

**Art'Otel, Shoreditch**

in the London Borough of Hackney

planning application no. 2015/1834

**Strategic planning application stage II referral**

Town & Country Planning Act 1990 (as amended); Greater London Authority Acts 1999 and 2007; Town & Country Planning (Mayor of London) Order 2008.

**The proposal**

Demolition of existing buildings on site and construction of a part-22 storey (block A) and part-five/part-six storey (block B) building for use as a **346 room boutique hotel** (22,174 sq.m. GIA use class C1) with ancillary health/leisure and private members club facilities; **office** space (6,734 sq.m. GIA use class B1); flexible uses including retail, bar/restaurant, art gallery and art cinema (3,324 sq.m. GIA use class A1/A3/A4/D1/D2)

**The applicant**

The applicant is **Aspiration Limited** and the architect is **Squire and Partners**.

**Strategic issues**

The application is in the City Fringe Opportunity Area and the proposals have the potential to contribute strongly towards the objectives of the **City Fringe OAPF**. Issues relating to **employment, urban design, energy** and **transport** have been suitably addressed through the submission of further information and/or the use of planning conditions and section 106 obligations.

**The Council's decision**

In this instance Hackney Council has resolved to grant permission.

**Recommendation**

That Hackney Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal or direct that he is to be the local planning authority.

**Context**

1 On 17 June 2015 the Mayor of London received documents from Hackney Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under categories 1B and 1C of the Schedule to the Order 2008:

- *“Development (other than development which only comprises the provision of houses, flats, or houses and flats) which comprises or includes the erection of a building or buildings— (b) in Central London (other than the City of London) and with a total floorspace of more than 20,000 square metres”*
- *“Development which comprises or includes the erection of a building of one or more of the following descriptions— (c) the building is more than 30 metres high and is outside the City of London”.*

2 On 22 July 2015 the Deputy Mayor considered planning report PDU/2426c/01, and subsequently advised Hackney Council that while the application was broadly acceptable in strategic planning terms application did not comply with the London Plan, for the reasons set out in paragraph 65 of the above-mentioned report; but that the possible remedies set out in paragraph 65 of that report could address these deficiencies.

3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. Since then, further discussions have taken place between the applicant and officers. On 2 December 2015 Hackney Council decided that it was minded to grant planning permission, and on 14 January 2016 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, direct Hackney Council under Article 6 to refuse the application or issue a direction to Hackney Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application and any connected application. The Mayor has until 29 January 2016 to notify the Council of his decision and to issue any direction.

4 The decision on this case, and the reasons will be made available on the GLA’s website [www.london.gov.uk](http://www.london.gov.uk).

## Update

5 At the consultation stage Hackney Council was advised that the application did not fully comply with the London Plan, for the reasons set out in paragraph 65 of the above-mentioned report; but that the possible remedies set out in paragraph 65 of that report could address these deficiencies:

- **Employment:** GLA officers would welcome further discussion on the nature and scope of workspace provision including the securing of affordable workspace before the scheme is referred back to the Mayor.
- **Urban design:** The applicant should ensure that sufficient safety measures are fully considered and designed into the landscaping strategy for the hotel access link to provide a fully inclusive and pedestrian-friendly environment. Further detail is also needed with regards to aligning the public realm proposals with TfL’s cycle superhighway upgrade works along the western edge of the site boundary.
- **Climate change:** The applicant has broadly followed the energy hierarchy. Sufficient information has been provided to understand the proposals as a whole. Further revisions and information are required, as detailed in the Stage I report, before the proposals can be considered acceptable and the carbon dioxide savings verified.
- **Transport:** The applicant should conduct an assessment to establish potential demand for cycle hire generated by the proposals alongside exploring possible locations for cycle hire

facilities. If this proves unfeasible, contributions may be sought and secured within a Section 106 legal agreement. A full delivery and servicing plan, construction logistics plan and travel plan should be secured by condition.

6 Paragraphs 7 to 20 below detail how the outstanding issues have been addressed.

## **Employment**

7 The applicant has discussed the workspace provision with Hackney Council's Regeneration officers. The S106 secures the provision of 10% of floorspace as affordable workspace, or a payment in lieu to the Council of £1,082,094.87 if a viable operation of affordable workspace cannot be found. In addition to the affordable workspace provision, a contribution of £903,250 is secured via the S106 towards Hackney Council's Ways into Work scheme which provides employment support to local residents.

8 It was noted in the GLA's Stage I response that whilst London Plan Policy 4.3 includes a requirement for housing provision within the CAZ, the proposed increase in office (B1) floorspace is recognised as a strategic priority in this particular area of the CAZ and as such the inclusion of housing in this instance would demonstrably conflict with London Plan Policy 4.2. The proposed mix of uses is therefore supported from a strategic perspective.

9 As such, the employment issues have been suitably addressed.

## **Urban Design**

10 The applicant has provided updated transport and landscape drawings showing that additional bollards would be introduced along the length of the link road, maintaining a minimum pavement width of 1400mm between the new bollards and the columns and a clear physical delineation between vehicles and pedestrians. This is considered to be suitable in terms of ensuring a safe, inclusive pedestrian environment.

11 The applicant's landscaping strategy has taken account of the potential alignment of the cycle superhighway alongside the western boundary of the site. Hackney Council has recommended a condition requiring the submission of details of the landscaping and public realm scheme, which will allow for further development as the Cycle Superhighway scheme progresses.

12 The above measures have suitably addressed the issues in relation to design and landscaping.

## **Climate Change**

13 The applicant has submitted an updated Energy Strategy which addresses the requests for further information sought at Stage 1, namely:

- The applicant has confirmed the site will contain a common energy centre located in the basement and all uses within the building shall be served from this energy centre
- Diagrams of the energy centre and site wide heat network have been provided
- Confirmation of the CHP sizing has been provided.
- BRUKL sheets were provided for review.
- The applicant has provided a revised estimation of carbon savings from the 50sqm of photovoltaic panels

- The applicant has clarified that a Waste Water Heat Recovery System (WWHR) is intended to be included within the overall energy strategy. With the WWHR, it is estimated that the scheme would achieve 35.4% reduction in CO2 emissions, in accordance with London Plan targets. However, as the WWHR is a relatively new technology in the UK, a clause is included in the draft S106 agreement which requires further assessment in order to confirm the carbon savings. If the assessment shows that the development is unable to achieve the estimated 35% reduction then an off-set payment of £60 per tonne of carbon over 30 years is required in the S106 agreement (or a one-off payment of £139, 140 if the WWHR system is not installed).

14 The above measures have therefore satisfied the Energy issues previously raised.

## **Transport**

15 At Stage 1, TfL had concerns over the impact of the development on the operation of the bus stop on Old Street and any changes that may be required during construction, a lack of assessment into potential demand for cycle hire facilities as a result of the development and whether appropriate space had been provided for taxi and private hire vehicles to pick-up and drop-off. Furthermore TfL requested that a Delivery and Servicing Plan, a Construction Logistics Plan and a Travel Plan were secured by condition.

16 The applicant has provided a technical note assessing the demand for cycle hire facilities arising from the development. This concludes that the additional demand can be easily accommodated by the existing cycle hire facilities in the vicinity and TfL accepts this assessment. Hackney Council has recommended a condition requiring the applicant to submit a strategy to accommodate cycle hire facilities within the development in consultation with TfL.

17 Additional drawings submitted by the applicant demonstrate that there is sufficient space within the vehicular drop-off area for five vehicles to wait and for a vehicle to safely pass the waiting vehicles.

18 With regard to the bus stop, TfL requested that appropriate measures are implemented during the construction programme to ensure that the impact on the bus stop, bus lane and Cycle Superhighway 1 is minimised. It should be noted that TfL are currently undertaking detailed design of Cycle Superhighway 1 for this particular location and the design will not involve changes to the bus lane and location of the bus stop. However the applicant is encouraged to liaise further with TfL during the production of the Construction Logistics Plan and later design stages of the development so that the proposed landscaping and Cycle Superhighway 1 compliment each other. Therefore, any changes required to the bus stop and bus lane on Great Eastern Street to facilitate the development will need to be agreed in advance with TfL. These matters will be addressed within Hackney Council's recommended condition 10 (landscaping) as mentioned in paragraph 11 above, and condition 48 (Construction Logistics Plan), which requires further details of the construction methodology to be submitted.

19 Conditions on the submission of a Delivery and Servicing plan and Travel Plan have been included in Hackney Council's recommendation.

20 As such, TfL and GLA officers are satisfied that the transport issues raised previously have been addressed.

## **Response to consultation**

21 The application was advertised through the site and newspaper notices and consultation letters were sent to 913 adjacent occupiers. As a result of this consultation, a total of 98 responses were received. Of these 50 wrote in objection and 48 wrote in support of the application.

#### Neighbourhood consultation responses

22 The objections to the proposal can be summarised as follows:

- 22 storeys is too high for this location;
- Great Eastern Street will become a wind tunnel and be dangerous for cyclists;
- The building is an eyesore, and out of scale with the surrounding area;
- Unclear what sort of contribution building makes;
- Design Quality is poor, mass is out of proportion;
- A building of this size would ruin the conservation area;
- Daylight/ sunlight would be cut considerably to surrounding businesses/residential properties;
- Overlooking of surrounding properties;
- The proposal goes against many SSCA policies, notably policies 3.4 and 12.2 and spoils a key view;
- The area is becoming saturated with hotels;
- Visual impact on the surrounding area;
- Scale and bulk is out of keeping;
- Should include commercial facilities available to the public;
- The development should offer an affordable facility for local art and music;
- The scheme fails to achieve BREEAM excellent;
- The glazing would increase carbon emissions
- The glazing is curved, is this achievable?;
- It is not in keeping with the vibe of the surrounding area that is promoted as artistic;
- Traffic will increase and become a serious hazard;
- Noise/ dust pollution;
- Servicing of the hotel is a concern;
- Will affect broadband/ TV in the local area.

23 Those writing in support of the proposal included local residents and businesses, which commented as follows:

- Endorse the aspirations for the new development to benefit the local community through:
- A new exhibition space, available for periodic use by community groups;
- The hotel operator working with Hackney Community College and Hackney Council to provide training opportunities for local people;
- The hotel operator planning to participate in the 'Hackney Community Fund';
- The creation of jobs on the site;
- Hotel and office space bringing extra footfall and spending in the local area;
- New landscaping and trees improving the public realm around the site;
- The hotel is offering Hackney Community college a number of significant engagement opportunities including Visits during the construction period, work experience places and apprenticeships during the construction phase, Jobs and apprenticeship opportunities at the hotel, once opened, the chance to showcase student artwork in the hotel.

**The Hackney Society:** The Hackney Society Planning Group welcomes the attempts towards formal elegance and refinement in elevation design in the new proposals for the *Art'otel*. The

increased height of the proposal (22 floors over ground) is an important factor in achieving a proportion that could achieve the quality demanded by this unique gateway site. However, it is not felt that such exceptional design quality has yet been reached in the proposals to justify the height. In summary, the detail design of the facade system and understanding of the impact or offering of the building at ground level is not good enough yet to carry the responsibility of the height of the proposals.

**Shoreditch Conservation Area and Advisory Committee:** Objected to the previous application, and object again in the strongest possible terms to the current application on the grounds that the height, scale and mass of the proposal are completely out of context with the dominant character of the Conservation Area. The committee believe that in granting permission to the original scheme Hackney Council have completely disregarded the architectural legacy of the area and, should this building ever be constructed it would permanently and irrevocably damage the setting and character of this precious historical asset.

24 Matters relating to the design and scale of the building, its impact on heritage assets, its contribution to employment and regeneration, its contribution to energy efficiency and the transport impacts of the proposals have been addressed in both this and the previous report (D&P/2426c/01). Other objections raised are local matters which have been appropriately addressed in Hackney Council's committee report and through the use of planning conditions and the obligations within the S106 agreement.

#### Statutory and other consultation responses

25 The statutory and other consultees provided the following responses:

**Historic England:** Confirmed that it does not wish to offer any comments on this application.

**Historic England (Archaeology):** Raise no objection subject to the inclusion of a condition in relation to Archaeological Investigation and Evaluation being attached to any planning permission.

**Thames Water:** Support the proposals subject to the inclusion of conditions.

**Civil Aviation Authority:** Raise no objection subject to the inclusion of informatives.

**Crossrail:** Confirmed that it does not wish to make any comments.

**London Fire Brigade:** Raise no objection

### **Article 7: Direction that the Mayor is to be the local planning authority**

26 Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. In this instance the Council has resolved to grant permission with conditions and a planning obligation, which satisfactorily addresses the matters raised at stage 1, therefore there is no sound planning reason for the Mayor to take over this application.

### **Legal considerations**

27 Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He

also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application and any connected application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction.

## **Financial considerations**

28 Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government Planning Practice Guidance emphasises that parties usually pay their own expenses arising from an appeal.

29 Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.

30 Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the council to do so) and determining any approval of details (unless the council agrees to do so).

## **Conclusion**

31 The application is in the City Fringe Opportunity Area and the proposals have the potential to contribute strongly towards the objectives of the City Fringe OAPF. Issues relating to employment, urban design, energy and transport have been suitably addressed through the submission of further information and/or the use of planning conditions and section 106 obligations.

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