

Committee: Development	Date: 11 February 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Application for Planning Permission
Case Officer: Kate Harrison	Ref No: PA/14/00760 (Full Planning Application)
	Ward: Spitalfields and Banglatown

1. **APPLICATION DETAILS**

Location: 13-15 Folgate Street and 1-4 Blossom Street London, E1 6BX

Existing Use: Hotel (Use Class C1)

Proposal: Demolition of existing external staircase and erection of a 5 storey side extension and a rear extension ranging from 1-5 storeys in height. The extension would provide 31 additional hotel rooms (Use Class C1).

Drawings and documents: List of Plans:

Existing:

- 13L05 EX 01
- 13L05 EX 02
- 13L05 EX 03
- 13L05 EX 04
- 13L05 EX 05
- 13L05 EX 06
- 13L05 EX 07
- 13L05 EX 11
- 13L05 EX 12
- 13L05 EX 13
- 13L05 EX 21
- 13L05 EX 22

Proposed

- 13L05 PL 01 Lower Ground floor plan as proposed
- 13L05 PL 02H Ground floor plan as proposed
- 13L05 PL 03H First floor plan as proposed
- 13L05 PL 04J Second floor plan as proposed
- 13L05 PL 05L Third floor plan as proposed
- 13L05 PL 06L Fourth floor plan as proposed
- 13L05 PL 07H Roof plan as proposed
- 13L05 PL 11 Elevation from Blossom Street as

proposed
13L05 PL 12D Rear Elevation/Section XX as proposed
13L05 PL 13 Folgate and side Elevations as proposed
13L05 PL 21 Section Y-Y as proposed
13L05 PL 22 Section Z-Z as proposed

Documents:

- Design and Access Statement
- Planning Statement
- Daylight and Sunlight Study
- Transport Statement
- Noise Report
- Sustainability Report
- Aborigicultural Report
- Historic Environment Assessment

Applicant: Queensway Hotels
Ownership: Queensway Hotels
Historic Building: Setting of surrounding Grade II Listed Buildings
Conservation Area: Elder Street

2. EXECUTIVE SUMMARY

- 2.1 The report considers an application for full planning permission to erect side and rear extensions to the existing hotel at the junction of Folgate and Blossom Street. The extension would increase the capacity of the hotel by 31 bedrooms, giving a total of 214 rooms. The scheme would include the provision of a new maintenance access to the roof, three new air conditioning units and an air handling unit.
- 2.2 The extensions would be of a similar height, and would be constructed from similar materials to those on the existing building. Overall, the proposal would be acceptable in terms of design. The proposal would preserve the character of the Elder Street Conservation Area and would not harm the setting of the surrounding Grade II Listed Buildings.
- 2.3 The proposal would not give rise to any material harm to the amenity of adjoining occupiers in terms of overshadowing/ loss of light, overlooking/ loss of privacy or loss of outlook/ sense of enclosure. Subject to appropriate conditions, noise and vibration during construction will be mitigated to avoid disturbance to neighbouring residential properties.
- 2.4 Transport matters including access and servicing are acceptable.

3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission, and

- 3.2 That the Corporate Director Development & Renewal is delegated authority to issue the planning permission, impose conditions and informatives to secure the following matters:

Conditions – full planning permission PA/14/00760

3.3 Compliance

1. Time Limit 3 years
2. Compliance with plans and documents
3. Hours of construction
4. Hours of operation for outdoor area
5. Hours of operation for covered seating area/ retractable roof
6. Obscure glazing on windows

3.7 Prior to commencement

7. Construction Management Plan
8. Construction Logistics Plan
9. Code of Practice
10. Scheme of Highways Works (S.278)
11. Schedule of conditions survey for London Underground
12. Contaminated Land
13. Archaeological Testing
14. Submission of details and samples of all facing materials including windows, balustrades and screening
15. Landscaping and boundary treatment details
16. BREEAM Pre-Assessment

3.8 Prior to Occupation

17. Schedule of conditions survey for London underground post completion
18. BREAAM 'Very Good' Certification

- 3.9 Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

3.10 Informative

1. Compliance with Environmental Health Legislation
2. Compliance with Building Regulations
3. S278

4. SITE AND SURROUNDINGS

- 4.1 The subject site is situated in the west of the borough and falls within the electoral ward of Spitalfields and Banglatown. It is within the Elder Street Conservation Area. The site also falls within the Priory and Hospital of St Mary Ancient Monument Site Protection Zone and within The Central Activities Zone (CAZ).
- 4.2 The site is positioned at the junction of Blossom Street and Folgate Street; the building is four storeys in height with a setback fifth floor level. Stairs provide access to the roof at sixth floor level which accommodates servicing equipment. The site is occupied by an existing hotel use which has 183 rooms; the hotel entrance is from

Folgate Street. There is a service entrance with loading bay on Blossom Street where there is also a second entrance with platform lift and two fire exits.

- 4.3 The existing building is brick and the fifth floor is set within a mansard roof with dormer windows. The building has an external staircase situated to the north. At ground floor level, to the east of the site there is an external outdoor terrace area which is used by hotel guests; the area is contained by a wall to the east and south which adjoins residential properties with Grade II Listed buildings fronting Elder Street and Folgate Street.
- 4.4 The site is contained to the north east by the rear of a Grade II Listed Building. The building provides parking and further storage facilities for the offices at number 24 Elder Street. The building is believed to have been built circa 1963 though there are features that indicate that an earlier nineteenth century building may have been incorporated into the design when the existing warehouse was constructed. As detailed within the planning history section of this report, planning permission and Listed Building Consent were recently granted (under PA/13/01154 and PA/13/01155) for the conversion from offices (B1 use class) to residential (C3 use class).
- 4.5 The north west of the site is bound by a building, between 1 and 2 storeys in height. The building is a vacant, circa 1950's former transport depot of Nicholls & Clarke (a building materials company founded in the late eighteenth century).
- 4.6 On the western side of Blossom Street is the vacant Nicholls and Clarke warehouse dating from between 1866 and 1914; as noted within the planning history section of this report, there is currently a live planning application (PA/14/0358) incorporating both these sites for a mixed use development scheme.
- 4.7 To the south, on the southern side of Folgate Street, there are 4 storey Grade II Listed buildings in office/ residential use.

5 RELEVANT PLANNING HISTORY

Application site

- 5.1 PA/11/02760- Submission of details pursuant to condition 3 (schedule of materials, samples permitted) of planning permission dated 20/04/2011, Ref: PA/11/00072
Permitted 04/11/2011
- 5.2 PA/11/01473- Submission of details of Blossom Street bays pursuant to condition 4 of planning permission dated 20th April 2011, reference PA/11/72.
Permitted 21/07/2011
- 5.3 PA/11/00072- Change of Use of 13-15 Folgate Street and 1-4 Blossom Street to hotel (use class C1), enclosure of the 4th floor roof terrace and minor ground floor alterations.
Permitted 20/04/2011

24-26 Elder Street

- 5.4 PA/13/01154 (Full Planning Permission) and PA/13/01155 (Listed Building Consent) Change of use from offices (B1 use with car park) to provide five residential units involving: a) partial demolition of rear additions comprising carpark, office, yards, walls and stores; b) construction of two 2 bedroom 2 storey mews houses at the rear;

c) conversion of the buildings fronting elder street into two 2 bedroom and one 3 bedroom houses including rear additions.

Permitted 08/07/2013

5.5 PA/10/01528 (Full Planning Permission) and PA/10/01529 (Listed Building Consent) Alterations and refurbishment of 24-28 Elder Street, addition of external fire escape stair within inner yard, reconstruction of partially collapsed roof, repainting and adding a sign to the front elevation and installation of plant to flat roof at second floor level.

5.6 PA/06/00541 (Full Planning Permission) and PA/06/00542 (Listed Building Consent) Change of use from offices (B1 use) with car park to provide five residential units involving: a) Partial demolition of rear additions comprising carpark, office, yards, walls and stores; b) Construction of two 2 bedroom two storey mews houses at the rear; c) Conversion of the buildings fronting Elder Street into two 2 bedroom and one 3 bedroom houses including rear additions.

Permitted 09/02/2007

6-10, 10-12 and 15-17 Blossom Street/ 11 and 11a Folgate Street

5.7 PA/14/03548- Redevelopment of the former Nicholls and Clarke urban block and adjoining former depot site, Loom Court and land and buildings north of Fleur de Lis Passage and Fleur de Lis Street, including retention and refurbishment of buildings, for commercially led mixed use purposes comprising buildings of between 4 and 13 storeys to provide B1 (office), A1 (retail), A3 (restaurants and cafés), A4 (public house) and 40 residential units; together with new public open spaces and landscaping, new pedestrian accesses, works to the public highway and public realm, the provision of off-street parking, and all necessary ancillary and enabling works, plant and equipment.

This application was submitted on 19/12/2014 and at the time of writing has not been determined.

5.8 PA/10/02764 (Full Planning Permission) and PA/10/02765 (Listed Building Consent) Redevelopment of the former Nicholls and Clarke site and adjoining depot site, for commercially led mixed use purposes, comprising buildings between 4 and 9 storeys in height measuring 48.40m AOD (plus plant), to provide approximately 18,775sqm of B1 (Office); approximately 1,816sqm of A1 (Retail) and A3 (Restaurant) and approximately 663sqm of A4 (Public House), together with the recreation of a new public space (Blossom Place); provision of new access to Blossom Place; highway works and public realm improvements to Shoreditch High Street and Blossom Street and provision of managed offstreet servicing and parking facilities.

Permitted 05/10/2011

(Officer Comment: The above permission has been lawfully implemented and a certificate of lawful development was granted under reference PA/14/03268).

6 DETAILS OF THE PROPOSED DEVELOPMENT

6.1 Full planning permission is sought to erect a 5 storey side extension and a rear extension between 1 – 5 storeys in height. The proposal also includes a stair over run at roof level, 3 additional air condenser units and an air handling unit. The proposed extension would provide 585 square metres of additional space to the existing C3 (hotel) use. The existing hotel has 183 rooms and permission is sought to create 31 additional rooms, resulting in 214 in total.

- 6.2 The proposed 5 storey side extension would essentially infill the gap between the main building and the adjoining site to the north at 6-10 Blossom Street. The rear extension spans almost the width of the existing rear elevation and is approximately 6.5m in depth. The rear extension has a stepped format dropping from 5 storeys to 3 storeys to 2 storeys towards the south. The single storey element of the scheme is set back from the main rear extension and the reduction in scale responds to the 2 storey scale of the dwelling houses fronting Folgate Street.
- 6.3 The proposed materials would match those of the existing building. The elevations would be predominantly brick, with the exception of the ground floor level which would be timber cladding to match the existing ground floor elevations. The proposed windows would be powder coated aluminium. The single storey element of the rear extension would be predominantly glazed; the roof would be lead with a glass, retractable roof within the centre. The southern elevation of the single storey extension would be constructed of brick where it adjoins the site boundary of number 17 Folgate Street which accommodates a Grade II Listed Building. The roof would be sloping, reducing in height towards the south where it adjoins the property at no 17 Folgate Street.
- 6.4 It should be noted that following concerns raised by officers, the original proposal was amended to reduce the 5 storey element of the extension. The number of rooms was reduced from 38 to 31. Letters were sent to neighbouring properties informing that the scheme had been amended on 8th October 2014.

7 POLICY FRAMEWORK

- 7.1 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:
- 7.2 Government Planning Policy
 NPPF - National Planning Policy Framework (2012)
 NPPG- National Planning Policy Guidance (2014)
- 7.3 Spatial Development Strategy for Greater London - London Plan 2011
London Plan Revised Early Minor Alterations 2013 (LP REMA)
 2.10 Central Activities Zone (Strategic Priorities)
 2.11 Central Activities Zone (Strategic Functions)
 4.5 London’s Visitor Infrastructure
 5.1 Climate Change Mitigation
 5.2 Minimising Carbon Dioxide Emissions
 5.3 Sustainable Design and Construction
 5.5 Decentralised Energy Networks
 5.6 Decentralised Energy in Development Proposals
 5.7 Renewable Energy
 5.8 Innovative Energy Technologies
 5.9 Overheating and Cooling
 5.13 Sustainable Drainage
 5.15 Water Use and Supplies
 5.17 Waste Capacity
 5.21 Contaminated Land
 6.2 Providing Public Transport Capacity and Safeguarding Land for Transport
 6.3 Assessing Effects of Development on Transport Capacity
 6.8 Coaches

- 6.9 Cycling
 - 6.10 Walking
 - 6.12 Road Network Capacity
 - 6.13 Parking
 - 7.1 Building London's Neighbourhoods and Communities
 - 7.2 An Inclusive Environment
 - 7.3 Designing out Crime
 - 7.4 Local Character
 - 7.5 Public Realm
 - 7.6 Architecture
 - 7.8 Heritage Assets and Archaeology
 - 7.9 Heritage-led Regeneration
 - 7.13 Safety, Security and Resilience to Emergency
 - 7.14 Improving Air Quality
 - 7.15 Reducing Noise and Enhancing Soundscapes
- 7.4 Tower Hamlets Adopted Core Strategy 2010
- SP01 Refocusing on our Town Centres
 - SP03 Creating Healthy and Liveable Neighbourhoods
 - SP04 Creating a Green and Blue Grid
 - SP05 Dealing with Waste
 - SP06 Delivering Successful Employment Hubs
 - SP09 Creating Attractive and Safe Streets and Spaces
 - SP10 Creating Distinct and Durable Places
 - SP11 Working Towards a Zero-carbon Borough
 - SP13 Delivering and Implementation
- 7.5 Managing Development Documents 2013
- DM1 Development Within the Town Centre Hierarchy
 - DM7 Short Stay Accommodation
 - DM13 Sustainable Drainage
 - 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 Public Realm
 - DM24 Place-sensitive Design
 - DM25 Amenity
 - DM27 Heritage and the Historic Environment
 - DM29 Achieving a Zero-carbon Borough and Addressing Climate Change
 - DM30 Contaminated Land
- 7.6 Supplementary Planning Documents
- LBTH Elder Street Street Conservation Area Character Appraisal and Management Guidelines (2007)
 - Mayor of London Use of Planning Obligations in the Funding of Crossrail SPG (2013)
 - Accessible Hotels in London (2010)
- 8.0 CONSULTATION RESPONSE**
- 8.1 The following were consulted with regard to the application. Responses are summarised below. The views of officers within the Directorate of Development and Renewal are generally expressed within Section 9 of this report which addresses the

various material planning considerations but where appropriate, comment is also made in response to specific issues raised as part of the consultation process.

LBTH Environmental Health- Noise and Vibration

- 8.2 It is proposed to add 5 storeys rear extension to C1 use (hotel). The Noise Technical Report by NP Acoustic Design Consultancy dated 14th March, 2014 has been reviewed, The contents is fine and meets L90-10dB(A) of BS4142 at the nearest sensitive facades.

LBTH Environmental Health Contaminated Land

- 8.3 The site and surrounding area have been subjected to former industrial uses, which have the potential to contaminate the area. Ground works are proposed and therefore there is a potential pollutant linkage between the potentially contaminated ground and construction workers during excavation. The application should be conditioned to ensure the applicant notifies this authority of any potential contamination, odorous or unusual ground conditions encountered during ground works. In addition, the applicant must carry out an investigation to classify any waste soil arising from the ground works, to allow the citing of an appropriately licensed landfill facility for disposal of the waste.

(Officer Comment: Suitable conditions would be added to permission)

LBTH Energy Efficiency Unit

- 8.4 No objections raised to the principle of development subject to conditions. The submission documents state that BREEAM 'Very Good' rating will be sought but do not set out why 'Excellent' rating is not achievable in line with Policy DM29. A pre-commencement condition is required for the applicant to present information showing what rating is achievable. A prior to occupation condition is sought requiring the BREEAM certification for the rating agreed with the local authority.

LBTH Transportation & Highways

- 8.5 The Highways and Transportation Group has no objection in principle to the proposal. Ideally, the applicant would have provided more cycle storage to accommodate the additional guests but the travel assessment indicates that there would not be any greater demand for cycle spaces. No other objections are raised.

(Officer Comment: Highway matters will be addressed in Section 10 of this report.)

LBTH Waste Policy and Development

- 8.6 No objections raised.

LBTH Senior Arboricultural Officer, Parks and Open Spaces

- 8.7 No comments received to date.

External consultation responses

Transport for London – Infrastructure Protection

- 8.8 No objections to principle of development subject to inclusion of conditions in relation to the design of the foundations.

(Officer Comment: Suitable conditions would be added to permission).

English Heritage Archaeology

- 8.9 Much of the application site lies with the Scheduled Monument of the medieval Priory and Hospital of St Mary Spital (SAM ref. LO162). A proportion of it also lies outside.

The Inspector of Ancient Monuments for London is taking the lead on archaeological issues at the site, via the mechanisms provided by the Ancient Monuments Act. The applicants should liaise closely with the Inspector over the scheme and secure formal approval for any and all works within the Scheduled area. As some of the site lies outside the legal boundary of the monument, it would be however be appropriate for the LPA to secure a unified archaeological response using the provisions of the NPPF, by appending conditions for archaeological work and an approved foundation design to any future planning consent. In addition, the applicants should be made aware that they must also seek and secure Scheduled Monument Consent before being able to proceed with any scheme permitted by the local planning authority. Summary: no objection to principle of development, subject to conditions.

(Officer Comment: Suitable conditions would be added to permission).

St Georges Residents' Association

8.10 St George Residents' Association represents residents and owners of 193 flats on the south side of Folgate Street, built by St George (North) London, as part of the Master Plan for the redevelopment of this part of Spitalfields since the 1990s. Addresses that would be particularly affected by Tune Hotels' proposals would be towards the west end of Folgate Street including flats in the following blocks: 25, 26, 27 Spital Square, 26, 28, Folgate Street, totalling about 50 flats.

8.11 Despite the reduction in the proposed number of additional guest rooms, the association has raised concerns with regards to: noise, potential increase in cars and servicing vehicles as a result of additional guests and the congestion safety impacts this may have on surrounding streets.

(Officer Comment: The first point in relation to impact on surrounding properties and specifically noise, will be addressed under the 'Amenity' heading within the 'Material Considerations' of the report. The second point relating to increased vehicular activity will be addressed under the 'Highways' heading within the 'Material Considerations' of the report).

8.12 Spitalfields Society

Object to the scheme on the following grounds: 1) Loss of open space; 2) Increased sense of enclosure; 3) Loss of green space; 4) Loss of natural light; 5) Failure to preserve and enhance the Conservation Area; 6) Increased traffic; 7) Disturbance of residential amenity; 8) Poor internal design. 9) Increased bulk.

(Officer Comment: Points 1, 3, 5, 8 and 9 will be addressed under the 'Design' heading within the 'Material Considerations' of the report. Points 2, 4 and 7 will be addressed under the 'Amenity' heading within the 'Material Considerations' of the report. Point 6 will be addressed under the 'Amenity' heading within the 'Material Considerations' of the report.)

Spitalfields Community Association

8.13 No comments received

The Spitalfields Historic Buildings Trust

8.14 No comments received

Spitalfields Joint Planning Group

8.15 No comments received

Elder Street Residents' Association

8.16 No comments received

9. LOCAL REPRESENTATION

Statutory Consultation

9.1 A site notice was displayed on 15th July 2014. The proposal was also advertised in the press on 6th June 2014. A total of 43 neighbouring addresses were notified in writing. 32 letters of objection have been received as well as 3 objections from the following associations: the St Georges Residents association, the Spitalfields Community Group and the Spitalfields Trust. The comments from these associations have been summarised in the consultees response section above.

9.2 For completeness, all issues raised in the neighbour objection letters are summarised below.

9.3 The objections raised the following matters:

- 1) Loss of open space;
(Officer Note: This is considered under the 'Design' heading within the 'Material Considerations' section of the report)
- 2) Overdevelopment within the Conservation Area
(Officer Note: This is considered under the 'Design' heading within the 'Material Considerations' section of the report)
- 3) Proposed development not in keeping with surrounding area
(Officer Note: This is considered under the 'Design' heading within the 'Material Considerations' section of the report)
- 4) Noise/ Disturbance and Litter (some letters stated that there were existing noise issues with: guests having party in the gardens, smoking, arriving at the hotel, congregating outside the hotel)

(Officer Note: This is considered under the 'Amenity' heading within the 'Material Considerations' section of the report)
- 5) Loss of light
(Officer Note: One respondent noted that the submitted daylight/ sunlight report is incorrect in its assumption that protruding elements of the building at no 17 Folgate Street justify the loss of light in one of the windows at number 17 Folgate Street. Furthermore, the neighbour stated that the No Sky Line (NSL) and Daylight Distribution (DD) tests should have been carried out for the scheme to comply with the BRE guidelines. The independent daylight/ sunlight consultant confirmed that the protruding elements would not justify a second assessment of the failed window. As noted under the 'Amenity' heading of the 'Material Considerations' section of the report, of all the windows tested only 2 failed the VSC and APSH tests and this is considered to be minimal in an urban location. The council finds this to be acceptable on balance. The independent consultant did not require any further testing and the council are satisfied the proposal meets the BRE guidelines with the exception of 2 windows.)
- 6) Loss of privacy
(Officer Note: This is considered under the 'Amenity' heading within the 'Material Considerations' section of the report).

- 7) Pressure on roads as a result of potential increase in cars and servicing
(Officer Note: This is considered under the 'Highways' heading within the 'Material Considerations' section of the report).
- 8) Not a need for additional hotel rooms
(Officer Note: This is considered under the 'Land Use' heading within the 'Material Considerations' section of the report).

10 MATERIAL PLANNING CONSIDERATIONS

10.1 The main planning issues raised are as follows:

1. Land Use
2. Design and Heritage matters
3. Residential Amenity
4. Transport and Access
5. Sustainability, Energy efficiency & Climate Change
6. Planning Obligations & CIL
7. Localism Act (amendment to S70 (2) of the TCPA 1990)
8. Human Rights Considerations
9. Equality Act Considerations
10. Conclusion

Land Use

10.2 The site falls within the Central Activities Zone. The site also falls within the Elder Street Conservation Area and within the Priory and Hospital of St Mary Ancient Monument Site Protection Zone, which will require consideration of heritage and the historic environment.

10.3 Policy SP01 in the Core Strategy (2010) states that the CAZ and Tower Hamlets Activity Areas (THAA's) should contain a vibrant mix of uses to reflect their London wide importance. Core Strategy Policy SP06 seeks to ensure that hotels are concentrated within the Central Activities Zone and city fringe (as well as Canary Wharf and major / district centres). This feeds down to Policy DM7 in the Managing Development Document (2013) which details the Council's approach to short term accommodation; Policy DM7 states that the development of visitor accommodation will be supported in the locations identified in the Core Strategy (2010).

10.4 This application does not seek to change the use of the existing building; permission is sought to extend the existing hotel. The principle of a hotel in this location has been established by virtue of the previous permission as well as the sites position within the Central Activities Zone. As such, there are no issues raised in terms of land use. The potential impacts of the hotel, for instance on residential amenity or transport, are assessed in subsequent sections of this report.

Design and Heritage

10.5 The NPPF highlights the importance the Government attaches to achieving good design. Paragraph 58 of the NPPF establishes a 'check-list' of the design objectives for new development.

10.6 Chapter 7 of the London Plan (2011) places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local

character, quality adaptable space and optimisation of the potential of the site. Policy 7.8 seeks to identify London's heritage assets and historic environment so that the desirability of sustaining and enhancing their significance and of utilising their positive role in place shaping can be taken into account. Furthermore, it adds that development should incorporate measures that identify, record, interpret, protect and where appropriate, preserve the site's archaeology.

- 10.7 Policy SP10 of the Core Strategy (2010) sets out the basis for ensuring that new development promotes good design principles to create buildings, spaces and places that are of high quality, sustainable, accessible, attractive, durable and well integrated with their surroundings. This policy also seeks to protect and enhance the borough's heritage assets, their setting and their significance.
- 10.8 The Managing Development Document (2013) deals with design in Policy DM24. It requires development to be designed to the highest quality so that they are sustainable, accessible, attractive, durable and well-integrated whilst taking into account the surrounding context. Policy DM27 of the Managing Development Document (2013) seeks to protect and enhance the borough's heritage assets, their setting and their significance. The policy provides criteria for the assessment of applications which affect heritage assets. Firstly, applications should seek to ensure that they do not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting. More importantly, it states that development should enhance or better reveal the significance of the asset or its setting.
- 10.9 The site falls within the Elder Street Conservation Area. Members must satisfy themselves that the proposal pays special regard to the desirability of preserving or enhancing the character and appearance of this area and the setting of the surrounding Listed Buildings.

Layout, height and scale

- 10.10 The site is positioned at the junction of Blossom Street and Folgate Street; the building is four storeys in height with a setback fifth floor level. Stairs provide access to the roof at sixth floor level which accommodates servicing equipment.
- 10.11 Following concerns raised by officers, the original proposal was amended to reduce the 5 storey element of the extension. Furthermore, the original design at pre-application stage featured a single storey element which ran the length of the northern boundary and extended eastwards to the boundary of residential properties fronting Elder Street. This element has also been removed following officer concerns around overdevelopment of the site and impacts on residential amenity.
- 10.12 The current scheme presents a 5 storey side extension which would essentially infill the gap between the main building and the adjoining site to the north at 6-10 Blossom Street. The rear extension spans almost the width of the existing rear elevation and is approximately 6.5m in depth. The rear extension has a stepped format dropping from 5 storey to 3 storeys to 2 storeys towards the south.
- 10.13 The single storey element of the scheme is set back from the main rear extension and the reduction in scale responds to the 2 storey scale of the dwelling houses fronting Folgate Street. There is a small 6 storey element to accommodate a stair overrun to provide access on to the roof. There are also 3 air conditioning units to be positioned adjacent to the existing AC units and an air handling unit that would be positioned next to the stair overrun. The proposed extension does not exceed the height of the existing building and officers are satisfied that the proposed scale and mass is acceptable within the context.

- 10.14 Objections have been raised with regard to the loss of the existing open space towards the east of the site. This area is privately owned and is out of view in the public realm; thus only visible to those with properties facing on to the existing garden area. The lack of visibility does impact the contribution this space provides to the overall quality of the Elder Street Conservation Area. However, it is acknowledged that it can be seen by some surrounding residents and historically this space has been open. Furthermore, in line with Policy DM24 in the Managing Development Document (2013), the design should take in to account the surrounding building plots sizes, plot coverage and street patterns.
- 10.15 The proposed development maintains the majority of the open space to the east and on balance it is considered the ratio of plot coverage remains acceptable. Surrounding properties that can see in to the existing space will still be able to do so. By virtue of the existing 5 storey building, the stepped format of the building and the fact that the majority of open space to the east of the site will remain, the proposed extension is considered to be acceptable in terms of layout, height and scale.

Architectural Appearance, Materials and Landscape

- 10.16 The proposed materials would match those of the existing building. The elevations would be predominantly brick, with the exception of the ground floor level which would be timber cladding to match the existing ground floor elevations. The proposed windows would be powder coated aluminium.
- 10.17 The covered seating area would be predominantly glazed elevations; the roof would be lead with a glass, retractable roof within the centre. The southern elevation which adjoins the site boundary of number 17 Folgate Street would be brick. The roof form would be sloping, reducing in height towards the south where it adjoins the Grade II Listed property at no 17 Folgate Street.
- 10.18 Objections have been raised with regard to the proposed design. However, the proposed development is an extension to an existing building and consideration must be given to the context of the existing building. The additional mass created by the proposed development would be at the rear of the building and would be largely out of view. The proposed materials of the rear and side extensions would match those of the existing building like for like and as such the proposal would take in to account the context of the host building in line with Policy DM24 in the Managing Development Document (2013) and would conserve the character of this part of the Elder Street Conservation Area in line with Policy DM27 in the Managing Development Document (2013).
- 10.19 In terms of landscaping, the proposal indicates the existing kiosk will be removed and new areas of planting will be produced to break up the existing hard landscaping. An area of decking is indicated to the east and two access ramps will lead from the main building in to the garden area.
- 10.20 Overall, it is considered that the proposed design responds to the existing surrounding building form, heights, architecture and appearance. The stepped format of the building takes in to account scale of the more traditional buildings to the south and east; the materials match those of the existing building and; the majority of the open space towards the east of the site is retained. As such, on balance it is considered the proposed design is acceptable and preserves the character and appearance of this part of the Elder Street Conservation Area and the setting of the surrounding Grade II Listed Buildings in accordance with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Residential amenity

- 10.21 In line with the principles of the National Planning Policy Framework the Council's policies SP10 of the Core Strategy and DM25 of the Managing Development Document aim to safeguard and where possible improve the amenity of existing and future residents and building occupants as well as to protect the amenity of the surrounding public realm with regards to noise and light pollution, daylight and sunlight, outlook, overlooking, privacy and sense of enclosure.
- 10.22 The nearest residential properties to the building are the properties to the east fronting Elder Street and the properties to the south fronting Folgate Street. The proposed extension would be approximately 20m from the properties fronting Elder Street. The building would also adjoin the boundary wall of 17 Folgate Street to the south and almost adjoin the boundary of number 24 Elder Street to the north.

Overlooking and privacy

- 10.23 The proposed windows would be obscure glazed and as such would not allow views in to neighbouring properties. As such, the proposed development would not give rise to unacceptable levels of overlooking or loss of privacy

Daylight and sunlight

- 10.24 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. The primary method of assessment is through calculating the vertical sky component (VSC). BRE guidance specifies that reductions in daylighting materially affect the living standard of adjoining occupiers when, as a result of development, the VSC figure falls below 27 and is less than 0.8 times its former value.
- 10.25 The applicant has submitted a Daylight and Sunlight Assessment prepared in line with the BRE methodology. The assessment clearly identifies where the BRE standards have not been met. The report was reviewed by an independent daylight/sunlight consultant.
- 10.26 The applicants daylight/ sunlight report identifies that all of the windows tested on neighbouring properties, except for two, meet the required VSC standard. From reviewing the existing and proposed massing, the independent consultant concluded this was correct.
- 10.27 The windows that do not pass are window 8 at 17 Folgate Street and window 11 at 19 Folgate Street. Window 8 serves a kitchen window and the loss of light in to number 11 is largely by virtue of a canopy. The report demonstrates that all the windows tested would meet the BRE standards in terms of sunlight.
- 10.28 The original report showed number 24 Elder Street to be in office use. Given the recent permission on the site for residential development (as detailed within the planning history section of the report), the applicant was asked to update the report to state that the proposed windows should be considered as residential properties. As the windows significantly exceeded the VSC tests, there was not a need to carry out any further testing.
- 10.29 Overall it is considered that the two failing windows can be accounted for and on balance this is a good result within an urban location. As such, the proposed daylight/sunlight impact is considered acceptable and there are no material issues with regard to overshadowing and/ or loss of light.

Noise and vibration

- 10.30 The applicant submitted a noise report to consider the noise/ vibration impacts of the proposed rooftop equipment. The Council's Environmental Health Officer reviewed the equipment specification and noise report and raised no objections to the proposed equipment.
- 10.31 Several objection letters made reference to potential noise omissions caused by the extension of the existing hotel use. Predominantly, neighbours stated that the existing hotel was causing noise and disturbance mainly by virtue of guests in the outdoor areas and people arriving late at night and during the early hours of the morning. The consent for the use of the existing building restricts the use of the garden area from between 9.30pm and 8am. There is no record of any complaints to the Planning Enforcement team in terms of the hours of use of the outside area. Furthermore, the Council's Environmental Health Team informed that their records show only one complaint has been made in relation to the current business. The complaint was made in 2013 because of loud music; following investigation, the complaint was not upheld by the council and the case was closed.
- 10.32 The hotel does not serve food and does not have a bar area. As such, in planning and land use terms, there is no particular reason that the business should be causing unacceptable levels of noise and/ or disturbance. However, if there are issues with unacceptable levels of noise and disturbance, particularly outside sociable hours or if there is evidence that the outdoor area is being used outside the hours agreed by condition, this should be reported to the council's environmental health team and will be dealt with within this remit of the council.
- 10.33 It is recommended conditions be attached to restrict the hours of use of the retractable roof of the proposed single storey extension and to standardise the construction hours. A Construction Management Plan and Code of Practice are also required to ensure minimal disruption to neighbouring residents.
- 10.34 Overall, subject to appropriate conditions, the amenity of future occupiers would be safeguarded and thus the proposal accords with Policy SP10 in the Core Strategy (2010) and Policy DM25 in the MDD (2013).

Transportation and access

- 10.35 The National Planning Policy Framework emphasises the role transport policies have to play in achieving sustainable development and that people should have real choice in how they travel. Developments should be located and designed to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities, create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and consider the needs of people with disabilities.
- 10.36 Policy SP09 of the Core Strategy (2010) and Policy DM20 of the Council's Managing Development Document (2013) reinforces the need to demonstrate that development is properly integrated with the transport network and has no unacceptable impacts on the capacity and safety of that network. It highlights the need to minimise car travel and prioritise movement by walking, cycling and public transport. The policy requires development proposals to be supported by transport assessments and a travel plan.
- 10.37 The site benefits from high public transport accessibility with a PTAL rating of 6. The existing hotel does not provide any guest car-parking spaces. On-street parking is controlled on Folgate Street and Blossom Street by double yellow lines. There are resident parking bays to the south and east of the site,

- 10.38 The submitted Transport Statement indicates that within the existing hotel: 77% of guests arrived by bus/rail/Underground, with a further 13% walking or cycling. Taxi arrivals accounted for a further 7%, with only the remaining 3% travelling by private car.
- 10.39 In terms of increase in private car-use it is likely that commercial car-parking in the area can absorb any additional parking demand. There is likely to be some increase in taxi drop offs, (which some residents have noted is an area of concern). This could result in localised congestion along Folgate Street, however this likely to be transitory and limited to the busiest times of the day. Folgate Street is a secondary road and some intermittent congestion in this location is considered acceptable in planning terms.
- 10.40 The proposal does not provide any additional cycle spaces; however, as noted within the Highways Officers within the Consultations section of the report, the submitted travel assessment indicates that there would not be any greater demand for cycle spaces. There was no coach space provided for the existing hotel and the travel plan indicates that the 31 additional rooms would not create a need for this.
- 10.41 In line with the consultation request from TfL, a Construction Logistics Plan will be required via condition prior to the commencement of development. A Construction Management Plan and a Code of Construction Practice will also be required via condition.
- 10.42 Policy DM14 of the Managing Development Document sets out the Council's requirements for adequate waste storage facilities to be provided in all developments. The submission documents indicate that the additional waste generated and servicing requirements will be minimal by virtue of the nature of the business; the premises does not have a restaurant and typically it is just linen that requires collection. The Council's Waste Management Team has raised no objections on this basis.
- 10.43 The submitted Transport Statement (TS) shows that there are currently 1-2 vehicle trips per day for deliveries and servicing. The TS also shows that other than laundry collection /delivery and waste collection, the hotel does not have any other regular deliveries. As such the number of vehicle trips for deliveries and servicing will remain at 1-2 trips per day. As such, it is not considered that the increase in 31 rooms would cause any significant additional impact to the existing arrangement.

Sustainability, energy efficiency and climate change

- 10.44 The National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.
- 10.45 At a strategic level, the climate change policies as set out in chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the emerging Managing Development Document Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 10.46 The applicant has indicated that BREEAM 'Very Good' rating will be sought. Typically, the council would require 'Excellent' rating, but given that this is an extension to an existing building and that the proposed development is not a major scale application, this is considered acceptable. However, the applicant has not set

out what is achievable in the submission documents. A condition has been added requiring the applicant to submit additional details of what can be achieved on site; BREEAM certification is required via condition prior to occupation.

Localism Act (amendment to S70 (2) of the TCPA 1990)

10.47 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. From 15th January 2012, Parliament has enacted an amended section 70(2) as follows:

10.48 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.

10.49 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.

10.50 In this context "grants" might include the New Homes Bonus.

10.51 These issues are material planning considerations when determining planning applications or planning appeals.

10.52 The New Homes Bonus was introduced by the Coalition Government during 2010 as an incentive to local authorities to encourage housing development. The initiative provides non-ring fenced finance to support local infrastructure development. The New Homes Bonus is based on actual council tax data which is ratified by the CLG, with additional information from empty homes and additional social housing included as part of the final calculation. It is calculated as a proportion of the Council tax that each unit would generate over a rolling six year period.

10.53 Members are reminded that that the London Mayoral CIL will be payable on this scheme. The likely CIL payment associated with this development would be £20,475.

Human Rights Considerations

10.54 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:-

10.55 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".

10.56 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.

10.57 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.

10.58 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.

10.59 Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

10.60 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.

10.61 In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and the associated section 106 agreement to be entered into.

Equalities Act Considerations

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

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

- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

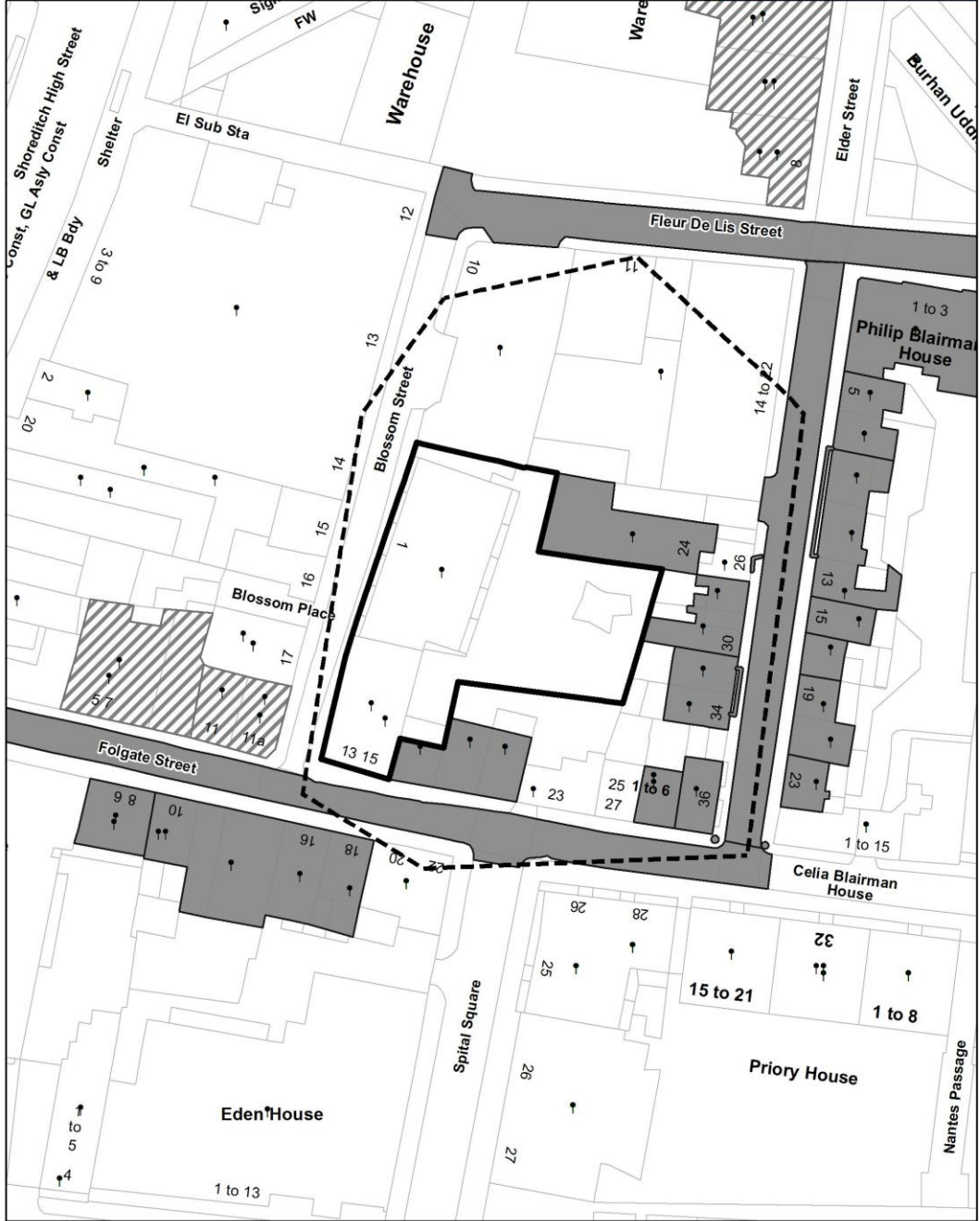
10.63 The contributions towards various community assets/improvements and infrastructure improvements addresses, in the short-medium term, the potential perceived and real impacts of the construction workforce on the local communities, and in the longer term support community wellbeing and social cohesion.

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

11 CONCLUSION

11.1 All other relevant policies and material considerations have been taken into account. Planning permission should be granted in accordance with the RECOMMENDATION section of this report.

Planning Application Site Map
PA/14/00760



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

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