

<b>Committee:</b> Strategic Development	<b>Date:</b> 15 <sup>th</sup> December 2009	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.x
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Simon Ryan		<b>Ref No:</b> PA/09/01220	
		<b>Ward(s):</b> Millwall	

## 1. APPLICATION DETAILS

<b>Location:</b>	40 Marsh Wall
<b>Existing Use:</b>	Office building (Use Class B1)
<b>Proposal:</b>	Demolition of existing office building and erection of a 39-storey building (equivalent of 40 storeys on Manilla Street) with three-level basement, comprising a 305 bedroom hotel (Use Class C1) with associated ancillary hotel facilities including restaurants (Use Class A3), leisure facilities (Use Class D2) and conference facilities (Use Class D1); serviced offices (Use Class B1); together with rooftop plant and associated landscaping. The application also proposes the formation of a taxi drop-off point on Marsh Wall
<b>Drawing Nos:</b>	<ul style="list-style-type: none"> <li>• Drawing nos. 1065-PL-001-A, 1065-PL-098, 1065-PL-099, 1065-PL-100, 1065-PL-101, 1065-PL-102, 1065-PL-103, 1065-PL-104, 1065-PL-105, 1065-PL-106, 1065-PL-150, 1065-PL-160-A, 1065-PL-170-A, 1065-PL-200, 1065-PL-201, 1065-PL-202, 1065-PL-203, 1065-PL-210, 1065-PL-211, 1065-PL-220, 1065-PL-221, 1065-PL-223, 1065-PL-224, 1065-PL-225, 1065-PL-300, 1065-PL-301, 1065-PL-302, 1065-PL-303, 1065-PL-304, 1065-PL-310</li> <li>• Design and Access Statement</li> <li>• Planning Statement prepared by PC Planning &amp; Development Consultants</li> <li>• Sustainable Energy Strategy Report prepared by Mendick Waring Ltd</li> <li>• Draft Workplace Travel Plan prepared by JMP Consultants Ltd</li> <li>• Transport Assessment prepared by JMP Consultants Ltd</li> <li>• Employment Study prepared by Knight Frank</li> <li>• Hotel Demand Study prepared by Savills</li> <li>• Statement of Community Involvement prepared by Lexington Communications</li> <li>• Environmental Statement – Volume I prepared by URS</li> <li>• Environmental Statement – Volume II (Townscape &amp; Visual Assessment) prepared by URS</li> <li>• Environmental Statement – Volume III (Technical Appendices) prepared by URS</li> <li>• Environmental Statement – Non-Technical Summary prepared by URS</li> <li>• Informal Cumulative Assessment prepared by URS</li> </ul>
<b>Applicant:</b>	Marsh Wall Chelsea LLP
<b>Owner:</b>	<ul style="list-style-type: none"> <li>• Mr Kamruz, BAK Investments Ltd</li> </ul>

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**LOCAL GOVERNMENT ACT 2000 (Section 97)  
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT**

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. draft LDF and London Plan		Simon Ryan 020 7364 5009

- London Borough of Tower Hamlets (area of highway where taxi drop-off is proposed is LBTH controlled)

**Historic Building:** N/A

**Conservation Area:** N/A

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1
- A hotel-led scheme will contribute to the strategic target for new hotel accommodation. It will complement Canary Wharf's role as a leading centre of business activity by serving business tourism, and in this respect will support London's world city status. The serviced apartments will provide short-term accommodation for the international business sector. The scheme therefore accords with policies 3D.7 and 5C.1 of the London Plan (Consolidated with Alterations since 2004), ART1 and CAZ1 of the Council's Unitary Development Plan 1998, policies CP13 and EE4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, and policy IOD18 of the Interim Planning Guidance Isle of Dogs Area Action Plan, which seek to develop and support Canary Wharf's role as a leading centre of business activity within London.
  - The restaurant (Class A3), leisure facilities (Class D2), conference facilities (Use Class D1) and serviced office facilities (Use Class B1) are acceptable as they will provide for the needs of the development and demand from surrounding uses, and also present employment in a suitable location. As such, it is in line with policies 3D.1, 3D.3 and 5C.1 of the London Plan (Consolidated with Alterations since 2004), saved policies DEV1 and DEV3 of the Council's Unitary Development Plan 1998 and policies DEV1 and RT4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control and policies IOD18 and IOD20 of the Isle of Dogs Area Action Plan (2007), which seek to promote a diverse range of employment, retail and leisure uses in the Isle of Dogs, specifically within the Central sub-area.
  - The building height, scale, bulk and design is acceptable and in line with regional and local criteria for tall buildings. As such, the scheme is in line with policies 4B.8, 4B.9 and 4B.10 of the London Plan 2008, saved policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998 and policies CP48, DEV1, DEV2, DEV3 DEV27 and IOD16 of the Council's Interim Planning Guidance (October 2007), which seek to ensure buildings are of a high quality design and suitably located.
  - The development would form a positive addition to London's skyline, without causing detriment to local or long distance views, in accordance policies CP48 and CP50 of the Council's Interim Planning Guidance (2007) and policies 4B.1, 4B., 4B.8 and 4B.9 of the London Plan (2008) which seek to ensure tall buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
  - The public amenity space at street level is considered to be inclusive to both local residents and workers, and also improves the permeability of the immediate area. As such, it complies with saved policy DEV1 of the UDP (1998) and policies DEV3 and DEV4 of the Interim Planning Guidance which seek to maximise safety and security for those using the development and ensure public open spaces incorporate inclusive design principles. The provision of new public open space is also in compliance with policy IOD5 of the IPG (2007), which encourages opportunities to improve and add to the public open space network within the Isle of Dogs.
  - It is not considered that the proposal would give rise to any undue impacts in terms of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents. As such, the proposal is considered to satisfy the relevant criteria of saved policy

DEV2 of the Council's Unitary Development Plan (1998) which seeks to protect residential amenity.

- Transport matters, including parking, access and servicing, are acceptable and in line with London Plan policies 3C.1 and 3C.23 of the London Plan, policies T16 and T19 of the Council's Unitary Development Plan 1998 and policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007), which seek to ensure developments minimise parking and promote sustainable transport options.
- Sustainability matters, including energy, are acceptable and in line with policies 4A.4, 4A.6, 4A.7, 4A.14 and 4B.2 of the London Plan and policies DEV5 to DEV9 of the Council's Interim Planning Guidance (October 2007), which seek to promote sustainable development practices.
- Financial contributions have been secured towards the provision of transport infrastructure improvements; employment & training initiatives; public art; tourism and Olympic signage in line with Government Circular 05/05, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (October 2007), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

### 3. RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission subject to:

A. Any **direction** by **The Mayor**

B. The prior completion of a **legal agreement**, to the satisfaction of the Chief Legal Officer, to secure the following:

#### Financial Contributions:

- a) Employment & Training – Provide **£204,558** towards improving access to employment for local residents
- b) Transport Infrastructure Improvements - **£859,300** comprising:
  - £786,300 towards highway improvements and footway reconstruction with York stone and granite sets on the south side of Marsh Wall, between the Millennium Quarter and Westferry Circus;
  - £20,000 towards the provision of TfL DAISY information boards;
  - £50,000 towards the re-provision of a bus stop; and
  - £3,000 towards the funding of Workplace Travel Plan monitoring
- c) Public Art - Provide **£35,000** towards public art within the local area. This is in line with contributions secured in the Millennium Quarter
- d) Tourism and Olympic Signage - Provide **£1,400** towards the installation of an Olympic sign and the provision of three new gates onto the Thames Path
- e) Open Space Provision – Provide **£40,260** towards the provision of open space in the Borough

#### Non-Financial Contributions:

- f) Car-free agreement
- g) TV reception monitoring
- h) Publicly accessible open space – To maintain access across the new public realm
- i) Code of Construction Practice - To mitigate against environmental impacts of construction
- j) Access to Employment - To promote employment of local people during and post construction, including an employment and training strategy

- k) Social Compact Obligation to Commit Skills - To provide training and skills development for local secondary school children, apprenticeships and developing employment linkages with the community for the duration of occupancy at the site
- l) Servicing Management Plan – To ensure servicing is undertaken in an appropriate manner
- m) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

Total financial contribution: **£1,140,518**

3.2 That the Head of Development Decisions is delegated power to impose conditions [and informatives] on the planning permission to secure the following:

### **Conditions**

- 1) Permission valid for 3 years
- 2) Hours of Construction (8.00am to 6.00pm Monday to Friday 9.00am to 5.00pm on Saturdays and not at all on Sunday or Bank holidays)
- 3) Power/hammer driven piling/breaking (10am – 4pm Monday – Friday)
- 4) Submission of samples / details / full particulars of materials, glazing, landscaping & external lighting
- 5) Submission of further details on plant, machinery and ventilation
- 6) Submission of details of external lift
- 7) Submission of a Servicing Management Plan
- 8) Submission of a Construction Management Plan
- 9) Submission of full Travel Plan
- 10) Details of heat distribution system to be submitted
- 11) Details of CHP system to be submitted
- 12) Details of and commitment to connection of scheme to the Barkantine district heating system
- 13) BREEAM “Excellent Standard”
- 14) Hotel Management Plan, ensuring the suites are managed as short term accommodation for a period no longer than 90 days;
- 15) A minimum of 10% of the hotel rooms and serviced apartments shall be designed to be wheelchair accessible
- 16) Construction Logistics Plan
- 17) Scheme of highway works (s278 agreement)
- 18) Development to be carried out in accordance with the approved Flood Risk Assessment and associated mitigation measures
- 19) Submission of groundwater contamination risk assessment
- 20) Piling only to be carried out with express written consent of LPA
- 21) Submission of scheme for disposal of foul and surface water
- 22) Submission of scheme for the protection and monitoring of groundwater
- 23) Reuse of materials from existing building
- 24) Submission of details of wildlife habitat measures on roof
- 25) Provision of a blue-badge disabled parking space
- 26) Taxi lay-by to be completed prior to the occupation of the building
- 27) Details of the highway works surrounding the site; and
- 28) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

### **Informatives**

- 1) Section 106 agreement required
- 2) Section 278 & 72 Highways agreements required
- 3) Contact Thames Water regarding installation of a non-return valve, petrol/oil-interceptors, water efficiency measures and storm flows

- 4) Changes to the current licensing exemption on dewatering
- 5) Contact London City Airport regarding cranes and scaffolding
- 6) Contact LBTH Environmental Health
- 7) Contact Environment Agency
- 8) Section 61 Agreement (Control of Pollution Act 1974) required
- 9) Contact London Fire & Emergency Planning Authority
- 10) Any other informative(s) considered necessary by the Corporate Director Development & Renewal

3.3 That, if within 3 months of the date of this committee the legal agreement has not been completed, the Head of Planning & Building Control is delegated power to refuse planning permission.

#### **4. PROPOSAL AND LOCATION DETAILS**

##### **Proposal**

- 4.1 The application proposes the demolition of the existing office building and the erection of a replacement 39-storey hotel building onto Marsh Wall, while on the Manilla Street frontage the proposed building is 40 storeys due to a level change across the site. The proposed building includes a recessed level of screened plant upon the roof.
- 4.2 The proposed building is described as a 'boutique hotel' and contains:
  - 305 hotel suites (Use Class C1) at second to thirty-first floor;
  - Restaurants/cafes/bars (Use Class A3/ A4) at podium ground, first, thirty-seven and thirty-eighth floor, totalling 1,088sq.m.;
  - Eight serviced offices (Use Class B1) at 32<sup>nd</sup> – 34<sup>th</sup> floor level totalling 787sq.m.;
  - Swimming pool, gym and spa (Use Class D2) at basement and 36<sup>th</sup> floor level;
  - A total of 454sq.m. of conference facilities (Use Class D1) together with bicycle storage, plant and ancillary hotel functions across a total of three basement levels
  - One disabled parking space accessed on Manilla Street, 8 visitor cycle stands at ground floor level and 30 cycle parking spaces at basement level
  - Provision of a new publicly accessible open space and hard/soft landscaping at street level. This is achieved by recessing the building line from Marsh Wall and Cuba Street together with cantilevering the building's façade. An external glass lift is integrated into the external works to provide inclusive public access between the podium level at Marsh Wall and the lower level at Cuba Street and Manilla Street
- 4.3 The proposed building is roughly rectangular at ground floor level and located within the south eastern portion of the site. An area of hard and soft landscaping sets the building away from Marsh Wall and Cuba Street. The building is cantilevered at third floor level and the form visibly changes again at 8<sup>th</sup> floor level to seemingly form a tower above a 9 storey podium building. The height of the proposed building is 127.15m AOD.
- 4.4 The submitted Hotel Demand Report details that the proposed hotel would be a high quality 'boutique hotel' which will add to the diverse room stock in the area. The report appends a letter of interest from the InterContinental Hotel Group operator.
- 4.5 The application also proposes the formation of a taxi drop off point on Marsh Wall.

##### **Site and Surroundings**

- 4.6 The site is located within the northern part of the Isle of Dogs, on the western end of Marsh Wall. The site is roughly triangular in shape with its boundaries formed by Marsh Wall to the north, Cuba Street to the west and Manilla Street to the south. There is a level change between the north and the south of the site, with Cuba Street and Manilla Street accessed

via existing steps from Marsh Wall.

- 4.7 The site is occupied by a five storey (including ground and basement) office building with retail and professional services at ground floor level. The existing building occupies almost the whole site and was built in 1992 alongside an almost identical building upon the neighbouring site, 30 Marsh Wall. Between the two buildings are a set of public steps which provide a link between Marsh Wall and Manilla Street. The applicant details that the steps are in unknown third party ownership.
- 4.8 The prevailing land use to the north of the site towards Canary Wharf is dominated by mostly commercial and office buildings. Directly to the north and opposite the site is the 14-storey Britannia International Hotel and the Arrowhead Quay construction site – a commercial office development of 16-26 storeys (planning permission ref. PA/07/00347 dated 22<sup>nd</sup> August 2007).
- 4.9 The area to the south of Marsh Wall is characterised by a mix of residential, commercial and warehouse buildings. To the south-east of the site on Manilla Street is a row of low-rise industrial units and the North Pole public house, which has residential occupancy above. To the east of the site is a disused warehouse at 63-69 Manilla Street. This site has an extant planning permission for the erection of a part 4, part 7 and part 10 storey mixed use building consisting of office and retail floorspace with 11 residential units (planning permission reference PA/04/01847 granted on 1<sup>st</sup> May 2007).
- 4.11 To the west of the site on Cuba Street is Block Wharf, 7-storey residential block with commercial use at ground floor. Beyond Block Wharf lies a vacant site at 1-18 Cuba Street, on the land bounded by Cuba Street, Tobago Street and Manilla Street. This site is also directly to the south of the former site at 22-28 Marsh Wall, 2 Cuba Street and 17-23 Westferry Road, where the development of one building of 44 storeys, one building of 30 storeys and two buildings of 8-storeys to provide 802 dwellings together with retail, office, community uses and public spaces was granted under planning permission refs. PA/05/00052, PA/06/01439 and PA/07/02744. This development is nearing completion.
- 4.12 In terms of built heritage, the site does not fall within a conservation area, with the closest being the Narrow Street and West India Dock Conservation Areas some 650-750m to northwest and north respectively, and the Coldharbour Conservation Area approximately 1km to the east. The site is not within any strategic viewing corridors, lateral assessment areas or background assessment areas of St Paul's Cathedral as identified within the London View Management Framework (GLA, 2007).
- 4.13 The site has a good level of accessibility to public transport, with a Public Transport Access Level of 5 ('Very Good') where 1 represents the lowest and 6 the highest. The closest bus stop to the site is located directly upon the site's Marsh Wall frontage, which is served by the D8 bus service. A total of 4 other bus services operate within 400m of the site. Canary Wharf Underground station is located approximately 375m to the north, whilst Heron Quays and South Quay DLR stations are located approximately 280m to the north east and 400m to the east respectively. The site is also accessible via the Thames Clipper service from the Canary Wharf pier at Westferry Circus, approximately 560m to the north west, which operates every 20 minutes. The nearest Transport for London Road Network is the A1203, approximately 340 metres north west of the site.

### **Relevant Planning History**

- 4.14 The following planning decisions are relevant to the application:

ID/94/00135 Planning permission was granted by the London Docklands Development Corporation for the 'Formation of pedestrian steps between Marsh Wall and Cuba Street in conjunction with landscaping' on 3<sup>rd</sup> November 1994

PA/03/00547 Planning permission was granted on 10<sup>th</sup> June 2003 for the change of use of ground floor unit from use Class B1 (office) to use Class A2 (financial and professional services)

## 5. POLICY FRAMEWORK

5.1 For details of the status of relevant policies see the front sheet for "Planning Applications for Determination" agenda items. The following policies are relevant to the application:

### Unitary Development Plan

Proposals:		Flood Protection Area Central Area Zone
Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use development
	DEV4	Planning Obligations
	DEV12	Provision of Landscaping in Development
	DEV50	Noise
	DEV51	Contaminated Land
	DEV55	Development and Waste Disposal
	DEV69	Water Resources
	EMP1	Encouraging New Employment Uses
	EMP6	Employing Local People
	CAZ1	Location of Central London Core Activities
	T16	Impact of Traffic
	T18	Pedestrian Safety and Convenience
	T21	Existing Pedestrians Routes
	S7	Restaurants
	ART7	Hotel Developments
	U2	Consultation Within Areas at Risk of Flooding
	U3	Flood Defences

### Interim Planning Guidance for the purposes of Development Control (October 2007)

Proposals:		Major Centre (borders) Flood Risk Area
Core Strategies:	IMP1	Planning Obligations
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP7	Job Creation and Growth
	CP13	Hotels and Serviced Apartments
	CP15	Provision of a Range of Shops
	CP27	Community Facilities
	CP29	Improving Education and Skills
	CP31	Biodiversity
	CP37	Flood Alleviation
	CP33	Site of Nature Conservation Importance
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP41	Integrating Development with Transport
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
	CP48	Tall Buildings

Policies:	CP49	Historic Environment
	CP50	Important Views
	DEV1	Amenity
	DEV2	Character & Design
	DEV3	Accessibility & Inclusive Design
	DEV4	Safety & Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency & Renewable Energy
	DEV7	Water Quality and Conservation
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Quality
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV21	Flood Risk Management
	DEV22	Contaminated Land
	DEV27	Tall Buildings
	SCF1	Social and Community Facilities
	OSN3	Blue Ribbon Network
	CON1	Listed Buildings
	CON5	Protection and Management of Important Views
	IOD2	Transport and movement
	IOD4	Education Provision
	IOD6	Water Space
	IOD7	Flooding
	IOD10	Infrastructure and services
	IOD18	Employment Uses in the Central sub-area
	IOD20	Retail and Leisure Uses in the Central sub-area
	IOD21	Design and Built Form in the Central sub-area

**Spatial Development Strategy for Greater London Consolidated with Alterations Since 2004 (London Plan February 2008)**

2A.1	Sustainability Criteria
3A.18	Protection and enhancement of social infrastructure and community facilities
3B.1	Developing London's economy
3B.9	Tourism Industry
3B.11	Improving Employment Opportunities
3C.1	Integrating transport and development
3C.2	Matching development to transport capacity
3C.3	Sustainable Transport
3C.23	Parking strategy
3D.1	Supporting town centres
3D.3	Improving retail facilities
3D.7	Visitor Accommodation and Facilities
3D.14	Biodiversity and nature conservation
4A.2	Mitigating climate change
4A.3	Sustainable Design and Construction
4A.4	Energy assessment
4A.6	Decentralised energy: heating, cooling and power



4A.7	Renewable energy
4A.9	Adaptation to climate change
4A.12	Flooding
4A.13	Flood risk management
4A.14	Sustainable drainage
4A.16	Water supply and resources
4A.17	Water quality
4B.1	Design principles for a compact city
4B.2	Promoting world class architecture and design
4B.3	Enhancing the quality of the public realm
4B.5	Creating an inclusive environment
4B.8	Respect local context and communities
4B.9	Tall buildings - location
4B.10	Large-scale buildings – design & impact
4B.11	London’s built heritage
4B.12	Heritage conservation
4B.15	Archaeology
4B.16	London view management framework
4B.17	View management plans
4C.11	Access alongside the Blue Ribbon Network
4C.13	Mooring Facilities on the Blue Ribbon Network
4C.23	Docks
5C.1	The strategic priorities for North East London
5C.3	Opportunity areas in North East London
6A.4	Planning Obligation Priorities

#### **Government Planning Policy Guidance/Statements**

PPS1	Delivering Sustainable Development
PPS9	Biodiversity & Conservation
PPG13	Transport
PPG15	Planning & The Historic Environment
PPS22	Renewable Energy
PPS25	Development and Flood Risk

**Community Plan** The following Community Plan objectives relate to the application:

A better place for creating and sharing prosperity

A better place for learning, achievement and leisure

## **6. CONSULTATION RESPONSE**

- 6.1 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

### **LBTH Access to Employment**

- 6.2 A contribution from the developer is sought at a rate of £1 per square foot of commercial development (equates to **£204,558**). This sum will be apportioned to Skillsmatch, which acts as a broker between local jobseekers and employers with job opportunities. Where job seekers need additional skills, Skillsmatch plan, deliver and customise short term training to employer across industry sectors. (OFFICER COMMENT: The requested sum has been secured within the associated s106 agreement)

### **LBTH Communities, Leisure and Culture**

- 6.3 Cultural Services have requested s106 contributions towards leisure facilities and a £193,370 contribution towards open space provision in the Borough. (OFFICER COMMENT:

A Social Impact Obligation to Commit Skills has been secured within the s106 agreement to provide training and skills development for local secondary school children, apprenticeships and developing employment linkages with the community for the duration of occupancy at the site. With regard to open space provision, the requested figure is to be discounted by the amount of open space provided on site which is 589m<sup>2</sup>. Based on laying out costs for open space this equates to a discount of approximately £153,140 (£260/m<sup>2</sup> \* 589m<sup>2</sup>) (as set in News International and Wood Wharf approvals). Accordingly, a financial contribution of **£40,260** is requested)

### **LBTH Energy Efficiency**

- 6.4 Consider that the proposed sustainable energy strategy is acceptable in principle, subject to the submission of further information upon the proposed decentralised energy system. (OFFICER COMMENT: Conditions have been attached to this effect)

### **LBTH Environmental Health (Commercial Health & Safety)**

- 6.5 No objections raised.(OFFICER COMMENT: An informative has been added requesting the applicant to contact Environmental Health regarding matters relating to health and safety matters prior to implementation)

### **LBTH Environmental Health (Contaminated Land)**

- 6.6 No objection subject to the attachment of appropriate conditions. (OFFICER COMMENT: This matter has been addressed in detail under the amenity section of this report).

### **LBTH Environmental Health (Daylight & Sunlight)**

- 6.7 Consider that the impact of the development is acceptable and planning permission can be considered. (OFFICER COMMENT: This matter has been addressed in further detail under the amenity section of this report).

### **LBTH Environmental Health (Noise and Vibration)**

- 6.8 No objections, subject to the attachment of appropriate conditions.

### **LBTH Highways**

- 6.9 Highways considered the proposal to be acceptable in highways terms and the impact upon the highway and public transport network can be mitigated through s106 contributions, section 278 and 72 Highways agreements.
- 6.10 Parking and Disabled Parking: Highways have no objections to the development being car free. The proposed levels of cycle and disabled parking are acceptable.
- 6.11 Highway Impact and Trip Generation: The TRAVL database comparison sites used for the trip generation of the proposed development are satisfactory. The trips generated (persons and vehicles) demonstrate that the increase would not have an adverse impact on both the highway network and public transport which cannot be mitigated.
- 6.12 Drop Off & Pick Up: Drop off and pick up will take place on Marsh Wall. A lay-by would be provided on the southern side of Marsh Wall and will be positioned directly in front of the site, secured by way of section 278 & 72 Highways Agreements, which will also ensure that a footpath with a minimum width of 2 metres is maintained. The lay-by will not be for the sole use of 40 Marsh Wall since it would be constructed on the public highway. (OFFICER NOTE: A condition has been attached that requires the prior agreement of the necessary highways works. These are separate to the s106 contribution works, as detailed above)

- 6.13 Coach Parking: The LBTH Interim Planning Guidance requires 1 coach parking space per 100 hotel bedrooms. This has not been provided due to site constraints. The applicant has demonstrated that coach trips will be discouraged and clients will be encouraged to use executive coaches and mini-buses which can easily be accommodated on Cuba and Manilla Street. In the event that a large coach is used, the hotel operator will ensure a Banksman is available to oversee its activity on the highway. It was also demonstrated that such a 'boutique hotel' would be unlikely to generate such coach trips.
- 6.14 Servicing: This will take place off the highway through a servicing bay on Manilla Street. A Service Management Plan should be provided, as well as a Construction Management Plan. (OFFICER COMMENT: Conditions have been attached requiring the provision of a Servicing Management Plan and a Construction Management Plan prior to implementation).
- 6.15 Section 106 Contributions: Financial contributions are required towards footway reconstruction with granite kerbs and York stone paving and also carriageway resurfacing on southside of Marsh Wall between the Millennium Quarter and Westferry Circus. Grand total - **£786,300**. (OFFICER COMMENT: the requested contribution has been secured within the s106 agreement)

#### **LBTH Waste Policy & Development**

- 6.16 No comments received.

#### **British Broadcasting Corporation (BBC)**

- 6.17 No comments received.

#### **Commission for Architecture and the Built Environment (CABE)**

- 6.18 CABE have commented that they cannot support the development proposal, which they feel has come forward prematurely in the absence of strategic policy guidance for the Marsh Wall area. In addition, it is not considered that the proposed scheme satisfies the stringent quality requirements that would be expected of a tall building in this location. Concerns were also raised due to an awkward internal layout and energy efficiency/sustainability  
(OFFICER COMMENT: The merits of the design, energy efficiency and sustainability are discussed in detail within the main body of this report, below. In summary, it is considered that the proposal satisfactorily addresses these issues and planning conditions have been attached to mitigate these concerns)

#### **EDF**

- 6.19 No objections.

#### **English Heritage (statutory consultee)**

- 6.20 No objections.

#### **English Heritage - Archaeology & Built Heritage (statutory consultee)**

- 6.21 No objections.

#### **Environment Agency (statutory consultee)**

- 6.22 No objections, subject to the attachment of a number of conditions relating to flood risk assessment, contamination, piling and protection of water quality. Informatives are also recommended regarding the protection of the aquatic environment, both groundwater and

surface water. (OFFICER COMMENT: Conditions and informatives have been attached accordingly).

#### **Greater London Authority (statutory consultee)**

- 6.23 The Mayor has indicated that the application proposal for the redevelopment of the site with a hotel-led mixed use scheme is generally acceptable in strategic planning terms and many of the elements of the proposal respond very well to London Plan policies. The proposed land uses are supported by the London Plan and the overall design of the building and the associated landscaping is considered to be sufficiently high.
- 6.24 However, before the application can be considered fully-compliant with the London Plan, the GLA have requested additional information and minor changes to the proposed scheme, including:
- Further information upon strategic views and the proposed building materials;
  - Further information regarding the adjacent stairs on the neighbouring site and the position of the proposed external lift;
  - Minor changes to improve accessibility including removal of the revolving door and alteration of parking arrangements;
  - Further information upon the proposed energy efficiency measures and sustainable urban drainage systems;
  - TfL have requested s106 obligations and financial contributions (including £50,000 towards the relocation of a bus stop and £20,000 for the incorporation of a DAISY board) and have asked the applicant to undertake a pedestrian crossing survey and provide a full travel plan;
  - TfL have also requested that where possible, the canal and river system should be used as the main mode of transporting construction/waste materials in and out of site.
- 6.25 (OFFICER COMMENT: These issues have been addressed in the body of the report below. In summary, the applicant has worked extensively with the GLA to address their concerns and it is understood that these issues have been adequately addressed. The requested s106 obligations are included, as detailed above)

#### **London Borough of Greenwich**

- 6.26 The LBG express concern on the excessive height and elevational treatment of the development and the detrimental impact it would have on panoramic views from General Wolfe Monument in Greenwich Park. LBG consider that the existing Docklands skyline gradually rises and falls from east to west and it is considered that the proposed development, by reason of its excessive height would significant disturb this arrangement. (OFFICER COMMENT: These issues have been addressed in the body of the report below. In summary, it is considered that the proposed building adheres to the IPG policy requirement for a tapering of heights from One Canada Square and does not appear unduly dominant from Greenwich Park)

#### **London City Airport (statutory consultee)**

- 6.27 No objections, subject to informative regarding the requirement for consultation upon the use of cranes and scaffolding during construction.

#### **London Fire and Emergency Planning Authority (statutory consultee)**

- 6.28 No objections, subject to the attachment of an informative.

#### **London Wildlife Trust**

6.29 No comment.

**London Underground (statutory consultee)**

6.30 No objections.

**Maritime Greenwich - World Heritage Site Coordinator**

6.31 Raise concern that the cluster of tall buildings at Canary Wharf may become a 'wall' of towers extending across the Isle of Dogs from one river bank to the other. The WHS co-ordinator also advises that the application site lies in a zone where a maximum height of 20 storeys is recommended, according to the Maritime Greenwich 'Important Views and Tall Buildings' paper. An objection is therefore raised on the basis that the proposal is too high and would adversely affect the view from the Wolfe statue in Greenwich Park. (OFFICER COMMENT: The height of the proposal is discussed in detail within the main body of the report, below. In summary, it is not considered that the proposal appears unduly dominant from Greenwich Park).

**National Air Traffic Services (NATS – statutory consultee)**

6.32 No comments received.

**Natural England (statutory consultee)**

6.33 Requested that brown roofs are provided in order to create habitats for protected Black Redstarts. (OFFICER COMMENT: A revised roof plan has been submitted by the applicant which incorporates a brown roof. A condition has also been attached which requires the applicant to submit details of ecological enhancements)

**Thames Water (statutory consultee)**

6.34 No comments.

**Transport for London (statutory consultee)**

6.35 TFL comments are addressed within the body of the Deputy Mayors Stage 1 response as raised above. As such, TFL comments have been addressed in detail within the Highways section of this report.

**7. LOCAL REPRESENTATION**

7.1 A total of 460 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses:	4	Objecting:	4	Supporting:	0
No of petitions received:	0				

7.2 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

- The number of hotels in the area has destroyed the local character
- The proposed building will dramatically change the skyline of the area

- There is an over-concentration of hotels within the area
- The proposed development will not be accessible to local residents
- There are no benefits of the scheme to local residents
- The loss of the existing 'Office Angels' employment agency will be detrimental to local residents
- The area needs smaller homes for young couples and older people rather than hotels
- Marsh Wall is often partially blocked by coaches serving the International Hotel and this proposal will exacerbate existing traffic problems on Marsh Wall

7.3 The following issues were raised in representations, but they are not material to the determination of the application:

- The existing International Hotel on Marsh Wall has had a number of fire alarm activations which has caused pedestrian congestion due to lack of appropriate assembly points
- Tall buildings are fire hazards (OFFICER COMMENT: These two points relate to matters which are controlled by Building Control legislation and are therefore not material planning considerations)

7.4 An additional letter has been received from Charles Russell LLP, who act on behalf of adjoining land owners. The letter states that their client owns various parcels of land at and around 40 Marsh Wall and is not convinced that the submitted red line site plan accurately represents the true ownership of the site. A copy of the letter was relayed to the applicant, who has since responded by providing a copy of the Land Registry title plan. The applicant states that the submitted site plan is accurate and the relevant additional landowners (the Council) have been notified. (OFFICER COMMENT: It is considered that the submitted site plan and signed Ownership Certificate are accurate).

## **8. MATERIAL PLANNING CONSIDERATIONS**

8.1 The main planning issues raised by the application that the committee must consider are:

1. Land Use
2. Employment
3. Design
4. Amenity
5. Highways & Transportation
6. Energy Efficiency
7. Other

### **Land Use**

8.2 The application proposes the demolition of the existing building which is used for office (Use Class B1) and professional services (Use Class A2) purposes and the erection of a hotel led, mixed-use development, together with associated ancillary hotel facilities including restaurants (Use Class A3), leisure facilities (Use Class D2), conference facilities (Use Class D1) and serviced offices (Use Class B1). The hotel is described as a five-star 'boutique hotel' comprising of 305 suites.

8.3 On a strategic level, the Isle of Dogs, in which the application site is located, is identified within the London Plan as an Opportunity Area within the North-East London sub region. Policy 5C.1 seeks to promote the sub-regions contribution to London's world city role, especially in relation to the Isle of Dogs.

8.4 According to the London Plan, tourism is seen as a key growth industry for London. To accommodate this growth, policy 3D.7 specifies a target of 40,000 net additional hotel bedrooms by 2026. The policy identifies Central Activities Zones (CAZ) and Opportunity

Areas as priority locations for new hotel accommodation and seeks to maximise densities. Policy 3D.7 also supports a wide range of tourist accommodation, such as serviced apartments.

- 8.5 According to policy ART7 and CAZ1 of the Unitary Development Plan (UDP), the Council will normally give favourable consideration to major hotel developments within the Central Area Zone (CAZ). In addition to this, policy CP13 of the Interim Planning Guidance October 2007 (IPG) states that large scale hotel developments and serviced apartments will be supported in areas of high public transport accessibility and close proximity to commercial development, such as the Canary Wharf major retail centre, business and conference facilities and public transport.
- 8.6 Policy IOD18 of the Isle of Dogs Area Action Plan (IDAAP) states that in areas to the north of Marsh Wall, employment uses which support the formation of a global and financial business centre on the Isle of Dogs, such as mixed-use hotel and serviced apartment developments, should be provided. In areas to the south of Marsh Wall, policy IOD18 states that the Council will support a diverse range of employment uses.
- 8.7 The Mayor's Stage I report states that:  
*"The proposal sits just outside the CAZ boundary but within a location that is very accessible to the commercial hub at Canary Wharf. There are also other hotels in the area and Canary Wharf is a recognised hotel location in London. Policy 5G.2 'Strategic priorities for the Central Activities Zone' lists the strategic priorities for the CAZ. These include business and retail uses that will enhance London's role in the world economy. Another strategic priority is to enhance and manage the role of the CAZ as the country's premier visitor location. The proposal for the hotel, although just outside the CAZ, will support this policy and enhance facilities for visitors to London".*
- 8.8 The report goes on to state:  
*"Similarly, the proposal will support policy 3D.7 'Visitor accommodation and facilities', which seeks to achieve a target of 40,000 net additional hotel rooms by 2026, and states that boroughs should focus strategically important new visitor provision within Opportunity Areas. This site is not within the Isle of Dogs Opportunity Area, but is on the boundary of it. Additionally, London Plan policy 3B.9 'Tourism Industry' seeks to enhance the quality and appeal of London's tourism offer. The principle of the proposed hotel is welcomed as it contributes towards the aims of policy 3B.9 through maximising opportunities arising from the Olympics and Paralympics Games to promote London's status and image as a leading world class city to an international audience*
- 8.9 The applicant has provided a hotel demand report which references the requirement of the Mayor of London's Hotel Demand Study (2006) for an average need of 2,800 hotel rooms per annum for the 10 year period between 2007 and 2016. The report highlights Tower Hamlets as an area for significant growth with 3,600 existing rooms and approximately 1,500 in the planning pipeline (including the application proposal) – representing around 6% of London's recognised supply, compared to the traditional West End's 72%.
- 8.10 The hotel demand report details five existing hotels within the surrounding area, which are all of 3-4 star rating, with up to a further 8 in the pipeline. The report concludes that there is room for a 5-star hotel of the quality proposed at this time, particularly given the site location and the ongoing commercial development of Canary Wharf Estate and nearby local attractions including Greenwich and the O2 Arena to fuel both significant employment and a profitable hotel operation.
- 8.11 The associated ancillary hotel facilities including restaurant/cafe, leisure facilities, conference facilities and serviced offices are all considered to be in accordance with the

abovementioned policy framework.

- 8.12 In conclusion, whilst the application proposal results in the loss of approximately 3,000 sq.m of office floorspace (discussed further within the employment section of the report, below), the provision of hotel accommodation with associated ancillary commercial facilities in this location is supported by the development plan.

### **Employment**

- 8.13 The application proposal would result in the loss of 3,017 sq.m of office (B1) floorspace. The existing number of employees within 40 Marsh Wall is detailed as 145 upon the application form, and the submitted hotel demand report estimates that approximately 190 full time jobs will be created by the proposal with an extra 20% during peak periods (up to 228 in total).
- 8.14 UDP policy EMP3 considers the change of use and redevelopment of outmoded or surplus office floorspace. The following factors are taken into account by the Council:
- The length of time that surplus office floorspace has been vacant;
  - The level of vacant floorspace and unimplemented planning permissions for office floorspace in the surrounding area;
  - Whether the development would involve the loss of premises built to a standard which provides adequate loading and servicing facilities for the full range of B1 uses
- 8.15 Policy EE2 of IPG Core Strategy states that proposals that seek to reduce employment floor space may only be considered where
- The applicant has shown that the site is unsuitable for continued employment use due to its location, accessibility, size and condition.
  - There is evidence that there is intensification of alternative employment uses on site
  - There is evidence that the possibility to reuse or redevelop the site for a similar or alternative business use, through active marketing, has been fully explored over a period of time or there is recent evidence that the site is suitable for ongoing employment use
- 8.16 The applicant has also produced an Employment Supply Study to justify the loss of office floorspace. The report states that the 40 Marsh Wall offers relatively poor quality office space in comparison with the newer buildings at Canary Wharf, with the location becoming less attractive due to several large developments in other areas of the Docklands, particularly those in North Quay where the new Crossrail station will be located and refurbishments in Canary Wharf. Furthermore, given that the office market in the Docklands is likely to be over supplied with an expected fall in demand for office space, any demand that there is will be focused around Canary Wharf rather than in the fringe locations such as Marsh Wall. The report also states that 40 Marsh Wall contains 3804 sq.m of B1 office floorspace, which presently accounts for 0.2% of total Docklands office stock, which itself is ever-increasing.
- 8.17 Whilst it is noted that the report does not go into the specific details of the current occupation levels of the building and the demand for cheaper 'fringe' buildings, it is considered that the report is largely indicative of the low level of occupier demand for outdated space such as 40 Marsh Wall. Furthermore, given the increase in employment as a result of the proposal together with the broad range of job opportunities provided, and given the ability to ensure the resultant jobs are maximised in a manner can benefit local residents via the s106 agreement, it is considered that the loss of employment space is justified in accordance with policies EMP3 of the UDP 1998 and EE2 of IPG Core Strategy.
- 8.18 Lastly, with regard to the objection raised on the grounds of the loss of the existing 'Office Angels' employment agency Use Class A2 (office) within 40 Marsh Wall, it should be noted that, as detailed above in section 3.1, the s106 agreement secures a financial contribution of £204,558 towards improving access to employment for local residents, which will be



apportioned to the Council's job brokerage service, Skillsmatch. Furthermore, the s106 agreement also secures an obligation for the promotion of employment of local people during and post construction which will also be facilitated by the Council's Skillsmatch service and also the Local Labour and Construction service.

## **Design**

- 8.19 Policy 4B.8 of the London Plan states that tall buildings will be promoted where they create attractive landmarks enhancing London's character, help to provide a coherent location for economic clusters of related activity or act as a catalyst for regeneration and where they are also acceptable in terms of design and impact on their surroundings. Policy 4B.9 of the London Plan (February 2008) provides detailed guidance on the design and impact of such large scale buildings, and requires that these be of the highest quality of design.
- 8.20 Policy DEV6 of the UDP specifies that high buildings may be acceptable subject to considerations of design, siting, the character of the locality and their effect on views. Considerations include, overshadowing in terms of adjoining properties, creation of areas subject to wind turbulence, and effect on television and radio interference.
- 8.21 Policies CP1, CP48 and DEV27 of the IPG October 2007 states that the Council will, in principle, support the development of tall buildings, subject to the proposed development satisfying a wide range of criteria.
- 8.22 Good design is central to all the objectives of the London Plan. Chapter 4B of the London Plan refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at high quality design, which incorporate the principles of good design. These principles are also reflected in policies DEV1 and 2 of the UDP and the IPG.
- 8.23 Policies DEV1 and DEV2 of the UDP and policy CP4 of the IPG October 2007 state that the Council will ensure development create buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings.
- 8.24 Policy IOD21 of the IODAAP (2007) states that the central sub-area will contain a mix of building heights which do not compete with the cluster of tall buildings in the Northern sub-area (i.e. the Canary Wharf cluster). In general, building heights will be higher in the north of the sub-area and reduce in height towards the southern parts. Building heights of new development must consider and respond to the close proximity of established residential areas nearby.

## Analysis

- 8.25 The application proposes the erection of a 39 storey building (40 storeys upon Manilla Street due to a level change across the site) with an area of hard and soft landscaping which sets the building away from Marsh Wall and Cuba Street. The height of the proposed building is 127.15m AOD.
- 8.26 The site is located upon a curve in Marsh Wall, creating a triangular site within close proximity of the 22 Marsh Wall and Arrowhead Quay development sites, as detailed above within section 4 of this report. The busy nature of the area, together with its close proximity to the Canary Wharf estate, has resulted in the emergence of an interesting cluster of tall buildings around the site.
- 8.27 The proposal was discussed at pre-application stage. The applicants have responded to all of the Council's Design Officer's comments and the result is a refined and well considered design which responds to surrounding consented buildings and context. There is a particular emphasis on high quality façade treatments and a quality public realm, with accessible and

active frontages to Marsh Wall, Cuba Street and Manilla Street.

- 8.28 Architecturally it is a visually distinctive building. The building is visually separated into two sections – a 9-storey plinth at the base and an interlocking 39/40 storey tower. The plinth is orientated to the east/west in order provide a better volumetric relationship to, and continue the emerging 9-storey street scene within Cuba Street and Manilla Street as formed by the recent development at 22 Marsh Wall and the neighbouring 30 Marsh Wall, as shown below within **figure 1**. The plinth is proposed to be clad in a distinctive smooth glazed cladding system, made up of a mixture of saffron-hued glass panels which increase in transparency towards ground level in order to create active frontages.
- 8.29 The tower element of the proposed building is formed by two interlocking rectilinear and curved elements, which create a slim, elegant profile that responds well to the site's location upon the curve of Marsh Wall. The façade treatment of the rectilinear element of the tower comprises a series of opaque and transparent vertical flush glazing with horizontal aluminium channels at alternative levels. The interlocking curved element of the tower uses a triple height glazing system with projecting vertical aluminium fins which contrasts the horizontal rhythm of the rectilinear element. It is considered that the building would add visual interest and contrast to the emerging cluster of tall buildings at this western end of Marsh Wall, from both a local perspective at street level and from longer distance views.



**Figure 1:** The proposed building (far right) as viewed from the south in context with (from the left) the ongoing development of 22 Marsh Wall and the neighbouring 30 Marsh Wall

- 8.30 The height of the proposed building is not significant enough to raise any concerns for London wider strategic views and would be masked by silhouettes of Riverside South, City Pride and Heron Quays. The proposed building is considered to conform with policy IOD21's requirement for buildings in this area to taper in height to the south. Furthermore, the proposal is 5 storeys shorter than the adjacent 22 Marsh Wall which, together with its more slender profile, adds visual relief to the emerging cluster of tall buildings in the area. The GLA has confirmed that the proposal does not raise any concerns in relation to strategic views.

8.31 The GLA's Stage I report states:

*"For the most part, the proposed building will appear amongst a skyline of other tall buildings and given its relatively slender built form, the proposal will not have a negative impact on views of Canary Wharf or the wider Isle of Dogs. However, in the local setting the proposed tower will be significantly larger than nearby existing buildings such as those on the corners of Westferry Road and Manilla Street/Westferry and Cuba Street. Within this context, the contrast between the two-three storey existing buildings and the proposed 39-storey building is marked, although not unusual within the emerging townscape of this area. This issue is particularly evident in the relationship between the 'Rogue Trader' public house and the under construction 'The Landmark' [22 Marsh Wall] and the consented City Pride redevelopment and the existing building on the opposite end of Westferry Road".*

8.32 Policy DEV27 of the IPG (October 2007) provides criteria that applications for tall buildings must satisfy. Considering the form, massing, height and overall design against the requirements of the aforementioned policy, the proposal is considered to be in accordance with the policy as follows:

- The scheme is of a high quality design;
- The development creates an acceptable landmark building to the edge of the Canary Wharf Estate, invigorating Marsh Wall and complementing the existing and emerging tall buildings;
- It contributes to an interesting skyline, from all angles and at night time;
- The site is not within a strategic view corridor;
- The site is not within a local view corridor and would not impact adversely on local landmarks;
- The scheme frees up approximately 60% of the site to provide adequate, high quality and usable amenity space;
- The scheme enhances the movement of people, including disabled users, through the public realm area whilst securing high standard of safety and security for future users of the development;
- The scheme meets the Council's requirements in terms of micro-climate;
- Demonstrates consideration of sustainability throughout the lifetime of the development, including the achievement of high standards of energy efficiency, sustainable design, construction and resource management;
- The impact on biodiversity will not be detrimental and a condition has been attached to ensure appropriate habitats are created;
- The mix of uses proposed are considered appropriate and will contribute positively to the social and economic vitality of the surrounding area;
- The site is located in an area with good public transport accessibility;
- Takes into account the transport capacity of the area and includes an appropriate S106 contribution towards transport infrastructure, to ensure the proposal will not have an adverse impact on transport infrastructure and transport services;
- Conforms with Civil Aviation requirements; and
- Will not interfere, to an unacceptable degree, with telecommunication and radio transmission networks.

8.33 It is considered that the proposed public realm improvements will make a valued contribution to the regeneration of this particular area of Marsh Wall. The proposal seeks to replace the existing back edge of pavement development which occupies almost the entire site, with a slender tower that gives over 60% of the site to publicly accessible landscaping where none currently exists. It is also considered that this results in improvements for north/south permeability, safety and security and animates Marsh Wall, Cuba Street and Manilla Street at ground floor level.

8.34 With regard to CABE's comments as detailed above, whilst there is no masterplan in place

for this area of the Isle of Dogs, it is considered that the vast number of development plan policies (listed above), comprising the London Plan, UPD, IPG and IODAAP, provide sufficient guidance to ensure the appropriate redevelopment of this site. Furthermore, it should also be noted that, as detailed above, a number of developments of a similar scale to that proposed are located within close proximity to the application site and a number of other sites within the area have been or are engaged within the Council's formal pre-application process. Accordingly, officers are seeking to ensure a coherent, sustainable approach to the redevelopment of the area is achieved.

- 8.35 In light of supporting comments received from the GLA and the Council's Design Department regarding the form, height, massing and design of the development, and subject to conditions to ensure high quality detailing of the development is achieved, it is considered that the proposal is acceptable in design terms and accords with the abovementioned policy and guidance set out in the London Plan (2008) and IPG (2007).

#### Heritage Issues

- 8.36 PPG15 (Planning and the Historic Environment) requires local planning authorities who consider proposals which affect a listed building to have special regard to the preservation of the setting of the listed building as the setting is often an important part of the building's character.
- 8.37 Policy 4B.11 of the London Plan seeks to protect and enhance London's historic environment. Furthermore, Policy 4B.12 states that Boroughs should ensure the protection and enhancement of historic assets based on an understanding of their special character.
- 8.38 Policy CON1 of the IPG October 2007 states that planning permission will not be granted for development which would have an adverse impact upon the setting of the listed building.
- 8.39 As detailed above, the application site is not located within a conservation area. The nearest Conservation Areas are located approximately 650 metres away to the north of the site. It is not considered that the Conservation Areas would be adversely affected by the proposal. The site is not located within the vicinity of any listed structures.
- 8.40 English Heritage and the Council's Design & Conservation Department have raised no objections to the proposal. As such, the proposal is considered to be appropriate and in accordance with PPG15, the London Plan and the Council's Interim Planning Guidance (2007).

#### Accessibility and Inclusive Design

- 8.41 Policy 3D.7 of the London Plan identifies that the Council should support an increase and the quality of fully wheelchair accessible accommodation. Further, paragraph 4.38 of policy CP13 of the IPG highlights that there is a shortage of accessible hotel accommodation in London. It identifies the English Tourist Council's National Accessible Standard as best practice to make hotel accommodation more accessible. All new hotel developments are required to meet the National Accessible Standard.
- 8.42 There is no direct planning policy on the minimum provision of wheelchair accessible units for hotel and serviced apartments, however in line with Building Regulations Part M requirements, 5% of the serviced apartments are wheelchair accessible with a further 5% being adaptable.
- 8.43 With respect to the design and access statement, the GLA Stage 1 report states: *"This [the provision of 5% wheelchair accessible rooms and a further 5% adaptable rooms] is strongly supported and the floorplans provided demonstrate that the applicant has made a very good effort at providing a highly accessible form of hotel forms. The circulation space is generous,*

*the doors are wide, the bathrooms are large (and hoist space provided) and there is adequate space on either side of the bed... The provision of a blue badge space off Manilla Street is also supported”.*

- 8.44 The GLA have queried a number of minor issues relating to access, including the applicant’s attempt to take advantage of the area of land between 30 and 40 Marsh Wall, which could provide better access between Cuba Street and Marsh Wall. The applicant has since responded to the GLA directly to justify the proposed positioning of an external lift close to the lower ground entrance to the hotel, stating that the location of the lift is well-lit, sheltered and overlooked. A condition has been attached in order to ensure the access is as inclusive as possible.

#### Safety and Security

- 8.45 In accordance with DEV1 of the UDP 1998 and DEV4 of the IPG, all development is required to consider the safety and security of development, without compromising the achievement of good design and inclusive environments. The Metropolitan Police Crime Prevention Officer has raised no objection to the scheme. As such, the safety and security of the scheme is considered acceptable.

#### **Amenity**

- 8.46 According to paragraph 4.37 of policy CP13 of the IPG, hotel and serviced apartments must fit into their surroundings and should not harm the environment by reason of noise, disturbance, traffic generation or exacerbation of parking problems, or detract from the character of the area. Notwithstanding this, the IPG states that such facilities are more preferable in town centres and locations with good access to public transport, away from established residential areas to ensure any impacts are minimal.
- 8.47 Policy DEV2 of the UDP and policy DEV1 of the IPG October 2007 state that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm.
- 8.48 In terms of amenity, the applicant provided an Environmental Statement which addressed a wide range of issues, such as daylight/sunlight, air quality, wind, noise and vibration.

#### Sunlight/Daylight

- 8.49 Policy 4B.10 of the London plan requires all large scale buildings, including tall buildings, to be sensitive to their impact on micro-climates in terms of sunlight, daylight and overshadowing.
- 8.50 DEV 2 of the UDP seeks to ensure that the adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. Supporting paragraph 4.8 states that DEV2 is concerned with the impact of development on the amenity of residents and the environment.
- 8.51 Policy DEV1 of the Interim Planning Guidance states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The policy includes the requirement that development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms.
- 8.52 The applicant submitted a Daylight and Sunlight report which looks at the impact upon the daylight, sunlight and overshadowing implications of the development upon itself and on neighbouring residential properties.

8.53 The method for assessment of daylight, sunlight and overshadowing matters is set out in the Building Research Establishment (BRE) Handbook. As stated in the BRE guidance “*guidelines may be used for houses and any non-domestic buildings where daylight is required*”. However, in accordance with the guidance, and with best practice, where there is no guidance on the acceptable level for non-domestic buildings, commercial buildings are usually assumed not to require sunlight, and as such, is not included within the assessment.

*a. Surrounding Daylight/Sunlight*

8.54 The submitted Environmental Statement has tested the impact of the proposal upon the habitable rooms within the North Pole Public House, 1-7 Bellamy Close and 19-26 Cuba Street. Other surrounding buildings are considered non-habitable and are therefore detailed assessments are not considered necessary. The Council’s Environmental Health Officer has agreed this approach.

8.55 Overall, the analysis undertaken demonstrates that the impact of the proposed development is negligible with regard to daylight. The majority of windows at 19-26 Cuba Street will receive increased levels of daylight as a result of the proposed building reducing in width compared to the existing building, whilst there will be a minor adverse impact upon daylight levels to 4 of the 8 windows at the North Pole public house. In total, out of the 88 windows tested, 18 would be adversely affected by the proposal as a result of having a Vertical Sky Component (VSC) loss of over 20%.

8.56 Regarding sunlight, the BRE guidelines state that “*access to sunlight should be checked for the main window of each room which faces within 90 degrees of due south*”. None of the windows that are considered to be affected by the proposal face within 90 degrees of due south and, as such, it is not considered necessary to test them.

8.57 On balance, it is acknowledged that there will be a loss of daylight to a small number of windows at the North Pole public house and 19-26 Cuba Street as a result of the proposal. It is also acknowledged that the urban character of the area and the flexibility and suburban basis of the BRE guidelines, some impact on daylight and sunlight is expected to occur in such locations. Indeed, it can be argued that the amount and quality of light received is not untypical in an urban environment and therefore difficult to refuse on these grounds.

8.58 National, strategic and local planning policy of relevance to the sites redevelopment encourages the development of higher density developments and schemes which maximise the use of accessible sites. Given that the majority of the habitable rooms surrounding the site comply with the BRE daylight/sunlight guideline levels, it is unlikely that the loss of daylight and sunlight would justify refusal of this scheme and its noted benefits. On this basis, the proposal can be supported.

*b. Internal Daylight Assessment*

8.59 According to paragraph 4.39 of IPG policy CP13, serviced apartments are not a form of permanent housing and therefore are considered to be non-domestic buildings. As mentioned above, there are no standards given in the BRE to determine acceptable levels for non-domestic buildings. Nevertheless, due to the height and location of the serviced apartments within the development, there are very few obstructions. Given the urban context, and the lack of guidance for non-domestic buildings, the internal daylight is considered acceptable.

*c. Overshadow*

8.60 The BRE report advises that for an amenity area to appear adequately sunlit throughout the year no more than two-fifths (40%) and preferably no more than one-quarter of such garden

or amenity areas should be prevented by buildings from receiving any sun at all on 21<sup>st</sup> of March.

- 8.61 The results of the submitted permanent overshadowing assessment indicates that 4.4% of the proposed amenity space will be in permanent shadow on March 21<sup>st</sup>. This level is well within the BRE guideline criteria and the impact of the proposal is considered to be minimal.

#### Air Quality

- 8.62 In order to mitigate any potential impacts during the construction phase, a Construction Environmental Management Plan (CEMP) will be conditioned setting out measures to be applied throughout the construction phase, including dust mitigation measures.
- 8.63 During the operational phase, the scheme is car free. Nonetheless, the scheme will be conditioned to provide a Green Travel plan which will encourage the use of sustainable transport modes. This will further reduce the impact of the development in terms of both greenhouse gases and pollutants.

#### Wind

- 8.64 Although there is no national or regional planning policy guidance in relation to wind assessments, Policy 4B.10 of the London plan requires all large scale buildings, including tall buildings, to be sensitive to their impact on micro-climates in terms of wind.
- 8.65 Similarly, there is no specific UDP policy relating to wind, but this is addressed in respect of micro-climate in the IPG policies DEV1, DEV5 and DEV27.
- 8.66 Within the submitted Environmental Statement, the applicant undertook a wind assessment, in order to assess the impact of the proposal upon the local microclimate, using wind tunnel tests. The report concludes that, following the implementation of mitigation measures such as tree and hedge planting and semi-permanent fencing along the west and east boundaries, the pedestrian comfort and safety levels are appropriate for intended use.

#### Noise and Vibration

- 8.67 PPG24 provides national planning guidance regarding the impact of noise, which is identified as a material consideration in the determination of planning applications. It advises that wherever practicable, noise sensitive developments should be separated from major sources of noise. When separation is not possible, local planning authorities should consider whether it is practicable to control or reduce noise levels or to mitigate the impact of noise through conditions.
- 8.68 The London Plan seeks to reduce noise, by minimising the existing and potential adverse impacts of noise on, from, or in the vicinity of development proposals (Policy 4A.20). Policy DEV50 of the UDP states that the Council will consider the level of noise generated from developments.
- 8.69 Within the submitted Environmental Statement, the applicant undertook a noise assessment. The Council's Environmental Health officer had no objection to the scheme subject to appropriate noise and vibration conditions. The scheme is therefore considered acceptable.

#### Privacy/ Overlooking

- 8.70 Issues of privacy/overlooking are to be considered in line with Policy DEV2 of the UDP, where new developments should be designed to ensure that there is sufficient privacy for residents. A distance of about 18 metres (60 feet) between opposite habitable rooms reduces inter-visibility to a degree acceptable to most people. This figure is generally applied

as a guideline depending on the design and layout concerned and is interpreted as a perpendicular projection from the face of the habitable room window.

- 8.71 The proposed Hotel/ Serviced Apartments are not a form of permanent housing and therefore are considered to be non-domestic buildings. The North Pole public house habitable windows are located approximately 9 metres directly south of the site. However, the existing building at 40 Marsh Wall abuts the site boundary and the present separation distance is equal. Whilst the proposed building overhangs the pavement to the south above the 9/10 storey plinth, it is considered that no overlooking would occur as the north pole public house is considerably shorter at 4 storeys. There is a minimum separation distance of 10m between the application site and the habitable windows at 19-26 Cuba Street, which is considered to be acceptable in such an urban environment. Accordingly, there are no privacy concerns raised by the proposed development.

## **Highways & Transportation**

### Access

- 8.72 Policy T16 of the UDP and policies DEV17, DEV18 and DEV19 of the IPG October 2007 require new development to take into account the operational requirements of the proposed use and the impact (Transport Assessment) of the traffic that is likely to be generated. In addition, policy objectives seek to ensure that the design minimises possible impacts on existing road networks, reduces car usage and, where necessary, provides detailed mitigation measures, to enable the development to be acceptable in planning terms.
- 8.73 The application site takes advantage of being in a highly accessible location well served by public transport. As mentioned above, Canary Wharf Underground station is located approximately 375m to the north, whilst Heron Quays and South Quay DLR stations are located approximately 280m to the north east and 400m to the east respectively. The closest bus stop to the site is located directly upon the site's Marsh Wall frontage, which is served by the D8 bus service. A total of 4 other bus services operate within 400m of the site. The site is also accessible via the Thames Clipper service from the Canary Wharf pier at Westferry Circus, approximately 560m to the north west, which operates every 20 minutes. The nearest Transport for London Road Network is the A1203, approximately 340 metres north west of the site.
- 8.74 The development will also bring forward significant improvements to the pedestrian environment around the site, in accordance with the London Plan and Council policy to improve pedestrian access. Contributions have been secured via the s106 agreement for highway improvements and footway reconstruction with York stone and granite sets on the south side of Marsh Wall, between the Millennium Quarter and Westferry Circus, in order to match the high quality public realm within the Millennium Quarter.
- 8.75 The proposal also includes the provision of a taxi lay-by on Marsh Wall. The timely provision of the lay-by is secured by way of condition, whilst a s72 Highways agreement will ensure that a new pavement with a minimum width of 2m is also provided. S106 contributions have also been secured to finance the relocation of the existing bus stop.
- 8.76 The proposal is car-free and, as such, the impact of the development will be largely borne upon public transport. The submitted Transport Assessment indicates that the proposal will have a minimal impact upon the capacity of the DLR and London Underground services. Furthermore, the impact upon the bus network is also minimal. Notwithstanding this, contributions have been secured towards the provision of TfL DAISY (Docklands Arrival Information System) information boards within the development.
- 8.77 TfL have stated within the Mayor's Stage I report that they generally support the proposal and welcome that the assessment is accompanied by a draft travel plan. A full travel plan will



be secured by planning condition in order to manage travel demand. At TfL's request, contributions have also been secured for the installation of an Olympic sign and the provision of three new gates on the nearby Thames Pathway National Trail and also, a signage audit is to be carried out within the area to improve way-finding in the area.

#### Car and Cycle Parking

- 8.78 In line with London Plan policy 3C.1, the developer seeks to reduce the need to travel by car. Measures to achieve this include: a car free development (only one disabled space is provided); 38 cycle parking spaces; improved pedestrian facilities; and appropriate travel planning. The development is not expected to generate significant numbers of motorcycle trips and no on-site parking provision is proposed. Canary Wharf provides on-street motorcycle bays at various locations across the estate.
- 8.79 In view of the site's high public transport accessibility level, TfL welcomes the car free nature of the scheme. Also, cycle parking has been provided in accordance with TfL standards.

#### Servicing and Refuse Provisions

- 8.80 The submitted Environmental Statement details that waste produced in the building would be consolidated at basement level and temporarily housed at lower ground level, from where waste and recyclables would be transported by a registered contractor to suitable waste transfer and recycling storage.
- 8.81 The applicant has provided a Transport Assessment which details that servicing and deliveries would take place off the highway through a serviced bay, accessed from Manilla Street. The Council's Highways Department has not raised any objections to this arrangement and has requested that a condition be attached requiring the submission of a service management plan, in order for the service bay to be effective.

#### **Energy Efficiency & Sustainability**

- 8.82 The London Plan 2008 has a number of policies aimed at tackling the increasingly threatening issue of climate change. London is particularly vulnerable to matters of climate change due to its location, population, former development patterns and access to resources. IPG and the policies of the UDP also seek to reduce the impact of development on the environment, promoting sustainable development objectives.
- 8.83 Policy 4A.3 (Sustainable Design and Construction) of The London Plan 2008 states that boroughs should ensure future developments meet the highest standards of sustainable design and construction, seeking measures that will among other matters will:
- Reduce the carbon dioxide and other emissions that contribute to climate change;
  - Minimise energy use by including passive solar design, natural ventilation and vegetation on buildings;
  - Supply energy efficiently and incorporate decentralised energy systems and renewable energy; and
  - Promote sustainable waste behaviour in new and existing developments, including support for local integrated recycling schemes, CHP and CCHP schemes and other treatment options.
- 8.84 Policies 4A.4 (Energy Assessment), 4A.5 (Provision of heating and cooling networks) and 4A.6 (Decentralised Energy: Heating, Cooling and Power) of the London Plan 2008 further the requirements for sustainable design and construction, setting out the requirement for an Energy Strategy with principles of using less energy, supplying energy efficiently and using renewable energy; providing for the maximising of opportunities for decentralised energy networks; and requiring applications to demonstrate that the heating, cooling and power

systems have been selected to minimise carbon dioxide emissions. Policy 4A.7 (Renewable Energy) of the London Plan goes further on this theme, setting a target for carbon dioxide emissions as a result of onsite renewable energy generation at 20%. Policy 4A.9 promotes effective adaptation to climate change.

- 8.85 The submitted Sustainable Energy Strategy Report details that combined heat and power (CHP) is to be included within the development to provide heat and electricity and thus improve the overall efficiency of the primary energy delivered to the site. The favoured strategy for the provision of the CHP is to connect to the Barkantine Heat and Power Company network which is close to the application site. This approach is welcomed by both LBTH's Energy Efficiency Department and the GLA. Should this approach not be possible, an on-site CCHP plant will be provided which will provide electricity to the building, with the heat generated being used for hot water and space heating, and for cooling via an absorption chiller. The applicant also proposes to install solar PV panels at roof level and on the south elevation to generate electricity for use in the building.
- 8.86 The table below shows an overall reduction of 30.2% carbon emissions from the baseline building and after all the various energy strategies have been implemented. It is therefore considered that the proposed carbon emission reductions are in accordance with the abovementioned policies.

<b>Assessment</b>	<b>Energy Demand % reduction</b>	<b>CO2 Emission % reduction</b>
Using Baseline Figures (Part L compliant building)		
After energy efficiency improvements	10.6	7.6
After incorporation of CCHP	-14.1	24.3
After incorporation of PV panels	0.1	0.2
<b>Totals</b>	<b>-2.0</b>	<b>30.2</b>

**Table 1: Proposed carbon emission reductions**

- 8.87 Policy 4A.3 of the London Plan requires all development proposals to include a statement on the potential implications of the development on sustainable design and construction principles. This is also reflected within the relevant policies of the IPG. The applicant details that a commitment to achieve a BREEAM "Excellent" rating against a BREEAM Offices 2008 protocol. A condition has been attached to ensure this is achieved.
- 8.88 The information has been considered by the Council's Energy Efficiency Department who have commented that the submitted Sustainable Energy Strategy is considered to be appropriate for the development and the London Plan Hierarchy has been followed appropriately. As requested by the Energy Efficiency Officer, conditions have been attached which require the submission of details of the proposed cooling and heating systems.
- 8.90 The GLA raised no objections to the proposed energy strategy within their Stage I report, subject to further information being provided. The applicant has since responded to this request. The GLA also request that connection to the Barkantine Heat and Power network is prioritised. A condition has been attached to this effect.

### **Other Planning Issues**

### Biodiversity

- 8.91 The site and surroundings are not designated for nature conservation, and neither the Environment Agency nor British Waterways raised any objections to the proposal on such grounds. As detailed above, Natural England requested that Black Redstart habitats be provided at roof level. The applicant has since provided a revised roof plan which incorporates an element of brown roofing. A condition has also been attached requiring the submission of details of ecological enhancements.

### Flooding

- 8.92 Policy U3 of the UDP and policy DEV21 of the IPG October 2007 states that the Council (in consultation with the Environment Agency) will seek appropriate flood protection where the redevelopment of existing developed areas is permitted in areas at risk from flooding.

The site is located within a Flood Risk area. The Environment Agency have not raised any objections to the proposal on the grounds of flood risk, subject to a number of conditions. As such, the scheme is considered acceptable with respect to this aspect.

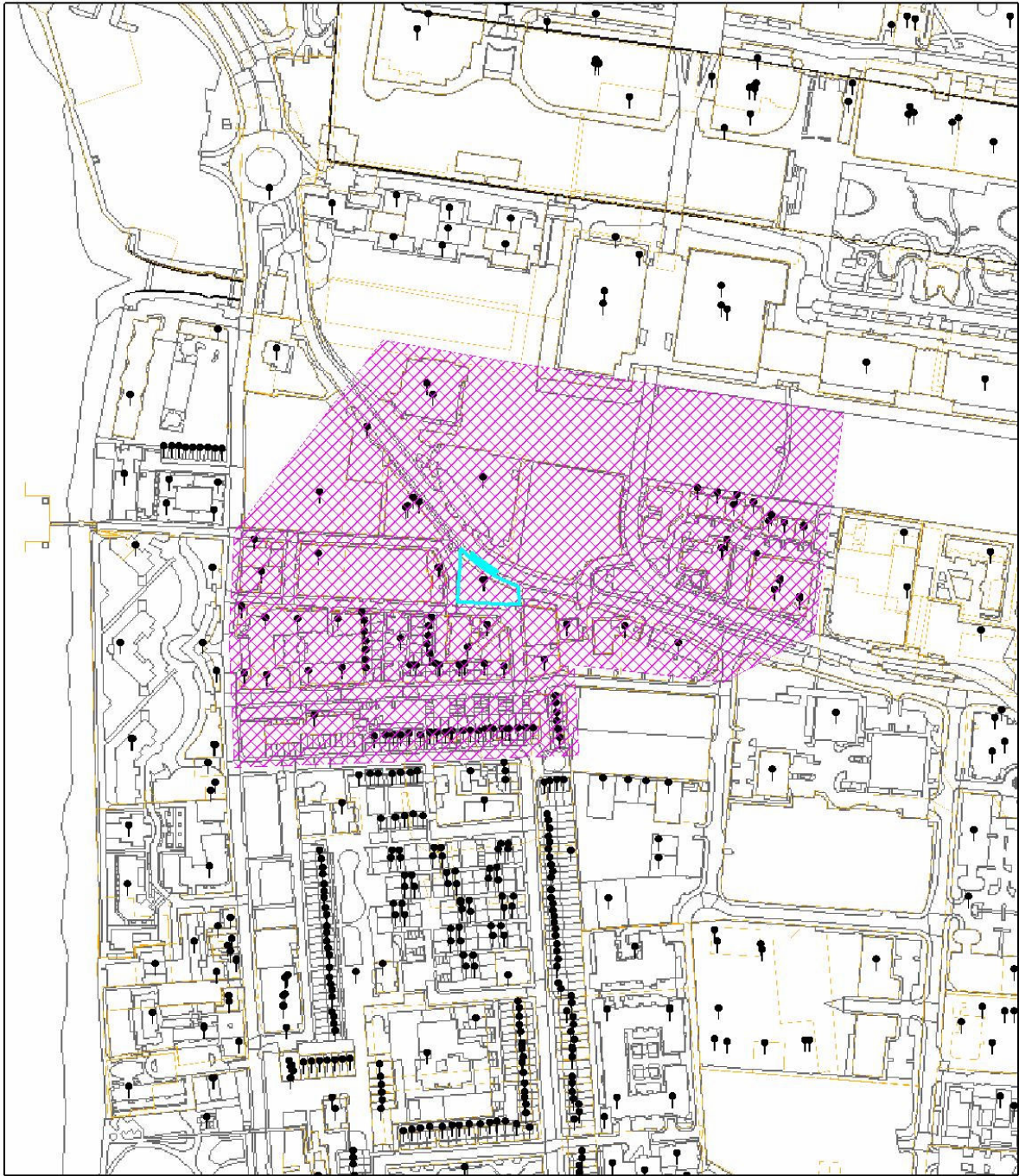
### Environmental Statement

- 8.93 The Environmental Statement (ES) and further information/clarification of points in the ES have been assessed as satisfactory by Council's independent consultants Land Use Consultants. Mitigation measures required are to be implemented through conditions and/ or Section 106 obligations.

### **Conclusions**

- 9.0 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

# Planning Application Site Map



-  Planning Application Site Boundary
-  Other Planning Applications
-  Consultation Area
-  Land Parcel Address Point



This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office (c) Crown Copyright. London Borough of Tower Hamlets LA086568