

Committee: Development Committee	Date: 3 rd September 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Adam Williams	Ref No: PA/14/01897 - Full Planning Permission
	Ward: Spitalfields and Banglatown

1. APPLICATION DETAILS

Location: Silwex House, Quaker Street, London, E1 6NS

Existing Use: Vacant warehouse (Use Class B8)

Proposal: 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.

2. **BACKGROUND**

- 2.1 This application for planning permission was considered by the Development Committee on 11th February 2015. A copy of the original report is appended.
- 2.2 At that time the Committee resolved to defer the application to address Members' concerns on the design of the scheme, with specific regard to the scale, height and contemporary design of the additional roof storeys, together with the design of the dormer windows, which were felt to be out of keeping with the character of the host building.
- 2.3 Members had also requested further detail on the commitments in the S106 agreement, particularly in relation to local employment, the Crossrail contributions and the number of apprenticeship places. It was also requested that Officers work with the historic societies to address their concerns, which are detailed in Section 6 of the original report.
- 2.4 Members raised no concerns on the other aspects of the scheme in terms of land use, amenity, highways, waste storage, archaeological impacts, biodiversity, energy and sustainability, contaminated land and air quality.
- 2.5 Following the Committee meeting on 11th February 2015 officers held a series of meetings with the applicant to negotiate on design revisions to the scheme. Consensus could not be reached on an alternative design that would have addressed Members' stated concerns.

- 2.6 On 6th July 2015 the applicant submitted a planning appeal for non-determination, made under Section 78 of the Town and Country Planning Act 1990 against the Council's failure to determine this planning application within the prescribed period. The appeal reference is APP/E5900/W/15/3129245.
- 2.7 Once an appeal has been submitted the Council no longer has the ability to determine a planning application, with the decision making responsibilities transferring to the Planning Inspectorate under the authority of the Secretary of State for Communities and Local Government.
- 2.8 Whilst the Council is no longer able to determine this application, it is being presented to Members as a deferred item in order to confirm how the Committee would have determined the application, had it the ability to do so. This will establish the Council's position when undertaking the appeal proceedings.

3. UPDATE ON RELEVANT PLANNING POLICY

- 3.1 At the time the application was presented to Committee on 11th February 2015, the London Plan incorporated Revised Early Minor Alterations to the London Plan (REMA), published on 11th October 2013. Consultation was also underway on the Draft Further Alterations to the London Plan (FALP). Whilst the FALP was a consultation draft document at that time, it did carry some weight as a material planning consideration.
- 3.2 Since the application was presented to Committee the FALP was formally published and the London Plan was subsequently consolidated through the incorporation of both the REMA and FALP, with the plan now referred to as the London Plan Consolidated with Alterations Since 2011 (March 2015).
- 3.3 The development proposals have been assessed against the current policy requirements in the London Plan (2015) and it is considered that the scheme remains policy compliant. The officers' recommendation therefore remains as per the original report.

4. UPDATE ON PLANNING OBLIGATIONS

- 4.1. As set out in paragraphs 3.2 and 3.3 of the original report, the development would be subject to a range of financial and non-financial planning obligations, to be secured through a S106 agreement.
- 4.2. However, on 1st April 2015, the Council's Community Infrastructure Levy (CIL) charging schedule came into force, together with an associated Tower Hamlets CIL Regulation 123 List, which sets out the forms of infrastructure that will be wholly or partly funded by CIL. Some of the planning obligations that would previously have been secured through the S106 agreement will now be captured under the Tower Hamlets CIL charge for the development.
- 4.3. The revised heads of terms for the S106 agreement are as follows:

Revised Financial Contributions:

- a) A contribution of **£27,136** towards Construction Phase Skills and Training
- b) A contribution of **£34,000** towards End User Phase Skills and Training
- c) A contribution of **£46,800** towards Public Realm

- d) A contribution of **£413,824** towards Crossrail

Non-financial Contributions (no change from previous):

- e) A commitment to provide 20% local employment during the construction and operational phases
 - f) A commitment to source 20% of procurement from local business during the construction phase
 - g) A commitment to complete 14 apprenticeships during the first 5 years of occupation.
 - h) A commitment to comply with the Council's Code of Construction Practice
 - i) Restriction of coach party hotel bookings
 - j) Travel Plan
- 4.4. In addition to the above planning obligations, the Mayoral CIL liability for the development is £146,440 and the Tower Hamlets CIL liability for the development is £753,120.

FURTHER DESIGN CONSIDERATIONS

- 5.1. The applicant's appeal submission includes new drawings illustrating an alternative design for the dormer windows, which the Planning Inspectorate is at liberty to consider as part of the appeal process. The revised dormers are slightly smaller in size than those originally proposed, including a deeper window reveal and more intricate detailing. Comparisons between the original and alternative dormer designs are provided below.

Figure 1: Original Dormer Design (Front Elevation)

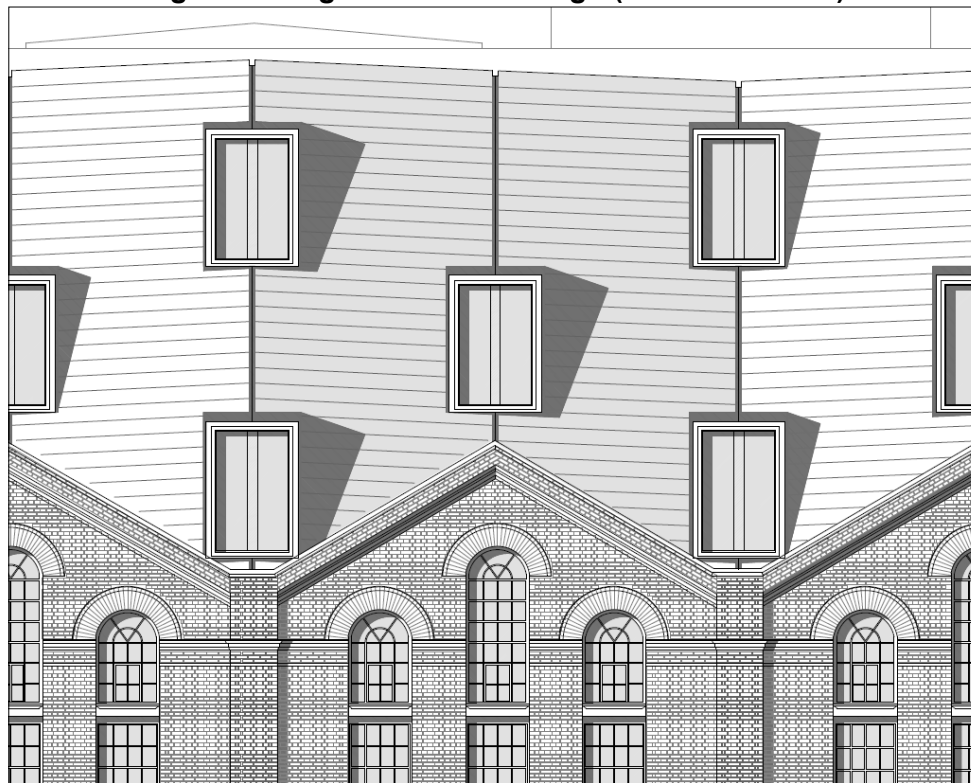


Figure 2: Alternative Dormer Design (Front Elevation)

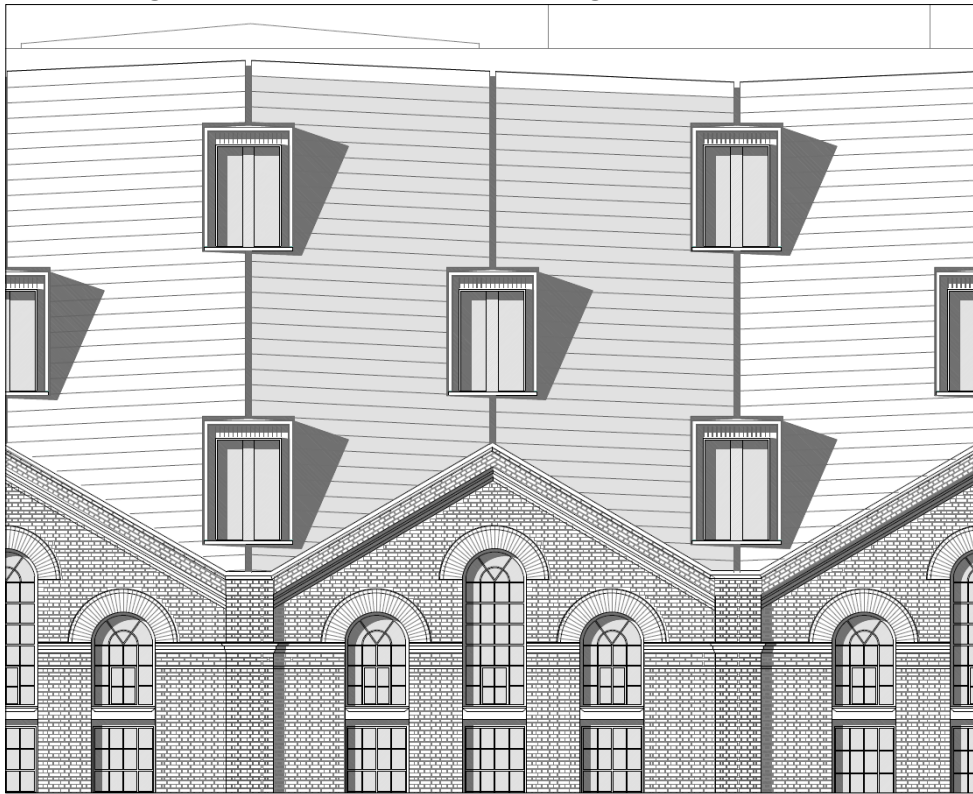
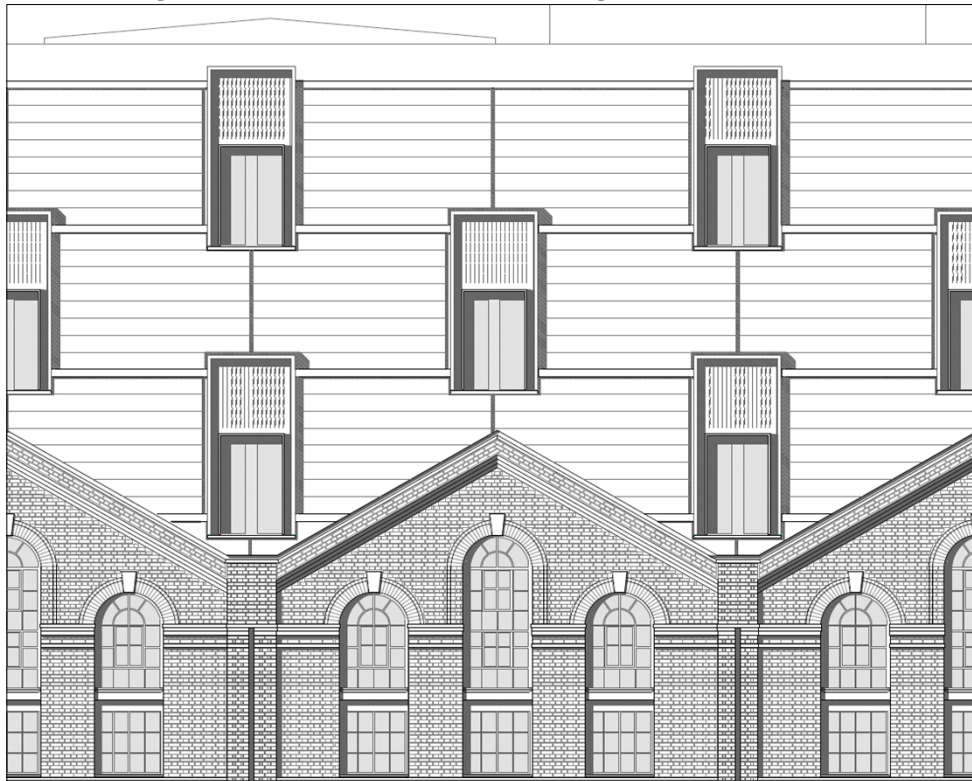


Figure 3: Original Dormer Design (Rear Elevation)



Figure 4: Alternative Dormer Design (Rear Elevation)



5.2. The applicant's appeal submission also includes verified views (also referred to as Accurate Visual Representations, or AVR) of the proposed development, which are provided below.

Figure 5: Verified View (looking West along Quaker Street)



Figure 6: Verified View (looking North-West from Wheler House)



Figure 7: Verified View (looking West along Quaker Street)



Figure 8: Verified View (looking East from the Wheler Street Bridge)



6. RECOMMENDATION

- 6.1 Officers recommend that the Committee confirms that it would be minded to **GRANT PLANNING PERMISSION**, subject to conditions and the completion of a S106 legal agreement, had it the ability to determine the application.
- 6.2 However, were the Committee minded to refuse planning permission, officers request that Members confirm the reason(s) for which planning permission would be refused.
- 6.3 Having regard to Members' previously stated concerns with the scheme, as detailed within the minutes of the Development Committee Meeting of 11th February 2015, officers would advise that a possible reason for refusal may read as follows:

Reason for Refusal:

- 6.4 *The proposed development, by way of the design, scale, height, profile, materials and finished appearance of the additional roof storeys and dormer windows therein, would appear as a visually incongruous addition to the host building which fails to respect the scale, proportions and architecture of the former Victorian stables. As a result, the development would cause less than substantial harm to the character and appearance of the Brick Lane and Fournier Street Conservation Area and would fail to preserve the historic character of the host building as an undesignated heritage asset. The harm identified to the designated heritage asset is not outweighed by the public benefits of the scheme.*
- 6.5 *As a result the proposal is not considered to be sustainable development, contrary to paragraph 14 of the National Planning Policy Framework (2012), and fails to meet the requirements of Policy SP10 of the Council's adopted Core Strategy (2010), Policies*

DM24 and DM27 of the Council's adopted Managing Development Document (2013) and government guidance set out in Section 12 of the National Planning Policy Framework (2012) as well as the Brick Lane and Fournier Street Conservation Area Appraisal and Management Guidelines (2009).