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## Application for Planning Permission

[click here for case file](#)

<b>Reference</b>	PA/20/00034
<b>Site</b>	114 – 150 Hackney Road, London, E2 7QL
<b>Ward</b>	Weavers
<b>Proposal</b>	Mixed use redevelopment of site including part demolition, part retention, part extension of existing buildings alongside erection of complete new buildings ranging in height from four to eight storeys above a shared basement, to contain a maximum 9 residential units (Class C3) up to 10,739m <sup>2</sup> (GIA) hotel floor space (Class C1) up to 3,529m <sup>2</sup> (GIA) employment floorspace (Class B1), up to 358m <sup>2</sup> (GIA) flexible office and retail floorspace at ground level (Class A1, A2, A3 and B1) and provision of Public House (Class A4) along with associated landscaping and public realm improvements, cycle parking provision, plant and storage.
<b>Recommendation</b>	Grant planning permission subject to conditions and s106 agreement
<b>Applicant</b>	Tower Hackney Developments Limited
<b>Architect/agent</b>	Buckley Yeoman Architects/ Montagu Evans
<b>Case Officer</b>	Daria Halip
<b>Key dates</b>	- Application registered as valid on 06/01/2020 - Public consultation finished on 07/05/2020

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## EXECUTIVE SUMMARY

Officers have considered the particular circumstances of this application against the provisions of the development plan and other material considerations including the Equalities Act 2010 as set out in this report and recommend approval of planning permission.

This scheme is for the redevelopment of the site that involves part demolition, part retention, part extension of existing buildings, set alongside the erection of new buildings and erection of vertical extensions upon existing retained buildings with the scheme ranging between four to eight storeys in height.

The mixed use hotel led redevelopment of the site also includes provision of B1 office space, provision of mixed use A1/ A3/ B1 space, provision of 9 new homes and the re-provision of a Public House to serve as a late night venue for the LGBT+ community to replace the loss of the Joiners Arms (A4 Use Class) Public House.

In 2018, planning consent was granted for an office led redevelopment of the site which also involved the provision of 9 new homes, flexible retail space at ground floor and re-provision of the A4 public house on site.

In terms of architectural approach, arrangement of massing, the scheme largely follows the approach taken with the extant office consent in terms of the way which it would retain,

restore and make alterations to existing built fabric of heritage merit, likewise in terms of the design approach taken to the handling of the new build elements including the treatment of the vertical extensions set over retained and remodelled existing facades.

In terms of neighbour's residential amenity, a comparison has been undertaken between the current scheme and the extant planning permission within the amenity section of this report. In summary the reported results in terms of daylight/ sunlight impacts are comparable with those associated with the extant planning permission with only a few in number causing additional adverse impacts. As with the extant planning consent the identified adverse daylight/ sunlight impacts are considered on balance to be justified when weighed against the overall public benefits of the scheme. Through use of appropriate design mitigation measures secured by planning conditions the scheme would not result in any material privacy or overlooking issues.

The overall height and scale would also be broadly comparable to the extant planning permission with some minor reduction in massing set alongside a modest increase in the maximum heights to achieve 8 storeys where the extant consent is of 7 storeys with the additional storey achieved principally through a reduced floor to ceiling height for the hotel operation compared to the consented office scheme. The maximum parapet height to the tallest component of the scheme would rise an additional 46cm in height compared to the extant scheme, however an additional screened roof plant (set back from the parapet edge) would raise the tallest element of the scheme by 2.21 metres compared to the extant consent to a height of 27.51m from the surrounding street ground height level.

The application site is located within the Hackney Road Conservation Area. The Conservation and Design Officer is satisfied the scheme in design and heritage terms is of comparable merit to the extant consent and that the harm identified to the Hackney Road Conservation Area would be at the lower end of less than substantial harm in respect of the assessment against relevant Local Plan and London Plan policies pertaining to protection of heritage assets, Chapter 16 of NPPF and the statutory test set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The decision maker in determining applications is required to apply great weight to avoiding harm to heritage assets. However as in this instance where harm is identified as less than substantial to a designated heritage asset, paragraph 196 of the NPPF requires that the harm should be weighed against the public benefits of the proposal. The public benefits resulting from the implementation of the proposal are considered to outweigh the identified lower end of less than substantial harm to the Hackney Road Conservation Area. The public benefits test is detailed at paragraphs 7.99 to 7.109 of this report below and secured through the legal agreement accompanying the application.

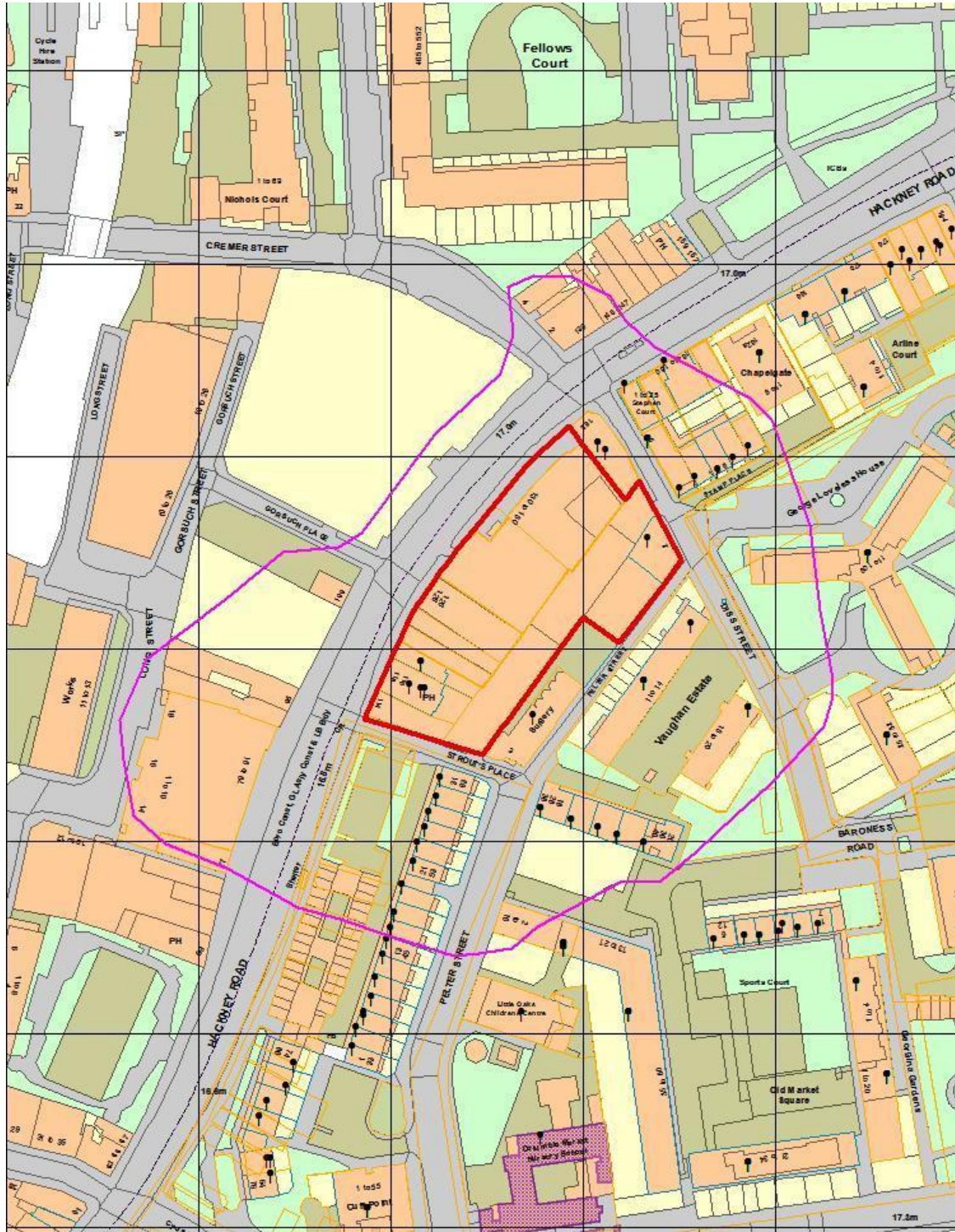
The vacant Joiners Arms Public House is recognised as a community infrastructure facility. The proposed re-provision of a new Public House (A4) meets the both requirements of Policy D.CF2 with respect of protection of community infrastructure and D.CF4 protection of Public House and would promote equality of opportunity pursuant to the Equalities Act with a planning obligation to secure a first right of refusal upon the lease of the A4 unit to a LGBT+ operator.

The scheme is estimated to deliver over 434 FTE jobs circa 312 jobs from the B1 office space, 91 plus with the hotel and no less than 31 from the flexible use commercial spaces.







The introduction of the hotel use comes with a scheme specific package of s106 obligations in relation to employment for local residents including a training programme, career progression programme, employment skills training contribution, promotion of a training graduate programme directed to local residents.

During construction phase the applicant has agreed to a set of wide ranging bespoke obligations employment and training package including working with local schools and HE colleges and providing opportunities for young people to make site visits to the application site to experience first-hand the range of profession working within the construction industry.





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-  Planning Application Site Boundary
-  Other Planning Applications
-  Consultation Area
-  Land Parcel Address Point
-  Locally Listed Buildings
-  Statutory Listed Buildings

**Planning Applications Site Map  
PA/20/00034**

This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as part of the Planning Application Process

Scale : 50m grid squares

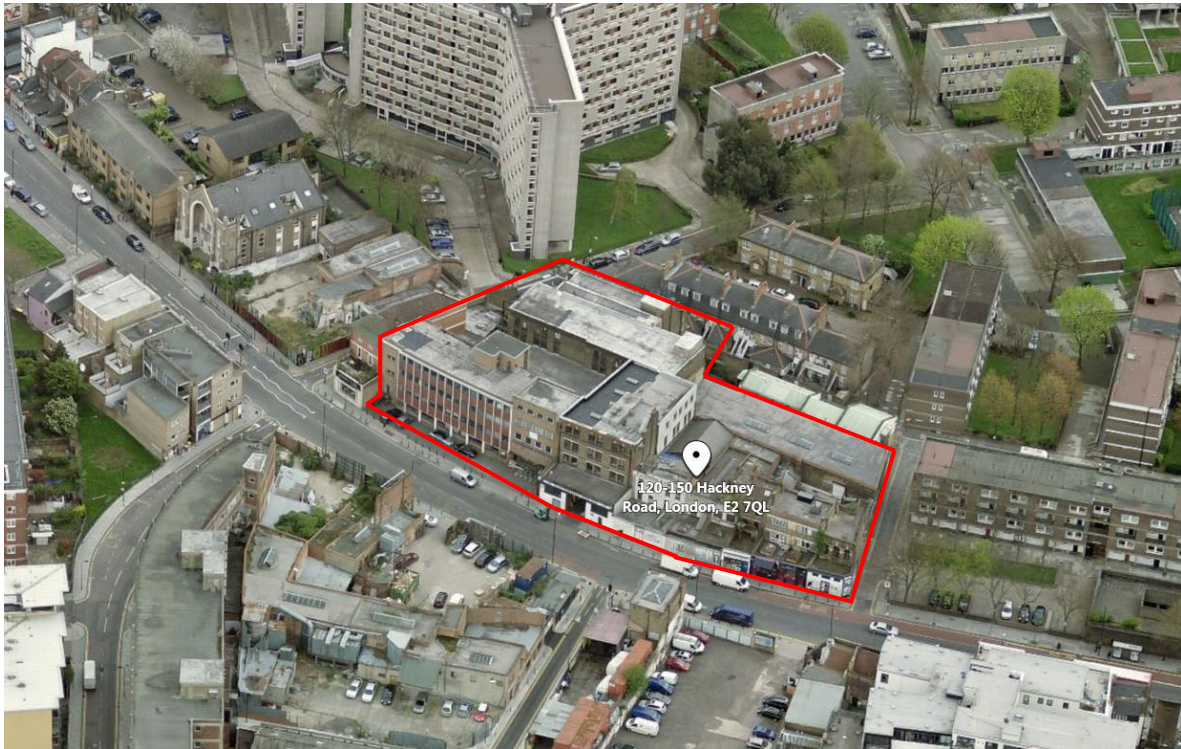


London Borough of  
Tower Hamlets

Date: 01 February

## **1. SITE AND SURROUNDINGS**

- 1.1 The application site is an urban block formed of 12 distinct individual buildings that range in scale and architectural language. No 152 Hackney Road and no 3 Stouts Place is also in the same urban block but does not fall within the red line of the application site. The existing buildings that form the urban block and contained in the planning application include 114 to 150 Hackney Road and can be read as such:
- 114-128 Hackney Road, warehouse space including a framing shop (use class A1) fronting onto Hackney Road.
  - 116-118 Hackney Road, former Joiners Arms Public House (A4 use class) LGBTQ+ venue
  - 126-128 Hackney Road (also known as DJ Simons building), former furniture warehouse
  - 130-150 Hackney Road the largest building fronting Hackney Road that contains the office space for the D J Simons operation that spreads across the bulk of the application site.
- 1.2 The application site is mainly occupied as commercial warehouse (use class B8), owned by D&J Simons & Sons, a manufacturer and supplier of furniture and framing industry, founded in 1900. It also houses a former framing shop (use class A1) and a former public house (use class A4).
- 1.3 The subject buildings bear architectural and historical value, and this is recognised by the entire block's inclusion in the Hackney Road Conservation Area. There are no listed buildings on site, nor in the immediate vicinity of the site. The site falls within Shoreditch Archaeological Priority Area.
- 1.4 The former public house is a well-known LGBT+ venue which closed in 2015.
- 1.5 The urban block is bounded by Hackney Road to the north west, Diss Street to the east, Pelter Street to the south east and Strouts Place to the south west.



- 1.6 The total site area within the red line boundary amounts to 3,300sqm, with a combined existing floor area (for all existing floors) of 9,197sqm GIA.
- 1.7 Hackney Road is a primary road (forms part of the A1208) is heavily trafficked and the road serves at its midpoint (in the carriageway) as the borough boundary to London Borough of Hackney.
- 1.8 The Public Transport Accessibility Level (PTAL) of the site is of 6a (namely very good public accessibility level within a PTAL a range of 0 to 6b). A number of buses connect the local area with the wider parts of the city; the closest rail service to the site is Hoxton Overground Station, approximately 4 minute walking distance north of the application site.
- 1.9 The prevailing building height along Hackney Road is three to four storeys although there are taller buildings notably in the form of local authority housing set behind the Hackney Road frontage that rises significantly (including the 11 storey George Loveless House).
- 1.10 It is notable immediately opposite the site on Hackney Road (falling within the London Borough of Hackney's own Hackney Road Conservation Area) is a recently completed development that rises to 7 storeys at the back of pavement. The building typologies are diverse in character some occupying historic small narrow plot with commercial types uses at ground level others being much larger in footprint serving only residential including parts of the Vaughan Estate that fronts Hackney Road to the south west of the application site.
- 1.11 The site is not in the Central Activity Zone (CAZ) or a designated retail town centre. The application site falls within the Mayor of London's City Fringe Opportunity Area.
- 1.12 The Joiner's Arms Public House in 2020 was designated as an Asset of Community Value (ACV) by the Borough submitted by the Friends of the Joiners Arms (FoJA). It was first designated as an ACV in March 2015. An ACV designation is not a planning designation but is capable of being a material planning consideration where a proposed development involves the loss of a designated ACV.

## 2. PROPOSAL

- 2.1 The application proposes to part demolish, part-retain and part-extend the existing buildings on site to create a mixed-use development. The proposal is for a hotel, commercial office space, 9 residential homes, flexible use retail/B1 space at ground floor and a Public House.

- 2.2 In land use terms the main difference between the extant planning permission and this new application lies primarily with the replacement of office space with hotel (C1 short stay accommodation). The hotel use would form the largest component of the scheme providing 273 guests bedrooms.
- 2.3 In terms of height the main changes from the extant office consent are:
- In respect of the main roof parapet containing the new 8 storey hotel (at the Diss Street end of the site) it would rise an additional 80cm to a height of 24.8m from ground (41.8m AOD), plus some additional plant distributed across the roof taking that new building to a maximum 27.3m (44.08 AOD) height;
  - The proposed new massing set above and to the rear of the main DJ Simonds Building that would rise to a maximum 27.51m from street level (44.51m AOD). The parapet height to this roof at 42.23m AOD would be 46cm taller than the extant consent, however the lift overrun and extensive roof plant would sit above that (set away from the edge of the building) rising to a maximum 44.51m (AOD), representing 2.21m greater height in total than the extant consent.
- 2.4 The general arrangement of the massing on site would be similar to the extant consent, as would be the external architectural treatment of the development.
- 2.5 The hotel element would be provided over nine floors including ground floor and basement. The hotel footprint would include the existing DJ Simonds Building (upper floors) and new built element to the north end of the site wrapping around on Diss Street and Pelter Street. At ground floor the hotel would contain a bar/ restaurant area, open to hotel users as well as the wider public.
- 2.6 The office element of the scheme sits immediately adjacent to the hotel development and expands over five floors. The entrance to office accommodation also provides for a secondary entrance to the hotel.
- 2.7 The commercial retail element of the scheme is located at ground floor level fronting Hackney Road and includes three separate retail units. Two units would be of flexible office and retail space (use class B1/A1/A3) with the third unit secured as Public House. The unit in A4 use would be located adjacent to the footprint of the former Joiners Arms, a popular LGBT+ venue in the locality and will have a s106 obligation to enable a LGBT+ operated Public House to be maintained on site upon completion of the development.
- 2.8 The residential element is located on the southern end of the site facing onto Strout's Place and extends over three upper floors. The first two floors would be retained (rebuilt) as existing, and the third floor presented as a rooftop extension to the existing building below. 9 homes would be accommodated within including 3x 1 bedroom, 5x 2 bedroom and 1x 3bedroom. The residential homes would be accessed from Stouts Place via a secured residential courtyard.





**Key**

- Restaurant / bar (ancillary to the hotel)
- A4 space
- B1, A1-A4 space

**Figure 2 Proposed development showing the distribution of the proposed use classes**

- 2.9 As with the previous 2018 consent, the scheme would involve demolition of all existing single storey shopfronts facing Hackney Road. This demolition and setting back the proposed buildings provides an opportunity for a wider pavement as well as the formation of a service loading bay on Hackney Road to serve the development.
- 2.10 Servicing arrangements including refuse collection would be secured as previously approved under the extant planning permission and be primarily from Hackney Road.

**3. RELEVANT PLANNING HISTORY**

**On-Site**

- 3.1 **PA/17/00250** *“Mixed use redevelopment of site including part demolition, part retention, part extension of existing buildings alongside erection of complete new buildings ranging in height from four storeys to six storeys above a shared basement, to house a maximum of 9 residential units (class C3), 12600sqm (GEA) of employment floor space (class B1), 1340sqm (GEA) of flexible office and retail floorspace at ground floor level (falling within use classes B1/A1-A4) and provision of Public House (Class A4), along with associated landscaping and public realm improvements, cycle parking provision, plant and storage.”* Extant planning consent granted on 11<sup>th</sup> June 2018.

**Pre-Application**

- 3.2 **PF/19/00156** - [114-150 Hackney Road]. In 2019 pre-application advice sought for a hotel led mixed use redevelopment of the site including part demolition, part retention, part extension of existing building.
- 3.3 **PF/14/00159** [114-150 Hackney Road]. In 2014 began extended pre-application advice for comprehensive redevelopment of the site to provide circa 127 residential units and ground floor retail uses

**Neighbouring Sites**

- 3.4 **PA/2015/3455** [London Borough of Hackney] Former 95-107 Hackney Road *Demolition of all existing buildings and construction of three replacement buildings ranging in height from ground plus four storeys to ground plus eight storeys, above shared basement. Proposed mix of uses to include a maximum of 184 residential units (Class C3), 13,334 sqm (GIA) of employment floorspace (Use Class B1), and 4,243 sqm (GIA) of flexible commercial/retail space at basement and ground floor levels (falling within Use Classes A1-A4, and B1) which can comprise of no more than 1,500 sqm (GIA) of A1 floorspace, no more*



*than 500 sqm (GIA) of A2 floorspace, no more than 1,500 sqm (GIA) of A3 floorspace, no more than 1,000 sqm (GIA) of A4 floorspace, and no more than 1,400 sqm (GIA) of B1 floorspace, along with associated landscaping and public realm improvements, parking provision, plant and storage, and other works incidental to the proposed development.*  
Approved on 27 April 2017

#### **4. PUBLICITY AND ENGAGEMENT**

- 4.1 The applicant held a public exhibition on 18<sup>th</sup> July 2019, over 1800 newsletters distributed locally to households, businesses and other interested groups. A total number of 13 residents attended the event with 1 written feedback form received. The applicant is also understood to have sought to make separate contact (after July 2019) to arrange a meeting with the Columbia Tenants Resident Association, although no actual meeting transpired.
- 4.2 Both before but notably post-submission of the application the applicant has engaged in a number of meetings with the Friends of the Joiners Arms and Greater London Authority, alongside officers of the Council, in relation to a number of matters including the arrangements for a meanwhile use space for an LGBT+ operator.
- 4.3 The Council undertook statutory public consultation on the planning application and in line with its Statement of Community Involvement with a total of 367 consultation letters issued to neighbours. 38 representation were received, of which 1 in favour of and 37 against the proposal.
- 4.4 A site notice was displayed outside the application site. A press notification was also issued on 16<sup>th</sup> April 2020.
- 4.5 The objections organised in topics can be summarised as follows:

##### Land use and related matters

- Hotel use not appropriate for an area predominantly residential area given the site is not in the CAZ, will result in transient population causing impact to residents and school nearby, in terms of noise and anti-social behaviour/
- Need for office in locality
- Insufficient infrastructure and services for this type of proposal
- Scheme would push night-time economy from Shoreditch along Hackney Road into residential area and result in associated crime/anti-social behaviour being pushed along Hackney Road
- Concern that this is a 'party hotel' and the impact to the community, especially given the location on edge of large social housing estates
- Enough hotels, bars and restaurants in the area already. 27 hotels nearby and within 1 mile radius there are 4000 new hotel rooms
- Smaller/boutique hotel could better provide for residents – weddings, music venue etc
- Affordable social housing should be provided
- Local businesses opportunities taken up by hotel provision

##### Design and Heritage

- Imposing overall mass and scale which is inappropriate in local context impacting negatively on special character of the area
- Double height of hotel element is inappropriate
- The original plans were much more sympathetic

- Proposal represents overdevelopment
- Brick façade is inappropriate and window sizes are not appropriate either
- Diss Street and Columbia Road should remain as much as is possible as originally intended.

#### Amenity

- Daylight/ sunlight impact to the nearby neighbours
- Overlooking to properties on Diss Street and Vaughan Estate and privacy issues
- Noise, pollution concerns once site is operational
- Impact on amenity during construction phase (noise, air, dust and pollution)

#### Transport/ Highways

- No parking provided as part of the development
- Parking and servicing strain (particularly onto Diss Street) now and in the future
- Poor relationship to public realm/less pedestrian friendly
- Disruption to pavement on Hackney Road to accommodate servicing bay
- The proposal including the hotel use will result in greater congestion and increase in vehicular movement and resultant air pollution.
- Construction concerns in terms of noise, pollution etc

#### Other

- No real public benefit to the locality including minimal employment opportunities
- Proposal does not reflect sustainable development
- No assessment made on the impacts to neighbouring residents' lives and health and wellbeing
- Boundary between Hackney and Tower Hamlets requires proper management
- Submitted documentation requires full interrogation by the council
- Inadequate and misleading public consultation by the developer
- 
- Proposal will result in additional litter

#### Objections not material to determination of planning application

- Concern over impact on TfL revenue
- Local people being priced out of the area
- Rights of Light Issues

4.6 The majority of the letters of objection were received from residents living along Hackney Road, Diss Street and Pelter Street. An objection letter was also received from the Columbia Tenants and Residents Association.

4.7 The single letter of support received is from a representative for the GP surgery who supports the scheme and considers the proposal compatible with the ambitions of the

surgery to expand. Suggests a planning condition to secure obscure glazing to all windows overlooking the existing GP surgery on Strouts Place.

## **5. CONSULTATION RESPONSES**

### **Greater London Authority (GLA), including Transport for London**

5.1 The application is GLA referable in that the proposed development is over 30 meters in height (44.5m AOD top of plant) and amounts to more than 15,000sqm total floor space (15,833sqm proposed).

5.2 Stage 1 letter sets out that the GLA is overall supportive (as summarised below) of the proposal, although seek clarification on number of matters.

#### Principle of Development

5.3 The proposal for a mixed used development comprising a hotel, office, residential, public house and mixed commercial use on this site in an Opportunity Area is supported in line with London Plan and the Intend to Publish London Plan. Further info required on proposed affordable workspace and the proposed A4 Use, including providing a strategy (in line with paragraph 192 of NPPF) to provide a meanwhile use premises for the Joiners Arms and a permanent LGBT+ venue within the proposed development.

#### Housing

5.4 Satisfied with quality of amenity provided. Further information required on the affordable housing contribution.

#### Historic Environment & Urban Design

5.5 The proposed development is supported in terms of optimising site's capacity. The proposed demolition, extensions and alterations are considered to be sensitive and the additions to be of a high quality. The scheme would preserve the character of the conservation area and incur no harm to heritages assets. A fire strategy should be secured by condition.

#### Night-time economy and social infrastructure

5.6 The Joiners Arms is valued social infrastructure. The venue's late-night opening, free entry and its facilities of hosting a wide range of gay subcultures led it to establishing a unique reputation on the local community and as a valued social facility for a distinct part of the gay community. GLA strongly supports the re-provision of a A4 unit on-site serving and operated by the LGBT+ community. Further clarification sought on the long affordability of the venue and means of selecting a LGBT+ operator.

5.7 Paragraph 92 of the NPPF sets out that the unnecessary loss of valued social and community facilities and services should be avoided. The proposed development whilst it includes a re-provision of an A4 unit, the existing operator of the Joiners Arms was unable to operate from the venue since its closure and unable to continue to operate until the proposed A4 unit is completed. For this, GLA is strongly encouraging the applicant to work collaboratively with all relevant parties to secure a meanwhile space during the construction period to facilitate the operation of this cultural facility to continue. This should be secured prior to determination and captured within the s106 agreement.

5.8 Scheme needs to apply a set of planning conditions (as per the extant consent) to ensure schemes conforms with the necessary Agent of Change principles.

#### Highways and Transportation

5.9 Overall, supportive of the scheme however raised a number of concerns around:

- Insufficient information provided on short term cycling
- Cycle access route for the non-residential cycle storage shared with access for the loading bay on Diss Street is unsafe and inconvenient.

- The distance between the Diss Street cycle access and the basement floor cycle parking storage location is too far.
- Shower and changing facilities should be provided for both the office and hotel elements for workers whom commute to/ from site.
- Coach parking on site should be restricted through planning condition.
- Taxi pick up and drop off should take place on Diss Street, away from Hackney Road.
- Applicant should work with Council on the detail of the loading bay on Hackney Road to address TfL's initial concerns.

### **Friends of the Joiner's Arms (FoJA)**

- 5.10 FoJA set out they objected in writing to the previous proposal (on 31<sup>st</sup> March 2017 and 17<sup>th</sup> July 2017) and consider the points raised in those representations remain relevant to this application.
- 5.11 Once again FoJA note by way of relevant context the dramatic loss across the Borough and London of LGBT+ venues over recent years and the effect this has on the borough/London's cultural infrastructure from loss of employment opportunities, social activities, cultural production and appreciation of cultural output. The loss of cultural infrastructure jeopardises London's status as a city of diversity and has consequences in terms of safety and security with a rise in hate crime.
- 5.12 Express disappointment that the applicant has not commenced with the previous consent with the resultant outcome Joiners Arms remains in a state of disuse and dereliction and the absence of a replacement LGBT+ venue.
- 5.13 Consider the delay in commencing with the previous consent erodes the hope the developer will re-provide a venue on site. Seek a s106 financial obligation is made to FoJA from the developer for the provision of an off-site meanwhile use LGBT+ venue until such time as a LGBT+ venue is re-provided on-site. Seek the aforementioned financial obligation is triggered on granting of consent, as opposed to on commencement of development, mindful of the failure to implement the extant consent.
- 5.14 Seek the non-inclusion of a planning condition (imposed upon the extant consent) limiting the late-night opening of the Public House (until 4am) for a period of 12 months after opening. Consider the imposition of such a condition jeopardises the longevity of the night-time venue and fails to recognise Hackney Road already has a busy and well established night economy time. Consider the need for the Council to control hours of opening of the Public House by planning condition as unnecessary, as the Council has separate powers under its licensing authority powers to control the hours should the need arise.
- 5.15 Seek a new process (compared to the extant consent) for securing a LGBT+ operator within the *First Right of Refusal Schedule* in the Section 106, so that it provides greater clarity and greater local oversight and involvement in the process. Commends in this respect the content of a Memorandum of Understanding applied to a LGBT+ venue in LB of Southwark.
- 5.16 Increase the previously agreed fit out costs for the LGBT+ A4 venue in line with inflation.
- 5.17 Require the A4 to be marketed at an affordable rent with a rent cap to ensue long term affordability in line with paragraphs 6.3.2 and 6.3.4 of the Intend to Publish London Plan in relation to a policy relating to affordable workspace.
- 5.18 *Officer comment: The matters raised by FoJA are addressed elsewhere in the main body of this committee report. The request for the rent on the A4 Use to be set at an affordable rent (as opposed to a market rent) with reference to the Intend to Publish London Plan Policy E2 (Providing Suitable Business Space) and specifically supporting text paragraphs 6.3.2 and 6.3.4 to that policy is not considered applicable as that policy relates to B Use Class employment uses. As such it is not considered the imposition of this demand on the applicant can be justified in policy terms for a A4 Use.*

## **Historic England – Greater London Archaeology Advisory Service**

5.19 No objection, subject to imposition of relevant planning condition.

## **Historic England**

5.20 The scheme is similar to one for the same site that was approved in June 2018; the main revision is replacing the office space with hotel accommodation.

5.21 Historic England disappointed to not have been consulted on the previous scheme. Since the principle of development has already been agreed by your authority and the acceptability of height, scale and massing has been established Historic England recommends that you continue to work with your authority's conservation officers to ensure the scheme meets national and local [heritage] planning policy.

## **Metropolitan Police – Crime Prevention**

5.22 No objection, subject to Secure by Design condition.

## **Thames Water**

5.23 No objection, subject to conditions pertaining to piling, water main diversion, capacity, network reinforcement works, ground water discharge and run off control mechanisms as well informatives

## **LBTH Biodiversity**

5.24 Following the receipt of further information no objection raised subject to inclusion of the suggested planning conditions to secure biodiversity enhancements including biodiverse roofs, native planting, boxes for birds and replacement of 4 street trees.

## **5.25 LBTH Contaminated Land**

5.26 No objection, subject to standard mitigation condition

## **LBTH Environmental Health [Air quality]**

**5.27** No objection to the proposal, subject to several planning conditions to be attached to the said decision notice, including on:

- Air quality – Mechanical Ventilation
- Construction Environmental Management and Logistics Plan
- Air Quality Standards for Boilers and CHP Units
- Kitchen Extract Standards for Commercial Uses

## **LBTH Environmental Health [Noise]**

No objection. The noise conditions secured with the extant planning permission should be re-applied.

## **LBTH Energy Efficiency**

5.28 The proposals for CO2 emission reductions exceed the target for 46% reduction on-site. In order to support the scheme, the residual CO2 emissions should be offset through a carbon offsetting contribution of £619,560.

5.29 The following planning conditions should be secured with the application:

- Updated Energy Statement to include review of roof spaces to ensure the integration of PV panels has been maximised; how energy demand and carbon dioxide emissions post construction will be monitored annually, for at least five years; explaining how the site has been future-proofed to achieve zero-carbon on site emissions by 2050

- Submission of as built calculations to demonstrate the reduction in CO2 emissions have been delivered on site
- Submission of BREEAM Certificates to demonstrate Excellent rating has been achieved

### **LBTH Growth and Economic Development Division (G&ED)**

- 5.30 The G&ED Division welcomes the applicants commitment to providing economic benefits from this development scheme which go beyond the minimal formula based obligations (as set out in the LBTH Planning Obligations SPD) in relation to construction and end user phase obligations for employment, training and skills(including making well defined commitments to work with our schools and FE colleges). The applicant has made this demonstrable commitment through their agreement to establish future employment pathways with career progression for local residents and provide specific opportunities for individuals to gain end phase employment in the hotel for individuals who have identified learning difficulties
- 5.31 Additionally, the applicant has agreed to a planning obligation for workspace provision that exceeds our minimum policy requirements by agreeing to provide workspace for a period of 15 years (a 50% uplift on our policy position which seeks 10 years) with a 20% discount on commercial market rents (a 100% uplift on our policy position which seeks 10%).

### **LBTH Health Impact Assessment**

- 5.32 The submitted Rapid Health Impact Assessment (HIA) report could have benefited from more detail around opportunities to enhance access to open space and biodiversity enhancements however taken overall the submitted report is considered adequate.

### **LBTH Licensing**

- 5.33 The premises borders on an area of Shoreditch with high volume of bars bordering onto London Borough of Hackney and City of London of which residents in Tower Hamlets are suffering from public nuisance and antisocial behaviour from those customers coming to and from premises. The Licensing Authority proposes the following terminal hours for all licensable activities: a) 24 hours to hotel residents and their guests (limit of 4 guests per resident), b) Sunday to Thursday – midnight, with premises closing to non-residents and their guests at 00:30, c) Friday and Saturday – 01:00, with premises closing to non-residents and their guests at 01:30.
- 5.34 *Officers Note: Licensing of premises is governed by separate regulatory regime is not a matter for planning and possess separate and distinct criteria surrounding regard for neighbours amenity from that set with the planning regulatory framework.*

### **LBTH Surface Water Run Off - SUDS**

- 5.35 No objection, subject to a Surface Water Run Off Management plan to be submitted prior to commencement of development for LPAs approval. This element is secured by condition.

### **LBTH Transportation & Highways**

- 5.36 Following amendments and further information, no objection, subject to a series of planning conditions, obligations and s278 agreement to secure several highways improvement works, as detailed below.

#### **S106/s278 agreement**

- a. Disabled parking bay funded by the applicant
- b. Highways improvement works to Hackney Road and Strouts Place
- c. Car free agreement

- d. Secure land for adoption to achieve a continuous 2m strip of footway outside the application site on Hackney Road

#### Planning condition

- a. Travel plan
- b. Secure car free development for the residential element
- c. No hotel bookings coach parking
- d. Secure cycle parking arrangements
- e. Construction Management and Logistics Plan
- f. Demolition and Construction Management Plan
- g. Servicing and Delivery Management Plan
- h. Provision of 5% cycle parking spaces for larger bikes
- i. Service bay on Hackney Road to operate outside the hours of bus lane (10am to 4pm)
- j. No tables and chairs to be permitted on the adopted public highway outside the application site on Hackney Road

#### **LBTH Town Centre Team**

- 5.37 This development on Hackney Road has potential to help animate the street, add to the offer in retail units on the street and help attract more customers. To support recommendations in the Borough High Street & Town Centres (HS&TC) strategy, the HS&TC team requests that any proposed security shutters are open grill shutters and not solid metal as this will give a more 'open for business' feel to the street and help prevent graffiti with a preference for security shutters be hung inside the shop. The HS&TC team also request that sustainable practices be put in place to minimise issues on the street including: plans for food waste, space allocated for recyclables and appropriate waste solutions are taken into account in the development

#### **LBTH Waste**

- 5.38 No objection subject to application of relevant planning conditions.,

## 6. RELEVANT PLANNING POLICIES AND DOCUMENTS

6.1 Legislation requires that decisions on planning applications must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise.

6.2 The NPPF (2019), which the Development Plan needs to be in accordance with, sets out the Government’s planning policies for England and how these should be applied and provides a framework within which locally prepared plans for housing and other development can be produced. The purpose of the planning system is to contribute to the achievement of sustainable development which has the following three overarching objectives: economic, social and environmental.

6.3 In this case the Development Plan comprises:

- The London Plan 2016 (LP)
- Tower Hamlets Local Plan 2031, adopted 2020

6.4 The key development plan policies relevant to the proposal include:

<u>Land use</u>	<p>S.H1 Meeting housing needs  D.H2 Affordable housing and housing mix  D.EMP2 New employment space  D.EMP3 Loss of employment space  D.TC3 Retail outside our town centres  D.TC5 Food, drink, entertainment and the night-time economy  D.TC6 Short-stay accommodation  D.CF4 Public House  D.SG5 Developers Contributions  LP2.13, LP3.3 – 3.9, 3.12, 3.14-3.15</p>
Provision of short stay accommodation, office use, public house and new housing	
<u>Design</u>	<p>S.DH1 Delivering High Quality Design  D.DH2 Attractive streets, spaces and public realm  S.DH3 Heritage and the historic environment  D.H3 Housing Standard and Quality  D.DH7 Density  D.DH9 Shopfronts  D.DH10 Advertisements, hoardings and signage  LP7.1-7.9</p>
Layout, townscape, massing, heights, appearance, materials, heritage, shopfronts, public realm	
<u>Amenity</u>	<p>D.DH8 Amenity  D.ES9 Noise and vibration  LP7.6, LP7.14, LP7.15</p>
Privacy, outlook, daylight/ sunlight, noise, construction impacts	



<u>Highways/ servicing</u>	D.MW3 Waste collection facilities in new development S.TR1 Sustainable Travel D.TR2 Impacts on the transport network D.TR3 Parking and permit free D.TR4 Sustainable delivery and servicing LP5.16-5.18, LP6.1, LP6.3, LP6.8-6.13
Sustainable transport, highway safety, car and cycle parking, servicing, waste collection	
<u>Environment</u>	S.ES1 Protecting and enhancing our environment D.ES2 Air Quality D.ES3 Urban greening and biodiversity D.ES4 Flood Risk D.ES5 Sustainable drainage D.ES6 Sustainable water and wastewater management D.ES7 A zero carbon borough D.ES8 Contaminated land and storage D.ES10 Overheating D.ES5 Sustainable drainage LP3.2, LP5.1-5.15, LP5.21, LP7.14, LP7.19, LP7.21
Energy efficiency, air quality, odour, noise, waste, biodiversity, flooding and drainage, contaminated land	

6.5 Other policy and documents relevant to the proposal are:

- National Planning Policy Framework (2019)
- National Design Guidance (2019)
- National Planning Practice Guidance (updated 2019)
- City Fringe Opportunity Area Planning Framework (2015)
- Mayor of London's Housing SPG (updated 2017)
- Mayor of London's Culture and the Night Time Economy (2017)
- LBTH Planning Obligations SPD (2016)
- London Borough of Tower Hamlets, Hackney Road Conservation Area Character Appraisal and Management Guidelines (November 2009)
- London Borough of Hackney, Hackney Road Conservation Area Appraisal (July 2009)
- Conservation Area Designation, Appraisal and Management, Historic England Good Practice Planning Advice Note 1 (2016)
- Managing Significance in Decision-Taking in the Historic Environment, Historic England Good Practice Planning Advice Note 2 (2015)
- The Setting of Heritage Assets, Historic England, Good Practice Planning Advice Note 3 (2015)
- Community Right to Bid: Non-statutory Advice Note for Local Authorities (Dept Communities and Local Government, October 2-12)
- GLA London Employment Sites Database (May 2017)
- LGBTQ+ Cultural Infrastructure in London: Night Venues, 2006–present” (published by UCL Urban Laboratory (2017))

## **Draft Policy and Guidance**

- Intend to Publish London Plan (December 2019) LP Draft New London Plan (2019)
- 2<sup>nd</sup> draft for public consultation LBTH Planning Obligations SPD (8 October 2020) and Small Sites Affordable Housing Calculator
- Mayor of London's draft Circular Economy Statement (October 2020)
- Mayor of London's draft Whole Life-Cycle Carbon Assessments Guidance (October 2020)

6.6 The Mayor of London's Draft New London Plan with Consolidated Suggested Changes was published in July 2019. The Examination in Public took place in January 2019. Generally, the weight carried by the emerging policies within the Draft New London Plan is considered significant as the document has been subject to Examination in Public (EiP), incorporates all of the Mayor's suggested changes following the EiP and an 'Intent to Publish' was made by the Mayor of London. However, some policies in the Draft New London Plan are subject to Secretary of State directions made on 13/03/2020, these policies are considered to have only limited or moderate weight. The statutory presumption still applies to the London Plan 2016 up until the moment that the new plan is adopted.

6.7 The key emerging London Plan policies relevant to the determination of this application are:

Land use (short stay accommodation/ night time economy): E10, HC6, HC7

Housing: H1, H2, H3, H5, H6, H7, H8, H12

Design and Heritage: D1A+B, D2, D3, D4, D7, D8, D9, D10, D11, HC1

Amenity: D13

Transport: T1, T2, T3, T4, T5, T6, T6.1, T6.4, T6.5, T7, T9

Environment: SI2, SI3, SI12, SI13, G6

## **7. PLANNING ASSESSMENT**

7.1 The key issues raised by the proposed development are:

- i. Land Use (including residential amenity for future occupiers)
- ii. Heritage
- iii. Urban Design
- iv. Neighbour Amenity
- v. Transport
- vi. Environment
- vii. Equalities and Human Rights

### **Land Use**

7.2 There are approximately 8,656sqm of warehouse (B8 use) including ancillary office space, 106sqm of retail (A1) use space, 435sqm (A4) use space, and a single dwelling house (C3 unit) presently on site.

7.3 The redevelopment of the site would replace the existing uses with 10,739 sqm of hotel floorspace (C1 use), 3,530sqm of office space (B1 use), 358sqm of flexible commercial/retail floorspace (B1/A1-A3 use), replacement of the existing A4 unit, and 842sqm of residential (C3) floor space (9 homes).

## **Loss of existing employment (B use class) space on site**

- 7.4 Paragraph 10.25 in the Local Plan defines employment as uses which fall within B1, B2 and B8 use class. Policy D.EMP3 of the Local Plan requires that where development seeks a net loss of viable employment floorspace outside of a designated employment locations either:
- (a) the site has been subject to robust marketing for 24 months at a reasonable market rate or;
  - (b) provides robust evidence that demonstrates the site is genuinely unsuitable for continued employment use due to its condition; reasonable options for restoring the site employment are unviable; and that benefits of alternative use would outweigh the benefits of retaining employment use on site.
- 7.5 Furthermore, policy 4.4 in the London Plan together with policy E4 and E7 in the Intend to Publish London Plan seek to protect the loss of industrial land, unless it had been demonstrated: that there is no reasonable prospect of the site being used for industrial and related purposes; the site has been allocated in the Local Plan for residential or mixed-use occupancy or for industrial, storage or distribution floorspace provided as part of mixed-use intensification.
- 7.6 The submitted Marketing Summary Report by Strettons states that due to the poor state of repair, lack of adequate off-street servicing and poor-quality internal accommodation, the existing buildings are no longer fit for purpose for a continued use for prospective industrial occupiers. The existing business on-site is already scheduled to relocate their operation to other premises in the north east part of London for operational reasons: notably from an officers perspective in relation to (a) difficulties accommodating deliveries from large vehicles on the current site (following the landowner disposing of the site they owned on the opposite north side of Hackney Road) and (b) a recognition significant elements the buildings are not in a good condition for sustainable on-going use, yet (c) not suited for wholesale demolition in recognition of their heritage value but with (d) refurbishment costs that would not sustain an existing warehouse/manufacturer type operation on site.
- 7.7 In terms of employment numbers, the B' Use class spaces on site presently employs 40-45 (FTE) people and the London Employment Sites Database 2017 indicates the proposed 3, 503sqm of high quality B1 office space within the scheme alone would provide opportunities for 312 (FTE) end operation jobs on site (at 11.3sqm GIA/ 1 FTE) and as such would represent a significant uplift in employment on site. Additional jobs would also be generated from the hotel, public house, and the two flexible use commercial spaces proposed on site.
- 7.8 The existing buildings do not lend themselves for a sustainable industrial use. Nevertheless, the extant consent demonstrates physically repurposing the site for B1 office based employment use is possible. Notwithstanding the proposed scheme would result in a significant quantitative loss of existing employment space, officers are satisfied scheme is consistent with Policy D.EMP3 (and the relevant industrial employment land use policies in the adopted and Intend to publish London Plan) given the scheme:-
- (i) brings the realistic prospect of a marked increase in (B Use Class) employment based jobs to the site;
  - (ii) offers a series of other significant public benefits;
  - (iii) offers a sustainable scheme that optimises the use of the site that is deliverable.
- It is also noted the GLA in their Stage 1 Report are satisfied in policy terms with the net reduction in employment space.
- 7.9 The proposal complies with policy D.EMP2 in the Local Plan, which requires a minimum 10% of new employment floorspace is provided as affordable workspace. The policy requires that the affordable workspace is secured for an at minimum 10 years at 10% discount of market rent. The applicant has agreed (secured by the s106) that the 10% of affordable workspace area provided on-site would be secured at a 20% discount of market rent for a period of 15 years. The applicant's local benchmark values conclude the affordable workspace would be let at £34.37 per square foot.

### Provision of Flexible Use A1to A3 and B1 Space

- 7.10 With regard to retail uses Local Plan Policy D.TC3 *Retail uses outside Town Centre* takes a sequential test approach and seeks to establish if the flexible use retail provision would be both local in nature and not cause harm to the vitality and viability of local centres seeking to limit the size of retail provision to under 200sq.m. These same described policy considerations in the Local Plan were in place with the extant consent that accepted the principle of additional flexible use retail/commercial spaces at ground floor use. The extant consent provided for 1,340sq.m whilst the current proposal proposed 328sq.m, in the form of two proposed units 134sq. and 194sq.m in area.
- 7.11 In this scheme the quantum of flexible use retail/commercial space offers is adjudged acceptable given the nearest retail centre is Columbia Road neighbourhood shopping centre. Columbia Road neighbourhood shopping centre does not typically suffer from retail vacancies rate (along with the Columbia Road street market). Furthermore, and material to the assessment of this application this neighbourhood centre attracts customers to a very bespoke retail offer which attracts visitors from afar and as such is not liable to be threatened by the provision of the retail units within this scheme. The same conclusion is reached by officers with respect to Brick Lane local retail centre which is located over 500m walking distance to the south of the site.
- 7.12 To conclude, Policy D.TC3 is met as set out above including with due consideration given to: the nature and health of Columbia Road retail centre; the extant consent; the reduction in retail space compared to that extant consent; given the site is located on a long established commercial thoroughfare within the City Fringe; and finally with regard to the Mayor of London City Fringe Opportunity Area document which acknowledges the need for a vibrant mix of land-uses within the City Fringe including retail, café and restaurant uses.

### **Provision of Housing and Quality of Residential Amenity**

- 7.13 The scheme replicates the extant consent in providing nine new residential homes to the same unit mix, same layout, and located within the same section of the application site.
- 7.14 An existing 3 bedroom home located at the eastern end of the application site along the Diss Street elevation would be lost as part of the development, as with the extant consent. This loss is considered acceptable in the context of optimising development on the site and given this loss would be offset by a net increase of 8 new homes comprising 3x 1bedroom, 5 x2bedroom and 1x 3bedroom flats including the provision of a wheelchair accessible unit
- 7.15 In land use policy terms the principle of residential development raises no issues on the site.
- 7.16 Officers are satisfied through extensive testing the site does not readily lend itself to be redeveloped as a more residential led development. The joint venture applicant sought a residential led redevelopment of the site. This was explored extensively during formal pre-app over a period of 21 months (starting in 2014) with various design iterations presented to officers however none proved tenable. The reasons for this were multiple and interrelated but notably surround seeking to optimise the scale of development on the site whilst simultaneously ensuring the scheme provided; good quality of residential amenity for future occupants (including usable external amenity space); safeguarding the amenity of local residents (including safeguarding privacy); and critically ensuring the design approach was heritage sensitive and able to secure retention of existing built fabric and contribute positively to the townscape character of the conservation area.
- 7.17 The unit mix proposed entails 33.3% 1 beds, 55.5% 2 beds and 11.1% 3 beds. The proposed mix would slightly overprovide one and two bedroom homes and underprovide larger family sized homes as assessed against the Local Plan targets. Officers recognise that the proposal bedroom mix evolved to respond to heritage constraints and amenity considerations. The bedroom mix position was accepted under the extant planning permission and is a material planning consideration when assessing this current proposal.

- 7.18 The residential element of the scheme would sit compact within the western end of the application site with its own separate access off Strout's Place. The new homes would benefit from a small communal private courtyard, leading off that would be the entrance to the stairs and lift to the flats plus a separate door of the courtyard to the refuse store and cycle storage room. All the homes would meet minimum space standards. All the homes would benefit from their own external units balconies that too conform with the minimum external private amenity space standards, bar two flats that would have balconies that fall marginally under the minimum space standard (by 0.6sq.m).
- 7.19 The orientation and siting of the proposed dwellings (set alongside appropriate noise insulation measures secured by planning condition) will ensure that the amenity of the future occupiers is protected with access to the units set away from the Hackney Road. All the new homes would benefit from having openable windows onto Strout's Place that have lower ambient noise levels and better air quality.

#### **Housing tenure and provision of a small sites in lieu affordable housing contribution**

- 7.20 As the scheme would provide nine new homes, as with the extant consent, and in line with the Local Plan there is no policy requirement for provision of affordable housing on-site and as such all the homes would be for sale under market tenure.
- 7.21 Notwithstanding the above, Part 2(ii) of Policy S.H1 in the Local Plan requires new developments to help address the affordable housing need of the Borough by providing an affordable housing contribution on sites that provide between 2 and 9 new residential units. The in lieu financial sum, required by this policy, to be determined against a Council published sliding scale target. The actual financial figure to be provided to be subject to viability test in instances where it not been offered in full for the Council to robustly test seeking to meet the contribution in full would risk the overall deliverability of the planning application scheme.
- 7.22 Since the adoption of the Local Plan in January 2020 the borough has not activated this policy requirement given the Council had not published and adopted a '*small sites commuted sum calculator*'.
- 7.23 However following the publication of 2<sup>nd</sup> draft for consultation Planning Obligations SPD and the associated publication of the small site calculator that sits behind this contribution in October 2020 (with adoption of the aforementioned Planning Obligations SPD scheduled for March 2021) officers having concluded it is appropriate to secure in this instance this policy led financial contribution and have done so in light of:
- (a) The policy requirement for financial contribution for small housing sites (under Part 2 of Policy S.H1) is in this instance being applied in unusual circumstances as it being applied within the context of a planning application scheme that is big enough to be treated as a *strategic application*, under the terms of reference of being a scheme referable to Mayor of London;
  - (b) The prospect the Planning Obligations SPD will be adopted in March 2020 before development commences;
  - (c) The need to undertake a public benefit test with this scheme in relation to Paragraph 196 of the NPPF.
- 7.25 In light of Part 2 of Policy S.H1 and given the applicant initially stated the scheme was not capable of viably making the financial contribution set by the *small sites calculator* (namely £559,513.15) the planning application was accompanied by a financial viability development appraisal prepared by DS2 consultants. The Council then appointed BNP Paribas to independently reviews the applicant's financial development working alongside the Borough's own internal Viability Team.
- 7.26 The Council's own viability team and its appointed viability consultants concluded based on a review of the DS2 prepared viability appraisal that the scheme could provide a surplus of £400,000, whilst the applicant's viability consultants retained the position of a £240,000

surplus. Whilst the applicant maintained the difference of opinion, in respect of the development surplus, to agree a common position and move on with the assessment of the proposal, the applicant agreed to a proposed payment of £400,000.

- 7.27 Officers are satisfied the proposed sum meets objectives of part 2(ii) of policy S.H1 with the proviso that £100,000 of the identified developer surplus is allocated for a meanwhile use in respect of a LGBT+ venue. An approach consistent with a policy justification set out at length by the GLA in their Stage 1 report, with the remaining £300,000 directed to the affordable housing contribution.

### **Provision of a hotel (C1 use)**

- 7.24 The scheme layout would provide up to 10,739 m<sup>2</sup> of hotel floorspace and include 273 visitor accommodation bedrooms.

#### *London Plan Policy*

- 7.25 London Plan (2016) Policy 4.5 'London's Visitor infrastructure' supports visitor accommodation and recognises the contribution it makes to supporting the economy and stimulating growth. The policy seeks to ensure visitor accommodation is in appropriate locations such as: town centres, in areas with good PTAL, the CAZ fringe, and near to major visitor attractions of regional or sub-regional importance. This is further reiterated in the policy E10 in the Intend to Publish London Plan.

- 7.26 The site is located within the core area of the City Fringe Opportunity Area Planning Framework (OAPF), where "*significant development capacity to accommodate new housing, commercial development and infrastructure (of all types), linked to existing or potential improvements in public transport connectivity and capacity*" is identified

#### *Local policy*

- 7.27 Policy D.TC6 states that development of visitor accommodation will be supported in locations within the Central Activities Zone, Canary Wharf Major Centre, Tower Hamlets Activity Areas and District Centres, as shown on the policy maps) or along primary routes where adjacent to transport interchanges, providing:
- a. The size, scale and nature of the proposal is proportionate to its location
  - b. It does not create an over-concentration of such accommodation, taking account of other proposal and unimplemented consents in the local area
  - c. It does not compromise the supply of land for new homes (in accordance with the Council's housing trajectory) or jobs and the Council's ability to meet the borough's housing and employment targets, and
  - d. The applicant can demonstrate adequate access and servicing arrangements appropriate to scale, nature and location of the proposal.

### **Part D.TC6 – part a. analysis - location**

- 7.28 Whilst the application site sits outside any town centre designation and any Borough designated activity zone, the site does lie along a primary route (Hackney Road serves as an 'A' road route), is located within the City Fringe Opportunity Area, and is in close proximity to Hoxton Overground Station. As such the application is considered to meet the 'location criteria' for a hotel use set out under part (a) of Policy D.TC6. The site is located just under 300 metres from the eastern edge of the Mayor of London's Central Activity Zone (CAZ).
- 7.29 In terms of size, scale and nature of the proposed hotel being proportionate to its location, the number of bed spaces is recognised by officers including from planning policy team to be large given the site does not fall within the CAZ, nor a designated town centre and given the site lies within a conservation area. However, the extant planning permission is a material planning consideration for the site and the physical scale already accepted on this site,

which in turn has informed officer's opinion the size and scale of the hotel is proportionate and acceptable in this location.

#### Part D.TC6 – part b analysis - overconcentration

- 7.30 With respect to the second test of policy D.TC6, the application is required to ensure that it does not result in 'overconcentration' of short-stay accommodation in the locality. The policy does not provide guidance on how an assessment should be undertaken of 'overconcentration', however, it does note that the function and role of different short-stay accommodation include budget hotels, travellers' hotels and boutique accommodation.
- 7.31 In addressing this section of the policy, the applicant had submitted a supplementary planning note in which 21 visitor accommodation providers were identified within 1km radius from the application site. One km radius was agreed with officers as it would pick up the cluster of short-stay visitor accommodation in Shoreditch and towards Old Street, which fall within the CAZ, but exclude the hotels in the City of London which are not considered relevant to potential over concentration impacts posing amenity impacts to residents living at close quarter to this application site.
- 7.32 Officers note that one of the objection letters received included an updated map of the existing visitor accommodation within 1 mile radius, accounting for a total no of 27 hotels. However, this buffer picks up hotels as far as Liverpool Street and less relevant for the assessment of overconcentration in this instance. The adopted 1 km radius is considered to be a sufficient distance for the assessment of this application.
- 7.33 The main clusters of short stay accommodation identified are located to the south and south west of the site towards south Shoreditch and Old Street, which fall within the Central Activity Zone (CAZ).
- 7.34 Of the 21 identified short stay accommodation providers within 1km radius, five operate along the aparthotel model and one as a hostel, with the remainder of 15 operating as traditional hotels. 10 of the identified 21 short stay accommodation providers offer more than 100 rooms.
- 7.35 The nearest hotel to the application site is the Central Hoxton Shoreditch on Kingsland Road, (a three star) hotel located approximately 350 meters walk away. The actual travel to this hotel would require the user to navigate off the primary road it is located upon, walk past the entrance to Hoxton Overround Station then underneath the railway track. In practical terms, the separation distance combined with the arrangement of streets and public transport nodes means there is not likely to be any significant overlapping footfall from that hotel and this proposed hotel to create a general sense of over-concentration of visitor accommodation or related combined residential amenity issues.
- 7.36 Further to the south, the nearest short stay accommodation is Shoreditch Inn and Dictionary Hostel, both providing budget accommodation. Visitor activity associated with these two hotels are also liable to be directed towards the nightlife of south Shoreditch and Old Street areas and their respective London Underground and London Overground stations rather than result in many guests walking towards and in close proximity to 114-150 Hackney Road. As such officers again conclude these two hotels set along with the proposal would not contribute towards a cumulative overconcentration of visitor accommodation as the visitor draw will be in the main towards the night time economy of central London and the heart of Shoreditch as opposed to this section of Hackney Road.
- 7.37 The applicant has signed a lease to let the hotel premises to NYX. This hotel operator forms part of the Fattal hotel group and would provide (4\* or equivalent rating) visitor accommodation towards the upper end of the hotel market.
- 7.38 A number of objections were received expressing concerns over the prospect of other sites coming forward as visitor accommodation in the immediate area along Hackney Road. The applicant has carried out a site review of potential development sites within a 250m radius

and concluded there are few remaining substantial development opportunities in the local vicinity. Officers are very cautious what weight if any given can be given to these reviewing exercises undertaken by applicants however do independently conclude that there are no obvious development site in close adjacencies to the site with establish residential upon two sides of the site and new residential to the two other sides.

- 7.39 For the reasons set out above officers consider that the proposal would not result in overconcentration of such short stay accommodation at this location.

#### Part D.TC6 – part c analysis – supply of land for new homes

- 7.40 The third policy within D.TC6 (short stay accommodation) criteria test seeks to ensure that the proposed development does not compromise the supply of land for new homes or jobs and the Council's ability to meet the borough's housing and employment targets.

- 7.41 With respect to residential use, the site is not identified by the Council as a site for the delivery of a large quantum of housing as part of the exercise the Borough planning policy team needed to do in preparation of the Local Plan and ensuring a 5 year supply of housing.

- 7.42 Furthermore, and perhaps still more pertinent, prior to submission and consent being granted for the extant office-led consent, the developer for this current application entered into pre-application discussions with the local planning authority and as set earlier in this report led to a position where a residential led redevelopment of the site failed to be consistent with seeking to optimise the use of the site. Specifically, the pre-app discussions with offers drew out the challenge of optimising the quantum of development of the site through a residential led approach: whilst,

(a) simultaneously achieving both a good standard of residential accommodation for future occupants;

(b) protecting the amenity of residential neighbours (in particular with respect to privacy); and

(c) achieving a design that satisfactorily respected and incorporated the best built heritage features of the application site.

- 7.43 With respect to achieving more residential use on the site, a particular constraint is the approximately 43m depth of the plot that is simultaneously too deep to produce satisfactory residential layout within a singular residential block whilst a depth too narrow to provide residential accommodation within two residential block arrangements (one set fronting Hackney Road and another facing Pelter Street). Due to the difficulties of achieving resultant window to window habitable room privacy issues satisfactorily whilst simultaneously adequately addressing other site massing constraints.

- 7.44 Notwithstanding the above, the proposal replicates the extant consent and would provide 9 new homes on the southern part of the site which would count towards the Council's housing targets. Officers are of the opinion that there has been a reasonable balance struck between optimising the overall use through a hotel led development and providing new housing on site.

- 7.45 In summary, officers are satisfied that the site does not lend itself for a largely residential led development for the reasons outlined above.

#### Part D.TC6 – part d analysis – access and servicing arrangements

- 7.46 Finally, the fourth limb of policy D.TC6 seeks to ensure that a short stay accommodation proposal can secure adequate access and servicing arrangements appropriate to scale, nature and location of the proposal. This element is dealt with through the submitted transport assessment. Officers are satisfied that the appropriate servicing measurements for the mixed-use development proposed on site can be successfully secured by condition or planning obligation. These measures have been agreed with TfL and the council's own highway's department. Further detail is provided in the 'transport and highways' section of the report.



### Concluding remarks on hotel land use

- 7.47 In relation to the above policy matters, officers conclude the proposed hotel use is consistent with policy given the site fronts a primary road, is located within the designated City Fringe along a long established main thoroughfare street (historically flanked by commercially uses), with an excellent public transport (PTAL) rating, within 4 minute walking distance to Hoxton Overground Station. With regards to the scale of the hotel accommodation it is comparable in build envelope terms with the extant office consent. Officer conclude the scheme would not result in an overconcentration in visitor accommodation in relation to protecting residential amenity. Finally for the reasons set out at length above the scheme would not prejudice the council's housing delivery target as firstly the site is not identified for housing during preparation of the Local Plan and secondly as the applicant (a joint venture with Regal Homes) originally sought a residential led redevelopment of the site but following extended pre-application engagement with officers it emerged site is not readily capable of serving as a significant 'windfall' housing supply site whilst simultaneously optimising development of the site in a manner that sensitive to the heritage assets of the site.

### Employment and career opportunities

- 7.48 The applicant has committed within the application to the provision of 4\* (or equivalent) hotel rating on this site. This would be secured by means of the legal agreement were consent granted. The imaginative design and internal layout of the hotel taken alongside its secured hotel rating will mean the scheme would provide a higher level of employment compared to more budget level and apart-hotels (the latter have become a significant new pipeline of visitor accommodation in recent years).
- 7.49 It is estimated the hotel would provide circa 91 FTE jobs with at least 20% of those roles being in managerial or supervisory positions. Employment is anticipated to be within a diverse set of qualified trades and professions including front of house hospitality, alongside regular cleaning jobs, but also catering positions within the restaurant including the prospect of roles with meaningful career progression paths for local residents.
- 7.50 A fully drafted legal agreement has been prepared for this scheme that details a significant and bespoke to this application package of public benefits in the form of substantial employment offer to the local residents including hotel training programme, career progression, employment skills training contribution, the promotion of a graduate programme specifically to local residents, and the development of hotel operator local employment strategy. Were the NYX operator to not follow through on the lease agreement in place the Section 106 planning obligation relating to the hotel operation would remain in place unaffected and require a new hotel operator to take occupancy of the hotel space upon the same 4\* rating and deliver the same bespoke training and employment package secured within the fully drafted Section 106.
- 7.51 This application like all other planning application schemes needs to be adjudged on its individual merit against compliance with the relevant Local and London Plan policies, the NPPF and relevant statute. The extant planning permission however remains a material consideration in the determination of this present scheme. That stated the applicant has made known in the current uncertain economic climate there is an unwillingness to proceed with building out the extant consent on a speculative basis (i.e. without agreement in place with a main end user tenant to take up occupancy of the bulk of the office space) and hence they are bringing forward this planning application attracted by its adjudged deliverability (including its public benefits) given the applicant's confidence a hotel operator will take up tenancy/occupancy of the hotel space.

### **Quality of Visitor Accommodation**

- 7.52 Whilst there are no defined standard for hotel accommodation in planning policy terms officers regard overall the quality of the hotel accommodation will be good. Furthermore the heritage features of the hotel set alongside the food and beverage services at ground floor should place it in a good position to attract customers and with a level of service that should maximise both the number and range of employment opportunities associated with the hotel.

7.53 In total 13 of the of 273 guest rooms would be windowless. Officers recognise whilst this arrangement is not ideal, there is no policy requirement for windows within new hotel developments and their inclusion on this instance would allow for the hotel floor plates to be most effectively optimised.

### **Re-provision of A4 Public House**

7.54 Local Plan Policy D.CF4 (Public Houses) concerns itself with protecting existing public houses stating that where such use is to be replaced or re-provided, adequate floorspace must be provided to ensure the continued viability of the public house. As such re-provision of a Public House on site raises no land use policy issues, given the vacant Joiners Arms Public House is on site.

7.55 The proposed A4 unit would be a replacement of the former Joiners Arms, an LGBT+ venue and a designated Asset of Community Value (ACV). The Public House closed in 2015. Setting aside the ancillary residential accommodation on the upper floors the Joiners Arms contains 192.5sqm of public house at ground floor for trading purposes and 91.2sqm of basement cellar space for storage of beer. The ancillary residential accommodation at first floor occupied 197sqm.

7.56 Similar to the extant planning permission, the proposed A4 would occupy 364sqm, all located on the ground floor, on a plot adjacent to the former Joiners Arms. The arrangement and quantum of floorspace for the A4 is sufficient to ensure the continued viability of the Public House and therefore complies with Policy D.CF4

7.57 The new Public House would be built out so its superstructure is structurally distinct from the new residential homes built within the scheme to avoid transfer of noise and vibration to the new residences; thereby being built consistent with the 'agent of change' principle, with an existing established night time economy use not mutually impeding the compatibility of any new residential use with the established late night use. An agent of change principle will similarly apply to the hotel and office accommodation in relation to the already established A4 land use.

7.58 A fit-out cost of £138,037 would be secured through the s106 agreement to ensure the loss of the existing Joiners Arms does not disadvantage or undermine the feasibility of a prospective LGBT+ operator from being able to readily fund and operate the re-provided Public House. Furthermore and importantly the fit out costs accord with agent of change principles and will ensure that the late-night venue is adequately fitted out to ensure noise breakout is contained such that it limits any noise emanating from the new Public House to both new residents within the scheme, but also to safeguard amenity to neighbouring residents.

7.59 In addition to what had been secured with the extant planning permission, the following are being secured with this submission:

- i. 18-month rent free period for the lease at the beginning of the tenancy
- ii. Provision of up to £100,00 to help meet fit out and set up costs for an off-site meanwhile use whilst the A4 consent is delivered on site. The meanwhile use space to serve the identified need for a space to serve in LGBT+ community in the absence of the Joiner Arms and its replacement on site being open

7.60 The release of the meanwhile financial contribution is premised on an understanding Transport for London or another wing or partner of the GLA working with the GLA Culture Unit would separately co-assist in facilitating the FoJA or another LGBT+ operator in the provision of a meanwhile use by helping to secure a space benefiting from an appropriately low rent or preferably a peppercorn rent.

- 7.61 This meanwhile use obligation has been strongly advocated by the GLA in their Stage 1 response and subsequent discussions the GLA had with Council planning officers, representatives from the FoJA and Regal Homes. In planning policy terms, the GLA Stage 1 Report sets out the planning policy justification for this obligation with reference to Paragraph 92 of the NPPF to guard against the unnecessary loss of valued social and community facilities guard against the unnecessary loss of valued facilities and services, *“particularly where this would reduce the community’s ability to meet its day-to-day needs”*.
- 7.62 The applicant has agreed to this planning obligation and it is set out in the completed draft legal agreement which has already been prepared (which is attached as an appendix to this report), should the scheme gain a resolution to grant.

### **Land Uses and implication of recent legislative changes to use class order**

- 7.63 On 21 July 2020 the Government announced a number of changes to the planning system which came into force on 1 September 2020. Of note to the application proposals, the introduction of Statutory Instrument no. 757 would see changes to the Town and Country Planning (Use Classes Order) and the creation of three new use classes, Class E, Class F1 and Class F2.
- 7.64 The new ‘E’ use class effectively amalgamates a number of previously disparate use classes into this new use. In the context of the application proposal, the previously existing A1, A2, A3 and B1 would fall within the E class. A4 would fall within the Sui Generis category.
- 7.65 Statutory Instrument no. 757 does however stipulate transition arrangements for planning applications submitted prior to the 1st September 2020, such as the application proposal. These transition arrangements state that such applications should be determined with reference to the Use Classes as existing prior to 1st September 2020. It is on this basis that officers have considered the application proposals with reference to the Use Classes Order as existing, even though the application is to be determined after 1st September 2020, at a point when the new statutory instrument has come into effect.
- 7.66 Nevertheless, whilst the application proposals shall be assessed and determined with consideration of the new ‘E: Class and the transitional arrangements there is a need to protect a number of important development plan objectives that are effected by the introduction of new E Use Class. To this end, should a resolution to grant be provided, a series of planning conditions will be imposed to secure long term the proposed mix of employment spaces and flexible use commercial spaces within the scheme.

### **Heritage**

- 7.67 Section 72(2) of The Planning (Listed Buildings and Conservation Areas) Act 1990 requires with respect to a conservation area that ‘special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area’.
- 7.68 Section 16 of the NPPF (Conserving and enhancing the historic environment). states that *heritage assets are of irreplaceable resource and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.*
- 7.69 Paragraph 193 of the NPPF sets out when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation and the more important the asset the greater the weight that should be attached. This is, irrespective of whether any harm is substantial or less than substantial.
- 7.70 The NPPF sets out a methodology for assessing the impact a development would have onto the designated heritage assets, including the approach to balancing out the public benefits resultant of the scheme.

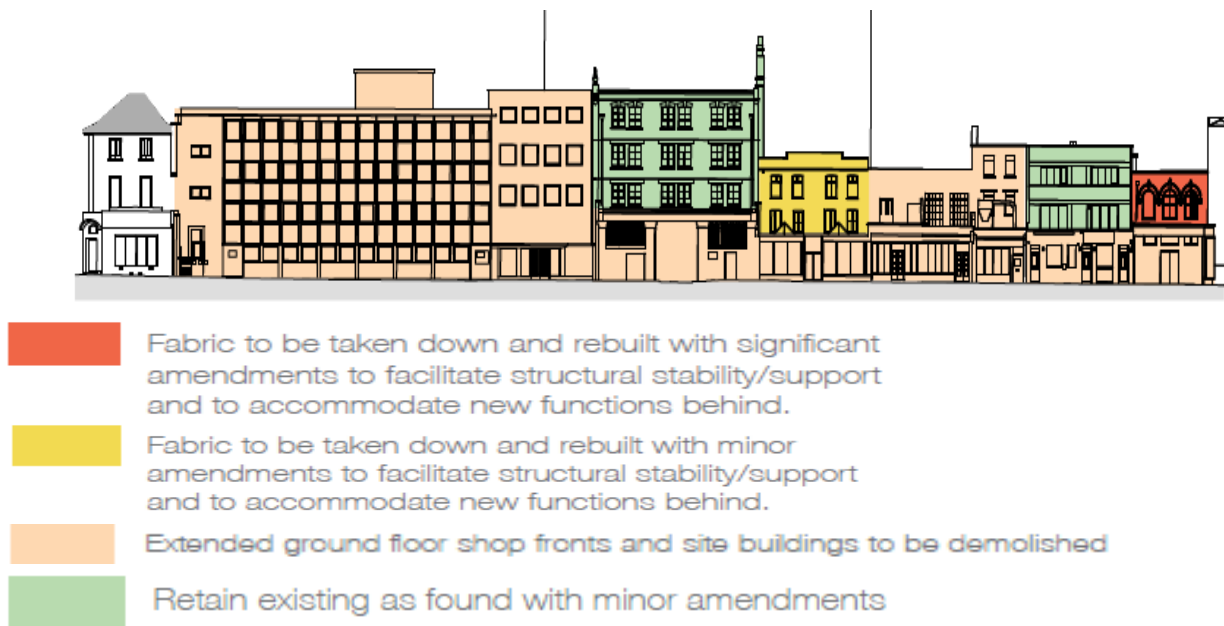
- 7.71 Policy S.DH3 in the Local Plan concerns heritage assets and the heritage environment. Part 1 of Policy S.DH3 sets out that proposals should preserve, or where appropriate, enhance the borough's designated and non-designated heritage assets, in a manner appropriate to their significance as key distinctive elements of the borough's 24 places. Part 2 of this policy states that where proposal seeks to alter, extend or change of use of a heritage asset, or impact onto its setting, the development should ensure that the significance of the heritage asset is safeguarded, including its setting, character, fabric and identity. Furthermore, the proposal is appropriate in terms of design, height, scale, form, detailing and materials in their local context, enhancing and or better revealing their significance of assets or their settings.
- 7.72 Part 3 of Policy S.DH3 sets that where a proposal may give rise to harm to the significance of a heritage asset this harm to the asset must be justified (as with the test set out under the NPPF) having regard to the public benefits of the proposal, "*whether it has been demonstrated all reasonable efforts have been made to sustain the existing use, find new uses or mitigate the extent of the harm to the significance of asset and whether the works proposed are the minimum required to secure the long term use of the asset*".
- 7.73 Part 6 of Policy S.DH3 sets out there will a presumption in favour of retention of unlisted buildings in conservations areas that make a positive contribution to the character and appearance of the conservation area and development proposals should take opportunities to better reveal or enhance the significance of conservation areas.
- 7.74 Policy 7.8 of the London Plan and Policy HC1 of the Intend to Publish London Plan also similarly seek to appropriately protect heritage assets.
- 7.75 The Hackney Road Conservation Area consists mainly of terraced buildings from the 19<sup>th</sup> Century with the Conservation Appraisal stating the "*the height varies from the 2 storey Regency villas to the later 3 to 4 storey Victorian terraces*". The Appraisal states "*Where the historic townscape survives, it is typically one of narrow frontages and even low level rooftops. These two elements are essential to the special character of this area which the designation of this Conservation Area attempts to protect. In some instances, large scale development has already taken place and this fine grain character has been destroyed.*"
- 7.76 Also, the Conservation Area Appraisal states '*The Hackney Road corridor supports a varied and interesting townscape, which represents a historic whole with a character greater than the sum of its parts. It forms part of a cherished local scene and is worth of protection and enhancement*'
- 7.77 The latter description relates well to the existing built qualities of the application site. The buildings on site present a special character reflective of the incremental historic development of the area, with buildings on the individual plots that compose the application site constructed over a range of building eras, from as early as circa 1820-1840s through to the 1960s. The existing buildings taken together constitutes a positive contribution to the character of the conservation area.
- 7.78 The development site on its Hackney Road frontage provides for a townscape which contains a set of narrow plot frontages (albeit interspersed by relatively wider plot widths from a more recent age) and these relatively narrow frontages with their varying parapet heights, differing height rooftops help provide visual interest and a fine grain character to the site that helps contribute positively to the defining townscape character of the conservation area.
- 7.79 The submitted heritage and townscape appraisal report submitted with the application provides a detailed assessment of the heritage significance of each individual building on site.
- 7.80 This proposal introduces some new elements, buildings and extensions, to the block, together with the retention / rebuilding of sections of the external envelope of those buildings which contribute most to the conservation area.

7.81 The architectural design of the scheme in respect of handling of facades and treatment to the massing and the heritage approach taken to the scheme generally follow the approach taken with the extant consent.

Façade retention and design strategy – Hackney Road

7.82 Substantial sections of the upper floors existing facades would be retained in situ as well as other sections retained but with some minor alterations. Such minor alterations include insertion/ re-location of window/ door openings to tie in with the new building uses behind the retained facades. In addition to the retention strategy outline above, some sections of the existing facades will be dismantled and rebuilt to replicate the existing, where the existing condition of repair requires such rebuilding.

7.83 The projecting single storey retail elements fronting Hackney Road would be lost, replicating the proposal with the extant consent. These shopfronts were later additions to the original historic structure, and it is recognised that the upper floor elevations are of greater heritage value in the context of the character and appearance of the conservation area.



Facade retention strategy Hackney Road

**Figure 3: Façade retention strategy in the context of the proposed development**

7.84 The following sections detail the façade retention strategy for the west elevation

7.85 **150-132 Hackney Road would** house the new hotel development: this new building is set towards the corner of Diss Street projecting slightly forward than the existing building line.

The introduced design is relatively 'neutral' addition that responds to the architectural language observed in the immediate vicinity of the site on the recently erected developments. Its mass is broken by the setback introduced at fifth floor, achieving a subdominant projection of the building as a whole in the street, particularly preserve the primacy of the adjacent DJ Simmonds building. The flank elevation to the hotel would retain some public art, details to be secured at planning condition.

- 7.86 **DJ Building [130 Hackney Road]:** existing masonry elements to be cleaned/ repaired, Windows to be replaced to match existing, capitals removed/ reinstated at ground floor, gable return and chimney stacks retained in place, paired capitals to be reinstated
- 7.87 The existing single storey element projecting onto Hackney Road will be demolished. The ground floor would form the entrance to the office within the scheme as well as serving as a secondary entrance to the hotel.



**Figure 4: CGI of the proposed office reception showing the retained steel columns**

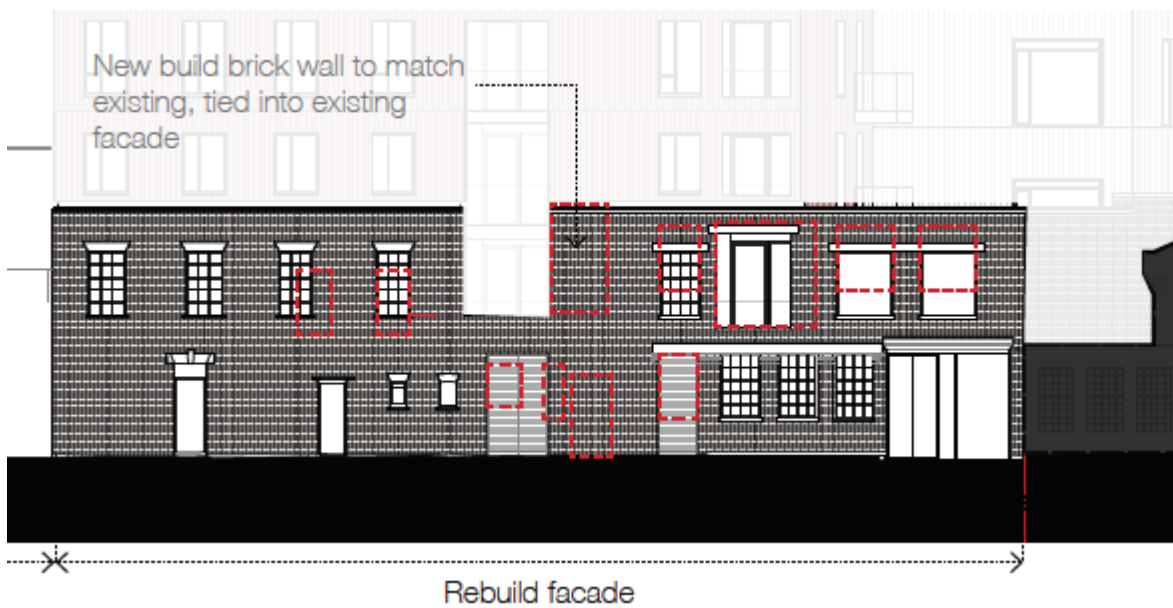
- 7.88 The windows to the retained upper floors would be replaced with matching crittall style windows recessed within the existing masonry reveals to retain the original appearance of the building.
- 7.89 **126-128 Hackney Road [render building]:** façade rebuilt 1.3m higher to tie in with the new uses behind the building façade, windows replaced
- 7.90 **Former Joiners Arms [116-118 Hackney Road]:** Façade retained in place, damaged masonry panels repaired with brick to mach. Insert new windows
- 7.91 Crittall style windows that have been lost will be returned and a planning condition will be imposed to require the return of the decorative panels which was previously found on the front of the Joiners Arms or should it not be recovered the planning condition would require these panels to be accurately reproduced and reinstalled in their original position on the facade.
- 7.92 **114 Hackney Road [corner plot]:** Façade rebuilt 0.85m lower; 3 courses of brick removed from the parapet to reduce the overall height. Masonry details repaired; windows replaced to match existing

Façade retention strategy – Strouts Place (primarily accommodating the residential element of the scheme)



- Retain existing as found with minor amendments

Fabric to be taken down and rebuilt with significant amendments to facilitate structural stability/support and to accommodate new functions behind.
- Extended ground floor shop fronts and site buildings to be demolished

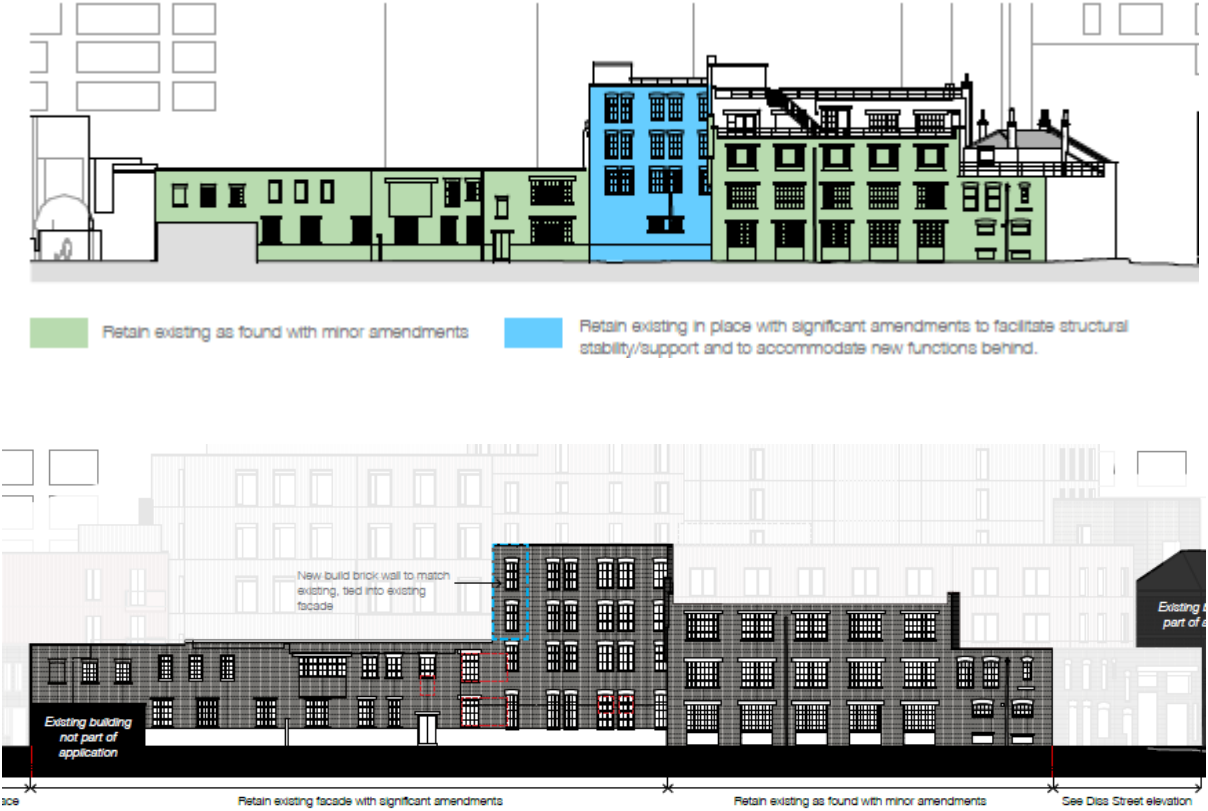


**Figure 5: Façade Works to Strouts Place**

7.93 The characterful existing external façade to Strout's Place would be dismantled and rebuilt 0.85m lower (3 courses of brick removed from the parapet to reduce the overall height) to

replicate their existing façade treatment. The existing building shell is in poor structural condition and unable to accommodate new uses behind this elevation. Careful recording of this facade dismantling would ensure that it is accurately reinstated, preserving its distinctive character. New window openings would be created to accommodate the new uses behind the new building façade

Façade retention strategy – Pelter Street (rear of the application site)



**Figure 6: Works to Retained Structures on Pelter Street elevation**

7.94 Turning to the building elevation on Pelter Street (east elevation), the existing building façade will be retained with changes to accommodate the new users behind the retained building façade. The proposed changes include replacement of windows, creation of new window openings, clean/ repair existing masonry elements and insert a new build brick wall to match existing attached to the west of the existing tallest element within the façade composition.

Façade retention strategy – Diss Street (relating to the hotel element of the scheme including the service yard)

7.95 The existing façade on Diss Street, north elevation, would be retained, with only minor alterations associated with window replacement to retain a continuous architectural language similar to that observed on Pelter Street

Internal Walls retention strategy

7.96 Internally, the four facades of the ‘Cabinet Building’ located centrally within the application site, will be largely retained. Also, of heritage value are the existing timber beams/ softs and steel columns within the cabinet works buildings, the steel columns within DJ Simons building, existing timber parquet flooring within the Cabinet Works buildings, the steel sliding doors and the existing stone flooring within DJ Simons.

7.97 The ground floor central space of the hotel would expose one of the four storey height existing walls. The retained structure would be visible through the atrium glazed roof, becoming a prominent feature of the hotel lounge and reception area.



7.98 Taken overall the architect's façade retention strategy had been reviewed by the Borough Conservation Officer and found sensitive and well considered in respect of safeguarding the buildings that bear most historic value on site whilst enabling them to adapt to their new proposed uses set behind the retained facades.

### **Application of the Public Benefits Test**

7.99 With due consideration to heritage and the onus to place great weight in planning application decision-making in protecting heritage assets under Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Chapter 16 of NPPF and in the development plan officers do acknowledge the scheme would to a degree sit at odds with these policy considerations and legislative objectives by incurring some harm, albeit less than substantial, to heritage assets and specifically the significance and character of the Hackney Road Conservation Area.

7.100 The identified harm to the significance of the Hackney Road Conservation Area arises from the loss of some built fabric recognised to be of heritage merit and from the general scale of the development compared to that of the Conservation Area taken as a whole.

7.101 With this identified harm to the fore and in accordance with the requirements set out in paragraph 196 of NPPF and Part 3 of Policy S.HD3 of the Local Plan it is necessary a public benefits test is applied including weight given to some identified heritage benefits arising from the scheme alongside other non-heritage related public benefits.

7.102 National Planning Practice Guidance (updated on 23 July 2019) defines for the purpose of paragraph 196 public benefits as:-

*"elements that may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the National Planning Policy Framework (paragraph 8). Public benefits should flow from the proposed development. They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit. However, benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, for example, works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit."*

7.103 In terms of heritage benefits arising from the scheme, the proposal would very importantly secure a long term economic and therefore sustainable purpose for the site and in doing secure and safeguard the historic fabric that is identified to be most heritage value on the site through its repair, restoration and long term maintenance. This would include repair, rebuild and restoration to sections of the existing external fabric that are in poor state of structural repair and are in places vulnerable to water ingress and thus quite rapid deterioration.

7.104 Good design and architecture are also recognised as public benefits in their own right. Notwithstanding the scheme would mark a significant increase in overall massing upon the site, as set out in the following section of the report, officers are of the opinion taken overall the new build elements sits well with the proposed retained fabric building elements to serve and are acceptable in their wider streetscene context.

7.105 The scheme provides public benefits in expanding the area of pavement and public realm fronting onto Hackney Road, set alongside creating a welcomed animated edge to the street through the mix of uses.

7.106 The scheme would provide new housing. Economic benefits arising from the proposal would at the operational stage include provision of affordable work space, the prospect of over 370 FTE jobs. With end phase employment opportunities secured for local residents alongside training programme including a graduate programme geared specifically to local residents, a structured career progression programme, employment skills training contributions, and the development of a hotel operator local employment strategy.

- 7.107 An additional package of application specific public benefits would also be secured during construction phase delivered by Regal Homes surrounding: a generous apprenticeship offer; securing local supply chains; initiatives for the project team to go into local schools FE and HE colleges to introduce young people to career opportunities in the development industry; and them to gain first-hand visiting No 114-150 as the scheme is being developed out to witness the range of professions at work to realise a scheme of this ilk.
- 7.108 Social benefits include re-provision of the former Joiners Arms on site, an established LGBT+ venue in the borough. Together with the re-provision of the LGBT+ venue on site, a financial contribution towards fit out costs, a 18 months long rent free period and a financial contribution to facilitate a meanwhile use LGBT+ facility during the build out of the development.
- 7.109 Taking account of the identified public benefits that would be secured with the scheme by means of Section 106 and planning condition officers conclude these benefits on balance outweigh the less than substantial harm to the designated heritage asset.

### **Urban Design**

- 7.110 Policy S.DH1 of the Local Plan requires development to be of the highest standard which respond an responds positively to its local context, is appropriate in scale height, and form, complements streetscape rhythm and complements its surroundings. These broad design policy objectives are echoed in the London Plan ambitions as are the Local Plan Policy D.DH2 objectives with regard new development improving the public realm through optimising active frontages, providing well defined edges to the development, avoiding concealment points, integrating refuses within the building envelope facilities within to the recycling towards street, introducing public art into the public realm.

### **Massing, height, scale**

- 7.111 As set out earlier in the report the proposed mass, height and scale of the main bulk of the development is broadly similar to the extant planning permission. As with the extant planning permission, the proposed mass presents individual vertical elements that help retain the sense of the original individual plot layouts. Horizontally, the mass in broken through sequential set-backs, achieving a subservient visual projection of the upper elements introduced above the retained historic building facades.

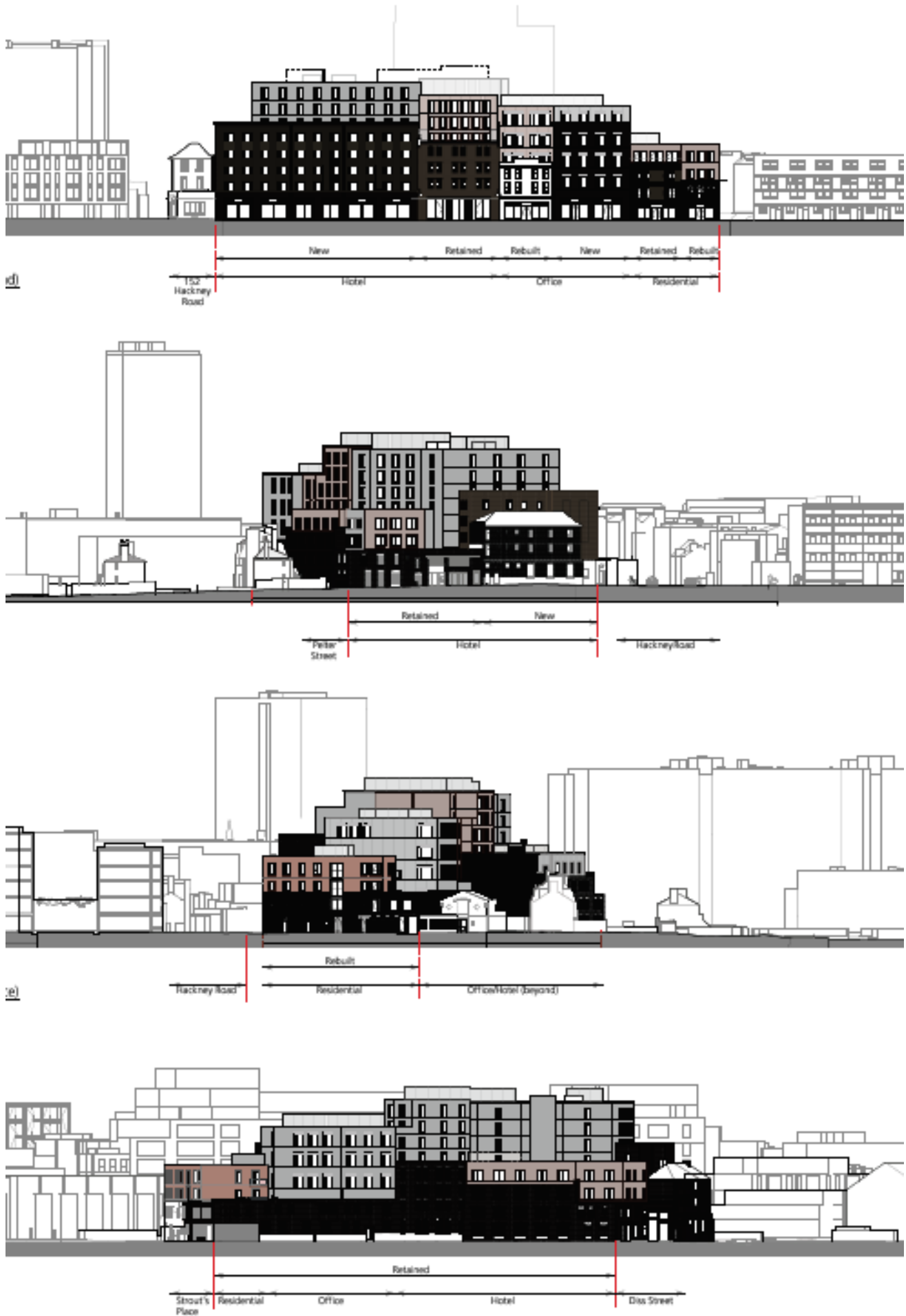


Figure 7: streetscape elevations

## Materiality

- 7.112 The choice of materials is considered to complement the overall massing strategy, with the lower part of the building retaining a heritage aspect whilst the upper part referencing a contemporary addition to the regeneration proposal on site.
- 7.113 Each building element presents a different colour chromatic, to help reinforce the individual reading of the original plots of land. The final choice of brick mix and mortar finish to each façade would be controlled by planning condition to ensure it complements the retained brick wall. A darker (towards a red colour) of terracotta would be used on the upper walls sitting above the retained brick facades (with a very small variation in the choice of colour within the terracotta panels serving each historic plot).
- 7.114 The choice of new finish materials is intended to focus the visual attention upon the retained heritage facades, rather than the new build elements competing and unduly distracting the eye and detracting from their experienced appearance in the street scene.



**Figure 8. Section of Proposed Hackney Road elevation**

## Shopfronts

- 7.115 Policy D.DH9 in the Local Plan requires that new shopfronts to be robust and well designed, ensuring a maintenance of active shopfronts at all times and a sensitive relationship with the upper floors and other adjacent shop fronts. The use of materials should be appropriate to and enhance the local character and value existing architectural and historic features and the signage strategy to refrain from being overly dominant or extending above the ground floor level.
- 7.116 The proposal presents an active frontage at ground floor level facing Hackney Road. The design of the shopfronts presents a mix of a successful reinterpretation of the Victorian Shop fronts set alongside a more contemporary approach for the hotel building.
- 7.117 Attention to detail has been paid to the location of the proposed signage with a louvre panel integrated into the well-proportioned shop front signage area that would provide grillage for ventilation and services required by the end user.
- 7.118 Materials, including details on the signage proposed will be secured by planning condition.

## Inclusive Design

- 7.119 The ground floor to all units is set at grade level and offers step free, wheelchair access. Furthermore, the proposed development will provide one wheelchair accessible residential

unit; 10% of the hotel rooms would also be secured as wheelchair accessible. As such the proposal accords the development plan policies pertaining to inclusive design.

### Landscaping & Public Realm

- 7.120 The existing single storey shop fronts along Hackney Road would be removed, setting back the building line to approximately 8 to 9 meters from the edge of the road with the opportunity provided for the commercial shop unit to have a fresco style table and chairs set before them located behind the adopted public pavement.
- 7.121 The shopfronts themselves will help animate and activate the immediate public realm.
- 7.122 The resulting public space would be an improvement to the existing condition. A set of existing bollards would be removed, the pavement re-laid. The reconfiguration of this public space would create a more generous sense of space along Hackney Road, that would serve well the increase in scale of buildings set behind it and improve the flow and ease of movement for pedestrian.
- 7.123 Cycle parking spaces, street furniture including public illumination form part of the proposed landscaping strategy. Soft landscaping including planting of small new trees would help soften the streetscape.
- 7.124 To conclude taken overall the design of the proposed development is considered of high quality, optimising the potential of the site in a manner that maintains a local sense of place and distinctiveness in the design of the buildings such that it complies with policies S.DH1, S.DH2 of the Local Plan and related design policies set out in the London Plan and nationally within the NPPF.

### Density and scale of development

- 7.125 One of the objection letters refers to overdevelopment in respect of the proposal. The proposal retains by enlarge the same building footprint, mass, scale and height as per the extant planning permission on site with modest changes to the height and massing to better accommodate the new proposed uses on site.
- 7.126 The site is located in the City Fringe Opportunity Area and the intent to publish London Plan (Policy SD1 Opportunity Areas) recognises defined Opportunity Areas will see the most significant growth and that boroughs should support that growth in its decision-making; whilst simultaneously recognising the role of heritage in placemaking alongside provision of social infrastructure, the latter to ensure growth creates inclusive communities.
- 7.127 Set within the above policy and with due consideration given to the extant consent (with adverse residential amenity impacts arising from the built development largely limited to daylight/sunlight (addressed elsewhere in this report) officers consider this scheme does not represent over-development of the site.
- 7.128 Archaeology
- 7.129 The application site lies in an area of archaeological interest (Shoreditch Tier 2 APA), on the corridor of a projected Roman Road and includes built heritage that conveys the area's long historic links with the timber and furniture trades.
- 7.130 Historic England GLAAS department had been consulted on the proposal and advised that the development might cause harm to archaeological remains and field evaluation is needed to determine appropriate mitigation. A two-stage archaeological condition had been requested to provide adequate safeguarding in this regard. This would comprise firstly in evaluation to clarify the nature and extent of surviving remains, and followed, if necessary, by a full investigation. The development would be conditioned accordingly.
- 7.131 This strategy is in line with the policy requirements under policy S.DH3 (part 9) in the Local Plan which seek to ensure that an archaeological evaluation report is provided for all development that lies in or adjacent to archaeological priority areas. It also seeks to ensure

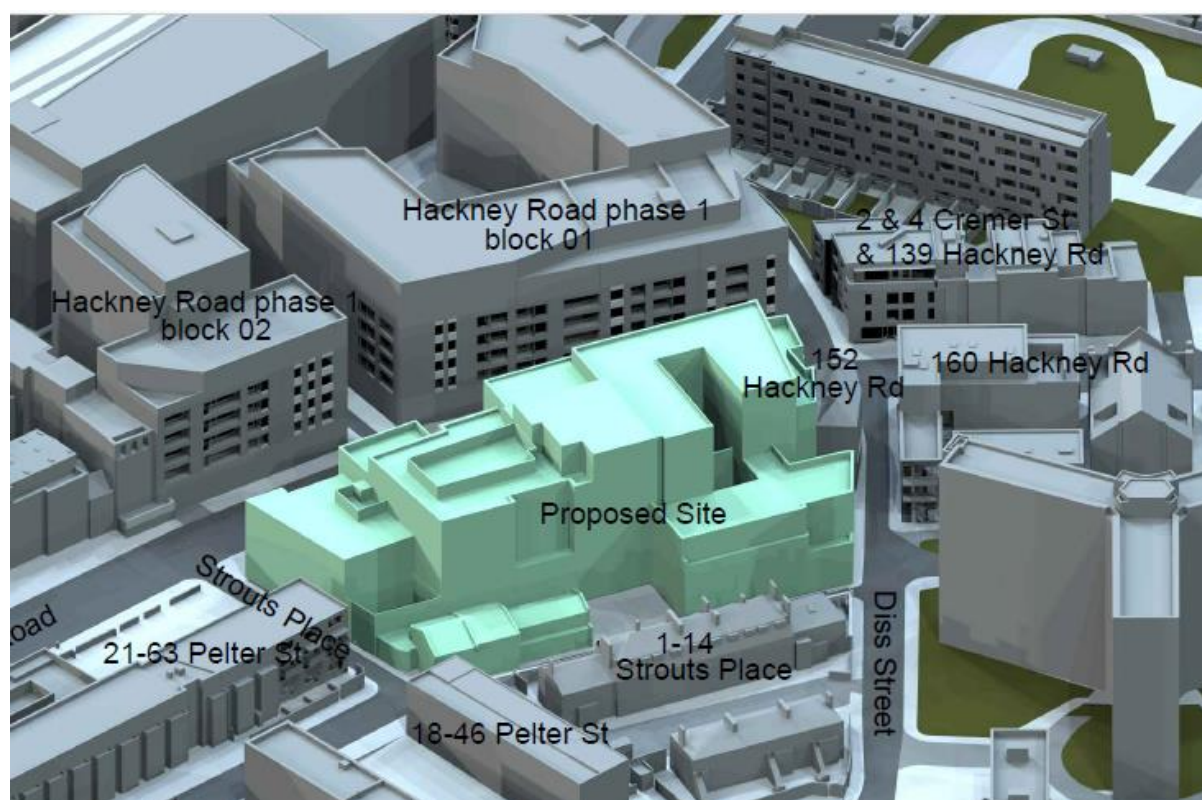
that any nationally important remains to be preserved permanently in situ, subject to consultation with Historic England.

### Neighbouring Amenity

- 7.132 Development plan policies seek to protect neighbour amenity safeguarding privacy, not creating allowing unacceptable levels of noise and ensuring acceptable daylight and sunlight conditions.
- 7.133 Particularly, policy D.DH8 (Amenity) in the Local Plan demands the development to protect and where possible enhance or increase the extent of the amenity of new and existing buildings and their occupants, as well as amenity of the surrounding public realm. This can be achieved through maintaining good levels of privacy and avoiding any unreasonable levels of overlooking, or unacceptable increase in the sense of enclosure.

#### Daylight/ sunlight

- 7.134 Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight' (2011) and is referenced in the supporting text to policy D.DH8, although it should be cautioned the BRE Handbook is guidance as opposed to planning policy in its own right.
- 7.135 There are a number of residential properties surrounding the site which can be impacted by the development. These, along with the consented residential scheme across the road, have been tested as part of the application. The neighbouring properties tested are shown in the image below, and the results of the assessment are discussed below.



**Figure 9: Neighbouring properties tested for daylight/ sunlight impacts**

- 7.136 For calculating the impact the proposal might have onto the levels of daylight currently enjoyed by the existing neighbours, the primary assessment is the vertical sky component (VSC), together with the no sky line (NSL), also referred to as Daylight Distribution (DD) assessment the latter used where internal room layouts are known or can reasonably be assumed. Collectively, these tests measure to what degree buildings maintain their existing levels of daylight.
- 7.137 The BRE Guidance on Daylight and Sunlight for existing homes can be summarised as such:

BRE Criteria	
Daylight	A window may be affected if the vertical sky component ( <b>VSC</b> ) measured at the centre of the window is less than 27% and less than 0.8 times of its former value
	A room may be adversely affected if a significant area of the room is beyond the No-Sky Line ( <b>NSL</b> ) and is less than 0.8 times its former value
Sunlight	A window may be adversely affected if a point at the centre of the window receives in the year less than 25% of the annual probable sunlight hours including at least 5% of the annual probable sunlight hours ( <b>APSH</b> ) during the winter months (21 September to 21 March) and less than 0.8 times its former sunlight hours during either periods.

- 7.138 The BRE guidance also provides a test and associated guidance figures for new unoccupied residential homes, namely the Average Daylight Factor (ADF). To minimum ADF recommended for bedrooms is no less than 1%, bedroom, for living room 1.5% or 2% for a kitchen. The applicant has collected ADF figures for existing homes that are occupied and they are reported below but should be treated with caution as these do not form part of the test applied for existing homes within the BRE guidance although on occasion they can be informative (not least as ADF maybe described as is more of an 'absolute measures' of daylight as opposed to comparative measure).
- 7.139 In respect of the VSC component, the BRE guidance sets out this should be retained at 27% or should not be reduced more than 20% (0.8) of the former value, to ensure sufficient light is still reaching the windows. The NSL calculations takes into account the distribution of daylight within a room, and again, figures should not exhibit a reduction beyond 20% (0.8) of the former value.
- 7.140 In terms of Annual Probable Sunlight Hours (APSH), this is a measure of sunlight that a given window may expect over a year period. The BRE guidance recognises that sunlight is heavily influenced by orientation. North facing windows may receive sunlight on only a handful of occasions in a year, and windows facing eastwards or westwards will only receive sunlight for some of the day. Therefore, BRE guidance states that only windows with an orientation within 90 degrees of south need be assessed.
- 7.141 The submitted Daylight/ Sunlight Assessment reports on the following immediate neighbouring properties:
- a. 2 & 4 Cremer Street and 139 Hackney Road
  - b. 152 Hackney Road
  - c. 160 Hackney Road
  - d. 1-14 Strouts Place
  - e. 18-46 Pelter Street
  - f. 21-63 Pelter Street
  - g. Hackney Road Phase 1, Block 01 and Block 02
- 7.142 For the purposes of this assessment, VSC and NSL impacts resulting in a:
- Reduction in light greater than 20% loss are treated as minor adverse
  - Reduction in light greater than 30% moderate adverse and
  - Reduction in light greater than 40% as major adverse impacts.

- Impacts less than 20% loss of its former value (or retaining at least 27% VSC) are considered negligible.

#### 2 & 4 Cremer Street and 139 Hackney Road

7.143 This urban block is in mixed use, with commercial occupancy at ground floor level and residential above.

7.144 Three residential units were tested, those stacked up and sharing a door/ window opening onto Cremer Street elevation.

Total windows tested	Failure/ pass under the current planning permission	Failure/ pass under the extant planning permission
13	VSC – 2 windows moderate adverse (35.19% and 26.67%), 1 major adverse (40%)	VSC – 2 windows moderate adverse, 1 minor adverse
	ADF – all pass	ADF – all pass
	NSL – all pass	NSL – all pass
	ASHP – all windows would receive a minimum of 5% of sunlight during the winter month (and therefore BRE compliant) except 3 windows which already experience low ASHP (3% in winter months)	ASHP – all windows would receive a minimum of 5% of sunlight during the winter month (and therefore BRE compliant) except 3 windows which already experience low ASHP (3% in winter months)

7.145 Of all the windows tested, all are BRE compliant assessed against the VSC test (i.e. experiencing a reduction in VSC component to not more than 20%) except three windows, two serving living rooms to flat 61 and flat 62 respectively (moderate adverse), and a window serving a bedroom to flat no 63 (minor adverse). The two living room windows are secondary windows to the lounges and receive close to no daylight in the existing condition. Any change as a result of the development would therefore be not be readily perceptible.

7.146 With regard to the one bedroom serving flat no 63 the scheme would result in a reduction in excess of 20% VSC, however as in the case of the living rooms covered above, the existing level of daylight is already very poor (0.60% retained VSC reduced to 0.44% VSC) . In this case, the bedroom relies on artificial lighting and any potential impact would not be noticeable. Notably all the habitable rooms meet the BRE guidance for daylight distribution which underlines how the effected windows under the VSC test to two respective main living rooms are serving as only secondary windows.

7.147 In terms of APSH, the BRE Guidance states that if a room receives at least 5% of APSH, in the winter months, then the room is receiving enough sunlight. All windows would be BRE compliant in this regard, with only three windows registering values of 2% and 3%. However, these windows register an APSH value below the 5% mark from the outset.

7.148 The findings show that the effects the development would have onto the level of daylight currently enjoyed by the residents at 2 & 4 Cremer Street would be not significant when compared to the existing values and extant planning permission values.

#### 152 Hackney Road

7.149 This property is within the same urban block and is understood to contain three residential flats. All five tested windows serving four rooms would experience no more than negligible (less than 20% value losses) as assessed against VSC and NSL.



160 Hackngey Road

7.150 This property is a five-storey residential development erected in recent years.

Total windows tested	Failure/ pass under the current planning permission	Failure/ pass under the extant planning permission
27	VSC – all pass except 5 windows minor adverse impacted, 3 major adverse impacted, 1 major adverse impacted	VSC – all pass except 5 minor adverse, 2 major adverse  <i>Officers note that 27 tested under the current application vs 19 under the extant planning permission. This is due to better information acquired over time on the neighbouring properties, including their layout.</i>
	ADF – all pass except 3 rooms registering minor adverse impacts	ADF – all pass except 2 rooms registering minor adverse impacts
	NSL – all pass except three rooms, 2 moderate adverse and 1 major adverse impacts	NSL – all pass except 7 rooms, 4 registering moderate adverse and 3 major adverse impacts
	APSH – all pass except 13 windows would receive less than 5% of sunlight during the winter months however, of these, 3 are non-compliant from the outset.  <i>Officers note that the existing APSH values reported by the applicant differ between the current scheme and the extant planning permission. This is primarily due to the recent development completed in the immediate vicinity of the application site, which was not there at the time the daylight/sunlight survey data was taken for the extant planning permission.</i>  <i>As such, a direct comparison between the two schemes cannot be accurately made.</i>	ASHP – all windows would receive a minimum of 5% of sunlight during the winter month (and therefore BRE compliant).

7.151 27 were tested serving 17 habitable room 7 of them main living room spaces the remaining 10 serving bedrooms. Of the 27 windows tested within this development, 18 would experience either no or negligible adverse daylight impacts assessed against VSC whilst another 1 would fall marginally outside BRE guidance reporting a 20.35% failure. Of the remaining 8 windows 4 would experience a minor adverse, 3 a moderate adverse impact and 1 a major adverse against the VSC. Of these 4 moderate and major affected windows all these windows are within dual aspect living rooms served by other bedrooms and accordingly experience negligible impact as assessed against the NSL test.

7.152 With regard to the bedrooms in this development two windows serving 2 separate bedrooms would experience minor adverse VSC impacts of 26.33% and 22.93% respectively. On balance notwithstanding the identified impacts to living rooms and bedroom at nos 40 and 41 it is considered the daylight impacts are overall acceptable to these two homes and the development given the small number of rooms adversely impacted overall and with the main affected living room spaces being dual aspect and meet the BRE NSL test.

7.153 In terms of sunlight, 13 windows would receive less than 5% of sunlight during the winter months; of these, 7 are bedrooms with 3 bedroom failures from the outset. Bedrooms are generally treated as less sensitive areas with respect to sunlight assessment. The remaining affected windows (5) serve living/ dining/ kitchen spaces within the development. These spaces benefit from being dual aspect, with APSH failures recorded to either one of dual aspect units or to either one or two windows to a triple aspect living/dining/kitchen. The units are south facing, retaining a good level of direct access to daylight and sunlight and as such, the impacts to the affected windows are considered acceptable.

1-14 Vaughan Estate (reported as 1-14 Strouts Place within the applicant's daylight/sunlight assessment report)

7.154 These properties are two storeys dwellinghouse with mansard extension located in block form to the east of the application site. Their front elevation opens onto Vaughan Estate to the east, whilst the rear elevation backs onto Pelter Street to the west.

Total windows tested	Failure/ pass under the current planning permission	Failure/ pass under the extant planning permission
61	VSC – 21 windows minor adverse impacted, 22 windows moderate adverse impacted, 7 windows major adverse impacted	VSC – 26 windows minor adverse impacted, 20 windows moderate adverse impacted, 6 windows major adverse impacted
	ADF – 16 rooms minor adverse impacted, 11 moderate adverse impacted, 3 major adverse impacted	ADF – 22 rooms minor adverse impacted, 8 moderate adverse impacted, 3 major adverse impacted
	NSL – 1 rooms minor adverse impacted, 7 moderate adverse impacted, 25 major adverse impacted	NSL – 2 rooms minor adverse impacted, 6 moderate adverse impacted, 26 major adverse impacted

7.155 These properties record the most consistent and largest daylight impacts to any existing occupied neighbouring properties to the planning application. All 61 windows facing the site were tested. Of these 61 windows 30 are understood to serve non-habitable rooms such as toilets, bathrooms and circulation space.

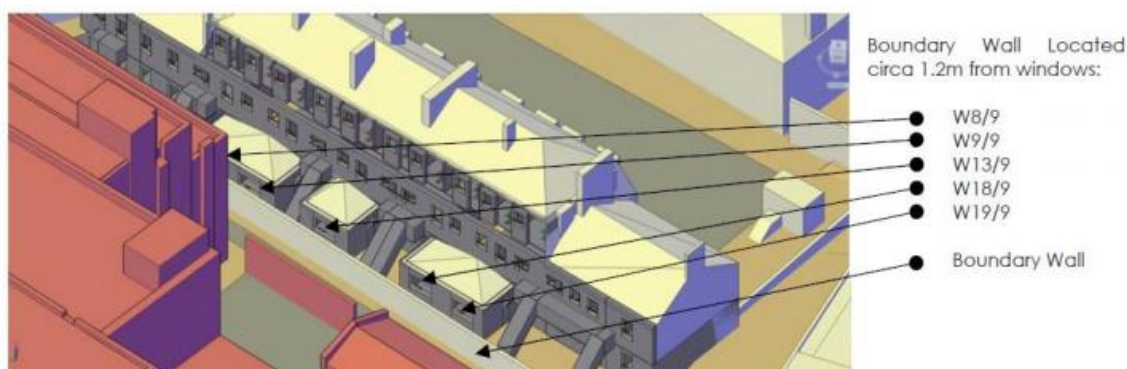
7.156 The most severe impacts would fall on the ground floor with 3 windows serving a kitchen and 1 window serving a bedroom experiencing major adverse impacts of over 80% losses assessed VSC measure and with NSL value loses to these two rooms of over 60%. Only 4 habitable rooms windows on the ground floor meeting the VSC test with the remaining failures in VSC consisting of 8 minor adverse impacts and 2 upper end moderate adverse impacts. Assessed against NSL, 6 of the ground floor habitable room 1 would experience a major lose, 2 moderate, 1 minor and 2 negligible (i.e. within the BRE guidance).

7.157 On the 1<sup>st</sup> floor 10 rooms are affected. All bar two of the rooms are kitchens served by 25 windows in total. 18 of these windows would experience moderate adverse impacts as assessed by VSC and 7 minor adverse. By the BRE daylight distribution (NSL test) 6 rooms would experience major adverse impacts of over 55% and 4 minor adverse impacts. Notwithstanding these marked impacts against BRE guidance it should be noted the retained VSC's values for all the windows affected are between 14.78% and 21.37% with the average retained VSC being 17.19%.

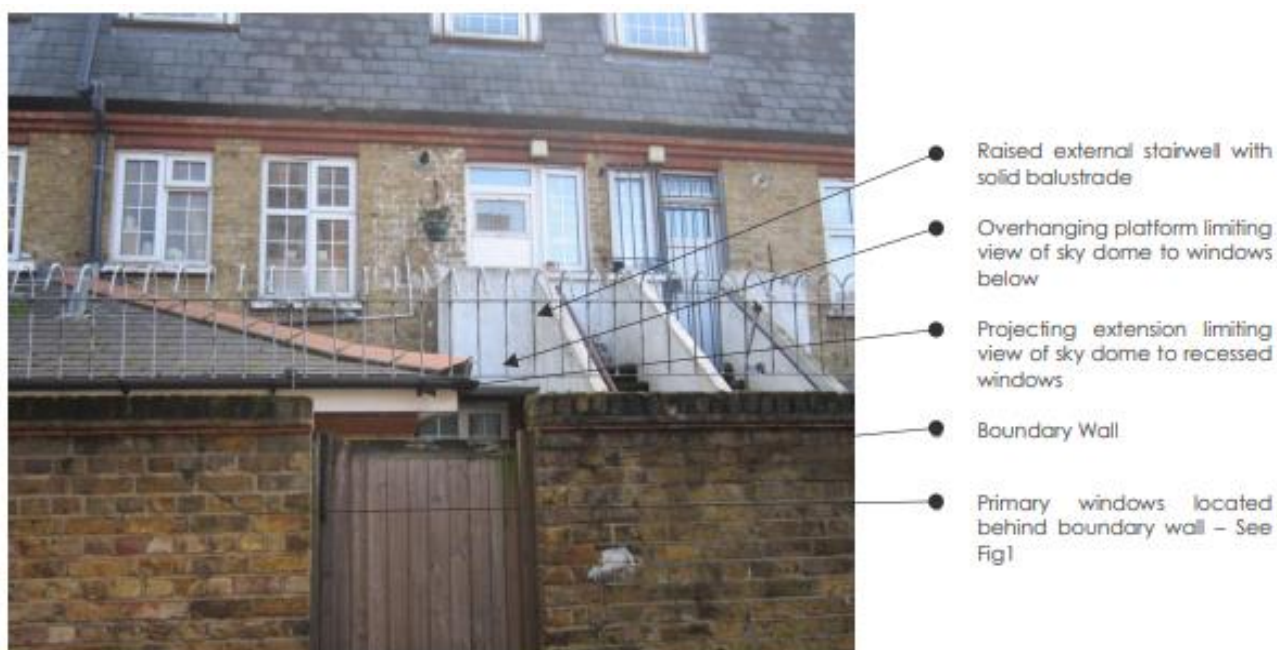
7.158 The existing windows at ground and some of the windows at first floor level are significantly constrained by existing architectural features that restrict the opportunity to achieve good levels of daylight. These factors include a solid brick boundary wall located at approximately 1.2m away from the existing windows at ground floor, the small size of the windows themselves, a raised external staircase with solid balustrade, an overhanging

platform and projecting rear extensions which taken together all limit the sky's visibility and penetration of the daylight. These existing features explain the existing often low VSC and ADF values found on the ground and first floor to these homes.

7.159 It is worth noting that the internal layout of these properties features the kitchen, bedroom and non-habitable circulation/ bathroom spaces located to the rear, whilst the primary habitable space (living rooms) all benefit from an open south east facing aspect looking away from the development which are entirely unaffected by the proposal. It appears that the internal layout was intentional designed, with the front room and the master bedroom positioned south east facing and thus achieving the most daylight potential, whilst the kitchen, secondary bedrooms and non-habitable space located to the rear of the properties with a north-west aspect.



**Figure 10: Modelled existing condition of 1- 14 Vaughan Estate**



**Figure 11: Existing site constrains, 1-14 Vaughan Estate**

7.160 Officers acknowledge that these homes would be impacted in terms of daylight/ sunlight conditions as a result of the development. Consideration needs to be given to the fact that these buildings are dual aspect, with the main habitable space fronting Vaughan Estate, set away from the development. Also, consideration needs to be given to the existing site constraints which of themselves acts as a barrier to good daylight penetration.

7.161 Officers note that, as shown in the comparison table above, the difference between the daylight/ sunlight results observed on this current proposal when compared with those on the extant planning permission are small. With only 2 additional windows experiencing moderate adverse impacts and 1 additional window a major adverse impact against the VSC measure. Whilst 3 additional room would experience adverse impacts by the NSL

measure 1 being minor adverse the other two affected rooms are respectively moderate and major adverse.

- 7.162 In light of the above officers consider that these adverse impacts onto the daylight conditions of these homes weighted against the public benefits detailed elsewhere in this report are on balance acceptable. In reaching this conclusion taken as a material consideration the extant consent and the design features of these affected properties.

#### 18-46 Pelter Street

- 7.163 This address is a three storeys block of flats positioned to the south of the application site. The northern and western elevation of this building would be exposed to potential impacts as a result of the development.
- 7.164 With respect to the NSL test 33 of the 36 rooms would meet the BRE test with only negligible impacts the other 3 experiencing minor adverse impacts. With 12 windows recording major adverse impacts and a further 8 moderate impacts and 7 minor adverse impacts. However these impacts are restricted to windows set back behind the access decks where existing levels of daylight are very low with existing VSC values below 10% and existing ADF values typically below BRE guidance and thus very provide limited daylight amenity value with an existing reliance expected on electric lighting during daylight hours.
- 7.165 The results are comparable with those observed on the extant planning permission and with due regard given to the NSL results and the described impacts that already arise from the affected windows being set behind the access deck the impacts to these properties from the development are considered acceptable.

#### 21-63 Pelter Street

- 7.166 This is a four storeys residential block located to the south of the application site. The blank northern elevation of this building sits right across the southern elevation of the application site.
- 7.167 Due to its positioning, most of the windows would remain BRE compliant in respect of VSC component. Three windows would see a VSC reduction of 26% and 28% respectively, however the NSL values are retained in full and therefore the overall impact is considered to be acceptable.
- 7.168 In terms of APSH, all windows would be BRE compliant.

#### Hackney Road, Block 1 and 2 (reported as 97-137 Hackney Road within the Daylight/Sunlight Assessment)

- 7.169 This site (known as 'Shoreditch Exchange') comprises two residential blocks that were under construction at time of submission of the application. The new development 6 to 7-storeys in height and located opposite the application site.
- 7.170 Appendix C of the guidelines sets out various more detailed tests that assess the interior daylight conditions within rooms. These include the calculation of the Average Daylight Factor (ADF). For new-build dwellings, the ADF value determines the level of interior illumination that can be compared with the British Standard, BS 8206: Part 2. This recommends a minimum target of 2% for kitchens, 1.5% for living rooms and 1% for bedrooms.
- 7.171 Accordingly, the ADF test is used as the primary assessment.

Within Block 1 (the northern of the two consented blocks) there are 12 LKD rooms and 13 bedrooms that will see noticeable ADF reductions. Of these rooms, 9 LKD rooms and 11 bedrooms already do not meet the BRE guidance (in the context of the consented scheme). However, these rooms sit inside the main elevation line and are therefore recessed giving allowance for amenity space to the exterior.

- 7.172 Block 2 (the southern of the two consented blocks), would experience a marginal change in massing. As such, only 1 bedroom sees an ADF reduction below the guidelines.
- 7.173 The identified failures are primarily associated with the overall design of the building with inset balconies providing for private amenity space. Also, some of the units facing Hackney Road within Block 1 are dual aspect, and whilst the rooms overlooking Hackney Road would experience moderate adverse impacted in terms of ADF values, on balance, officers consider that the residential units as a whole would retain adequate levels of daylight.
- 7.174 In terms of APSH, 6 windows within Block 1 would be adversely impacted, receiving no sunlight during the summer and winter months as a result of the development. All other units retain the existing APSH percentage recorded as baseline, with slight losses either in the summer months or winter months. With regards to Block 2, apart of those windows which fail to be BRE compliant in terms of APSH as baseline condition, all windows are BRE compliant in terms of APSH. Sunlight impacts can be explained in large part by the design of the block with the affected rooms set recessed behind inset balconies and with rooms having a very deep plan.
- 7.175 For completeness and with the two blocks becoming occupied since submission VSC tests are also carried out for these two blocks. 124 windows were tested in Block 1 and 60 windows in Block 2. In Block 1, all meet the BRE guidance in terms of VSC except 18 windows register minor adverse impacts, 14 windows moderate adverse impacted and 42 major adverse impacted. These are comparable with the VSC tests done under the extant planning permission where 19 windows were identified as being minor adverse impacted, 14 windows moderate adverse and 40 windows major adverse impacted.
- 7.176 In Block 2, all windows are BRE complaint in respect of VSC component, except 8 windows which were identified as minor adverse impacted, 6 windows moderate adverse impacted and 7 major adverse impacted. Again, this is comparable with the VSC test done on the extant planning permission where all windows were found BRE compliant except 10 windows which were identified minor adverse impacted, 3 windows moderate adverse impacted and 9 major adverse impacted.
- 7.177 When comparing the daylight/sunlight results with those observed on the extant planning permission, with some overall loses and gains, the differences are marginal and unlikely to constitute a significant material deterioration.
- 7.178 Officers note that a large proportion of these blocks are now being occupied; a change in context in comparison with the extant planning permission where the structures were being built.

#### Daylight/ Sunlight Concluding remarks

- 7.179 The impact of the scheme with regards to daylight and sunlight effects to existing and consented residential development are varied in scale. While overall the impacts to the existing residential properties adjacent to the application site would be predominantly minor or negligible, the impacts to Nos 1-14 Vaughan Estate are more acute. On balance officers consider the impacts acceptable having regard to (a) the existing built constraints on the Pelter Street face of these properties that limit existing daylight to these rooms, (b) the main living room and master bedroom with windows facing away from the properties thus being unaffected, (c) having regard to the set of public benefits the scheme would provide and (d) giving appropriate consideration to the reported daylight impacts the extant consent (as set out previously) would give rise to 1-14 Vaughan Estate and other affected neighbouring residential properties.

#### Overlooking

- 7.180 Policy D.DH9 in the Local plan seeks to protect the privacy from overlooking between habitable rooms of adjacent residential properties and other community facilities or private open spaces. The supporting text to this policy further states that the degree of overlooking depends on the distance and the horizontal and vertical angles of view. The adopted

separation distance between windows of habitable rooms that would reduce inter-visibility to a degree acceptable to most people is of 18 meters.

- 7.181 The emerging residential development at 97 Hackney Road, opposite the application site, sits at approximately 16m. The separation distance is slightly below the established 18m, but given its an established relationship across a main road the impact in respect of overlooking is considered acceptable.
- 7.182 1-14 Vaughan Estate are residential homes located approximately 6.2m away from the eastern elevation of the application site. The separation distance increases at 3<sup>rd</sup> and 4<sup>th</sup> floor of the proposal steps back from the site edge to provide a separation distance of approximately 9m at 3<sup>rd</sup> floor and approximately 20m distance at 4<sup>th</sup> floor at these two floor levels. To avoid privacy issues, all windows at ground floor through to the third-floor level on Pelter Street elevation would be fitted with frittered or obscured glazing to 1.7m above the floor level. Accordingly, there would be no overlooking issues to the residents occupying 1-14 Vaughan Estate protected.
- 7.183 There are other residential properties surrounding the application site, however, due to their positioning in relation to the application site, these would not be impacted in terms of overlooking.

#### Sense of enclosure/ outlook

- 7.184 The principal properties that are likely to be affected by the proposal in respect of increased sense of enclosure and loss of outlook are residential units at 1-14 Vaughan Estate.
- 7.185 The minimum separation distance between the boundary line of these properties and the application site is approximately 6.2m measured at ground floor, and increases to approximately 8.2m between the existing 1st floor windows and the boundary wall of the application site. These described separation distances are only relevant to the properties located to the northern end of Pelter Street (Nos 1-6 Vaughan Estate). The separation distance between Nos 7 to 14 Vaughan Estate and the development is approximately 18.2m, albeit the existence of the Medical Centre on Strouts Place fronts these properties, which does not form part of the application site.
- 7.186 The proposal would add additional bulk and height to the rear of these homes, resulting in a greater degree of enclosure and loss of outlook to these residential properties than presently exists. The sense of enclosure is however eased up by the single storey GP surgery block which sits between the proposal and these residential units and expands for more than half of the length of the proposal's eastern elevation. Additionally, the eastern elevation is stepped back slightly at third floor level and stepped much more significantly at fourth level and above.
- 7.187 On balance, and to conclude, whilst the proposal would introduce some impact in respect of sense of enclosure and loss of outlook to 1-14 Vaughan Estate, the impacts would be comparable to the extant consent (with the additional height compared to the extant consent set away from the site edge) and not considered to warrant refusal of the scheme. There are no other properties that are unduly affected in respect of loss of outlook or sense of enclosure as a result of the development.

#### Noise & Vibration

- 7.188 Policy D.ES9 in the Local Plan requires the development to use most appropriate layout, orientation, design and use of buildings to minimise noise and vibration impacts. Where noise and vibration have been identified within the new development, appropriate measurements to manage the potential impact should be considered.
- 7.189 Part 2 of this policy applying what is known as the agent of change principle states that where new noise-sensitive land uses are proposed in proximity to existing noise generating uses, development is required to robustly demonstrate how such conflict between uses is mitigated. This arm of the policy is designed to safeguard the on-going operation of existing

uses (such as in this instance a late night A4 use) with the arrival of new noise sensitive uses within a scheme such as residential. The practical approaches that flow from the agent of change principles can also help avoid conflict and mitigate against negative impacts to existing residential neighbours for whom the agent of change principle cannot be directly applied.

- 7.190 The applicant submitted a noise assessment with the application. Internal ambient would be protected through appropriate window system performance for all proposed uses. Noise generated by the development would be contained within the building shell through building design and internal sound insulation. The plant located at roof top would be screened by noise barriers and noise attenuators, details of which would be secured by planning condition.
- 7.191 Given the Joiners Arms operated as a late night venue (opening on weekends until 4am) in accord with the agent of change principle and to ensure the re-provided Public House also has the opportunity to operate as a late night venue without giving cause for noise to breakout and disturb both existing and new residential neighbours the new venue would be designed and fitted out with acoustic measures so noise breakout was avoided. As with the extant planning consent a bespoke noise conditions would ensure that outcome (including a compliance condition that the continuous equivalent sound level Leq, 5min from music emanating from the A4 unit would be no greater than NR20 as measured within 1 metre of the façade and inside) to residential premises on Diss Street, Pelter Street and Hackney Road.
- 7.192 Through the application of appropriate noise mitigation measures the proposal would not have a detrimental impact in respect of noise to the proposed new homes within the development, nor to hotel guests. A compliance planning condition would ensure those outcomes.
- 7.193 It is recognised there is some risk of noise disturbance that could arise from customers leaving the A4 premises including movement from within the inside of premises to the external smoking area fronting Hackney Road. A post completion acoustic assessment would monitor noise break out as customers enter/exit the public house including to/from the smoking area. A door management and smoking area supervision plan would also form part of an operational management plan that would be controlled by planning condition and would require on-going review. The condition would require details of community liaison, complaints logging and investigation, details identifying to all who has organisational responsibility for control of noise.

#### Hours of operation

- 7.194 The hours of operation to the A4, as with the extant consent, would be controlled by planning condition A4 unit to help safeguard the amenity of residents within the immediate vicinity of the site.
- 7.195 The hours of operation would exactly mirror those in the extant consent namely the replacement A4 premises would be restricted to opening no later than 4am (of the following day) on Saturday, no later than 3am (of the following day) on Thursday and Fridays and 9am to 2am (of the following day) Sunday to Wednesday for a limited period of 12 months after first occupation of the Public House. After the 12 month period, and in the absence of a subsequent variation of condition that retains these hours in perpetuity, the operational hours would revert back to opening no later than 11pm Monday to Thursday and 00:30 on Saturday and Sundays.
- 7.196 By way of planning condition enabling an A4 premises the opportunity to open as a late-night venue until 4am is very unusual when a A4 premises is located within a site context like this one. Namely with a substantial and growing number of residential homes living in close proximity to the application site, the site being outside the Central Activity Zone, outside a designated town centre or a Borough defined activity area. However the reasoning informing the hours and controls previously agreed with the extant consent remain valid and applicable to the current application. Namely, in accord with the agent of change principle and recognition the former Joiners Arms opened until 4am on Saturdays

and 3am on Thursdays and Fridays and the late night opening hours of the former Joiners Arms to the local LGBT+ was an integral part of the contribution the former public house provided to that community. These late-night venue considerations are identified in both the previous and current Equalities Impact Assessments (EqIA) prepared in connection to the determination of each respective planning application.

- 7.197 FoJA in their representation object to the imposition of a planning condition limiting the Public House venue being able open to the above described hours for an initial period of *only* 12 months. Indeed the FoJA objection goes further and states the opening hours should not be controlled by planning condition and be left to be regulated by the Council only by licensing
- 7.198 The decision-maker in respect of this planning application has no powers over the future licensing of the above described late night venue. Officer consider, as with the extant planning permission, the imposition of these extended hours for an initial temporary 12 months strikes an appropriate balance and is done on a precautionary basis and would allow the opportunity for the local planning authority to revisit any prospective amenity issues to neighbours that might arise within the scope of the planning consent.
- 7.199 An LBGT+ operator could readily seek to make permanent these temporary opening hours (for instance after the venue has been open for 6 months) through a variation of condition to the relevant planning condition. With the submission of such a variation of condition application benefiting from the evidence gained from the actual practical operation of the late night venue.
- 7.200 In terms of **opening hours to the proposed hotel bar**, the applicant is seeking a 1am closure.
- 7.201 Officers note that the application site is located in close proximity to a significant number of residential homes and is keen to avoid the presence of two prospective late night drinking premises in such close proximity compounding customer movements along the surrounding streets such that it gives rise to a unacceptable degree of disturbance to neighbours. Accordingly, it is proposed a planning condition is imposed to the hotel bar limiting its hours its able to serve drinks to customers that are not guests of the hotel to no later than midnight. A separate planning condition would also require compliance with the submitted internal layout plan with the open public bar limited to remain ancillary in floor area to both the space set out with table covers for the serving of hot meals in a A3 restaurant and the hotel guest lounge area.

#### Construction Impacts

- 7.202 Demolition and construction works are likely to cause some additional noise and disturbance, additional traffic generation and dust. However, these would be temporary and appropriately controlled through planning conditions. Construction Environmental Management and Logistics Plan, including working hours would require the Council's approval prior to implementation.

#### **Transport**

- 7.203 Development Plan policies promote sustainable modes of travel and limit car parking to essential user needs. They also seek to secure safe and appropriate servicing.

#### Vehicular, pedestrian and cycle access

- 7.204 The proposal is located within a highly accessible public transport zone (PTAL 6a) for which the development will be secured car free.
- 7.205 A blue badge car parking bay would be provided on Pelter Street to serve the new homes proposed in the scheme. Ideally, this bay would be provided within the site's red line boundary. However, due to the constraints of the site, particularly working with the remit of a heritage led scheme and retention of building facades, this cannot be accommodated



and officers are satisfied that following consultation with colleagues in Highways and Parking Services this can be adequately secured.

- 7.206 Objections were received from the members of the public in respect of potential congestion and increase in vehicular movement as a result of the proposal. A lack of car parking provided with the development was also raised as a concern. Planning policy S.TR1 in the Local Plan requires the development to promote sustainable means of transport, promoting access to public transport, cycle and walking over vehicular transport. Furthermore, policy D.TR3 requires residential development to be secured car free and other uses should prioritise space for cycle parking and car clubs. No vehicular parking is provided on site and occupants of the development, other than Blue Badge holder, would not be entitled to apply for an on-street car parking permit. Not providing car parking in locations with excellent public transport accessibility is in line with sustainable transport planning and policy D.TR3 of the Local Plan and therefore supported.
- 7.207 The submitted Transport Statement sets out trip generation from large vehicles will be below the existing situation on site. The Highways Officer raises no concern over the traffic impacts or trip generation more generally. A Waste Collection and Servicing Management Plan is secured by condition, providing an adequate strategy for the management of refuse collection and servicing, in line with the policy requirements under policy D.TR4 and policy S.TR1. Also, a Construction Logistics Plan to manage the construction traffic is also secured by condition.
- 7.208 TFL recommended that taxi pick up/ drop off points to be provided on Diss Street, away from busy Hackney Road. However, Council officers note including the highway officer that Diss Street is a narrow residential street with very narrow pavement as such taxi pick up/ drops offs would impede traffic and is not supported and will not be an approach taken forward with this scheme.

#### Cycle parking and facilities

- 7.209 Policy 6.9 of the London Plan together with policy D.TR3 in the Local Plan seek to ensure that the development provides for appropriate cycle parking provision. Furthermore, policy T5 in the Emerging London Plan establishes the cycle parking standards for the development.
- 7.210 The scheme would marginally over provide in long stay cycle parking space, with 92 secure cycle spaces as assessed against the 90 required to accord with the standards sets out in the development plan; whilst there be a shortfall in 15 short stay cycle parking spaces. To help compensate for that shortfall the provision of additional 5 cycle parking spaces within the premises of each retail unit will be secured by planning condition or alternatively a commitment made to fund annual TfL Bike Hire passes for the use of staff working within the flexible use commercial units.
- 7.211 Cycle parking provision for the residential element is provided separately within the proposed courtyard off Pelter Street. These would be covered, level accessed and via a secure gate.
- 7.212 Accessible cycle parking spaces are provided at basement level for both the hotel and office use. Access would be via a segregated route off Diss Street within the proposed courtyard and through level access lifts down to the basement.
- 7.213 Additional cycle parking spaces for the retail and office element are provided on the Hackney Road pavement, outside the application site.
- 7.214 Final details of cycle parking ensuring this meets London Cycle Design Standards (LCDS) would be secured by condition. Overall, the proposed cycle storage is considered to be acceptable subject to the submission of the details secured by condition.
- 7.215 TFL had requested an additional cycle access entrance to be provided on ground floor to reduce the travel distance of a bike user from the access point on Diss Street through to the cycle parking spaces at basement level. The Council Transport department did not

comment on this aspect of the proposal. The access from the point of entering the building at ground floor through to the basement level would be well lit, level accessed, sign posted, and coupled with the need to retain an active frontage at ground floor level, the proposed cycle parking arrangement is supported.

#### Pedestrian flow

- 7.216 The pavement on Diss Street, Pelter Street and Strouts Place is substandard in pavement width, assessed against current standards. The scheme does not provide the opportunity to improve the width of these pavements due to the retention of the existing buildings on site on sound heritage grounds.
- 7.217 Notwithstanding this, an improved pedestrian area is secured as a result of the development, primarily through the substantial enlargement of the pavement outside the application site on Hackney Road, including introducing dropped kerbs at each end of this pavement. This would improve the step free access and assisted circulation for impaired users.
- 7.218 Furthermore, a raised table is introduced in Strout's Place to improve safety for pedestrians' crossings the street and installation of dropped kerbs. The pavement on Pelter Street would be retained and made good.

#### Deliveries & Servicing

- 7.219 Deliveries and servicing with the exception of refuse collection would be from the new proposed loading bay outside the application site on Hackney Road, as with the extant consent. Officers recognise this is an improved situation in comparison to the existing arrangement where loading and unloading of deliveries is arranged directly from a designated area outside the application site. Hackney Road has a single yellow line parking restriction which applies Monday to Friday, 8.30am to 5.30pm, and Sunday, 8:30am to 2pm, and loading would have occurred outside these hours.
- 7.220 The refuse collection for the residential homes would be from directly outside their entrance to street on Strouts Place. Waste collection for the office and hotel element is arranged via the courtyard off Diss Street, consistent with the refuse arrangements with the extant planning permission.
- 7.221 Both, the servicing and refuse collection arrangements are an improvement to the current situation, in line with the policy requirements under policy D.TR4 (Sustainable delivery and servicing) and policy D.MW3 (Waste collection facilities in new development) in the Local Plan, and therefore supported. The Borough's Highway Officer has noted that in contrast to the office led scheme this hotel led scheme is liable to have more structured and 'rationalised' servicing arrangements (with less Amazon type personal deliveries for individual office workers and office tenants as such is liable to avoid unplanned and ill structured service trip visits. A detailed delivery and servicing management plan would be secured by condition and would ensure adequate management of deliveries and servicing for the proposed development.

#### Works to Public Realm

- 7.222 It is noted that neighbours have objected to the impact on pavements and surrounding public realm. The proposal include an upgrade of the immediate public urban realm around the building, including removal of bollards, enlargement of pavement, introduction of dropped kerbs, planters and tactile pavement, benches and external lighting as part of the landscape and highways works associated with the development.
- 7.223 The highways works are secured through a s278 agreement with the Council and included within the s106 agreement.

#### Travel plan

- 7.224 The submitted Framework Travel Plan was reviewed by TFL and the Council's Highways Department and found satisfactory, subject to a Final Travel Plan to be secured by condition.

#### Demolition and Construction Traffic

- 7.225 An initial Construction Management Plan together with a Demolition Plan submitted with the application had been reviewed by TFL and the Council's Highways Department and found acceptable subject to a full CMP secured by condition.

#### Summary

- 7.226 To conclude, the proposal would generate an improved public realm, facilitating better pedestrian flow and connectivity in the vicinity of the application site. The development would provide adequate cycle parking spaces and facilities and through its car free arrangements, it encourages sustainable modes of transport. Delivery and servicing would be secured from the designated loading bay outside the application site on Hackney Road, and via the two court yards on Strouts Place and Diss Street respectively. For these reasons, and as detailed above, the proposal is considered to be acceptable in terms of supporting sustainable modes of transport, with no significant impact on the safety or capacity of the highways network, in accordance with policies S.TR1, D.TR2, D.TR3, and D.TR4 of the Local Plan 2020 and policies 6.1, 6.3, 6.8-6.13 of the London Plan (2016).

### **Environment**

#### Energy & Environmental Sustainability

- 7.227 Policy D.ES7 in the Local Plan requires the development to be zero carbon with a minimum of 45% reduction in regulated carbon dioxide with the remainder to be offset with cash payment in lieu.
- 7.228 A total of 637 tonnes of CO<sub>2</sub> per annum were calculated as baseline, with 292.8 tonnes/CO<sub>2</sub> reduction in on-site emissions. A carbon offsetting contribution of £619,560 for the remaining 344.2 tonnes of CO<sub>2</sub> per annum (46%) was calculated and secured through s106 legal agreement. The carbon offsetting contribution was calculated at £95/ tonne, in line with the newly adopted Local Plan and Intend to Publish London Plan.
- 7.229 Officers note that the application had been received before the adoption of the Local Plan. With the adoption of the new Local Plan, all new schemes need to calculate carbon offset contribution at £95/tonne as opposed to the previous pre-adoption £60/tonne figure. Where appropriate, and with a difference of approximately £300,000 in the method of calculating the carbon offset contribution, there is scope to consider a carbon offset contribution calculated at £60/tonne to achieve other objectives/ public benefits of the scheme.
- 7.230 In addition to the carbon off setting contribution, an updated Energy Statement to include review of roof space to ensure integration of solar pv panels is maximised and zero-carbon on site emissions is delivered on site will be secured by planning condition.
- To conclude, the proposal subject to applying the relevant planning conditions and legal obligations would accord with relevant development plan policies in respect energy, the environment including CO<sub>2</sub> emission. Alongside the s106 carbon offsetting obligations conditions will be attached in respect of
  - Updated Energy Statement update to include review of roof spaces to ensure the integration of PV panels have been maximised, proposals for how energy demand and carbon dioxide emissions post-construction will be monitored annually, for at least 5 years, proposals setting out how the site has been future-proofed to achieve zero-carbon on site emissions by 2050
  - Submission of as built calculations (SBEM) to demonstrate the reduction in CO<sub>2</sub> emissions have been delivered on-site

- Submission of Final BREEAM Certificates to demonstrate an Excellent rating has been delivered
- Provision of Circular Economy Statement and Whole Life Carbon analysis

#### Air Quality

- 7.231 Policy D.ES2 of the Local Plan (2020) and policy 7.14 of the London Plan (2016) require major developments to be accompanied by assessments which demonstrate that the proposed uses are acceptable and show how development would prevent or reduce air pollution.
- 7.232 The submitted Air Quality Assessment report demonstrates that the development would meet both the transport and building emissions benchmarks, resulting in an Air Quality Neutral development.
- 7.233 The report also shows that the existing pollution levels on site are exceeding the NO2 objectives and therefore mitigation is required to make the site suitable for residential use. Each residential unit would be fitted with mechanical ventilation with heat recovery system placed at roof level where air pollutant concentration is lower. Where these would be placed lower onto the building façade, adequate pollutant filters to remove NOx particles from the incoming air. The implementation of these measurements would be secured by planning condition.
- 7.234 The construction works would result in medium to high risk of potential dust emissions. Suitable measures for the control of dust during construction phase would be managed through the submission of a full Construction Environmental Management Plan, document which is secured by condition.
- 7.235 Subject to application of relevant planning conditions, the proposal is considered to be compliant with the aforementioned planning policy and therefore satisfactory in terms of air quality.
- 7.236 Planning conditions would include:
- Submission of details of mechanical ventilation system to provide clean air to the residential units either by roof top intake of cleaner air or with air filtration from either side of the development.
  - Submission of full Construction Environmental Management Plan to include mitigation strategy for reduction of dust emission during construction phase
  - Compliance condition pertaining to GLA's Non Road Mobile Machinery Low Emission Zone

#### Waste

- 7.237 Policy D.MW3 of the Local Plan requires adequate refuse and recycling storage alongside and combined with appropriate management and collection arrangements.
- 7.238 Waste collection for the residential element would be undertaken from Strout's Place, along with the existing waste collection arrangements for the existing residential development to the south of the application site on Strout's Place. Waste collection for the commercial element of the scheme would be undertaken from Diss Street via the servicing yard and away from the busy Hackney Road. The Council's Waste Team have reviewed the proposal and are satisfied that subject to securing the details of the bin storage size and servicing arrangements through approval of a Delivery and Servicing Management Plan secured by condition, the proposal would be acceptable.
- 7.239 Dropped kerbs to serve the refuse stores would be secured through s278 agreement and sit within the s106 legal agreement.

#### Biodiversity

- 7.240 The application site consists largely of buildings and hard surfaces with only a small amount of vegetation. The Ecology Appraisal states that the buildings are considered to

have negligible potential for roosting and the development would have no impact on urban bats habitat.

- 7.241 The proposal includes a large area of green roof, native and nectar-rich plants within the landscaping, both on roof terraces and at ground level, climbing plants on green walls, nest boxes, including for swifts and insect boxes. These measurements contribute to the Urban Greening Factor and a net increase in biodiversity on site, in line and accord with Policy D.ES3 of the Local Plan and Policy 7.19 of the London Plan 2016 which seek to safeguard and where possible enhance biodiversity value.
- 7.242 The quality of the green roof including overall quality of the landscape strategy will be secured by planning condition.

#### Flood Risk & Drainage

- 7.243 A detailed drainage strategy to ensure adequate management potential flooding from surface water run off will be secured by way condition. Subject to this, the proposal is considered to be compliant with policy tests under policy D.ES4 in the Local Plan that seeks to ensure that the development employs an effective strategy to flood risk even when occurring as a result of surface water run off.

#### Land Contamination

- 7.244 The application has been reviewed by the Council's Environmental Health Land Contamination officer and subject to standard conditions, the proposals are acceptable from a land contamination perspective and any contamination that is identified can be satisfactorily dealt with.

#### Health Impact Assessment

- 7.245 Local Plan Policy D.SG3 requires major application development to assess the impact of the proposal on the health and wellbeing of communities through the use of Health Impact Assessment (HIA). This requirement is also set out in the London Plan.
- 7.246 Officers note that members of the public raised concerns in the submitted objections in respect of effect on residents' lives and health and wellbeing.
- 7.247 The submitted Rapid Health Impact Assessment (HIA) provides an assessment criteria in line with guidance from The Healthy Urban Development Unit (HUDU) publication 'Watch out for health – A checklist for assessing the health impact of planning proposals', and The Department of Health (DoH). These methods provide a rapid, standardised and transparent method for assessing potential contribution and health infrastructures requirements for new developments.
- 7.248 The submitted report concludes that the proposal, through the redevelopment of the site, would provide employment and new housing, promote the use of more sustainable modes of transport. It would also introduce an improved Urban Greening Factor through introduction of green roofs and landscaping at street level, including improved permeability on site through enlargement of pavement outside the application site on Hackney Road and introduction of raised bed in Strouts Place. No negative health/ wellbeing impacts were identified as a result of the proposal.
- 7.249 The Council's HIA officer reviewed the submitted information and found it satisfactory.

#### **Infrastructure Impact**

- 7.250 It is estimated that the proposed development would be liable for Tower Hamlets Community Infrastructure Levy (CIL) payments of approximately £ 1,037,319.67 and Mayor of London CIL of approximately £421,734.
- 7.251 Alongside CIL, Development Plan policies seek financial contributions to be secured by way of planning obligations to offset the likely impacts of the proposed development on local services and infrastructure.

- 7.252 The applicant has agreed to meet all of the financial contributions that are sought by policy including those set out in the Council's Planning Obligations SPD, as follows:
- £59,964 towards construction phase employment skills training
  - £110,160 towards end-user phase employment skills training
  - £619,560 toward carbon emission off-setting (if applicable)
  - £300,000 towards affordable housing contribution
  - £9000 towards s106 monitoring fees
  - £138,037 fit out costs for the proposed A4 LGBT+ venue
  - £10,000 towards Wheelchair accessible bay
  - £155,000 Highways Improvement Works
  - £100,000 towards meanwhile use

### **Human Rights & Equalities**

- 7.253 The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-
- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited under the Act;
  - advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 7.254 The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act
- 7.255 The proposal would involve the loss of the Joiners Arms as a Public House, albeit with a re-provided Public House next door that would benefit from a larger trading floor area. The Joiners Arms has been an important and culturally significant venue for the LGBT+ community dating back to 1997 when it began operating as a LGBT+ venue. The Joiners Arms has a cultural significance beyond its relatively modest size as a Public House. This significance is derived in part from its range of community event activities (including public health work) that took place there and other community activities not usually associated with a Public House. The Public House had a vibrant, informal music and entertainment scene (with nightly rotating DJ's events, karaoke) associated with it before its closure
- 7.256 What might be described as safe cultural and social spaces that meet the needs of the LGBT+ community in Tower Hamlets and London more widely are increasingly under threat of closure or indeed have closed as has been reported and referenced earlier in this report
- 7.257 Officers have undertaken an Equalities Impact Assessment. This assessment concludes the Council as the local planning authority has exercised its functions adequately in respect of this planning application with satisfactory regard to the statutory duties set out in the Equalities Act in respect of the nine protected characteristics.
- 7.258 From prior to formal planning application submission stage through to preparation of this Committee Report officers have engaged (as was the case prior to the granting of the previous consent) with the Friends of the Joiners Arms in relation to this redevelopment scheme. Seeking to address concerns raised including making proposed amendments to the wording (to the s106 that was attached to the previous consent) surrounding the Right

of First Refusal (ROFR) option for an LGBT+ operator to take up the lease of the proposed new Public House for the site.

- 7.259 The new completes draft Section 106 has been shared with the FoJA and the GLA including the Mayor of London's Cultural Unit Team and the Mayor of London's appointed Night Time Czar. Officers conclude it addresses all the substantive matters relating to the s106 raised by the GLA including the Culture Unit and the FoJA.
- 7.260 The new draft Right of First Refusal within the s106 seeks to provide greater clarity how the local LGBT+ Community would be engaged in help select a LGBT+ operator working with the Council and the GLA Culture Unit. The s106 also make provision for a financial contribution to help facilitate a meanwhile use space for FoJA prior to the re-provision of the Public House on site.
- 7.261 If a LGBT+ operator comes forward who meets the reasonable selection criteria it will be a requirement of the s106 agreement that a period is allowed for negotiating the heads of terms of a lease and such lease be granted to them for a minimum term of 12 years with an initial rent free period. It is considered that this 12 year period should be long enough to allow any new operator to establish a viable commercial business. If no suitable operator was to come forward or if heads of terms could not be concluded within the period provided then the A4 unit could be leased free of the restriction.
- 7.262 The Council recognise part of the significance of the Joiners Arms is derived from it being a Public House serving the LGBT+ community as a specifically late-night venue. Were planning permission granted this scheme is capable of securing a replacement Public House that is both physically designed and appropriately controlled by planning conditions and obligations that it would readily lend itself to be managed and to operate as a late night A4 venue for the LGBT+ community.
- 7.263 This report explains the physical inclusive design aspects of the development and this is considered to advance equality of opportunity for those with physical disabilities.
- 7.264 The proposal has been subject of an Equalities Impact Assessment, that is attached as an appendix to this report. Officers conclude the proposed development would not result in adverse impacts upon equality or social cohesion

## 8. RECOMMENDATION

- 8.1 That subject to any direction by the Mayor of London, **conditional planning permission is GRANTED** subject to the prior completion of a legal agreement to secure the following planning obligations:

### 8.2 Financial obligations

- a) £59,964 towards construction phase employment skills training
- b) £110,160 towards end-user phase employment skills training
- c) £619,560 toward carbon emission off-setting (if applicable)
- d) £300,000 towards affordable housing contribution
- e) £9000 towards monitoring fees
- f) £138,037 fit out costs for the proposed A4 LGBT+ venue
- g) £10,000 towards Wheelchair accessible bay
- h) £155,000 Highways Improvement Works
- i) £100,000 towards meanwhile use

Total financial contributions: £1,501,721.

### 8.3 Non-financial obligations:

- a. Access to employment
  - 20% local procurement

- 35% local labour in construction
- 20% local supply chain during construction phase
- 35 construction phase apprenticeships
- 10 end-user phase apprenticeships
- Developer in attendance at 2 local career fairs per calendar year for the lifetime of the construction
- Staff from the developer to attend 5 Further Education and Higher Education colleges during the construction life of the project
- Implement the Hotel's operator's Graduate Training Programme
  
- Provide training at NVQ Level 3 apprenticeship level or above
- Adopt a Graduate Programme to help fast track local graduates onto a management training platform
- Pay the course fees for a series (minimum 4) local residents to gain a graduate or post-graduate course in Hospitality, Hotel Management or Culinary Arts (Professional Cookery).
- Commitment (end user phase) for hotel operator to attend a minimum of 1 local career fairs per calendar year to promote jobs and hospitality careers within the hotel. Or to attend local FE and HE college that have hospitality, hotel management and catering related courses to provide students with insights into the hotel sector.
- Provide opportunities for local students to visit the hotel to learn the business and gain work experience of back of house operations as part of possible project and course work.
- Commitment to develop an end phase Career Workpath programme for hotel employees
- Commitment to target to recruit at least two employees with a learning or physical disability for every 100 bedrooms (equating to 5 employees on the 273 bed basis)s
- Secured best endeavours (as opposed to reasonable endeavours) with respect to working with local suppliers over the long term.
- Best endeavours on establishing local supply chains for the hotel

b. Transport matters:

- Car Free development (residential)
- S278 Agreement (works to Hackney Road, Diss Street and Strouts Place)
- Applicant ceding for highway adoption under Section 72 of the Highways Act

c. 10% affordable workspace (let at 20% below market rent for a period of 15 years)

d. Compliance with Considerate Constructors Scheme

e. First right of refusal of the A4 unit to be offered to a LGBTQ+ Operator

8.4 That the Corporate Director of Place is delegated the power to negotiate the legal agreement. If within three months of the resolution the legal agreement has not been completed, the Corporate Director for Place is delegated power to refuse planning permission.



8.5 That the Corporate Director of Place is delegated the power to impose conditions and informatives to address the following matters:

## 8.6 Planning Conditions

### Compliance

1. 3 years deadline for commencement of development.
2. Development in accordance with approved plans.
3. Restrictions on demolition and construction activities:
  - a. All works in accordance with Tower Hamlets Code of Construction Practice;
  - b. Standard hours of construction and demolition;
  - c. Air quality standards for construction machinery;
  - d. Ground-borne vibration limits; and
  - e. Noise pollution limits.
  - f. Compliance with GLA Non Road Mobile Machinery Requirements
4. Requirement to maintain a Public House (A4 use class) at ground floor
5. Hours of operation for ground floor commercial units
6. Hours of operation for the hotel bar
7. No amalgamation of ground floor units
8. Noise limit on plant
9. Noise limit to noise breakout and music noise limiters (compliance to noise rating NR40 (Leq linear) outside the affected neighbouring residential dwellings
10. No mechanical externally ventilated extract system (or other fixtures) for the commercial units without prior approval from the LPA
11. Access to 5<sup>th</sup> floor rooftop terrace for all B1 users during hours of daylight
12. Bin stores to meet British Standards
13. All refuse within commercial units at ground floor to be retained inside until time of collection
14. Maintain 80% of approved glazed frontage with unobstructed views into individual flexible use units and the ground floor glazing to the hotel
15. 90 day maximum stay restriction
16. Restrictions on changes of use – offices
17. Restriction on size of ancillary bar area in hotel
18. Restrictions on changes of Public House
19. Restrictions on change of use of flexible use commercial space
20. Adherence to submitted shopfront and signage strategy
21. No coach based arrivals or bookings

### Pre-commencement

The inclusion of the following pre-commencement conditions has been agreed in principle with the applicants, subject to detailed wording

22. Construction Environmental Management Plan and Construction Logistics Plan (in consultation with TfL):
  - a. Site manager's contact details and complain procedure;
  - b. Dust and dirt control measures
  - c. Measures to maintain the site in tidy condition, disposal of waste
  - d. Recycling/disposition of waste from demolition and excavation

- e. Safe ingress and egress for construction vehicles;
  - f. Numbers and timings of vehicle movements and access routes;
  - g. Parking of vehicles for site operatives and visitors;
  - h. Travel Plan for construction workers;
  - i. Location and size of site offices, welfare and toilet facilities;
  - j. Erection and maintenance of security hoardings;
  - k. Measures to ensure that pedestrian and cycle access past the site is safe and not unduly obstructed; and
  - l. Measures to minimise risks to pedestrians and cyclists, including but not restricted to accreditation of the Fleet Operator Recognition Scheme (FORS) and use of banksmen for supervision of vehicular ingress and egress.
23. Land Contamination Remediation Scheme (subject to post completion verification).
  24. Archaeology
  25. Piling Method Statement
  26. Recording and salvage of materials/ features for reuse
  27. Building Historic Recording Survey including photographic survey
  28. Circular Economy Statement

#### Pre-superstructure works

29. Details of drainage and sustainable water management strategy
30. Landscaping Management Plan including external lighting strategy, CCTV, urban furniture, details (and samples where necessary of all soft and hard landscaping elements
31. Clean air mechanical ventilation to residential units
32. Details of external facing materials and architectural detailing
33. Details of hard and soft landscaping including to public realm spaces including street furniture and lighting.
34. Details of fire strategy
35. Details

#### Prior to commencement of relevant works

36. Details of cycle stands, changing room/ shower and locker facilities for cyclists
37. Noise mitigation Implementation Strategy
38. Updated Energy Statement
39. Shopfront strategy and signage (materials)

#### Pre-occupation

40. Achieving BREEAM 'Excellent' certificate
41. Details of residential privacy design measurements
42. Management Plan for rooftop terraces including control of hours
43. Secure by Design Accreditation for all uses
44. Delivery and Service Management Plan, including Waste Strategy
45. Venue/ Operational Management Plan
46. Whole life carbon
47. Details and installation of Public Art

#### Post completion

48. Submission of 'as built' calculations for energy reduction

49. Submission of an acoustic compliance assessment

50. Circular Economy - post complement statement

## **8.7 Informatives**

1. Permission subject to legal agreement.

2. Development is CIL liable.

3. Thames Water – proximity to assets.

4. Highway Authority – structures team – details of basement works abutting the public highway



