



Appeal Decision

Hearing held on 11, 12 February 2025 and 5 August 2025

Site visit made on 12 February 2025

by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 August 2025

Appeal Ref: APP/E5900/W/24/3351393

107-121 (Excl. 117) Whitechapel Road, London, E1 1DT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by AMC (Whitechapel) Limited against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref is PA/23/01980.
 - The development proposed is demolition of existing buildings and redevelopment of the site to provide hotel accommodation (Use Class C1); commercial, business and service space (Use Class E); and ancillary facilities including refuse storage and cycle storage; and basement excavation, landscaping, and other associated works.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for a partial award of costs was made by The Council of the London Borough of Tower Hamlets against AMC (Whitechapel). This application is the subject of a separate Decision.

Preliminary Matters

3. The Hearing was adjourned at the end of the second day to allow the Council time to respond to the evidence submitted by the appellant in relation to the refurbishment costs of the existing building and any impact that may have on viability and the already agreed S106 contributions.
4. The Council is satisfied that the contribution secured in the agreed Section 106 obligation towards carbon offsetting adequately addresses its reason for refusal in this respect. I see no reason to disagree and therefore would be no conflict with Policy D.ES7 of the Tower Hamlets Plan 2031 adopted 2020 (the THP).
5. With agreement, a S106 agreement was submitted after the Hearing to secure contributions towards employment and training in both the construction and operations phase of the development, carbon off-setting, the development co-ordination and integration of the construction phase and monitoring. In addition obligations are included to provide affordable workspace, apprenticeships, the use of local employment, goods and services and an employment strategy.

Main Issues

6. The main issues are:

- The effect of the proposal on the living conditions of the occupiers of 123-125 Whitechapel Road and 4-6 Davenant Street with particular regard to outlook and light;
- Whether the proposal provides an appropriate level of cycle parking facilities;
- The effect of the proposal on the character and appearance of the area;
- Whether the proposal is in an acceptable location having regard to development plan policy and the Framework; and
- Whether the proposal makes acceptable provision in respect of affordable workspace.

Reasons

Living conditions

7. The appeal site shares a boundary with 123-125 Whitechapel Road which is a three storey terraced property with mansard roof fronting Whitechapel Road. It has a rear offshoot which has a single storey extension adjoining the boundary with the appeal site.
8. The particular concern lies with the windows at the first and second floor of the rear elevation which face directly into the appeal site and serve habitable rooms. The windows currently have an outlook towards the side wall of the existing building located about three metres away on the appeal site. I saw at my site visit that the view from the window is entirely of the side wall. When standing against the window there is some visible sky.
9. The proposal would site the building five metres away for some of the windows and retain it at 3 metres for the remainder of the windows. However, the proposed building would be higher than that existing on the site by some distance, even though the upper floors would be set back.
10. A 3 metre separation would maintain the existing distance, but the evidence in the appellants Addendum Daylight and Sunlight Report 2024 (ADSR) demonstrates that the height of the building would provide a degree of further enclosure. Even though the outlook would be little changed towards a side wall, the perception of enclosure would, I consider, be materially harmed particularly to these windows that would be retained at three metres.
11. The ADSR reaches the conclusion that sun and daylight levels would not be materially worse and would in fact be improved. There would be minor transgressions of the targets in BRE Guidelines. However, in the context of the location close to the shared boundary, given that the existing levels of VSC and internal Daylight Distribution are already relatively low, even a small change will appear as a disproportionately high percentage when expressed as a percentage of the current low values, even though the absolute changes will be very small.

Furthermore, using the more robust Spatial Daylight Autonomy methodology which considers real skies and reflected light, the true internal daylight would be improved due to the greater separation distance and the improvements arising from the higher External Reflectance Component from the proposed building in comparison to the existing weathered cement render and brick wall, as the external reflectance is included in calculating internal Lux levels.

12. I can accept the report's findings for the windows where there would be a greater separation distance. However, where it would remain at 3 metres it has not been adequately demonstrated that there would also be an improvement and not a deterioration due to the increased height of the building.
13. Policy D.DH8 of the THP requires that development protect and where possible enhance or increase the extent of the amenity of existing buildings and their occupants by ensuring that existing habitable rooms have an acceptable outlook and not result in an unacceptable material deterioration of the sunlight and day light conditions of surrounding development.
14. Outlook from the windows that would be maintained at 3 metres would be worse given the increased height of the building. I saw at my site visit that the rooms are gloomy. Although not a particularly bright day, the lights needed to be on in the middle of the day and the poor outlook and sense of enclosure added to the dark and dismal living conditions currently experienced by occupiers. Consequently the flats currently have an unacceptable outlook and level of light, something reiterated by the ADSR. Development, particularly the wholesale redevelopment of a site, should not perpetuate already poor living condition where there would be an opportunity to improve them in line with policy and the Framework's requirement to provide a high standard of amenity for existing and future occupiers as well as positively responding to its context.
15. I also visited the occupier of one of the ground floor flats at 4-6 Davenant Street which shares a boundary with the appeal site. There is a single storey rear extension to the flat built up to the boundary and an L shaped courtyard which has, as its boundary, the rear elevation of an existing building on the appeal site. The proposed building would generally be of a similar height to the boundary wall, due to the different roof forms between the two. Consequently, although there is a small area adjacent to the southern boundary where the wall would be higher, I concur with the findings of the ADSR that there would be no material loss of daylight or sunlight or an increased sense of enclosure for the occupiers.
16. The resident's particular concern relates to the development going ahead adjacent to their rear extension, which would include a basement and works to demolish the existing building and erect the one proposed. While I appreciate the proposal would have a lengthy build time, there is little the planning system can do to control this other than restrict hours of operation and ensure that noise levels are acceptable which could be achieved through the imposition of suitably worded conditions. Different legislation would cover the potential for harm and damage to the physical fabric of the building. Consequently, there would be no conflict with Policy D.DH8 in this respect.
17. For the reasons above the proposal would be harmful to the living conditions of the occupiers of 123-125 Whitechapel Road. It would therefore be contrary to Policies S.DH1 and D.DH8 of the THP and Policy D3 of the London Plan 2021 (the London

Plan). Together these require that development be of good design that does not result in unacceptably harmful impacts and delivers appropriate outlook and amenity.

18. The Council also refers to Policy E10 of the London Plan within its reason for refusal. However, that relates to visitor infrastructure and has not been determinative in my consideration of this main issue.

Cycle parking

19. There is no dispute that the proposal is required to provide 27 cycle parking spaces in accordance with the parking standards referred to in Policy T5 of the London Plan.
20. Of these 27 spaces, 21 should be long stay and 6 short stay. It is agreed that 15 long stay spaces could be acceptably provided within the basement. The remaining 6 long stay spaces would be sited within the access corridor at ground floor level.
21. The London Cycling Design Standards published in 2014 and revised in 2016 (LCDS) states that cycle parking should be fit for purpose, secure and well located
22. I am satisfied that these 6 spaces would be secure, given the bicycles would be parked by a member of staff and the access would be restricted to goods and staff. They would also be fit for purpose.
23. However, I share the Council's concerns regarding their location and the appropriateness of the space to be used as cycle parking as well as an access way, particularly given that the doors to the waste store would open directly onto the corridor reducing the available space and width of the access. The LCDS states that cycle parking should be accessible to all and meet recommended space requirements but use space efficiently. With the cycle stands in place the corridor would be reduced to a minimum of 1.6 metres and where opposite the doors to the waste facility 1.8 metres. These are relatively narrow widths when considering that waste and deliveries would need to come past the bicycles as well as having the doors open.
24. In my view this would create unacceptable obstacles in what should be a service corridor for the efficient movement of goods and waste. It seems as if the cycle parking would be an afterthought in this location rather than the proper consideration of the provision of parking as a requirement of a scheme. While not determinative, I also note that the LCDS promotes that cycle parking provision be accessible to all by considering all user needs so as not to disadvantage or exclude riders of certain types of cycle. This includes people who use handcycles, tricycles, tandems and models adapted to suit the rider's specific needs as well as cargo cycles. The restriction on the provision of cycle spaces within a service corridor would not meet this need.
25. The proposed 6 short stay cycle spaces would be located between the two trees on the pavement directly in front of the appeal site. I have been presented with a series of email exchanges between the Council and officers of Transport for London (TfL) regarding the provision of this cycle parking.
26. What is apparent from these emails is that TfL was originally consulted on the planning application and gave comments which, in relation to the cycle parking,

noted the under provision of spaces and asked for clarification of the 7 additional required spaces.

27. The next correspondence is following the receipt of the appeal when the 6 short stay spaces were proposed on the pavement and the Council asked for comment as to whether it would be an acceptable location. The response from an Asset Operation Officer was that the location would not be acceptable due to the high volumes of pedestrian movements and business activities together with the impact on wheelchair users and/or impaired through pedestrians. In this respect TFL object to the proposal.
28. Part of the response details the existing cycle racks which are situated on the opposite side of the road to the appeal site which TFL say mean capacity is sufficient. However, it also says that they are in constant use. I saw this to be case at my site visits when there was rarely any availability even appreciating that they may be more suited for short durations while users visit surrounding commercial uses.
29. The racks are some distance from the appeal site, in terms of convenience. Nevertheless, they are sited adjacent to a pedestrian crossing which would mitigate the distance somewhat. However, my concern relates to the capacity issue, which is not clear from the email trail. Firstly, it is not clear that the Asset Operations officer was aware that they were commenting on the requirement for cycle parking for the proposal particularly given their last comment regarding the difference between long stay and short stay parking. Furthermore, the original email, including the description of development was sent some eight months earlier. Moreover, given my observations regarding the use of the existing cycle stands and the substantial number of people that would be visiting the proposed building either for employment or leisure purposes then I consider there should be additional spaces provided over and above those already provided.
30. Given that TFL has objected to the provision of the spaces in the proposed location and no other location is put forward then it would not be reasonable to secure such provision by condition.
31. Policy T5 also suggests that alternatively, in town centres, adding the required provision to general town centre cycle parking is also acceptable. In such cases, a commuted sum should be paid to the local authority to secure provision. However such provision has not been made in the S106 agreement.
32. For the reasons above, I conclude that the proposal would not provide adequate cycle parking facilities for the proposed uses contrary to the requirements of Policy T5 of the London Plan and Policy D.TR3 of the THP which requires that priority be given to space for cycle parking.

Character and appearance

33. The appeal site is located along Whitechapel Road, an area of diverse character and appearance. Generally there is a mix of commercial and residential uses with buildings set at the back edge of the pavement. The older traditional buildings fronting Whitechapel Road are generally three to four storeys in height in a variety of designs. However, there are several places where modern infill development has been much higher fronting Whitechapel Road.

34. Historically there has been development within the blocks of built form, bounded by side streets, this is commonly of a similar height and scale to that fronting Whitechapel Road. The block in which the appeal site is located retains its older buildings both along the Whitechapel Road frontage and mid-block. To the rear is a modern four storey building and the converted 4-6 Davenant Street is five storeys. Of course, the difference between old and modern building standards means that irrespective of storeys, heights of buildings may be similar. Along the frontage there is a common vertical emphasis and fenestration pattern at the upper floor together with active frontages at ground floor
35. The appellant's Built Heritage, Townscape and Visual Impact Analysis 2023 (the VIA) identifies that overall the pervading building height within the immediate context of the appeal site is four principal storeys. It also identifies that there is larger scale development consisting of three to five storeys with additional roof top elements, and on the west side of Greatorex Street are three modern blocks which step up from five to six storeys behind the four storey buildings fronting Whitechapel Road. The five storey 4-6 Davenant Street sits to the rear of the petrol station on Whitechapel Road.
36. Furthermore, the historic development in the VIA shows larger buildings to the rear of those fronting Whitechapel Road although there is no identification of the height of these buildings. However, I am looking at the character and appearance of the area now. While there are some taller buildings in the local area, most have a road frontage. Furthermore, the taller ones are sited away from the block where the appeal site sits, including on the opposite side of the road.
37. The Council confirmed at the Hearing that it did not object to the four storey development along Whitechapel Road, other than the loss of active shop frontage and the consequent impact on the vibrancy of the streetscene in this locality.
38. The four storey part of the development to Whitechapel Road, would integrate satisfactorily into the existing primary four storey frontage to the road. The strong vertical emphasis and reduction of size of fenestration on the upper storeys would reflect the predominant architecture of the block. The existing frontage to the appeal site includes two retail units with the remainder serving the employment use together with the opening for access which, when not in use, is covered with a roller shutter. The frontage to the employment use has large, glazed areas akin to a shop front. Some of it is obscure glazed, but not to an extent where passersby are unable to see inside and detect movement and people working. Even accepting that a small area has roller shutters in place when not in use, I would still describe this as an active frontage.
39. The proposal would see the removal of the two shop fronts and their replacement with inactive frontage for the service entrance and the provision of a new electrical substation. The service entrance would have a reflective glazed frontage. However, this would not constitute an active frontage which would contribute to a vibrant public realm. The windows to the existing offices would be replaced with glazing to the hotel and the café area. There would be a slight improvement here in that it would be open 24 hours.
40. Consequently, active frontage in association with the hotel and ancillary café would be provided although this is likely to be attractive only to the users of the hotel. The purpose of the Primary Frontage is to ensure that retail remains the

dominant use within these areas and core function of the town centre to reinforce its vitality, viability and attractiveness. The Primary Frontages will have the highest levels of activity and footfall. As such, it is also appropriate to locate uses to these areas which enhance the character and attractiveness of the town centre as a place to visit, such as cafés, restaurants and drinking establishments. Here while the proposal includes a café, albeit ancillary to the hotel use, overall there would be a reduction to the active frontage which would be to the detriment of this part of the road. It would create a lengthy frontage which would have limited attraction and therefore would not contribute to a vibrant public realm and optimize active frontages towards Whitechapel Road as required by Policy D.DH2 of the THP and Policy D8 of the London Plan.

41. The block to the rear of the proposal would extend up to seven storeys high. As such it would be much higher than the remainder of the block. Using the appellant's verified views contained in the VIA which are undisputed by the Council, the height of the development to the rear would be visible particularly, but not only, from the east. While it would be seen in the context of taller buildings to the west, these are mostly within the City where different policy applies, and which do not justify taller buildings in this location. I saw that the buildings would be visible in views for a short distance both from the east and west along Whitechapel Road. Even though set back, the height and massing would dominate the remainder of the block, including 4-6 Davenant Street being a prominent and obtrusive part of the scheme to the detriment of the character and appearance of the area.
42. Policy D3 of the London Plan concerns optimising site capacity through the design led approach. It states that all development must make the best use of land by following a design-led approach that optimises the capacity of sites, including site allocations. Optimising site capacity means ensuring that development is of the most appropriate form and land use for the site. The design-led approach requires consideration of design options to determine the most appropriate form of development that responds to a site's context and capacity for growth, and existing and planned supporting infrastructure capacity and that best delivers the requirements set out in Part D of the policy relating to form and layout, experience and quality and character. Policy GG2 of the London Plan also states that those involved in planning and development must apply a design-led approach to determine the optimum development capacity of sites.
43. There is no doubt that optimising site capacity is an important consideration, particularly in this highly accessible city centre brownfield site. However, what the policy seeks to ensure that this is not done at the expense of an appropriately designed proposal that takes account of all aspects of design and requirements for the scheme. I have no doubt that in terms of design the appellant has carried out an exercise to seek to ensure that the design of the building responds to the existing character of the area by identifying the special and valued features and characteristics that are unique to the locality and respect, enhance and utilise the architectural features that contribute towards the local character, even though I have not agreed with the conclusions. What is less clear, especially in view of my findings above regarding living conditions, cycle parking and ground floor frontage design as to whether a holistic approach has been provided to ensure that the building also responds to other requirements, including how the development is

experienced by surrounding residents, users of the street and users of the building in accordance with Policy D3.

44. Although the proximity of neighbouring residents is mentioned in the DAS, there is no indication of how this has then led to the design response, other than a sunlight and daylight report. This is particularly concerning given that some of the development would remain at 3 metres from neighbouring windows, which is highlighted in the ADSR as already not meeting guidelines for living conditions when policy seeks to enhance occupiers experience. Similarly, there is no explanation of how the requirement for cycle parking informed the design of the scheme. Instead, the emphasis seems to have been on how the proposed buildings fit into their context despite these matters being raised in the two letters of pre-application advice from the Council.
45. Mr Miles, for the appellant, confirmed at the Hearing that the appellant started with a blank canvas for this development, and therefore I would expect, if the design led approach had been followed in its entirety, there would have been a designed in approach to cycle parking and there would be improvement for all existing occupiers.
46. Therefore, while including some detail, the work undertaken by the appellant, does not, in my view, provide the holistic analysis required by the design led approach and does not consider fully the surrounding built form in its entirety, particularly with regard to the height of the development, its impact on the streetscene, surrounding residential occupiers and travellers to the site by bicycle to the substantial detriment of the local area and local occupiers.
47. For the reasons above therefore I conclude that the proposal would be materially harmful to the character and appearance of the area and therefore would not accord with Policies S.SG2, S.DH1, D.DH2 of the THP and Policies GG1 and D8 of the London Plan. Furthermore, the proposal has not followed the design led approach to determine the optimum development capacity of the site as required by Policies GG2 and D3 of the London Plan which has led to substantial material harm. Together the policies require that development be of a good design which seeks to preserve or enhance the character and appearance of the area reinforcing or enhancing identity and respects and positively contributes to townscape, context and public realm, optimising active frontages towards public streets and spaces.

Location

48. The appeal site is located within the Primary Shopping Frontage of the Whitechapel District Centre, the Whitechapel Local Employment Location (the LEL), Tower Hamlets (City Fringe) Activity Area. City Fringe sub area and the Mayor of London's City Fringe Opportunity Area (CFOA).
49. Together the policies in the development plan seek to support the crucial role that town centres have in the social, civic, cultural and economic lives of Londoners and ensure that London continues to generate a wide range of economic opportunities through supporting development which creates employment opportunities. The City Fringe Opportunity Area is identified as providing capacity for the creation of 50,500 jobs (between 2015 and 2041).

50. LELs are described as areas of high accessibility that provide or could provide significant capacity for employment accommodation meeting secondary, local or specialist employment needs, and to support the needs of start-ups, small-to-medium enterprises, grow-on space and creative and digital industries. Specifically, in relation to the Whitechapel LEL, within which the appeal site sits, Policy S.EMP1 of the Local Plan describes the area as providing small office spaces meeting local needs alongside a bio-tech and life sciences sector, creative and knowledge-based industries and growing demand from an eastwards expansion of the City of London.
51. The explanatory text states that applicants should aim to ensure that new employment space that is brought forward contributes to and meets the demands of each area. Within the Whitechapel LEL, new development will be expected to provide high-quality flexible workspace designed to meet the needs of emerging and growing sectors (e.g. research and development) as well as other small-to-medium enterprises and creative businesses.
52. Policies D.EMP3 and D.EMP4 of the Local Plan concern the loss of, and redevelopment of employment uses. Policy D.EMP3 has been interpreted differently by the parties such that the Council believe that the loss of the employment floorspace on the site should have been justified by the evidence of active marketing over a continuous period of at least 24 months at a reasonable market rate or provide a robust demonstration that the site is genuinely unsuitable for continued employment use due to its condition; reasonable options for restoring the site to employment use are unviable; and that the benefits of alternative use would outweigh the benefits of employment use. Although, the appellant does not agree, viability evidence has been submitted which was considered at the Hearing.
53. The submitted evidence concerns the viability of the refurbishment of the existing building retaining its existing uses, and layout with no structural alterations. However, this seems to me to ignore the obvious limitations of the building and the current uses. In particular, the access for the warehousing element is limited via a narrow tunnel of restricted height being accessed from a red route as well as a cycle superhighway giving limitations for the occupier in terms of vehicle movement for delivery and pick up. Internally, the amalgamation of several properties has resulted in narrow accesses, stepped access and an internal layout which is neither fluid nor easy to navigate. Coupled with little lift or stairlift potential means that access for disabled workers is lacking. The accommodation is deficient in natural light and air and has limited ceiling heights on the upper floors. In addition, due to the nature of the amalgamated accommodation, only the ground floor has a prominent frontage with the other floors having to be accessed internally via the ground floor uses or via indistinguishable doorways reducing its appeal. Therefore, while currently occupied, predominantly by the owner, it is far from ideal. Consequently, while I heard a lot of evidence regarding the viability of refurbishing the building at the Hearing, I am not convinced this is a reasonable option for restoring the site to employment use.
54. The appellant submitted viability evidence regarding the potential for the demolition of the building and rebuilding entirely for offices within class B1 or an alternative employment use in the form of a new build warehouse/distribution scheme. Both viability appraisals use the Alternative Use Value (AUV) which at that time gave a Residual Land Value (RLV) of £1,745,122 to use as a Benchmark

Land Value (BLV). Using this, both the proposals for the alternative development of the site for full employment use are shown to be unviable.

55. However, the appellant used their original costing of the refurbishment of the building for the AUV, which has since been updated. Nevertheless, even if I were to accept all the Council's evidence on this matter and adopt its preferred figure of 10% profit on cost this results in a RLV of £486,051. Using this as a BLV the appellants new build office scheme would still be in deficit. The warehouse/distribution would result in a positive value. However, I have already outlined the shortcomings of a warehouse/distribution scheme on this site given the constraints of its location. Furthermore, even though a positive figure it would only be by a small amount and any variations in costs or profit would quickly erode the positive even allowing for a contingency.
56. The wording of Policy D.EMP3 is ambiguous, and the explanatory text does not help. However, even if I were to consider that Part 2 applies to the appeal site for the reasons above, I consider the viability evidence submitted to be sufficient to ensure the proposal complies with 2b. With regards to marketing evidence, I consider that the evidence submitted regarding the condition of the property, which matched what I observed on my site visit, means that it would be counterproductive to enhancing local character as the condition of the property is such that attempting to let it would be unrealistic. I am content therefore that the viability aspect of part 2a of Policy D.EMP3 is also met.
57. Part 3 also requires that the loss of employment floorspace would not compromise the operation and viability of the wider LEL. The proposal would result in the loss of about 1959 sqm of employment floorspace. However, the existing employment floorspace, due to its configuration and use, only delivers 8-10 FTE jobs. While the proposed use would re-provide a reduced level of floorspace it would lead to about 139 FTE jobs, albeit some would be in association with the hotel accommodation, and a vastly improved quality of accommodation. I appreciate that employment use for the purposes of the THP is not only assessed in terms of jobs delivered. Nevertheless, this is a substantial uplift which is not going to be currently delivered on site given the shortcomings I have outlined of the existing building. Furthermore, there would be opportunities for local training and employment during the construction and operational phases together with affordable workspace all secured by the S106 agreement. Therefore, I do not consider that the operation and viability of the wider LEL would be materially harmed.
58. Policy D.EMP4 states that redevelopment will only be supported if the existing level of employment floorspace is re-provided on site. The appeal site consists of 3026 sqm of employment floorspace. The proposal delivers 1067 sqm and therefore the reduction means that it would not comply with Policy D.EMP4. The explanatory text to Policy D.EMP4 states that the relevant Part 4 is worded to ensure an appropriate balance between employment and other uses to ensure that the employment function of LELs is maintained. Given my findings above in relation to Policy D.EMP3, I consider that the function of the LEL would be maintained and therefore there would be no conflict with Policy D.EMP4 of the THP.
59. The proposal would result in the loss of two, small units together delivering around 106 sq m of retail floorspace. Policy D.TC2 of the THP requires that development should contribute to a minimum of 60% of ground floor units as A1 (retail) use and

contribute to the activity and vitality of the town centre by offering space to meet and relax, subject to A1 (retail) units not falling below the 60% threshold.

60. The appellant's Retail Survey and Statement finds that the Primary Frontage currently stands at 55% retail units somewhat short of the 60% requirement. It states that the loss of the two retail units would reduce this further to 53%. While the Council accepted at the Hearing, that if the proposal had been acceptable in all other respects, this loss may have been acceptable in the balance, it maintains its position that the loss of active frontage would be harmful. I have agreed in my discussion above. Consequently, while it would only be a relatively small reduction of two units, given that the level of retail use is already unsatisfactory the further reduction would be harmful especially as being replaced with inactive frontage. I note that with the introduction of Class E of the Town and Country Planning Use Classes Order the existing retail units could change to another use within that Class. However, there is no substantive evidence before me that that is under consideration for these units either now or in the future.
61. The reduction in units together with the loss of active frontage means that the proposal would harm the vitality and viability of the Primary Frontage and would be contrary to the requirements of Policy D.TC2
62. Policy D.TC6 of the Local Plan states that development of visitor accommodation will be supported in Tower Hamlets Activity Areas, such as where the appeal site is located, subject to meeting a number of criteria. The Council takes issue with criteria a, b and c, namely that the size scale and nature of the proposal is not proportionate to its location, secondly that it creates an overconcentration of such accommodation taking account of other proposals and unimplemented consents and thirdly that it compromises the supply of land for jobs and the ability to meet the boroughs employment targets.
63. I have already found that the provision of a refurbishment scheme or new build offices would not be reasonable or viable. In addition the proposal would enable more jobs than currently provided on site. Therefore, it would not compromise the ability to meet the boroughs employment targets.
64. The appellant's Statement of Need outlines that the GLA identifies a requirement for an additional 6832 new rooms to be delivered by 2041 equating to an annual need for 263 rooms.
65. Overall the Borough has a total of 79 hotels with 10,890 rooms/units concentrated at the upscale and upper upscale sector. Supply at the upper midscale, as proposed here, is limited at 13% of the Borough's total bedroom stock. Within a 1 mile radius of the appeal site there are 87 hotels with a total of 11,874 rooms/units of those only 11.1% are upper midscale. Average annual occupancy in 2023 was 81.8% representing a significant recovery from the years of Covid. However, that still implies to me that there is sufficient room for further occupancy within the hotels. The report states that when considering projects in the pipeline they could contribute an additional 1671 (under construction and confirmed projects) to 2364 rooms (including those in the pre-planning stages to the existing supply of 10,890. Consequently, there could still be a shortfall from the aim for 13,589 rooms by 2041. While this would only be a small amount, it is likely that some of those in the pre planning or those not started may not come forward. More importantly, the hotel proposed would target the upper midscale segment of the market which is

underrepresented in the local area. I appreciate that it is difficult to be certain that is what would be provided, but that is the current intention, and the proposed size of the rooms can, to a large part, determine the type of hotel to be provided.

66. I have also taken into the account the views of parties who advised that there are already many hotels in the area, however, the evidence provided by the appellant is compelling, particularly for this style of hotel.
67. Nevertheless, I have found that the size and scale of the proposal is not proportionate to the location and therefore, the proposal would not comply with Policy D.TC6.
68. Consequently, in terms of location , for the reasons above I find that the loss of employment use on this site would be acceptable and based on the evidence before me there would be no conflict with Policies S.SG1, S.SG.2, D.EMP3 and D.EMP4 of the THP and policies GG5 and SD1 of the London Plan which require that proposals demonstrate that alternative employment uses would not be viable and that the loss of employment floorspace would not compromise the operation and viability of the LEL as well as planning for sufficient employment space in the right locations and supporting regeneration and providing local training and employment opportunities during construction and operational phases.
69. However, also for the reasons above the loss of retail and the consequent loss of vitality and viability to the streetscene and the public realm would be harmful and in conflict with Policies D.TC2 and S.TC1 of the THP and Policies SD7 and GG1 of the London Plan which seek to protect the function of town centres to maintain vitality and viability and promote active uses at ground floor.
70. Finally while I have found that a hotel would be acceptable at the appeal site, its size and scale is not proportionate to its location and therefore it conflicts with Policy D.TC6 of the THP.
71. It is primarily the design of the proposal which leads to conflict with the relevant policies regarding the location of the proposal, which in turn reinforces my findings regarding a holistic design led approach in accordance with relevant policy.

Affordable Workspace

72. The submitted S106 agreement secures the provision of 10% of the new employment floorspace as affordable. The Council raise concerns as it considers the under provision of employment floorspace to be unacceptable. If an appropriate level had been provided, then the amount of affordable floorspace would be increased. Hence, in its view, the proposal is deficient in affordable workspace.
73. However, a scheme for the direct replacement of employment floorspace is not before me and given my findings above regarding the employment floorspace, then I am satisfied that the proposal would make acceptable provision of affordable workspace in accordance with Policy D.EMP2. This requires that within major commercial and mixed-use development schemes, at least 10% of new employment floorspace should be provided as affordable workspace.

Conclusion

74. While the proposal would comply with many policies, it would also conflict with several policies particularly regarding overall design and living conditions.
75. The proposal would develop a brown field site in an accessible location providing a diverse mixed use development in accordance with economic policy providing high quality office and hotel accommodation along with affordable workspace. There would also be a significant uplift in the number of jobs that will be provided on site both during construction and operation phases. In addition, there would be local training and apprenticeship opportunities secured by the legal agreement.
76. There would also be 100% Biodiversity Net Gain achieved as well as 0.303 urban greening factor in accordance with the target score set out in the London Plan.
77. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. The proposal would attract business rates. However, the Planning Policy Guidance makes it clear that it would not be appropriate to make a decision based on the potential for the proposal to raise money for a local authority. Accordingly, while Business Rates is a material consideration, it is not one to which I attach positive weight.
78. In addition, the appeal scheme is Community Infrastructure Levy ('CIL') liable and as a result would make a significant contribution towards infrastructure provision in the immediate and wider area of about £1,184,013.23. This is not insignificant and should weigh in favour of the appeal scheme.
79. As such there would be substantial benefits resulting from the development. However, these would not be sufficient to outweigh the harm I have found and consequent conflict with the development plan as a whole.
80. For the reasons above the appeal is dismissed.

Zoe Raygen

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY

Ms Sian McGibbon Counsel	Instructed by LBTH Legal Services
Ms Ellie Cameron	Planning Officer LBTH
Ms Kirsty Gilmer	Development Management Team Leader LBTH
Mr Marc Acton Fillon	Principal Planning Officer LBTH
Ms Rebecca Alexander	Design and Heritage Officer, Place Shaping Team LBTH
Ms Olivia D'Mello Browning	Head of Development Viability, Tower Hamlets Viability

FOR THE APPELLANTS

Mr Douglas Edwards Kings Counsel	Instructed by Mr Guy Bransby
Mr Guy Bransby	Montagu Evans
Ms Gabriella Bexson	Montagu Evans
Mr Tim Miles	Montagu Evans
Mr Ben Clark	Montagu Evans
Mr Bryan Oknyansky	Studio Moren
Mr Marc Finney	Colliers
Mr Mark Bolton	Strettons
Mr Jack Savin Taylor	DS2
Mr Kaivin Wong	Lumina London
Mr Ben Chimes	RGP

INTERESTED PARTIES

Mr Brage	Local Business Owner
Mr Mumin	Leaseholder 117 Whitechapel Road
Mr Singh	Local Business Owner
Mr Osmani	117 Whitechapel Road
Mr Tayyab	Local Business Owner
Mr Ghosal	Local Business Owner
Mr Hart	Local Resident

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Plan Ref A-110-001 P1 Revised proposed front elevation
- 2 A3 copies of visual images from the Built Heritage, Townscape and Visual Impact Assessment October 2023
- 3 Construction estimates for Refurbishment of Existing building dated 06 February 2025
- 4 Report and decision notice for planning application PA/22/01284
- 5 Summary of significant benefits to be weighed in the planning balance
- 6 Extracts from the London Cycling Design Standards
- 7 Series of email exchanges between LBTH and TFL from 2 February 2024 until 16 January 2025
- 8 Approved plans 123-125 Whitechapel Road

DOCUMENTS SUBMITTED AFTER THE HEARING

Section 106 agreement