

<b>Committee:</b> Strategic Development	<b>Date:</b> 13 <sup>th</sup> March 2014	<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> Planning Application for Decision
<b>Case Officer:</b> Tim Ross	<b>Ref No:</b> PA/13/02338
	<b>Ward:</b> Whitechapel

## 1. APPLICATION DETAILS

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

**Existing Use:** Mix of commercial uses including warehouse, storage, retail, artist studio, and office uses.

**Summary descriptions:** Demolition of existing buildings and creation of a development, of a part 19/ part 21 storey hotel, comprising 269 bedrooms and associated bar and restaurant facilities, with one disabled parking space (on site), 24 cycle parking spaces at basement and ground level and a service/drop off bay off Whitechurch Lane.

**Drwg Nos. for approval:** PL/01 Site location plan  
 PL/02 Proposed basement floor plan  
 PL/03 Proposed ground floor plan  
 PL/04 Proposed first to fourth floor plan  
 PL/05 Proposed fifth floor plan  
 PL/06 Proposed sixth to fifteenth floor plan  
 PL/07 Proposed sixteenth to eighteenth floor plan  
 PL/08 Proposed nineteenth to twentieth floor plan  
 PL/10 Proposed roof plan  
 PL/11 Proposed section and schedule  
 PL/100 Site Survey Plan  
 PL/101 Site Survey Context Elevations  
 PL/300 Elevation to Commercial Rd (revision P1 Feb 2014)  
 PL/301 Elevation to Whitechurch Lane (Revision P1 Feb 2014)  
 PL/302 Elevations Manningtree and West (Revision P1 Feb 2014)  
 PL/303 Elevation Commercial Road context (Revision P1 Feb 2014)  
 PL/304 Elevation Whitechurch Lane Westcontext (Revision P1 Feb 2014)

**Supporting Documents:** Design and Access Statement  
 Design and Access Addendum  
 Planning Statement  
 Planning Statement Addendum

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

**Applicant:** Reef Estates  
**Listed Building:** N/A  
**Conservation Area:** N/A

## **2. EXECUTIVE SUMMARY**

- 2.1 The application demonstrates that the existing mix of uses including retail, offices, light industrial and storage 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 develop the site for a 269 room hotel with an ancillary restaurant and bar. The proposed 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.
- 2.2 The hotel use which would create its own employment and support employment uses in the vicinity. The proposed hotel would directly employ 30 Full Time Equivalent (FTE) staff as well as further outsourced jobs in cleaning, maintenance etc. This would considerably exceed the 10 jobs currently based on this site. The knock-on benefits of the scheme could include 188 construction jobs in addition to 30 permanent hotel jobs, a further £30m investment in the borough rather than elsewhere in London, the hotel could provide accommodation for up to an estimated 94,608 visitors per year resulting in up to an estimated £9.9m annual visitor spending into the local economy to the benefit of local restaurants, bars, and the other local service sector businesses in the borough.
- 2.3 The development, particularly when considered in the emerging context of Aldgate which is undergoing rapid change, would be a positive addition to London's skyline, without causing detriment to local or strategic views including the Tower of London World Heritage Site.
- 2.4 The high quality design which includes a proliferation of brick and high quality materials mean the proposed development is sensitive to its locality and would preserve the setting of nearby conservation areas and designated and non-designated heritage assets including nearby Listed Buildings.

- 2.5 The urban design, layout, height, scale and detailed design of the proposal would result in a high-quality development, which responds to the emerging context of Aldgate and reemphasising the junction of Commercial Road and Whitechurch Lane and improving local permeability particularly north-south routes from Brick Lane to the new residential neighbourhood emerging in Goodman's Fields.
- 2.6 In view of the central urban context and economic benefits arising from this proposal, on balance, the development would not have an undue impact on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure having regard to the grain of development in this locality.
- 2.7 The development, having regard to its arrangements for parking, servicing and access will not have a significant detrimental effect on the capacity or safety of the transport network by virtue of the servicing and coach/ taxi drop off being located within the development site, and suitably promotes sustainable transport options.
- 2.8 The development makes an appropriate contribution towards reducing Carbon Dioxide emissions helping the borough achieve its ambition carbon reduction targets.
- 2.9 The proposed development will appropriately mitigate its impact on local services and infrastructure through financial and non-financial contributions towards the provision of local open space improvements, highway and public realm, leisure and community facilities along with local enterprise and employment opportunities for local residents and businesses.

### **3. RECOMMENDATION**

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

- A Any direction by The London Mayor
- B The prior completion of a legal agreement to secure the following planning obligations:

#### 3.2 Financial Obligations

- a) A contribution of £30,156 towards enterprise & employment.
- b) A contribution of £1,230 towards Idea Stores, libraries and archives.
- c) A contribution of £3,729 towards leisure facilities.
- d) A contribution of £439,546 towards local public open space.
- e) A contribution of £88,904 towards carbon off-setting.
- f) A contribution of £24,542 towards 2% Planning Obligation monitoring fee.
- g) Mayor of London Crossrail tariff contribution of approximately £230,189.

**Total: £818,310**

#### 3.4 Non-Financial Obligations

- a) Enterprise, Employment, Apprentice, Training and End User Engagement Strategy
  - b) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
  - d) Relocation strategy for existing businesses on site
  - e) Layout and maintenance of on-site public realm, and uplift of adjoining footway within the public highway (estimated in kind value of £130,000)
  - f) Provision of public art installation on the elevation visible from Whitechurch Lane and Manningtree Street
  - g) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal
- 3.5 That the Corporate Director Development & Renewal and the Service Head (Legal Services) are delegated power to negotiate and complete the legal agreement indicated above acting within normal delegated authority.
- 3.6 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

### 3.7 CONDITIONS & INFORMATIVES

#### 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. Provision of 10% wheelchair accessible rooms in perpetuity
5. The disabled parking space and turntable to be provided in perpetuity.
6. The cycle spaces, store and ancillary changing / showing facilities to be retained and maintained for the purposes approved for the life of the development.
7. Compliance with Energy Statement.
8. Hotel (C1) - use of guest bedrooms to be limited to maximum 90 day occupancy.
9. Fifth floor restaurant terrace to open no later than 11pm weekdays and Saturday and 10pm on Sundays.
10. No outdoor amplified music at any time.

#### Pre-Commencement Conditions

11. Approval of full details of facing materials.
12. Approval of full details of landscaping plan including management plan
13. Approval of full details of boundary treatments
14. Approval of Secure by Design (Level 2) Statement with details of lighting and security
15. Approval of a verification report (contaminated land) following site investigation.
16. Approval of BREEAM (Excellent) Pre-Assessment
17. Approval of full details of specification, samples and detailed design (including drawings at scale 1:20 of windows, and overlooking mitigation.
18. Approval of full details of noise mitigation measures

19. Approval of Delivery and Service Management Plan
20. Approval of Construction Management Plan
21. Approval of a Hotel Waste Management Plan
22. Approval of full details of cycle store
23. Approval of full details of archaeological investigation
24. Approval of full details of travel plan
25. Approval of signage strategy

#### Prior to Occupation Conditions

25. Post-completion noise assessment and mitigation measures.
26. 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 278 agreement to cover any highways improvements
7. Advertisement consent required for signage

Any other informative(s) considered necessary by the Corporate Director of Development and Renewal.

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

## **4 PROPOSAL AND LOCATION DETAILS**

- 4.1 This application seeks full planning permission for the demolition of the existing building and the redevelopment of the site involving the erection of a 21 storey hotel comprising 269 rooms and ancillary bar and restaurant facilities (8,560sqmGIA). The application documentation advises that the hotel operator would be Motel One, which is a German based international hotel which provides contemporary accommodation in the budget hotel category.
- 4.2 The proposed hotel, consisting of ground floor plus 20 storeys, would rise to an overall height of approximately 81.4metres (AOD) with the building, comprising three elements; a five storey shoulder element (ground plus 4 floors) which contains a restaurant/ bar and associated outside terrace, and an 19 storey element with a curved edge at the junction of Commercial Road and Whitechurch Lane and a two storey set back at the summit of the building.
- 4.3 The building is predominately built out of brick which reflects the historic character of the local surrounding streets. The brick façade design is based on a rational 3m grid. Windows in the main body of the façade have bronze surround frames to lift the heavy brick elevation.
- 4.4 Full height windows create an open frontage at street level. Openings at first-fourth floor are surrounded by precast concrete architraves to lighten the treatment. The proposal also includes public realm works to enhance the street experience including widened pavements at the junction of Commercial Road and Whitechurch Lane.

- 4.5 The scheme has frontages on Commercial Road and White Church Lane. The main entrance would be on the corner of White Church Lane and Commercial Road. There is an additional disabled access entrance directly proposed off the Commercial Road footway and a secondary entrance near the undercroft loading bay / drop-off area. An onsite drop-off area along White Church Lane would be provide space a facility for taxis and coaches. The service entrance is to the north of the site along White Church Lane. This area also has provision for an onsite disabled car parking space within the curtilage of the building.
- 4.6 The ground floor is the front of house for the hotel. It would accommodate the reception, lounge, lifts, an open stair to the first floor bar and restaurant, staff office and back of house rooms. The servicing entrance gives access to back of house basement plant and store with a goods lift serving the basement and fifth floor.
- 4.7 During the course of the application the following amendments have been negotiated:
- Reduction in the height of the development through the removal of a single upper floor to create a stepped tower of 19 to 21 storeys. The removal of an upper floor will create a less pronounced step between the main body of the building and upper projection.
  - Introduction of a curved form to the set back two floors (previously three floors with a rectangular plan) to reflect the curved plan form of the of the principal tower element below.

#### Site and surroundings

- 4.8 The application site is 536sqm 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 are generally under-utilised and have history of being used for a variety of commercial uses (including light industrial, storage, retail and office uses).
- 4.9 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 east 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 was recently completed.
- 4.10 To the north of the fire station yard 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.
- 4.11 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).

- 4.12 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.
- 4.13 The site is within the London View Management Framework 'viewing corridor' to the World Heritage Site at the Tower of London from City Hall and is in an area of Archaeological Priority
- 4.14 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. Commercial Road is part of the Transport for London Road Network.
- 4.15 In terms of policy designations, the site is located within the City Fringe Opportunity Area and the Central Activities Zone 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.
- 4.16 The Aldgate area 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) in line with the principles set out in the Core Strategy (2010) 'place' vision for Aldgate, and the earlier Aldgate Masterplan (2007), 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.

35 Commercial Road - Redevelopment to provide student accommodation within an eighteen storey building with associated office and community space. Planning permission was granted in July 2010 (PA/08/01034 subsequently amended by PA/10/2785). The former St Georges Brewery and associated building on Assam Street Warehouse were retained.

Aldgate Place - Planning permission was granted in October 2013 a mixed use development, comprising three towers of 22, 25 and 26 storeys and a series of lower buildings ranging from 6 to 9 storeys. 463 homes, office, hotel and retail, restaurants, cafes and drinking establishments, leisure uses and new pedestrianized street, and public open spaces.

Aldgate Tower - Refurbishment and extension of existing Sedgwick Centre building and new office block of 16 storeys and retail. Phase 2, the 16 storey office block is currently under construction.

Goodman's Fields - Currently under construction, the redevelopment of the site to provide 4 courtyard buildings of between 5-10 storeys and 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. The north east block (T3) which is nearest to the application site is 22 storeys in height.

Maersk House (former Beagle House) - There is a current proposal for a 24 storey mixed-use development comprising 320 homes, retail /commercial space at the Former Beagle House now known As Maersk House on Braham Street.

Altitude Towers (61-75 Alie Street, and 16-17 Plough Street and 20 Buckle Street) - Currently under construction is two buildings of 7 and 28 storeys to provide 235 residential units, retail/restaurant/cafe floor space and business space.

Leman Street Hotel (15-17 Leman Street and 1A Buckle Street) - This planning permission, granted on appeal for a 23 storey 251-bed hotel has not been commenced.

## **5 RELEVANT PLANNING HISTORY**

### Application site

- 5.1 A previous application on the site PA/12/2703 comprising the demolition of the existing building and the redevelopment of the site involving the erection of a 25 storey hotel This application was due to be considered by Strategic Development Committee in April 2013 with an Officer recommendation to refuse planning permission but was withdrawn by the applicant prior to the Committee.
- 5.2 The only other recent other 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

## **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 Core Strategy Development Plan Document 2010 (CS)

Policies:

- SP01 Refocusing on our town centres
- SP03 Creating healthy and liveable neighbourhoods
- SP04 Creating a green and blue grid
- SP05 Dealing with waste
- SP06 Delivering successful employment hubs
- SP08 Making connected places
- SP09 Creating attractive and safe streets and spaces
- SP10 Creating distinct and durable places
- SP11 Working towards a zero-carbon borough
- SP12 Delivering Placemaking
- SP13 Planning Obligations

Annexe 9: LAP 3 & 4: Aldgate



### 6.3 Managing Development Document (2013)

Policies:	DM1	Town Centre Hierarchy
	DM7	Short Stay Accommodation
	DM9	Improving Air Quality
	DM10	Delivering Open space
	DM11	Living Buildings and Biodiversity
	DM13	Sustainable Drainage
	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
	DM26	Building Heights
	DM27	Heritage and Historic Environment
	DM28	World Heritage Sites
	DM29	Zero-Carbon & Climate Change
	DM30	Contaminated Land

### 6.4 Supplementary Planning Guidance/Documents

Planning Obligations SPD 2012

### 6.5 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
5.2	Minimising Carbon Dioxide Emissions
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
6.8	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
7.7	Location and Design of Tall and Large Buildings
7.8	Heritage Assets and archaeology
7.10	World Heritage Sites
7.11	London View Management Framework (LVMF)
7.12	Implementing the LVMF
7.14	Improving Air Quality
7.15	Reducing Noise and Enhancing Soundscapes

## 8.2 Planning Obligations

### 6.6 London Plan Supplementary Planning Guidance/Documents

Accessible Hotels in London 2010  
London View Management Framework 2012  
London World Heritage Sites – Guidance on Settings 2012  
Draft City Fringe Opportunity Area Planning Framework – Feb 2008

### 6.7 Government Planning Policy Guidance/Statements

The National Planning Policy Framework 2012 (NPPF)  
Technical Guide to NPPF

## 7. **CONSULTATION RESPONSE**

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

7.2 The following were consulted and made comments regarding the application:

### **LBTH Communities, Localities and Culture**

7.3 Recommendation that financial obligations be sought for public open space and street scene improvements, leisure facilities to mitigate impacts of development on local infrastructure.

### **LBTH Energy and Sustainability**

7.4 The proposals fall short of the policy DM29 requirement to achieve a minimum 50% reduction in CO2 emissions therefore a financial contribution for carbon offsetting should be sought. The achievement of a BREEAM Excellent rating should be secured via an appropriately worded Condition

(OFFICER COMMENT: A carbon abatement sum has been calculated and is included in the list of planning obligations, and condition attached as requested).

### **LBTH Environmental Health**

#### Noise and vibration

7.5 No objections in respect of noise and vibration subject to conditions relating to noise mitigation measures.

(OFFICER COMMENT: A detailed review of facade sound insulation requirements should be undertaken at the detailed design stage and can be served by planning condition).

#### 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 COMMENT: These are matters that can be covered by separate Environmental Health legislation).

### **LBTH Employment and Enterprise**

- 7.7 Secure 20% of the construction phase workforce will be local residents of Tower Hamlets and 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets.
- 7.9 Seek contributions to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase and towards the training and development of unemployed residents in Tower Hamlets
- 7.10 It is important that local employment is maximised through the end-user phase of the development (hotel).

### **LBTH Transportation and Highways**

- 7.11 No Objection subject to the following conditions being secured:
- Requirement to enter into a s278 agreement
  - A Construction Management (Logistics) Plan must be submitted and approved prior to any construction.
  - A service Management Plan must be submitted and approved prior to any occupation.
  - An Interim Travel Plan has been submitted, a final version to be submitted prior to occupation. This should also include the promotion of sustainable modes of travel and storage facilities in all the hotel literature / brochures.
  - The disabled parking space and turntable to be retained and maintained for the life of the development and to be for the purpose of disabled parking only.
  - The cycle spaces, store and ancillary changing / showering facilities to be retained and maintained for the purposes approved for the life of the development.

(OFFICER COMMENT: The above conditions would be included if planning permission were to be granted).

### **LBTH Waste Policy and Development**

- 7.12 Waste Storage arrangement is satisfactory. No objection to the proposal

### **London Fire and Emergency Planning Authority (LFEPA)**

- 7.13 No response received.

### **National Grid**

- 7.14 No response received.

### **National Air Traffic Services Ltd (NATS)**

- 7.15 NATS raise no objections to the proposal.

### **English Heritage**

- 7.16 The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

### **Archaeology**

- 7.17 No response received.

### **Greater London Authority (GLA)**

- 7.18 The GLA have provided a stage I response. Their summary analysis of the scheme is as follows:

London Plan policies on London's visitor infrastructure, urban design, strategic views, world heritage, inclusive access, sustainable development and transport are relevant to this application.

- London's visitor infrastructure: The proposed hotel development is supported in strategic planning terms, in accordance with London Plan Policy 4.5.
- Urban design: The design of the proposal is broadly supported. However, a condition is sought with respect to architectural quality, to ensure accordance with London Plan Policy 7.7.
- Strategic views and world heritage: The development would be subordinate to the Tower of London; would respect the historic significance of the World Heritage Site; and, would preserve the viewer's ability to recognise the landmark and appreciate its outstanding universal value in accordance with London Plan policies 7.10, 7.11 and 7.12.
- Inclusive access: The 10% provision of wheelchair accessible rooms is 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.
- Sustainable development: The proposed energy strategy is broadly supported in line with London Plan Policy 5.2, however, the application will not meet the 40% reduction target and this needs to be addressed. Further information is sought with respect to district heating to ensure accordance with London Plan Policy 5.6. Planning conditions are also sought with respect to renewable energy technologies and green roof provision in accordance with London Plan policies 5.7, 5.10, 5.11 and 5.13.
- Transport: Clarifications and commitments are sought with respect to: car parking; cycling; buses; coach facilities; walking; travel planning and Crossrail to ensure accordance with London Plan policies 6.3, 6.5, 6.7, 6.10, 6.13 and 6.14.

Resolution of the above issues could lead to the application becoming compliant with the London Plan.

### **Historic Royal Palaces (HRP)**

- 7.19 HRP raises no objections to the proposal.

### **Transport for London (TfL)**

- 7.20 The level of proposed accessible spaces to be insufficient - there are two permit parking bays located on Assam Street opposite the site which are currently underutilised and could be made into disabled bays. Proposed level of cycle parking is welcome. This application would not have a detrimental impact on the highway or public transport.

- 7.21 TfL considers that the on-site coach drop off bay is sufficient to cater for the quantum of coach trips generated by this site. Notwithstanding this, while the principle of a drop off bay is supported, the submitted swept path analysis shows that the body of a 12m coach would conflict with the pavement on two occasions; once when accessing the site and again when leaving. Furthermore, when approaching from the east and the west the coach is shown to block both lanes of traffic when undertaking the movement into White Church Lane.
- 7.22 TfL supports that as part of the development proposals there will be improvements to the local pedestrian environment including wider footways, crossing points, planting and cycle facilities.
- 7.23 The coach drop off bay will also be utilised for servicing, deliveries and refuse collection. A delivery and servicing plan (DSP) and construction and logistics plan (CLP) should also be secured by condition.
- 7.24 The submitted Travel Plan has been reviewed in accordance with the ATTrBuTE assessment tool and has passed. It is therefore expected that Tower Hamlets Council secure, enforce, monitor, review and ensure the funding of the Travel Plan through the s106 agreement.

Financial contributions towards the Mayor of London's Community Infrastructure Levy (CIL) and Crossrail SPG are payable.

#### **Metropolitan Police**

- 7.25 No response received.

(OFFICER RESPONSE: The Metropolitan Police were consulted as part of the pre-application process which resulted in several design changes such as the removal of the undercroft on Commercial Road).

### **8. LOCAL REPRESENTATION**

- 8.1 A total of 2460 neighbouring properties were notified about the application and invited to comment. The application has also been publicised in East End Life and public notices have been placed around the site.

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

No of individual responses:

Objecting: 3  
Supporting: 49 (48 of which are signed proforma letters)  
Comment: 0

- 8.3 The objections were raised by a local business owner and local landowner and can be summarised as follows:

- A tall building will result in overshadowing of Naylor Building and Altab Ali Park (a high valued open space locally) which is already affected by the student accommodation block in Assam Street.
- The height of the proposed building should not exceed 17 storeys (the height of the student block in Assam Street).

- The proliferation of tall buildings results in a loss of views and light.
- Proliferation of tall buildings puts low rise areas under threat in the Aldgate area which does not take account of the historic aesthetic of local architecture, and provides little community benefit.
- Traffic congestion problems already exist locally.
- In the context of the overall density of existing and under-construction development, the small land plot means construction traffic access will be limited which will negatively impact upon residents; pavements and pedestrian crossings need to be improved in the local area; and the proposed development will exacerbate overcrowding at the 'Whitechapel Art Gallery' entrance to Aldgate East underground station.

8.4 A total of 16 standard letters of support have been received. All are based on the same template but signed by different individuals; many of these appear to be from local businesses operating in the local area.

8.5 The proposals have been amended by the applicant by reducing overall height by one storey and amending the profile of the top two set back storeys. Given these amendments are unlikely to materially change the views of those who have made comments, in line with the Council's Statement of Community Involvement, the comments received during the statutory consultation process are reported and further consultation has not been deemed necessary.

## **9.0 MATERIAL PLANNING CONSIDERATIONS**

9.1 The main planning issues that have been identified are:

- Land-use
- Design
- Amenity
- Access and transportation
- Energy and sustainability

### **Land-use**

#### The loss of existing employment floorspace

9.2 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.

9.3 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 (2013). Policy DM15 of the Managing Development Document (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.

- 9.4 27 Commercial Road and 29-37 White Church Lane are a small group of older buildings in a mix of employment and other uses. It comprises some 1,316m<sup>2</sup> of floorspace. This is mainly occupied by wholesale and storage units, but also some small offices, small factory operations and some studios linked to fashion design. The building provides fairly low quality employment space and is currently fully let but with all tenants operating on low rents and short term leases.
- 9.5 The proposal would result in the loss of all of the existing employment floorspace (1316m<sup>2</sup>), 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.
- 9.6 The applicant has provided a relocation strategy for the existing businesses. The site currently contains five buildings subdivided into 13 separate units. A survey of the site's occupants demonstrates that seven units are vacant (as of w/c 03 February 2014) and six units are occupied; together providing just 10 jobs at the site. Of the businesses occupying these six units, five are already committed to relocating from the site with alternative premises lined up (i.e. the occupants already have storage/wholesale accommodation elsewhere to relocate to, or a lease has been signed on replacement premises). Three of these firms will be relocating to new premises in the immediate vicinity of the site (i.e. on Commercial Road/ White Church Lane opposite the site) and two firms will be consolidating their storage requirements within existing premises elsewhere in London. This will ensure that five of the six current businesses and seven of the ten existing jobs at the site will be retained either in this area of Aldgate or elsewhere in London.
- 9.7 On this basis, only one of the existing units (providing three jobs) does not currently have a relocation strategy in place. The applicant has committed to working with the occupant of this unit to find alternative premises locally.
- 9.8 It is accepted that whilst the existing wholesale, storage and office space is not fully let and although no evidence was 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, 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.
- 9.9 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. The proposed hotel would directly employ some 30 Full Time Equivalent (FTE) staff as well as further outsourced jobs in cleaning, maintenance etc. This would considerably exceed the 10 jobs currently based on this site. With only 10 existing jobs occupying 1,316 m<sup>2</sup> of employment space, the premises are underused and clearly not achieving their economic potential. If typical

industrial floorspace/job ratios were applied to this amount of floorspace, at least 30 jobs could be expected.

- 9.10 Hotel guests staying in the proposed 269 rooms are likely to generate increased spending and employment in restaurants, shops and other service businesses in the Aldgate area and wider city fringe. The proposal would result in more beneficial economic use of the site, wider economic benefits to the area and contribute to the aims of the NPPF and the Plan for Growth in that respect. The applicant considers that the knock-on benefits of the scheme include 188 construction jobs in addition to 30 permanent hotel jobs, an estimated £30m investment in the borough rather than elsewhere in London, the hotel will provide accommodation for up to an estimated 94,608 visitors per year resulting in up to an estimated £9.9m annual visitor spending into the local economy who would support local restaurants, bars, and the other local service sector businesses.
- 9.11 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 questions is unsuitable for continued employment use due to its location, viability, size and condition.

#### Principle of Hotel

- 9.12 The proposed hotel would comprise of 269 guest rooms in addition to an ancillary bar and restaurant within the fifth floor which includes a roof terrace. This proposal is by an established hotel operator Motel One, which operates a number of hotels in Germany in the budget hotel sector.
- 9.13 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.
- 9.14 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. The Inspector's Report into the MDDPD Examination In Public which took place in 2012, recognised Tower Hamlet's role in providing for London's strategic supply of over-night guest accommodation.
- 9.15 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 6b further compounds its suitability for hotel provision. The proposal further helps to meet the London Plan (2011) targets by providing 33 wheelchair accessible rooms (10% of the overall total).



- 9.16 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.
- 9.17 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 2715 hotel bedrooms either exist or are proposed, with the figure rising to 2984 rooms taking account of this proposal. Officers consider that the proposed hotel at 27 Commercial Road would not lead to an over-concentration of hotel uses in the CAZ/City fringe activity area.

**Table 1: Summary of existing hotels and proposed hotels in the local Aldgate area**

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 St	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
Black Lion House, 45 Whitechapel Road	271	Approved
<b>Total</b>	<b>2715</b>	

- 9.18 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 within the workforce.
- 9.19 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.

- 9.20 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). 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 factors.
- 9.21 In conclusion the principle of the hotel use would be acceptable in policy terms and in accordance with the requirements of policy 4.5 of the London Plan, policy SP 06(4) of the Core Strategy and policy DM 7(1) of the Managing Development Document (2013).

## **Design**

### Design policies

- 9.22 The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 9.23 CABE's guidance "By Design (Urban Design in the Planning System: Towards Better Practice) (2000)" lists seven criteria by which to assess urban design principles (character, continuity and enclosure, quality of the public realm, ease of movement, legibility, adaptability and diversity).
- 9.24 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 local character, 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 optimising the potential of the site.
- 9.25 Core Strategy Policy SP10 and Policy DM23 and DM24 of the MDD 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 surrounds. The Core Strategy identifies Aldgate as one of two locations in Tower Hamlets where clusters of tall buildings will be supported.
- 9.26 Policy DM26 supports the principle of tall buildings in the Aldgate area subject to high design quality.
- 9.27 Specific guidance is given in the London Plan and Managing Development Document in relation to tall buildings. The criteria set out by both documents can be summarised as follows:
- Be limited to areas in the CAZ, opportunity areas, intensification areas and within access to good public transport;

- Relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including waterspaces) and improve the legibility of the areas;
  - Should incorporate the highest standards of design and architectural quality, making a positive contribution to the skyline when perceived from all angles during both the day and night. Developments should also assist in consolidating existing clusters;
  - Should not adversely impact upon heritage assets or strategic and local views;
  - Present a human scale at street level and enhance permeability of the site where possible;
  - Provide high quality private and communal amenity spaces for residents;
  - Provide public access to the upper floors where possible; and,
  - Not adversely affect biodiversity or microclimates.
- 9.28 The Aldgate Masterplan supported the principle of tall buildings focussed in and adjacent to the former gyratory system. The Masterplan principles were taken forward in the Place Making Annex to the Core Strategy.
- 9.29 The Aldgate Masterplan sets out that Aldgate has been identified as an appropriate location for tall buildings to mark the 'gateway' to Tower Hamlets, and to reflect the proximity to similar development in the City and make the best use of the excellent public transport accessibility - that can support high density development. The Aldgate Masterplan sets out that the 'proposed cluster of buildings between Whitechapel High Street and Braham Street should represent the apex of building heights in Aldgate'.
- 9.30 Building heights in the remainder of the Aldgate Masterplan area should decrease away from this 'central cluster' of buildings. Tall buildings will also be appropriate in certain locations outside of the gyratory area, where they play a role in design terms to mark street junctions, arrival points or assist with legibility, but must be subservient to the building heights within the gyratory.
- 9.31 Tall buildings are described in the Aldgate Masterplan as not being appropriate in locations where they would 'harm the character or appearance of the Whitechapel High Street Conservation Area, would have an adverse or overbearing impact on Altab Ali Park and other open spaces, or would harm the setting and appearance of Listed Buildings'. In all cases, tall buildings are required under the Aldgate Masterplan to demonstrate 'exceptional design quality' and the use of high quality sustainable materials, given their high visibility.
- 9.32 The following consented schemes should be taken into account of when considering the height of this proposal at 21 storeys (81.420m AOD).
- 1 Goodman's Fields: Six towers of 19-23 storeys (73.18m-86.75m AOD) – under construction.
  2. Aldgate Tower, Aldgate Union: Commercial tower rising to 16 storeys (93.6m AOD) – under construction.
  3. Former Beagle House site: Commercial development rising to 18 storeys (78.85m AOD) – current proposal

4. 15-17 Leman Street: Hotel development of 23 storeys (86.2m AOD) – planning permission granted
  5. Aldgate Place: Major residential-led mixed use development including three towers of up to 26 storeys (95.98m AOD) – planning permission granted
  6. 35 Commercial Road – 17storeys – completed.
  7. Nos 61-75 Alie Street (Altitude) – 27 storeys - under construction.
- 9.33 Overall, in terms of the Aldgate Masterplan principal of building heights in area decreasing away from the ‘central cluster’ – in terms of this development this will take place, although only marginally in terms of the overall height reduction around the former gyratory area
- 9.34 The Aldgate Masterplan does however set out that tall buildings will also be appropriate in certain locations outside of the gyratory area where they play a role in design terms to mark street junctions, arrival points or assist with legibility, but again must be subservient to the building heights within the gyratory. Officers consider that the road junction between Alie Street, Commercial Road and White Church Lane can be understood as a justification of the increased height at this specific location- overall this could create legible townscape and signal the ‘gateway’ to the Aldgate tall buildings cluster.
- 9.35 In summary, London Plan, Core Strategy, MDD and Aldgate Masterplan policies broadly support the principle of tall buildings in this location. The proposed height of 21 storeys would sit comfortably within the emerging tall buildings context and provide transition between the proposed tall buildings at Aldgate Place and the recently completed 35 Commercial Road scheme.

#### Place making

- 9.36 The Local Plan reinforces that that ‘Aldgate will rediscover its gateway role as a mixed use, high density area with a commercial centre acting as an area of transition between the City of London and the East End. With this, it is intended to become an important place where large-scale office uses cluster around the transport interchange at Aldgate, alongside a consolidated London Metropolitan University. Associated residential, commercial and evening uses will come forward ensuring a mixed-use area that is lively both during the day and at night. High-quality public spaces will be provided along with the new park at Braham Street. Its mix of architecture will reflect the transition from the City to the East End’.
- 9.37 The building would be well modelled elevations with a rational architectural language reflecting its use; the elevations and rhythm of bays, together with an good solid to void relationship with 3:5 proportion openings produce good architecture – the use of brick adding to the sense of place (this is clearly signalled an area of transition away from the use of cladding and curtain-walling in the central ‘cluster’). The stepped silhouette of the building is distinctive and reflects the buildings elevations and their relationship to the area as a focal point seen from numerous viewpoints – this gives the building an appropriately distinctive nature and an overall response to its detailed context within 360 degrees. The design accentuates the corner road junction which a curved design which is identified as focal point in the area – (a ‘location for design focus in Map 6 *An Attractive and Distinctive Place* as set out in the Aldgate Masterplan).
- 9.38 Overall the new buildings, when seen in these shorter and longer views, will not have a deleterious impact on the surrounding townscape; particularly from the east it will be seen in juxtaposition with the emerging ‘Aldgate cluster’ and buildings in the City of London beyond. In terms of the requirement of the Aldgate Masterplan that development

should be designed to preserve or enhance the setting of Listed buildings and to ensure there is no overbearing impact on Altab Ali Park. Officers are satisfied that the development is both sufficiently east and north of the park and the Listed 35 Commercial Road - so as to not have any harmful impact, and where it is seen, is of sufficient architectural quality and materials to provide an appropriate backdrop.

- 9.39 The 300sq.m of paved open space represented in the scheme proposal is a benefit of the scheme and will provide additional pavement width on the junction of Whitechurch Lane and Commercial Road. This improved public realm allows better connectivity south of Whitechapel Road and, also, up towards Altab Ali Park on White Church Lane towards the under construction Goodman's Fields pursuant of 'An Accessible Place' – delivery of an improved walking environment along Whitechurch Lane – to connect existing and emerging open spaces at Goodman's Fields and at Altab Ali Park (Map 3 Aldgate Masterplan).
- 9.40 The applicant has agreed to provide art in the public realm (Action CR2 of the Aldgate Masterplan) through the provision of a public art installation on the elevation visible from Whitechurch Lane and Manningtree Street.

#### Strategic Views

- 9.41 The site is affected by the London View Management Framework (LVMF), strategic views of the Tower of London seen from Queens Walk on the south side of the River Thames. The development has been tested using accurate visual representations in the three viewing points (25A.1 25A.2 and 25A.3 as required by the LVMF. In view 25A.2 the development would be obscured by the White Tower itself and hence would have no impact at all on the setting of the Tower of London. In view 25A.1 the top of proposed development is barely visible to the east of White Tower but would be obscured by existing trees (summer months) and the silhouette of approved development at the Minorities car park. The proposed development would have a barely discernable effect on the background setting of the Tower in winter months. In view 25A.3 the proposed development would be visible in the gaps between existing or proposed developments - Altitude at Alie Street (completed) and Royal Mint Gardens (permitted). However the proposed development would appear lower in height than these schemes in this view and would have a neutral impact on the background setting of the Tower,
- 9.42 Historic Royal Palaces, English Heritage and the Greater London Authority have raised no objection to the application, in respect of this issue. In conclusions officers advise that the proposed development would not have any adverse impact on the setting of the Tower of London or the Outstanding Universal Value of the World Heritage Site.

#### Heritage & Conservation

- 9.43 The NPPF sets out the Government's objectives in respect of conserving and enhancing heritage assets.
- 9.44 Policies 7.3, 7.4, 7.8, 7.9 and 7.10 of the London Plan (2011) and the draft London World Heritage Sites – Guidance on Settings SPG (2011) policies SP10 and SP12 of the CS and policies DM24, DM26, DM27 and DM28 of the MDD seek to protect the character, appearance and setting of heritage assets and the historic environment, including World Heritage Sites.
- 9.45 London Plan (2011) policies 7.11 and 7.12, policy SP10 of the Core Strategy Development Plan Document (2010) and policies DM26 and DM28 of the Managing Development Document seek to ensure large scale buildings are appropriately located

and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.

- 9.46 The existing buildings on the site comprise a series of three and four storey buildings of the late 19th and early 20<sup>th</sup> century in a mix of neo-Classical and Art-Deco/Moderne styles; these comprise retail units on the ground floor with office and/or ancillary storage accommodation above. These buildings are neither Statutorily Listed nor Locally Listed and are also not within any Conservation Area – they should thus be treated as undesignated heritage assets as set out in the NPPF.
- 9.47 The significance of the existing buildings at the site in terms of architectural heritage and collectively in relation to their role in the area's townscape and visual amenity have been considered in the Heritage, Townscape and Visual Impact Assessment (HTVIA). Whilst the undoubtedly have some historic interest both in terms of the individual architectural elements and the history of the overall development of the area Officers do not consider that the significance of these considerations should override the comprehensive development of the site as set out in the NPPF
- 9.48 Aldgate is identified as a location for tall buildings. Moreover, there are a number of existing consented schemes for tall buildings on neighbouring sites that are currently built out. In this context, and having particular regard to the verified views within the submitted Visual Impact Assessment, the impact on the views and settings of nearby listed buildings and conservation areas are acceptable.
- 9.49 In conclusion, the development would not harm the setting of nearby listed buildings and preserve the character and appearance of Whitechapel Conservation Area and the setting of nearby conservation areas as the proposed replacement building is of sufficient design quality to make the loss of the existing non designated heritage assets acceptable in terms of the impact on the setting of the conservation area.

#### Microclimate

- 9.50 Tall buildings can have an impact upon the microclimate, particularly in relation to wind. Where strong winds occur as a result of a tall building it can have detrimental impacts upon the comfort and safety of pedestrians and cyclists. It can also render landscaped areas unsuitable for their intended purpose. The Council's retained expert consultants Land Use Consultants (LUC) who considered that:
- “the widely accepted Lawson Comfort Criteria have been used to assess the impacts. A methodology for determining the magnitude of change, and significance of the impacts is provided. The figures presented in the assessment clearly identify entrances or walkways, or amenity spaces, and the text summarises the wind conditions that are suitable for these locations. A qualitative assessment of the impacts during demolition and construction is provided. The proposed development has a negligible effect on wind conditions”.*
- 9.53 In summary, the analysis shows that the proposed development has no adverse impact on the wind conditions on site and in several areas has a beneficial effect when compared to the baseline condition (existing site). The results show that the wind conditions on site, with the proposed development in place correspond to the intended use of all external spaces tested. 32 out of 35 receptors correspond to acceptable levels of pedestrian comfort, while the remaining 3 receptors experienced a negligible impact.
- 9.54 In conclusion, in terms of development proposals for the wider Aldgate Area, the Aldgate Masterplan explains that tall buildings should be subservient in scale to the central

cluster – the proposed development would, at 81.420m AOD, appear just subservient to the recently consented Aldgate Place development. However, also taking account of the other consented developments in the Aldgate area – both under construction and approved - together with the design principles set out in the Aldgate Masterplan – Officers consider that the proposed development is in general conformity with policy and does not cause overall harm to the area to reinvigorate the area surrounding the site in order to deliver Priority 2 of the Aldgate Masterplan create a ‘new commercial heart for Aldgate’.

### **Neighbouring amenity**

#### Privacy

- 9.55 In the preamble to MDD Policy DM25, the document advises that a distance of 18m is normally sufficient to mitigate any significant loss of privacy between habitable facing windows.
- 9.56 The proposed development is separated by at least 22 metres from existing and consented developments on the other side of Commercial Road. Properties at 34-38 Whitechurch Lane experience some overlooking as these are only 9 metres away from facing hotel windows on floors one to four into their habitable rooms. This property is located directly opposite the application site and under existing circumstances the building, viewed in an urban context, is not considered to result in any worsening of the existing situation in which windows are this distance apart separated by Whitechurch Lane. It is recommended that any planning permission is conditioned to ensure any overlooking issues at lower floors are appropriately mitigated at detailed design stage.
- 9.57 In summary, the development would not unduly overlook existing and potential neighbouring sites and would protect the privacy of existing and potential neighbouring residential occupants. The development accords with MDD policy DM25 in this respect.

#### Outlook / sense of enclosure

- 9.58 The assessment of sense of enclosure or the impact upon outlook is not a definable measure and the impact is a matter of judgement. If there are significant failures in daylight and sunlight or infringements of privacy it can be an indicator that the proposal would also be overbearing and create an unacceptable sense of enclosure. As explained above, there is not considered to be significant detrimental impact in terms of a loss of light or privacy in the context of this location.
- 9.59 Moreover, the proposed development should be considered in context of the wider regeneration of the Aldgate area. Any development of the site above 5 storeys would hinder the outlook of neighbouring buildings.

#### Effect on daylight and sunlight received by neighbouring dwellings

- 9.60 The application is supported by a Daylight and Sunlight Assessment (DSA). The robustness of the methodology and conclusions has been appraised by the Council's independent daylight and sunlight consultants.
- 9.61 Policy DM25 of MDD requires development to protect, and where possible improve, the amenity of surrounding existing and future residents as well as the amenity of the surrounding public realm. The policy states that this should be way of protecting privacy, avoiding an unacceptable increase in sense of enclosure, avoiding a loss of unacceptable outlook, not resulting in an unacceptable material deterioration of

sunlighting and daylighting conditions or overshadowing to surrounding open space and not creating unacceptable levels of noise, vibration, light pollution or reductions in air quality during construction or operational phase of the development.

- 9.62 DM25 of the MDD and SP10 of the CS seek to ensure that existing and potential neighbouring dwellings are safeguarded from an unacceptable material deterioration of sunlight and daylight conditions.
- 9.63 For calculating daylight to neighbouring properties, affected by a proposed development, the primary assessment is the vertical sky component (VSC) together with daylight distribution assessment where internal room layouts are known or can reasonably be assumed. The 2011 BRE guide emphasises the VSC assessment as the primary method of assessment.
- 9.64 The VSC is a quantified measurement of the amount of skylight falling on a vertical wall or window. The BRE handbook suggests a window should retain at 27% VSC or retain at least 80% of the pre-development VSC value. The significance of loss of daylight can be summarised as follows:
- 0-20 reduction – Negligible
  - 21-30% reduction – Minor significance
  - 31-40% reduction – Moderate significance
  - Above 40% reduction – Substantial significance
- 9.65 A second measurement of the proportion of the room which receives direct sky light through the window i.e. it measures daylight distribution within a room (see table 3 below). The BRE Handbook states that if an area of a room that receives direct daylight is reduced to less than 0.8 times its former value the effects will be noticeable to its occupants.
- 9.67 For calculating sunlight the BRE guidelines state that sunlight tests should be applied to all main habitable rooms which have a window which faces within 90 degrees of due south.
- 9.68 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. As outlined in the addendum to the Daylight and Sunlight Assessment prepared in response to the amended design, the changes to the results are de minimis and the conclusions of the original Daylight and Sunlight Assessment remain applicable
- 9.69 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

- 9.70 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, some above 40% VSC. 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

- 9.71 VCS losses in this block would amount to 9 windows above a 40%, and 10 windows in excess of 30% reduction. Overall, 24 of the 54 windows tested would fail the VSC standards. The occupants would experience a significant loss of daylight amenity as a consequence of the development.
- 9.72 Loss of sunlight to this property would also be significant, especially as these windows. Sunlight loss as a consequence of the proposed development 38 out of 54 windows would experience a substantial loss of sunlight.

### 21 Whitechurch Lane

- 9.73 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 30%. However, the levels of residual sunlight within these rooms would be fair, even with the development in place.

### 7-8 Manningtree Street

- 9.74 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 experience 31-40% reductions.

### 9 Manningtree Street

- 9.75 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 between 31-40%. The rooms affected are all living, kitchen-diners which are classified as primary rooms within each dwelling.

### 42 Commercial Road

- 9.76 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.

### Context for daylight and sunlight losses in this area

- 9.79 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. The Council's independent daylight and sunlight consultant considers that it should be 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.
- 9.80 As a general measure, your officers have been advised by its 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.

- 9.81 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.
- 9.82 In this instance, the development is considered acceptable in relation to other policy considerations and a reason for refusal on grounds of daylight infringements is not, on its own, considered sustainable by Officers particularly given that the scheme delivers significant economic benefits and enhanced public realm which outweigh the harm caused.
- 9.83 In coming to this “on balance” decision, Members should consider two main issues. First, there will be significant losses of amenity to the residential properties along Whitechurch Lane and Manningtree Street, and second, properties may be reliant on light that passes around rather than over the new building, requiring an appropriate design solution if neighbouring sites are to be redeveloped in this urban context. Moreover, the proposed development should be considered in context of the wider regeneration of the Aldgate area as any development proposal with a similar footprint which exceeds the existing building heights is likely to have a significant adverse impact on neighbouring properties in terms of loss of daylight and sunlight levels.
- 9.84 Although, it is acknowledged 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 would result in a detrimental impact on the amenities of those residential occupiers, on balance, the proposed development is considered to accord with Policy SP10(4) of the adopted Core Strategy (2010), and Policy DM25 of the Managing Development Document (2013)

#### Noise Disturbance (Impact on Neighbouring Residents)

- 9.85 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 21 storey element along with air intake fans and filters, all of which would generate some noise when in operation. The application site lies immediately to the south and west of a number of residential properties, including properties fronting Whitechurch Lane and Manningtree Street.
- 9.86 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. Furthermore conditions will be added to restrict the use of the roof terrace to sociable hours only and prevent amplified music from being played in order to protect local amenity of neighbouring properties.
- 9.87 Colleagues in Environmental Health have reviewed the applicants noise assessment and are satisfied subject to details of sound insulation being controlled through the use of planning conditions, should Members be minded to grant planning permission.

#### **Transport, Connectivity and Accessibility**

- 9.88 The NPPF and Policy 6.1 of the London Plan 2011 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also

requires transport demand generated by new development to be within the relative capacity of the existing highway network.

- 9.89 Core Strategy policies SP08 and SP09, together with policy DM20 of the MDD seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts, also seeks to prioritise and encourage improvements to the pedestrian environment and focus development within areas such as the Central Activities Zone.
- 9.90 The site is located in an area with a PTAL of 6b and sits within Controlled Parking Zone C1, where regulations apply from Monday to Friday from 8.30am to 5.30pm.
- 9.91 The development site is fronted by Commercial Road, which is a Red Route for which TfL is the Highways Authority and White Church Lane for which LBTH is responsible.

#### Coach Parking and Servicing

- 9.92 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 north bound 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. The servicing/coach/taxi in-out layby, will be entirely on the applicant's land and sited off of White Church Lane. This would be operated and managed by the hotel, in conjunction with a Service Management Plan which would be secured by way of a condition. LBTH highways is content that coach vehicles have sufficient space to manoeuvre which was further tested following concerns expressed by TfL.
- 9.93 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.
- 9.94 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. The applicant will be required to enter into a s278 agreement in consultation with the Council's Transportation and Highways department, to cover the layby and works to the public highway to accommodate this, as well as any general improvements to the highway.

- 9.95 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 269 guest bedrooms, would require the provision of 5 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 MDD (2013) require a lesser provision of 1 coach parking space per 100 guest bedrooms.
- 9.96 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), and policy DM20(2) of the Managing Development Document (2013)

#### Car Parking

- 9.97 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. No general car parking provision is proposed which is in line with policy. The on-site disabled bay should be bookable for the use of staff or patrons. Since 10% of the rooms (27) will be wheelchair accessible additional on street disabled bays, for the use of hotel patrons and general public. It is proposed to add a condition to any planning permission to ensure this parking space and turntable is retained and maintained for the life of the development to be for the purpose of disabled parking only. There is existing parking available in the locality for blue-badge holders.
- 9.98 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

- 9.99 The Council's cycle parking standards are set out in Appendix 2(1) of the MDD (2013), which for Use Class C1 hotel use require the provision of 1 cycle space for every 10 staff and for every 15 guests.
- 9.100 The proposed hotel comprises 269 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 which recommends only five spaces (three for staff and two for visitors), it would fall short of the Boroughs cycle parking requirements (39 spaces). Notwithstanding this, given the excellent access to public transport in this location the proposed provision is considered acceptable, subject to a planning permission ensuring delivery of the proposed spaces. The proposed location for the cycle parking in the basement (accessed by lift) is acceptable. A condition could be placed on any approval that these cycle spaces, store and ancillary changing / showering facilities are to be retained and maintained for the purposes approved for the life of the development.
- 9.101 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 Managing Development Document (2013) 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

- 9.102 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.
- 9.103 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.
- 9.104 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), and Policy DM14 of the MD DPD (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.
- 9.105 A Construction Method Plan is to be secured by condition to mitigate the temporary effects of the movement of construction traffic on the free flow and safety of highway traffic as required by London Plan policy 6.14.

#### Inclusive Access

- 9.193 Policy 7.2 of the London Plan (2011) Policy SP10 of the CS and Policy DM23 of the MDD seek to ensure that developments are accessible, usable and permeable for all users and that a development can be used easily by as many people as possible without undue effort, separation or special treatment.
- 9.194 A growing awareness of the importance of creating environments that are accessible for all people has led the Council to emphasise the importance of 'inclusive design'. The proposed development has been designed with the principles of inclusive design in mind including the provision of 10% wheelchair accessible rooms, and a managed disabled bay which would be secured by condition.
- 9.195 The use of tactile paving assists with visually impaired people when walking across the shared drop-off space and delineating where the pavement finishes and highway begins. Appropriate detailed design and finishes will be secured via condition.

#### **Energy & Sustainability**

- 9.196 At a National level, the NPPF encourage developments to incorporate renewable energy and to promote energy efficiency.
- 9.197 The London Plan sets out the Mayor of London's energy hierarchy which is to:

- Use Less Energy (Be Lean);
- Supply Energy Efficiently (Be Clean); and
- Use Renewable Energy (Be Green)

- 9.198 The London Plan 2011 also includes the target to achieve a minimum 40% reduction in CO<sup>2</sup> emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).
- 9.199 Policy SO3 of the 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. The London Borough of Tower Hamlets Core Strategy Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.
- 9.200 Policy DM29 within the Managing Development Document requires developments to achieve a minimum 50% reduction in CO<sup>2</sup> 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 commercial development to achieve a BREEAM rating of 'excellent'.
- 9.201 The proposals for 27 Commercial Road and 29-37 Whitechurch Lane west have followed the energy hierarchy and sought to minimise CO<sub>2</sub> emission through energy efficiency, CHP (70kWe) and include the installation of PV array to reduce CO<sub>2</sub> emissions by ~40% (~7 tonnes/CO<sub>2</sub>/annum).
- 9.202 The Managing Development Document Policy DM29 includes the requirement to achieve a minimum 50% reduction in CO<sub>2</sub> emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. The current proposal fall short of this policy requirement by 10%.
- 9.203 The Planning Obligations SPD includes the mechanism for any shortfall in CO<sub>2</sub> to be met through cash in lieu contribution for sustainability projects. This policy is in accordance with Policy 5.2 (E) of the London Plan 2011 which states: '...carbon dioxide reduction targets should be met on-site. Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere.'
- 9.204 It is advised that the shortfall in CO<sub>2</sub> emission reductions on this project is offset through a cash in lieu payment which the applicant has agreed to pay. The current identified cost for a tonne of CO<sub>2</sub> is £1,380/tonnes of CO<sub>2</sub>. This figure used is from the GLA carbon tariff guidance (GLA Draft SPD – 31st August 2013) and is also based on the London Legacy Development Corporation's figure for carbon offsetting.
- 9.205 For the proposed scheme it is recommended that a figure of £88,904 is sought for carbon offset projects in the vicinity of the proposed development. It is advised that this money is ring fenced for energy and sustainability measures to deliver LBTH Carbon Management Plan projects.
- 9.206 In terms of sustainability, London Borough of Tower Hamlets requires all non-residential development to achieve a BREEAM Excellent rating. This is to ensure the highest levels

of sustainable design and construction in accordance with Policy 5.3 of the London Plan 2011 and Policy DM29 of the London Borough of Tower Hamlets Managing Development Document

- 9.207 The submitted pre-assessment demonstrates how the development is currently designed to achieve an Excellent rating with a score of 71.93%. This is supported and the achievement of a BREEAM Excellent rating should be secured via an appropriately worded Condition with the final certificate being submitted to the council within 3 months of occupation.

### **Planning Obligations**

- 9.208 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's 'Planning Obligations' SPD sets out in more detail how these impacts can be assessed and appropriate mitigation.
- 9.209 Planning Obligations Section 106 Head of Terms for the proposed development, based on the priorities set out in the adopted Tower Hamlets Planning Obligations SPD (January 2012).
- 9.210 The NPPF requires that planning obligations must be:
- (a) Necessary to make the development acceptable in planning terms;
  - (b) Directly related to the development; and
  - (c) Are fairly and reasonably related in scale and kind to the development.

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

- 9.212 Securing appropriate planning contributions is further supported policy SP13 in the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

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

### **Employment and Skills Training**

- 9.214 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 2\* hotels of 1 job per 3 bedrooms. Using these employment densities, it is estimated that the proposals could generate up to 89 FTE full-time jobs. Based on the formula set out in the Planning Obligations SPD, it is recommended that a financial contribution of £8,068 is secured towards the training and development of residents in Tower Hamlets to access either:
- i) jobs within the C1 uses in the end-phase
  - ii) jobs or training within employment sectors relating to the final development

- 9.215 Based on the provisions of the Planning Obligations SPD, it is recommended that a financial contribution of £22,088 be secured to help support and provide training for local residents in accessing job opportunities during the construction phase.

9.216 In addition to the development's local economic benefits, and contribution towards local employment and training the applicant is committed to the following measures to mitigate against any perceived economic effects arising from the development and to maximise its local employment and economic benefits.

- The applicant is willing to make a commitment towards local apprenticeships and work placements during the construction process and within the operational hotel. This could include apprenticeships during the construction process and a commitment to working with suppliers and contractors to offer additional apprenticeships once the hotel is operational. 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.
- The applicant will assist in the relocation of the two existing businesses at the site that have not already lined up alternative premises.
- A commitment will be made to using reasonable endeavours to secure 20% employment for local residents during the construction process.
- A commitment will be made to using reasonable endeavours to secure 20% local procurement during construction.
- The applicant/contractor will offer notification of new jobs during the construction process to the LBTH employment and enterprise team.
- This strategy will focus and maximise the development's potential benefits in terms of training, employment and the local economy

#### Libraries and Ideas Stores

9.217 In line with the Planning Obligations SPD, it is recommended that a contribution of £1,230 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.

#### Public Open Space

9.218 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 538 guests and employees and the need for additional open space improvements. The requested contribution towards public open space (£439,546) has been agreed and given the relatively local nature of the impact arising from users of the hotel, it is recommended that this contribution be targeted at open space improvements within the Aldgate Masterplan Area..

#### Leisure and Community facilities

9.219 Based on the employment densities in the Planning Obligations SPD, it is estimated that the proposals could generate up to 52 FTE full-time. These additional employees would place additional burdens on leisure facilities and warrant a financial contribution of £3,729 towards leisure facilities.

9.220 The applicant is able to meet the Planning Obligation SPD and other requests for financial contributions as set out below:

9.221 Summary of Financial Obligations



- a) A contribution of £30,156 towards enterprise & employment.
- b) A contribution of £1,230 towards Idea Stores, libraries and archives.
- c) A contribution of £3,729 towards leisure facilities.
- d) A contribution of £439,546 towards local public open space.
- e) A contribution of £88,904 towards carbon off-setting.
- f) A contribution of £24,542 towards 2% Planning Obligation monitoring fee.
- g) Mayor of London Crossrail tariff contribution of approximately £230,189.

**Total: £818,310**

9.233 In addition to the financial contributions described above, the following non-financial contributions have been offered and are in accordance with the Council's 'Planning Obligations' SPD

- a) Enterprise, Employment, Apprentice, Training and End User Engagement Strategy
- b) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
- d) Relocation strategy for existing businesses on site
- e) Layout and maintenance of on-site public realm, and uplift of adjoining footway within the public highway (estimated in kind value of £130,000)
- f) Provision of public art installation on the elevation visible from Whitechurch Lane and Manningtree Street
- g) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

9.234 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**

9.235 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 £247,310. 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**

- 9.236 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.

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 as described above.

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

### **Human Rights Considerations**

- 9.238 In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-

- 9.239 Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
- Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
- Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".

- 9.240 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as local planning authority.

- 9.241 Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of noise, construction and general disturbance are acceptable and that any potential interference with Article 8 rights will be legitimate and justified.

- 9.242 Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.

- 9.243 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 9.244 As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.
- 9.245 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**

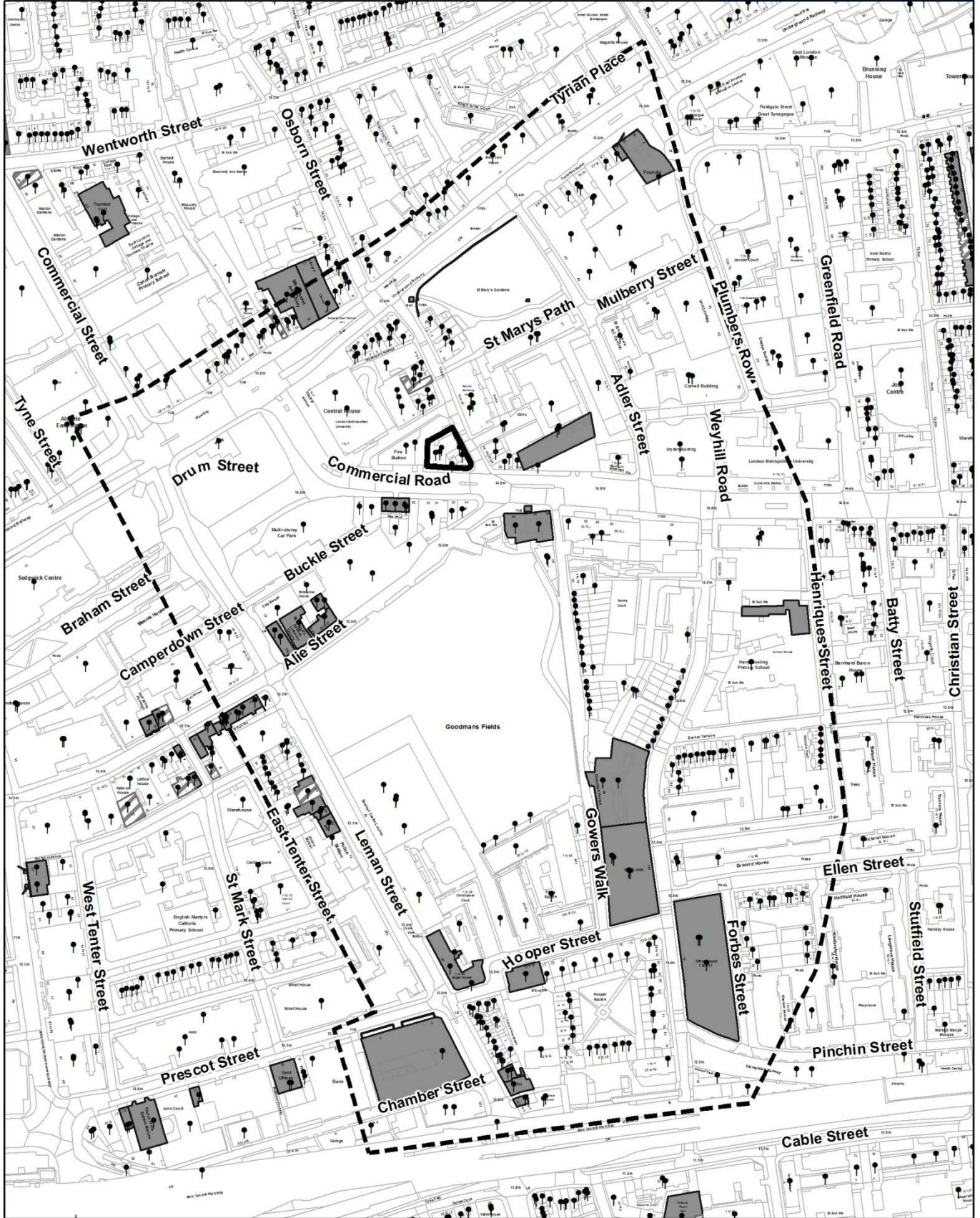
- 9.246 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due 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.
- 9.247 As discussed above, the proposed hotel would include 27 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.







## **10 CONCLUSIONS**

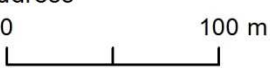
- 10.1 All other relevant policies and considerations have been taken into account. Planning Permission should be granted for the reasons set out above and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

# Planning Application Site Map

## PA/13/02338



	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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1:3,500