans and Servicing and Waste Management Strategy" prepared by WSP Group.
- 8.70. In respect of a location for coach and taxi drop offs, an existing semi recessed loading bay on Whitechapel Road immediately in front of the site has been identified as being appropriate for taxi drop offs. The bay is 35m in length meaning that it has capacity for two coaches if needed. The bay allows for a waiting period of 20 minutes. The applicant has provided a swept path analysis to show how a 15m luxury coach could access the bay.
- 8.71. It is also noted that in a leaflet produced by Transport for London entitled "Operating Coaches in London" it is stated that in Red Route bus stops, coaches can set down and pick up passengers. The applicants state in the Transport Statement that they contacted Transport for London who confirmed this and that there are two Red Route bus stops in front of the site.
- 8.72. In the event that a coach will be required to park for an extended length of time, there are a number of coach parking bays and coach parks within the vicinity of the site that are listed in the Transport Statement. Originally, it had been anticipated that coaches needing to park would utilise the car park to the rear. However a combination of narrow streets and a one way system have rendered this option unviable. Notwithstanding, it is anticipated that a minority of coaches would be required to park for a longer period time and this is possible at coach parks in the area.
- 8.73. Both Transport for London and the Council's Highways Officer have commented on the application and are supportive of the proposed arrangements for coach and taxi drop offs and

parking.

#### *Car Parking*

- 8.74. Policy DM22 (appendix 2) of the Managing Development Document (adopted April 2013) states that for hotel sites with a PTAL rating of between 4 and 6, on site car parking provision should be limited to operational needs, parking for disabled people and that required for taxis, coaches and deliveries/servicing.
- 8.75. The existing car park currently provides capacity for 16 allocated vehicles. As part of the proposal which includes the provision of 23 wheelchair accessible rooms, all of these spaces are to be given over to provision for disabled hotel guests. This will result in the loss of 7 spaces and the provision of 9 fully accessible spaces. Whilst this falls short of a 100% provision of accessible spaces for accessible rooms, officers consider that the application has maximised opportunities for the provision of accessible spaces and considers this ration (approximately 1 space for every 2.5 rooms) is considered acceptable on balance.

#### *Cycle Parking*

- 8.76. Policy DM22 (appendix 2) of the Managing Development Document (adopted April 2013) sets out the Council's cycle parking standards. These call for a minimum of 1 space for every 10 members of hotel staff, together with 1 space for every 15 hotel guests.
- 8.77. As the hotel provides 217 bedrooms and capacity for 174 employees, the proposal would be required to provide a minimum of 17 cycle spaces for staff and 15 for guests. The proposal is to provide as a total of 40 spaces; 20 for staff and 20 for guests and as such exceeds the Council's minimum requirement.
- 8.78. The cycle spaces are to be located in the car park to the rear of the site. These spaces are to be covered and made secure. Shower and locker facilities are provided within the main building at basement level.
- 8.79. If planning permission is granted, a condition requiring the submission and approval of details of the cycle store would be attached to the consent. This would be to ensure that Sheffield style cycle stands are installed in line with the Council's cycle parking design standard as set out in the Managing Development Document (adopted April 2013).
- 8.80. In view of the above, officers consider that the proposal would be properly integrated into the transport network and would comply with the Council's parking standards in accordance with policies DM20 and DM22 of the Managing Development Document (adopted April 2013) which seek to ensure that development mitigates against its impact on the highway.

#### *Waste and Servicing*

- 8.81. The application proposes that servicing and refuse collection be undertaken from a collection point within the site which would be accessed from Old Montague Street to the west. The applicants envisage that the route will be used by delivery vehicles with access into/out of the site to be controlled by the site management company office (which will be manned at all times and monitored by CCTV).
- 8.82. The Servicing Management Plan includes a swept path analysis which shows that servicing vehicles will be able to access and egress the site in forward gear
- 8.83. In terms of trip rates for servicing, the applicants expect that the hotel would receive 14 servicing trips across the day (11 for the main hotel and 3 for the restaurant). Officers consider 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 and Policy DM14 of the Managing Development Document (adopted April 2013).

These policies require planning applications to be considered in light of the adequacy and ease of access to the development for waste collection and the adequacy of storage space for waste given the frequency of waste collections.

## **Energy and Sustainability**

### *Energy*

- 8.84. Policy DM29 in the Managing Development Document 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. It also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. Policy SP11 in the Core Strategy requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation where feasible. The London Plan also contains a number of relevant policies, including policies 5.2 and 5.6
- 8.85. The submitted 'Sustainability and Energy Statement' prepared by Chapman Bathurst sets the proposed design focuses on reducing energy demand through energy efficiency measures including; improvements to building fabric; ASHP's for heating and cooling; use of free cooling where feasible; and low energy lighting. These measures are in line with the "Be Lean" strata of the Mayor of London's Energy Hierarchy as set out in chapter 5 of the London Plan (2011). These measures are estimated to contribute 21% energy efficiency savings.
- 8.86. In terms of the "Be Clean" strata, the proposals include a combined heat and power (CHP) engine (~50kWE) for delivering the hot water requirements of the scheme. The engine is sized to meet the baseload hot water requirements and operate for more than 5500hrs per year. Gas fired air source heat pumps are proposed to meet the space heating and cooling requirements of the scheme.
- 8.87. In terms of the "Be Green" strata and carbon dioxide emissions, the report shows that the scheme emission rate (BER) is anticipated to be 29.2 compared to the target emission rate (TER) of 45.6. This is a reduction of 36% and demonstrates compliance with Policy DM29 of the Managing Development Document (adopted April 2013). The submitted proposals also show that the scheme will achieve an EPC rating of 21 (A) compared to the new built 33(D) which exceeds the 35% reduction requirement Policy DM29 of the Managing Development Document (adopted April 2013).

### Sustainability

- 8.88. Policy DM29 of the Managing Development Document (adopted April 2013) seeks to ensure that the non-residential developments achieve a BREEAM rating of "Excellent" for levels of sustainable design and construction.
- 8.89. Whilst the Energy and Sustainability report notes that the development has been designed to achieve the energy requirements for BREEAM "Excellent", evidence in the form of a BREEAM pre-assessment has not been provided. If planning permission is granted, conditions requiring the submission of a BREEAM pre-assessment to show the scheme can achieve an "Excellent" rating and subsequent proof of these would be attached to the consent.

## **Planning Obligations**

### *Employment and Skills Training*

- 8.90. Core Strategy Policy SP07 seeks to support developments that promote local enterprise and the employment and skills training of local residents. The Council's Planning Obligations Supplementary Planning Document (SPD) (2012) includes employment densities for 4\*

hotels of 1 job per 1.25 bedrooms. Using these employment densities, it is estimated that the proposals could generate up to 174 FTE full-time jobs. Based on the formula set out in the Planning Obligations SPD, it is recommended that a financial contribution of **£24,936** is secured to help train and develop unemployed residents in Tower Hamlets. In addition, non-financial obligations that seek to ensure that 20% of the construction phase workforce reside in Tower Hamlets and that 20% of all goods and services are procured in Tower Hamlets have also been agreed.

- 8.91. Based on the provisions of the Planning Obligations SPD, it is recommended that a financial contribution of **£30,054** be secured to help support and provide training for local residents in accessing job opportunities during the construction phase. In addition, non-financial obligations requiring that the Council's Skillsmatch service has sight of any non-technical hotel vacancies 72 hours before they are advertised would also be secured.

*Libraries and Ideas Stores*

- 8.92. In line with the Planning Obligations SPD, it is recommended that a contribution of **£3,802** is secured towards improvements to Idea Stores and Libraries. The proposed development would increase demand on these services and there is a need to develop these facilities further to align with population growth.

*Sustainable Transport*

- 8.93. In line with the Planning Obligations SPD, it is recommended that a financial contribution of **£2,604** is secured towards the provision of a sustainable transport network within the Borough.

*Public Open Space*

- 8.94. The Planning Obligations SPD seeks financial contributions towards the costs of improvements to public open space based on the number of employees plus the number of guests and the assumption that each hotel room is occupied by 2 guests and that all rooms are fully booked at all times (the worst case scenario in terms of impact). This assumption would generate 464 guests and employees and the need for £372,470.

*Streetscene and Built Environment*

- 8.95. The Planning Obligations SPD seeks financial contributions towards the costs of environmental improvements directly adjoining the development. Based on there being 564sqm of footway adjoining the site, it is recommended that a financial contribution of **£138,638** be secured.

*Leisure*

- 8.96. Based on the employment densities in the Planning Obligations SPD, it is estimated that the proposals could generate up to 174 FTE full-time. These additional employees would place additional burdens on leisure facilities and warrant a financial contribution of **£12,479**.

*Crossrail top up*

- 8.97. Whilst the site lies within the central charging zone, Transport for London have advised that in view of the loss of the existing office space there will be no requirement for a Crossrail top up.

- 8.98. A monitoring fee of **£11,700** which is 2% of the total figure has been agreed.

- 8.99. Officers consider that the package of financial contributions being secured is appropriate, relevant to the proposed development and accords with the relevant statutory and policy tests.

**Community Infrastructure Levy**

- 8.100. The London Mayor's Community Infrastructure Levy (CIL) became operational on 1 April

2012. As outlined above, the proposed development is liable for a charge under the CIL Regulations and the likely CIL payment is approximately £107,000. This is an initial estimation. The Council will issue a CIL Liability Notice as soon as possible after a decision notice is issued.

### **Financial considerations**

- 8.101. Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires local planning authorities (and the Secretary of State) to have regard to the following:
- a) The provisions of the development plan, so far as material to the application;
  - b) Any local finance considerations, so far as material to the application; and
  - c) Any other material consideration.
- 8.102. Section 70(4) defines "*local finance consideration*" as:
- a) A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
  - b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.
- 8.103. These issues need to be treated as material planning considerations when determining planning applications or planning appeals.

### **Human Rights Considerations**

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

- 8.108. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.
- 8.109. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.110. As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 8.111. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement to be entered into.

### **Equalities Act Considerations**

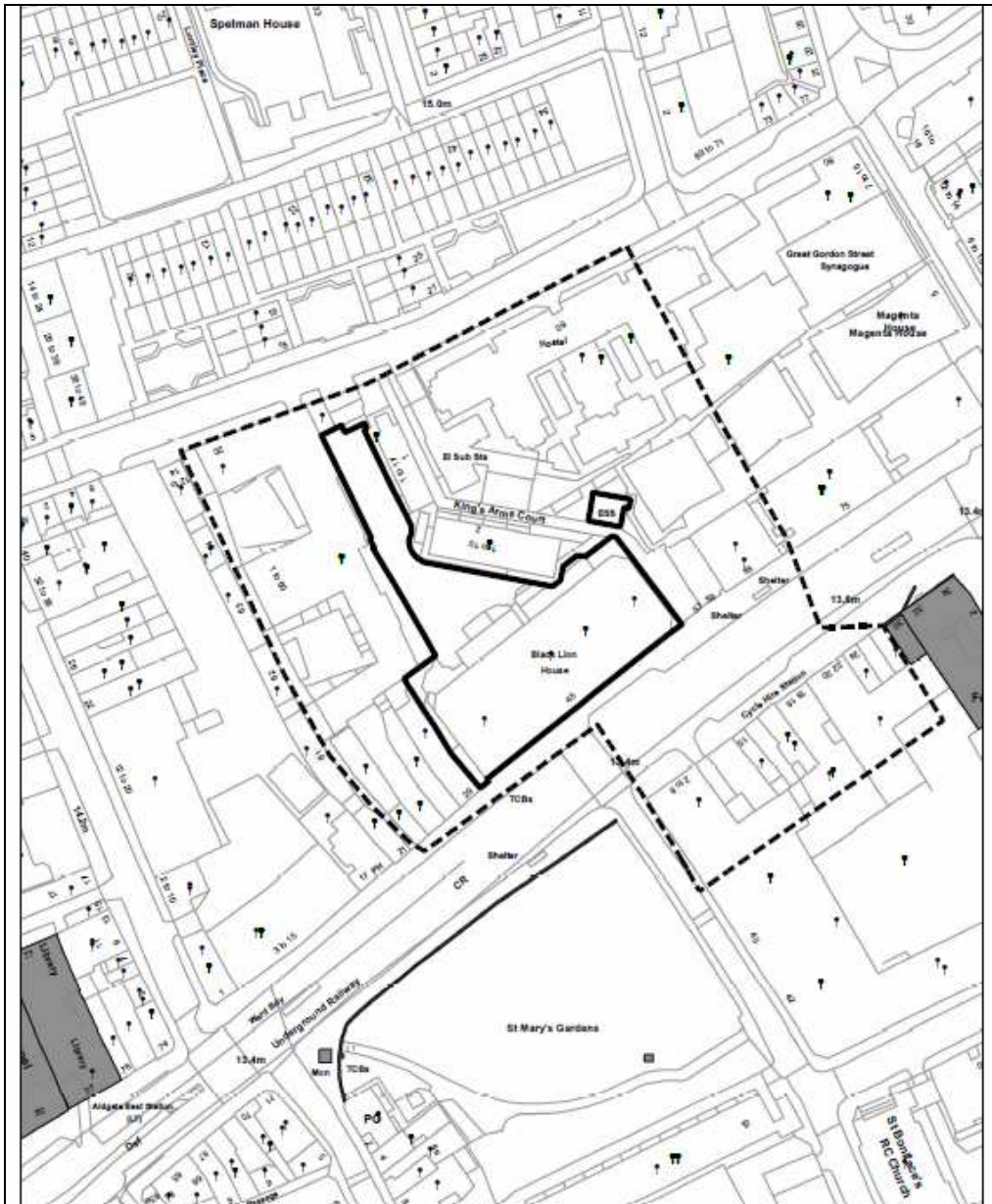
- 8.112. The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty inter alia when determining all planning applications. In particular the Committee must pay due regard to the need to:
1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
  2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.113. As discussed above, the proposed hotel would include 20 larger wheelchair accessible bedrooms and would be designed in accordance with inclusive design principles. The access to employment initiatives and financial contributions towards employment initiatives and community infrastructure (Idea Stores and Library facilities, Public Open Space and Leisure Facilities that are recommended to be secured by a s.106 agreement and recommended conditions address, in the short-medium term, the potential perceived and real impacts of construction on the local community, and in the longer term support community wellbeing and social cohesion.

### **CONCLUSIONS**

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

### **Planning Application Site Map**





- |   |                                    |   |                            |   |                     |   |
|---|------------------------------------|---|----------------------------|---|---------------------|---|
|  | Planning Application Site Boundary |  | Locally Listed Buildings   |  | Land Parcel Address |  |
|  | Consultation Area                  |  | Statutory Listed Buildings |  | OSLine              |  |

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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1:1,250