

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

## 1. APPLICATION DETAILS

<b>Location:</b>	Silwex House, Quaker Street, London, E1 6NS
<b>Existing Use:</b>	Vacant warehouse (Use Class B8)
<b>Proposal:</b>	Demolition of the roof and part side elevations, the retention and restoration of the southern and northern elevations and the construction of a 3 storey roof extension to provide a new hotel (Class C1) development comprising approx. 250 bedrooms over basement, ground and 5 upper floors with ancillary cafe space and servicing on the ground floor, associated plant in the basement and roof, improvements to the front pavement and associated works.
<b>Drawing No:</b>	932_07_001 (Rev P1); 932_07_002 (Rev P1); 932_07_09 (Rev P1); 932_07_10 (Rev P1); 932_07_11 (Rev P1); 932_07_12 (Rev P1); 932_07_20 (Rev P1); 932_07_21 (Rev P1); 932_07_22 (Rev P1); 932_07_30 (Rev P1); 932_07_49 (Rev P1); 932_07_50 (Rev P2); 932_07_51 (Rev P2); 932_07_52 (Rev P2); 932_07_53 (Rev P2); 932_07_54 (Rev P2); 932_07_55 (Rev P2); 932_07_56 (Rev P2); 932_07_098 (Rev P2); 932_07_099 (Rev P2); 932_07_100 (Rev P2); 932_07_101 (Rev P3);

932\_07\_102 (Rev P3);  
932\_07\_103 (Rev P2);  
932\_07\_104 (Rev P2);  
932\_07\_105 (Rev P2);  
932\_07\_106 (Rev P2);  
932\_07\_200 (Rev P2);  
932\_07\_201 (Rev P2);  
932\_07\_202 (Rev P2);  
932\_07\_203 (Rev P1);  
932\_07\_300 (Rev P2);  
932\_07\_301 (Rev P2);  
932\_07\_400 (Rev P2);  
932\_07\_401 (Rev P2);  
932\_07\_410 (Rev P1);  
932\_07\_411 (Rev P1);  
932\_07\_412 (Rev P1);  
932\_07\_413 (Rev P1).

**Documents:**

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

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

<b>Applicant:</b>	Premier Inn Ochre Ltd
<b>Ownership:</b>	Premier Inn Ochre Ltd Network Rail UK Power Networks
<b>Historic Building:</b>	N/A
<b>Conservation Area:</b>	Brick Lane and Fournier Street Conservation Area

## 2. EXECUTIVE SUMMARY

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

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

### 3. RECOMMENDATION

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

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

#### 3.2 Financial Contributions

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

#### 3.3 Non- Financial Contributions

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

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

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

#### 3.6 **Conditions**

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

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

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

### **3.7 Informatives**

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

Development & Renewal.

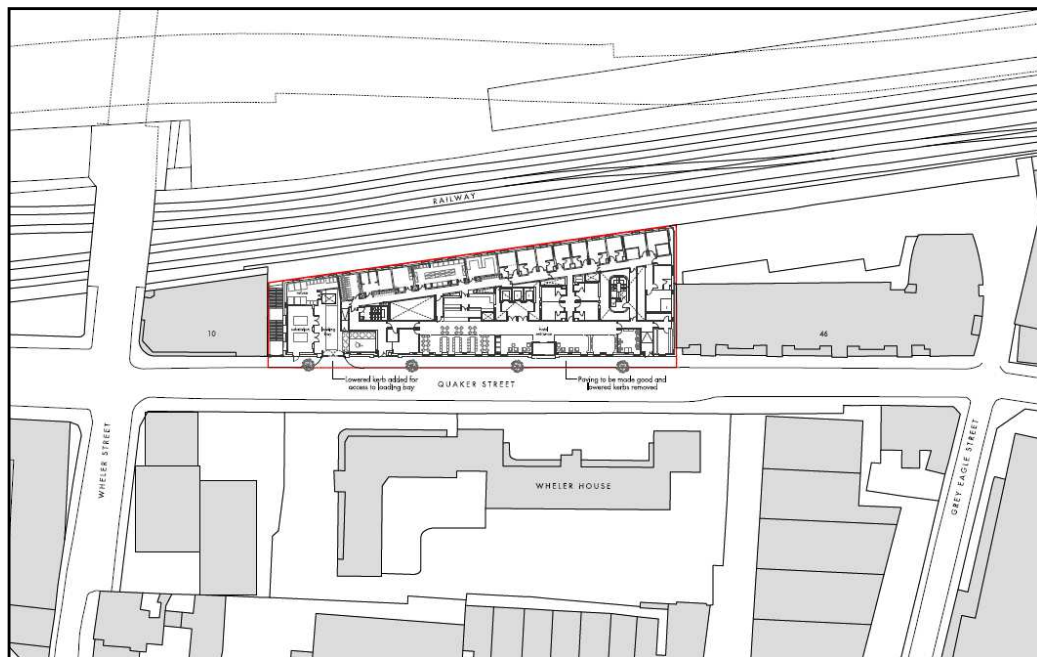
8. That, if within 3-months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

#### 4. PROPOSAL AND LOCATION DETAILS

##### Proposal

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

**Figure 1: Site Location and Layout**



##### Site and Surroundings

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

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

### **Planning History**

The following planning decisions are relevant to the application:

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



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

4.12 PA/11/00436

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

4.13 PA/14/00312

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

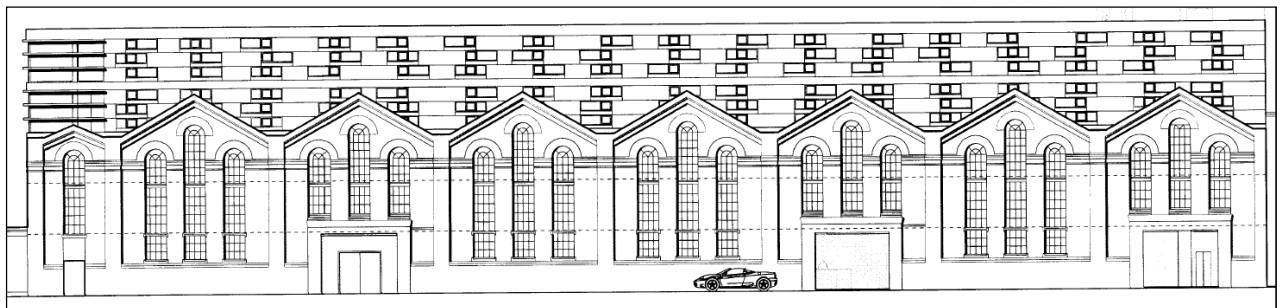
4.14 PA/14/00454

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

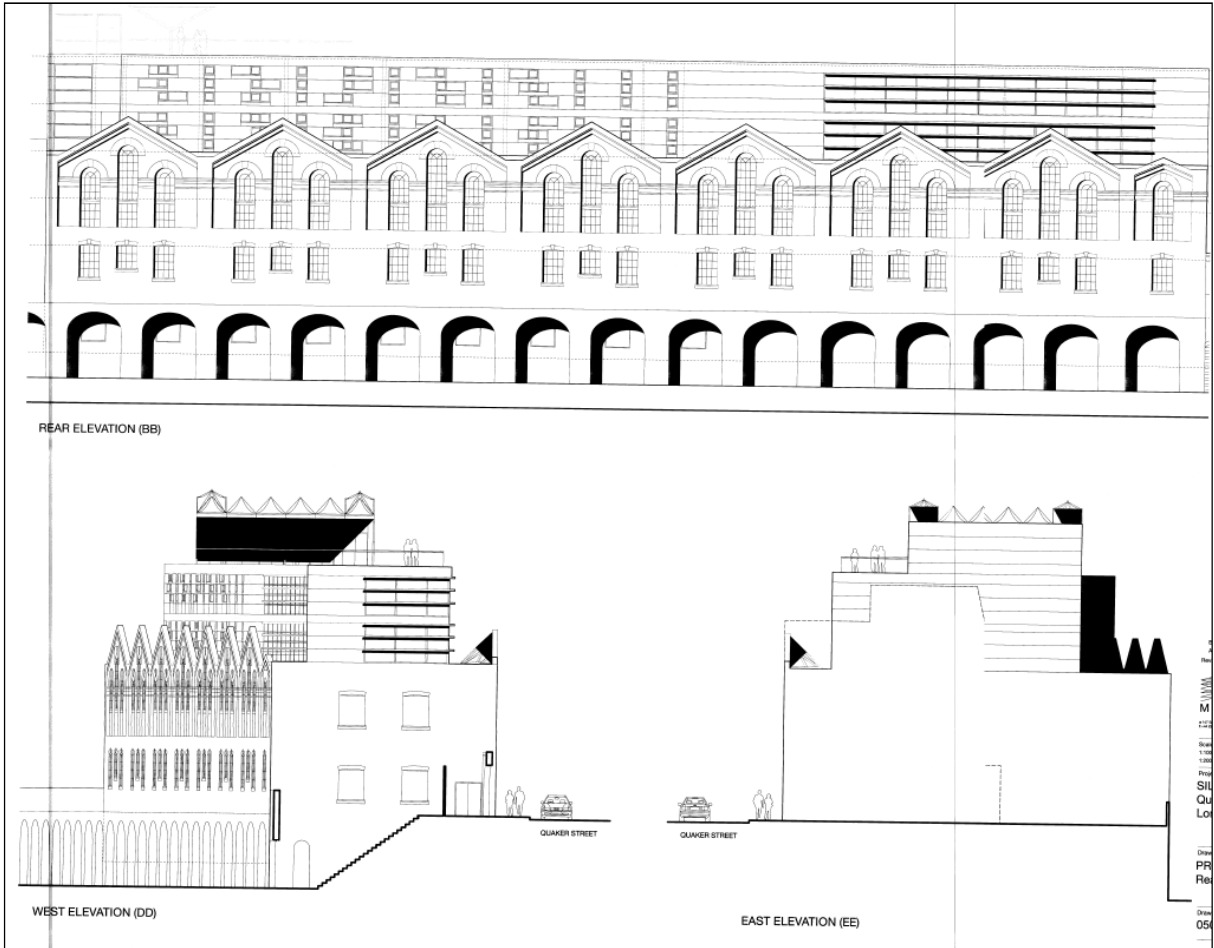
4.15 PA/14/00673

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

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



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



## 5. POLICY FRAMEWORK

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

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

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

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

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

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

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

## **Managing Development Document (April 2013) (MDD)**

DM0	Delivering Sustainable Development
DM1	Development within the Town centre hierarchy
DM7	Short stay accommodation
DM9	Improving air quality
DM11	Living buildings and biodiversity
DM14	Managing waste
DM15	Local job creation and investment
DM20	Supporting a sustainable transport network
DM21	Sustainable transportation of freight
DM22	Parking
DM23	Streets and the public realm
DM24	Place-sensitive design
DM25	Amenity
DM26	Building heights
DM27	Heritage and the built environment
DM29	Achieving a zero carbon borough and addressing climate change

## **Supplementary Planning Guidance/Documents**

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

## **6. CONSULTATION RESPONSE**

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

### **6.2 LBTH Environmental Health (Noise & Vibration)**

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

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

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

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

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

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

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

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

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

The predicted NO<sub>2</sub> levels exceed the annual standard; however as the proposed use is a hotel, this standard does not apply, as stated in the AQ Assessment. Therefore mitigation is not required.

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

This is required prior to the commencement of the development.

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

#### 6.5 **LBTH Designing Out Crime Officer**

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

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

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

#### 6.6 **LBTH Transportation & Highways**

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

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

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

#### 6.7 **LBTH Waste Policy & Development**

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

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

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

#### **6.8 LBTH Enterprise & Employment**

The following obligations should be secured:

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

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

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

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

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

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

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

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

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

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

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

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

#### 6.11 **English Heritage**

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

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

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

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

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

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

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



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

**6.13 Council for British Archaeology**

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

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

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

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

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

**6.14 The Society for the Protection of Ancient Buildings**

*No comments have been received.*

**6.15 The Victorian Society**

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

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

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

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

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

**6.16 Spitalfields Community Association**

*No comments have been received.*

**6.17 Spitalfields Joint Planning Group**

*No comments have been received.*

**6.18 The Spitalfields Historic Buildings Trust**

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

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

**6.19 The Spitalfields Society**

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

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

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

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

*'Material Planning Considerations' section of this report.*

**6.20 Crossrail**

*No comments have been received.*

**6.21 EDF Energy Networks**

*No comments have been received.*

**6.22 National Grid**

*No comments have been received.*

**6.23 London Borough of Hackney**

*No comments have been received.*

**6.24 London Fire and Emergency Planning Authority**

*No comments have been received.*

**6.25 Thames Water Authority**

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

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

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

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

**6.26 Transport for London**

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

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

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

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

#### 6.27 **Network Rail**

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

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

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

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

#### 6.28 **London Underground**

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

*Officer Comments: Noted.*

### 7. **LOCAL REPRESENTATION**

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

7.2 A total of 334 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups (including the East End Preservation Society) in response to notification and publicity of the application were as follows:

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

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

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

7.5 **Land Use**

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

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

7.6 **Design and Conservation**

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

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

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

#### 7.7 Amenity

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

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

#### 7.8 Highways

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

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

#### 7.9 Other

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

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

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

## **8. MATERIAL PLANNING CONSIDERATIONS**

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

### **Land Use**

#### Proposals

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

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

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

#### Loss of Use Class B8 Warehouse Floorspace

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

#### Proposed Use Class C1 Hotel Use

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



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

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

## **Design & Conservation**

### **Legislative and Policy Context**

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

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

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

#### Demolition Works

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

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



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

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

#### Redevelopment Proposals

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

shadow gap detail.

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



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



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

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

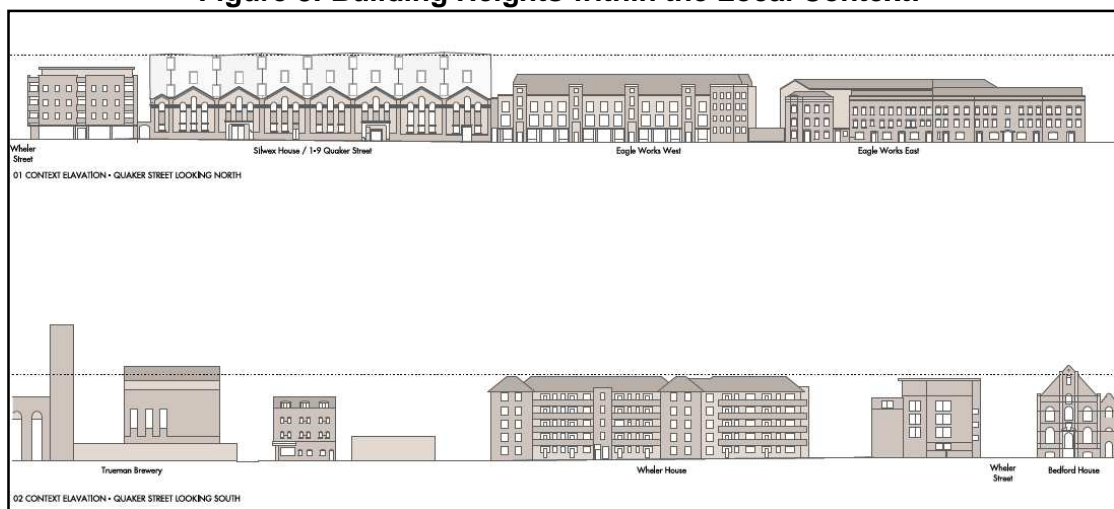


- 8.33 It is noted that letters of representation have been received from English Heritage and other national and local amenity societies, including the Victorian Society and the Spitalfields Historic Buildings Trust, in which objection is raised to the extent of the demolition works and the scale, height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

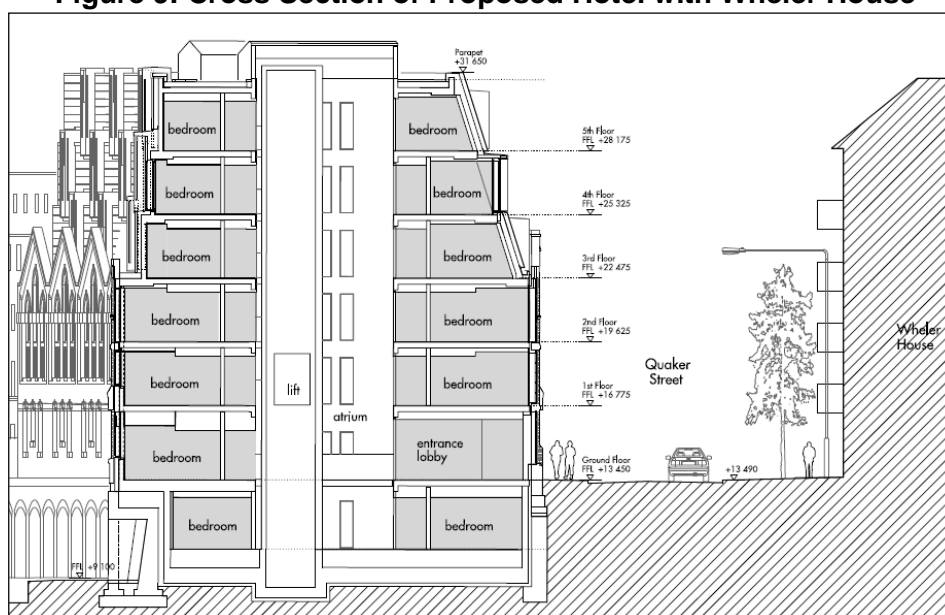
Society principally relate to the loss of the north elevation, which has now been addressed.

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

**Figure 8: Building Heights within the Local Context:**



**Figure 9: Cross Section of Proposed Hotel with Wheler House**



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



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

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

#### Accessibility and Inclusive Design

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

Corporate Access Officer, who raises no objections.

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

### Safety and Security

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

### **Amenity**

#### Policy Context

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

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

#### Daylight / Sunlight

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

#### ***25 & 26 Wheler Street:***

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

#### ***Eagle Works:***

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

conditions of residential properties within Eagle Works.

***Wheler House:***

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

**Enclosure and Overlooking/Loss of Privacy**

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

enclose these nearby amenity spaces.

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

#### Overshadowing

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

### Noise & Vibration (Within the Development)

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

### Noise & Vibration (to Neighbouring Sensitive Receptors)

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

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

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

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

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

### **Highways**

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

### Trip Generation

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



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

#### Car Parking

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

### Cycle Parking

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

### Coach Parking

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

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

#### Deliveries and Servicing

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

#### Waste and Recyclables Storage

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

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

#### Construction Traffic

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

#### Alterations to the Public Highway

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

#### **Archaeological Impacts**

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

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

### **Biodiversity**

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

## **Energy & Sustainability**

### Energy Efficiency

- 8.135 At a national level, the NPPF (2012) sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.
- 8.136 At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan (2013), Policies SO24 and SP11 of the Council's adopted Core Strategy (2010) and Policy DM29 of the Council's adopted Managing Development Document (2013) collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.137 The London Plan sets out the Mayor of London's energy hierarchy which is to:
- Use Less Energy (Be Lean);
  - Supply Energy Efficiently (Be Clean); and
  - Use Renewable Energy (Be Green).
- 8.138 The current application is accompanied by an Environmental Performance Statement, which has been reviewed by the Council's Energy Efficiency Officer, who confirms that the proposed development accords with the energy hierarchy and seeks to minimise CO<sub>2</sub> emissions through the implementation of energy efficiency measures (10.66% CO<sub>2</sub> reduction), use of a centralised Combined Heat and Power (CHP) system for hotwater (34.3% CO<sub>2</sub> reduction) and renewable energy technologies (Air Source Heat Pumps (ASHP) for cooling and space heating). The CO<sub>2</sub> emission reductions proposed would result in a circa 45% reduction against the Building Regulations 2013, which accords with adopted policy requirements and is supported.
- 8.139 If planning permission were to be granted, it is recommended that conditions be included to require the development to meet the CO<sub>2</sub> emission reductions in the Environmental Performance Statement, and to secure details of the CHP and ASHP systems and specifications.

### Sustainability

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

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

### **Contaminated Land**

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

### **Air Quality**

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

### **Air Quality Assessment**

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

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

- 8.151 The AQA also provides an assessment of the impact of the development on local air quality and provides details of the projected air quality (in terms of NO<sub>2</sub> concentrations) at various receptor points in the vicinity of the site. The AQA projects that the annual mean concentrations of NO<sub>2</sub> to receptors on Quaker Street would increase by 0.2 micrograms during the operational phase of the development, which is stated as being a negligible (imperceptible) effect.
- 8.152 The submitted AQA has been reviewed by the LBTH Environmental Health (Air Quality) Officer, who notes that the NO<sub>2</sub> level would exceed the annual standard, although as the proposed use a hotel, this standard does not apply and mitigation is therefore not required. In order to ensure suitable dust monitoring and mitigation measures are put in place during the demolition and construction phases, LBTH Environmental Health recommend that a Construction Environmental Management Plan be secured by condition prior to the commencement of the development.
- 8.153 Subject to condition, it is considered that the proposed development is acceptable in air quality terms, in accordance with the objectives of Policy 7.13 of the London Plan (2013) and Policy SP03(2) of the Council's adopted Core Strategy (2010).

#### **Impact on the Railway**

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

#### **Planning Obligations**

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



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

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

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

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

8.159 The Borough's other priorities include:

- Health
- Sustainable transport
- Environmental sustainability
- Public realm

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

8.161 The obligations agreed can be summarised as follows:

**Financial Contributions:**

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

**Non- Financial Contributions:**

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

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

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

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

## **9.0 Human Rights Considerations**

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

agreement to be entered into.

## **10.0 Equalities Act Considerations**

10.1 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs and sex and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers including planning powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular the Committee must pay due regard to the need to:

1. eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
2. advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
3. foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.2 The contributions towards infrastructure improvements addresses, in the short-medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support community wellbeing and social cohesion.

10.3 Furthermore, the requirement to use local labour and services during construction enables local people to take advantage of employment opportunities.

10.4 The community related contributions (which will be accessible by all), help mitigate the impact of real or perceived inequalities, and will be used to promote social cohesion by ensuring that sports and leisure facilities provide opportunities for the wider community.

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

11.1 Section 70(1) of the Town and Country Planning Act 1990 (as amended) entitles the local planning authority (and on appeal by the Secretary of State) to grant planning permission on application to it. Section 70(2) states that:

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

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

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

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

11.4 These issues now need to be treated as material planning considerations when determining planning applications or planning appeals so far as they are material to the application.

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

## **12.0 CONCLUSIONS**

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

# 13.0 SITE MAP WITH CONSULTATION BOUNDARY

