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|--------------------------------------------------------------------|---------------------------------|-------------------------------------------------|------------------------|
| <b>Committee:</b><br>Strategic Development                         | <b>Date:</b><br>2 February 2010 | <b>Classification:</b><br>Unrestricted          | <b>Agenda Item No:</b> |
| <b>Report of:</b><br>Corporate Director of Development and Renewal |                                 | <b>Title:</b> Planning Application for Decision |                        |
| <b>Case Officer:</b><br>Laura Webster                              |                                 | <b>Ref No:</b> PA/09/2099                       |                        |
|                                                                    |                                 | <b>Ward(s):</b> Limehouse                       |                        |

## 1. APPLICATION DETAILS

|                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|---------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Location:</b>          | Site at 82 West India Dock Road and 15 Salter Street, London                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Existing Use:</b>      | Vacant site (former commercial buildings now demolished)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Proposal:</b>          | Erection of a part 3, 14 and 16 storey building to provide a 252 hotel and incorporating meeting/conference rooms, restaurant, cafe and bar as well as formation of a drop-off area and servicing access off Salter Street                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Drawing Nos:</b>       | <p>Drawings:</p> <p>7101-P0-100, 7101-P0-101 REVISION -, 7101-P1-100 REVISION H, 7101-P1-101 REV H, 7101-P1-102 REV H, 7101-P1-103 REV H, 7101-P-1-112 REV H, 7101-P-115 REV H, 7101-P2-100 REV H, 7101-P2-101 REV H, 7101-P3-101 REV H, 7101-P3-102 REV H, 7101-P3-103 REV H, 7101-P3-104 REV H, 7101-P3-105 REV H, 7101-P3-106 REV H, 1125/SK/14, 1125/SK/15 REV A, 1125/SK/13 REV A, 1125/SK/16 REV A</p> <p>Documents:</p> <ul style="list-style-type: none"> <li>- Design and Access Statement dated October 2009</li> <li>- Planning Impact Statement dated October 2009</li> <li>- Construction Methodology Report 15 September 2009</li> <li>- Construction Environmental Management Plan August 2009</li> <li>- Daylight and Sunlight Report, GL Hearn 6<sup>th</sup> October 2009</li> <li>- Transport Assessment September 2009</li> <li>- Radio and Television Reception Impact Assessment 8<sup>th</sup> September 2009</li> <li>- Flood Risk Assessment October 2009</li> <li>- Noise and Vibration Assessment 6 October 2009</li> <li>- Wind Microclimate Study 16<sup>th</sup> September 2009</li> <li>- Air Quality Assessment October 2009</li> <li>- Lighting Technical Report September 2009</li> <li>- London City Airport Aviation Assessment</li> <li>- Utility Services Requirements October 2009</li> <li>- Code of Construction Practice August 2009</li> <li>- Phase I Geotechnical Assessment September 2009</li> <li>- Sustainable Energy Strategy December 2009</li> <li>- Sustainability Report 19 December 2009 Rev B</li> </ul> |
| <b>Applicant:</b>         | Aitch Group                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>Owners:</b>            | West India Dock Road Ltd                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Historic Building:</b> | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |

**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<br>LDF and London Plan |                                    | Eileen McGrath<br>020 7364 5321   |

**Conservation Area:** N/A

## **2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS**

- 2.1 The local planning authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:
- a) The proposal is in line with the Mayor and Council's policy, as well as government guidance which seeks to maximise the development potential of sites. As such, the development complies with policy 4B.1 of the London Plan which seeks to ensure high quality development maximises the potential of sites.
  - b) The principle of a hotel led scheme within this sustainable location would complement Canary Wharf and the areas role as a leading centre of business activity, by serving business and recreational tourism, thus supporting London's world city status. The scheme therefore accords with policies 3D.7 and 5C.1 of the London Plan (Consolidated with Alterations since 2004), policies ART1 and CAZ1 of the Council's Unitary Development Plan 1998, policy CP12 of the Interim Planning Guidance (October 2007) and policy SP01 and SP06 in the Core Strategy (December 2009) which seek to support the economic role of the borough, London and the UK generally.
  - c) The proposal is smaller in bulk and scale than the approved scheme granted planning permission by the Planning Inspectorate at appeal. As such, the building's height, scale, bulk and design is acceptable since it accords with regional and local criteria for tall buildings. The proposal is therefore acceptable in terms of policies 4B.8, 4B.9 and 4B.10 of the London Plan (Consolidated with alterations since 2004), saved policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998 and policies CP48, DEV1, DEV2, DEV3, CP46 and DEV27 of the Interim Planning Guidance (October 2007) and policy SP10 in the Core Strategy (December 2009) which seek to ensure buildings are of a high quality design and suitably located.
  - d) The high quality design of the proposal ensures the development would form a positive addition to London's skyline, without causing detriment to local or long distant views, in accordance with London Plan (Consolidated with Alterations since 2004) policies 4B.1, 4B.2, 4B.8 and 4B.9, policy DEV8 of the Council's Unitary Development Plan and policies CP48 and CP50 of the Interim Planning Guidance (2007) and policy SP10 in the Core Strategy (December 2009) 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.
  - e) The proposal would improve the existing public realm within the locality and form a positive public space for all users, in accordance with policy 4B.1 and 4B.3 in the London Plan (Consolidated with Alterations since 2004), policies DEV1 in the Unitary Development Plan 1998, policies DEV2 and DEV3 in the Interim Planning Guidance (October 2007) and polices SP04, SP09 and SP10 in the Core Strategy (December 2009) which seek to ensure high quality spaces.
  - f) The proposal would not have an unacceptable impact on the residential amenity of nearby properties in terms of loss of light, overshadowing, increased overlooking or noise. As such, the proposal is in line with policy DEV2 and DEV50 in the Unitary Development Plan 1998, policies DEV1 and DEV10 in the Interim Planning Guidance (October 2007) and policy SP01 in the Core Strategy (December 2009) which seek to protect the amenity of existing and future residents of the borough.

- g) Transport matters, including parking, access and servicing, are acceptable and accord with London Plan (Consolidated with Alterations Since 2004) policies 3C.1 and 3C.23, policies ST34, T16 and T19 of the Council's Unitary Development Plan 1998, policies DEV17, DEV18 and DEV19 of the Interim Planning Guidance (October 2007) and policy SP08 in the Core Strategy (December 2009) which seek to ensure developments minimise parking and promote sustainable transport options.
- h) Sustainability matters, including energy, are acceptable and accord with policies 4A.4, 4A.6, 4A.7, 4A.14 and 4B.2 of the London Plan (Consolidated with Alterations since 2004), policies DEV5 to DEV9 of the Interim Planning Guidance (October 2007) and policy SP11 in the Core Strategy (December 2009) which seek to promote sustainable development.
- i) Contributions and obligations have been secured towards the provision of public realm improvements, management plans and access to employment for local people 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) and policy SP13 in the Core Strategy (December 2009) 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 secure the following planning obligations:

- a) Transport for London contribution - £15,000 for works around Westferry station
- b) Public Realm Improvements
- c) Public Access (24 hours) through the site
- d) Travel Plan
- e) Construction Logistics Plan
- f) Service Management Plan
- g) TV Reception
- h) Local Labour ('Access to employment initiative' to ensure that the development provides employment and business opportunities for the residents of the borough during the construction of the development and at the end user stage of the commercial uses).
- i) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

3.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.

3.3 That if by 3<sup>rd</sup> May 2010 the legal agreement has not been completed to the satisfaction of the Assistant Chief Executive (legal services), the Corporate Director of Development and Renewal be delegated the authority to refuse planning permission.

3.4 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

#### Conditions

- 1) Full time limit
- 2) Samples of materials to be approved
- 3) Façade detailing at a scale of 1:20 to be approved
- 4) Hours of operation for the ground floor café and bar
- 5) Hours of operation for servicing vehicles
- 6) Site drainage details (highways)
- 7) Loading and unloading to remain ancillary to the use of the building
- 8) Contamination condition
- 9) Full details of cycle parking to be submitted
- 10) Scheme of highways improvements (S.278) approved and implemented
- 11) The energy efficiency and CHP technologies shall be implemented in accordance with the proposals made in the 'Sustainability Energy Strategy (2<sup>nd</sup> October 2009)' and 'Sustainability Energy Strategy (19<sup>th</sup> December 2009)'
- 12) The renewable energy technologies shall be implemented in accordance with the proposals made in the 'Sustainability Energy Strategy (2<sup>nd</sup> October 2009)' and 'Sustainability Energy Strategy (19<sup>th</sup> December 2009)'
- 13) Details to be approved in writing by the local planning authority of a BREEAM assessment where the development shall seek to achieve a minimum of an "Excellent" rating.
- 14) Implementation in accordance with the approved Flood Risk Assessment
- 15) Preliminary risk assessment regarding water contaminants to be submitted and approved
- 16) Verification report regarding potential water pollutants to be approved
- 17) Remediation strategy if water pollutants are found during development
- 18) Piling and foundation design details to be submitted and approved
- 19) Foul and surface water details to be approved and implemented
- 20) Full details of Public Art to be approved and implemented
- 21) Mitigation measures within the Lighting Technical Report By WSP dated September 2009 to be implemented
- 22) Glazing specification within the Noise/Vibration Assessment Report by WSP Acoustics dated 8 October 2009 to be implemented

Any other condition(s) considered necessary by the Head of Development Decisions.

### 3.5 Informatives

- 1) S.278 and S.72 highways agreement
- 2) Thames Water informatives
- 3) Highways informatives
- 4) Energy and sustainability informatives
- 5) Environment Agency informatives

## 4. PROPOSAL AND LOCATION DETAILS

### Proposal

- 4.1 The application proposes to construct a part 3, 14 and 16 storey building to provide a 252 bedroom hotel incorporating meeting/conference rooms, restaurant, cafe and bar. The proposal would incorporate a drop-off area and servicing access off Salter Street. The proposal would provide publicly accessible public realm improvements through the site.

### Site and Surroundings

- 4.2 The site is located to the north west of the Isle of Dogs and Canary Wharf. The site is situated in a prominent location within the area enclosed by transport infrastructure to all sides. The site is bounded by Westferry station and the railway viaduct to the south, Salter

Street to the west, West India Dock Road to the North and Westferry Road to the east.

- 4.3 The site is situated adjacent to Westferry DLR station. The site is approximately 700m away from Canary Wharf where London underground services are available (Jubilee Line). Regular bus routes 277, 135, D3 and D7 run along Salter Street adjacent to the site. Additionally, routes 15 and 115 are within reasonable walking distance on east India Dock Road.
- 4.4 The site is currently a vacant site, bounded by hoardings following demolition of the previous buildings on the site. It is currently in temporary use by contractors working on the DLR upgrades. Prior to demolition, the site comprised two storey warehouse buildings dating from around 1950. The buildings ran the perimeter of the site with a central service yard accessed by vehicular traffic from Salter Street.
- 4.5 The northern boundary of the site abuts an area of open land with 6 on-street parking spaces. To the west of the site on Salter Street, there is a warehouse building accommodating a van-hire outlet and a four storey residential development known as Compass Point. The south of the site is bounded by the DLR railway viaduct. One of the pedestrian entrances to Westferry DLR station is a staircase situated between the southern boundary of the application site and the DLR viaduct. The area east of the site is bounded by main roads. The wider area surrounding the site comprises a mix of commercial, industrial, retail, leisure and residential uses varying in scale.
- 4.6 The site is not situated within a Conservation Area. The site is not situated within the immediate vicinity of any historic listed buildings.
- 4.7 The site has an excellent public transport accessibility level (PTAL) of 6a.

### **Planning History**

- 4.8 PA/04/1038 - Demolition of existing buildings and redevelopment by a seven storey building (22.6m) and a 20 storey building for mixed use purposes (1,442 sq m of commercial floorspace plus 120 flats) comprising (1) a seven storey building to comprise 136 sq m. of commercial floorspace at ground floor level and 21 self contained flats plus communal amenity space at roof level and (2) a twenty storey building to include 1,306 sqm. of commercial floorspace at ground, first and second floors plus 99 self contained flats plus amenity space. The proposal includes a paved public concourse between the two buildings with a public art feature, DLR ticket machine and a glazed canopy overhead.

An appeal was made against non-determination of this application. It was approved by the Planning Inspectorate 9<sup>th</sup> May 2007, subject to conditions.

- 4.9 The proposal within this application is smaller in scale than the previously approved application under PA/04/1038. The tall element is 16 storey as opposed to 20 storeys in the previous application, and the built form fronting Salter Street is 3 storeys as opposed to 7 storeys in the previous application.

## **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:

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

|       |                                    |
|-------|------------------------------------|
| PPS25 | Development and Flood Risk         |
| PPS1  | Delivering Sustainable Development |

**Spatial Development Strategy for Greater London (London Plan 2008) Consolidated with alterations since 2004.**

|          |       |                                                  |
|----------|-------|--------------------------------------------------|
| Policies | 2A.1  | Sustainability Criteria                          |
|          | 3B.1  | Developing London's economy                      |
|          | 3B.3  | Mixed Use Development                            |
|          | 3B.9  | Tourism Industry                                 |
|          | 3C.1  | Integrating Transport and Development            |
|          | 3C.2  | Matching Development to Transport Capacity       |
|          | 3C.3  | Sustainable Transport in London                  |
|          | 3C.20 | Improving Conditions for Busses                  |
|          | 3C.21 | Improving Conditions for Walking                 |
|          | 3C.22 | Improving Conditions for Cycling                 |
|          | 3C.23 | Parking Strategy                                 |
|          | 3D.7  | Visitor accommodation and facilities             |
|          | 4A.1  | Tacking Climate Change                           |
|          | 4A.2  | Mitigating Climate Change                        |
|          | 4A.3  | Sustainable Design and Construction              |
|          | 4A.4  | Energy Assessment                                |
|          | 4A.5  | Provision of Heating and Cooling Networks        |
|          | 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.16 | Water Supplies and Resources                     |
|          | 4A.18 | Water Sewerage and Infrastructure                |
|          | 4B.1  | Design Principles for a compact city             |
|          | 4B.3  | Enhancing the Quality of the Public Realm        |
|          | 4B.5  | Creating an inclusive environment                |
|          | 4B.9  | Tall Buildings                                   |
|          | 4b.10 | Large Scale Buildings                            |
|          | 5C.1  | The strategic priorities for North East London   |
|          | 5C.3  | Opportunity areas in North East London           |

**Unitary Development Plan 1998 (as saved September 2007)**

|           |        |                                               |
|-----------|--------|-----------------------------------------------|
| Policies: | ST37   | Improve of Local Environment                  |
|           | ST43   | Use of High Quality Art                       |
|           | DEV1   | General design and environmental requirements |
|           | DEV2   | Development requirements                      |
|           | DEV3   | Mixed use developments                        |
|           | DEV12  | Landscaping                                   |
|           | DEV 50 | Noise                                         |
|           | DEV51  | Contaminated Land                             |
|           | DEV55  | Litter and Waste                              |
|           | DEV56  | Waste Recycling                               |
|           | EMP1   | Encouraging new employment uses               |
|           | EMP6   | Employing Local People                        |
|           | HSG15  | Development affecting residential amenity     |
|           | T16    | Impact of Traffic                             |
|           | T18    | Pedestrian Safety and Convenience             |
|           | T21    | Existing Pedestrians Routes                   |
|           | ART7   | Location of Major Hotel Development           |
|           | U2     | Development in areas at risk of flooding      |

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

|                      |                                  |
|----------------------|----------------------------------|
| Proposals:           | N/A                              |
| Core Strategies: CP1 | Creating Sustainable Communities |

|      |                                                    |
|------|----------------------------------------------------|
| CP2  | Equal Opportunity                                  |
| CP3  | Sustainable Environment                            |
| CP4  | Good Design                                        |
| CP5  | Supporting Infrastructure                          |
| CP7  | Job creation and Growth                            |
| CP12 | Creative and Cultural Industries and Tourism       |
| CP13 | Hotels, Serviced Apartments and Conference Centres |
| CP40 | A Sustainable Public Transport Network             |
| CP41 | Integrating Development with Transport             |
| CP42 | Streets for People                                 |
| CP46 | Accessible and Inclusive Environments              |
| CP48 | Tall Buildings                                     |

|           |       |                                                   |
|-----------|-------|---------------------------------------------------|
| Policies: | DEV1  | Amenity                                           |
|           | DEV2  | Character and Design                              |
|           | DEV3  | Accessibility and Inclusive design                |
|           | DEV4  | Safety and Security                               |
|           | DEV5  | Sustainable Design                                |
|           | DEV6  | Energy Efficiency and Renewable Energy            |
|           | DEV7  | Water Quality and Conservation                    |
|           | DEV10 | Disturbance from Noise Pollution                  |
|           | DEV11 | Air Pollution and Air Quality                     |
|           | DEV13 | Landscaping and Tree preservation                 |
|           | DEV14 | Public Art                                        |
|           | DEV15 | Waste and Recyclables Storage                     |
|           | DEV16 | Walking and Cycling Facilities                    |
|           | DEV17 | Transport Assessments                             |
|           | DEV18 | Travel Plans                                      |
|           | DEV19 | Parking for Motor Vehicles                        |
|           | DEV20 | Capacity of Utility Infrastructure                |
|           | DEV21 | Flood Risk Management                             |
|           | DEV22 | Contaminated Land                                 |
|           | DEV27 | Tall Buildings Assessment                         |
|           | EE2   | Redevelopment / Change of Use of Employment Sites |

**Core Strategy Development Plan Document (Submission version December 2009)**

|          |      |                                     |
|----------|------|-------------------------------------|
| Policies | SP01 | Town Centre Activity                |
|          | SP02 | Housing and sustainable communities |
|          | SP03 | Healthy Lifestyles                  |
|          | SP04 | Open Space                          |
|          | SP05 | Waste Management                    |
|          | SP06 | Economy and Employment              |
|          | SP07 | Education and Training              |
|          | SP08 | Transport Network                   |
|          | SP09 | Pedestrians and Streets             |
|          | SP10 | Heritage and Good Design            |
|          | SP11 | Sustainability and Climate Change   |
|          | SP12 | Placemaking                         |
|          | SP13 | Planning Obligations                |

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

- A better place for living safely
- A better place for living well
- A better place for creating and sharing prosperity
- A better place for learning, achievement and leisure
- A better place for excellent public services

## 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:

### London Borough of Tower Hamlets - Environmental Health

- 6.2 Contaminated Land – The site and surrounding area have been subjected to former industrial uses. The submitted phase 1 environmental assessment dated September 2009 is considered acceptable. A contamination condition requiring contamination risk to be fully identified and appropriately mitigated prior to development is to be attached to any permission granted.

Daylight and Sunlight – The contents of the report is acceptable, There are no unacceptable impacts from the scheme on the following surrounding residential buildings in terms of VSC, ADF, NSL (DDC) and APSH.

- i) 27-29 West India Dock Road.
- ii) 31-41 West India Dock Road.
- iii) 43 West India Dock Road.
- iv) 1-26 Fonda Court.
- v) 140-162 Limehouse Causeway.
- vi) 1-44 Compass Point.

Lighting – The contents of the Lighting Technical Report By WSP dated September, 2009 for Aitch Group is acceptable. However, the mitigation methods in the Report (as in paragraph 7.1.8 and 7.1.9) should be implemented to mitigate light nuisance to sensitive receptors.

Noise and Vibration – The Noise/Vibration Assessment Report by WSP Acoustics dated 8 October, 2009 for Aitch Group puts the site in PPG24 NEC "C" and should apply the glazing specification in paragraph 6.1 and 6.2 also as stated in Tables 7 and 8 of the Report. The Vibration Assessment is acceptable and meets the below low probability of adverse comments. The Report and its contents are acceptable.

### London Borough of Tower Hamlets - Highways

- 6.3
- The site is in an area of very good public transport accessibility. It is therefore acceptable that no parking spaces are provided for the able-bodied.
  - The applicant is not proposing to build up to the site edge, thus allowing a decent level of pedestrian amenity in this busy area next to Westferry DLR.
  - The applicant should be required to dedicate this land which is to become part of the footway to the Public, under a s72 agreement. The Highway Authority would then maintain it.
  - The footways on Salter St (north) are of a reasonable width to accommodate current and likely future levels of foot traffic, but in poor condition which will only worsen with construction traffic. A s278 agreement would be necessary (I recommend as part of a s106) to restore footways on both sides of the roads all around the site.
  - Some of the public realm improvements are on the Councils highway and non-highway ownership. This recognises that the environment is in need of improvement, but may need further work to enhance the area. For example this space needs to provide sustainable alternatives e.g. visitor cycle parking spaces or improved lighting attached to the hotel to brighten the passage between Westferry Station and the south flank of the hotel.
  - Accept in principle the stopping up of the highway area between the north flank of the hotel and the bus way since from records show the pattern of highway no longer matches what's on the ground.
  - Disabled parking provision required in accordance with policy



- Loss of on-street parking to be justified.
- Cycle parking, for staff and visitors required in accordance with policy.
- Adequate coach parking required.
- The servicing arrangements require proper auto tracking to ascertain whether the HGV shown actually can turn within the boundaries of the site. The over-standard width of the servicing crossover I think is there because the vehicle cannot turn on site.
- A Vehicle to pedestrian visibility splay of 1.5m x 1.5m must be achieved at the vehicular access point of the site.
- There is refuse storage in the service area which is within the standard distance to the Highway.
- A drop off and pick up area, where taxi and chauffeur driven cars can park has been provided off the highway, which is acceptable.

(OFFICER COMMENT: Following the highways comments the applicant has submitted additional information in response. Further information regarding the servicing arrangements has been provided. Coach parking, disabled parking and adequate cycle have been provided and are discussed within section 8.27-8.33 of the report. Following receipt of the additional information, no further comments from highways have been received to date. The recommended conditions, informatives and S.278 agreement would be applied to any planning permission granted. A S.106 agreement would secure the public realm improvements).

#### **London Borough of Tower Hamlets – Landscape and Trees**

- 6.4 No objections subject to submission of a planting scheme and a funding agreement to allow extra tree planting on nearby streets.

(OFFICER COMMENT: The 4 existing trees to the north of the site are to be retained. Planting will be incorporated into the east of the site. As such, given the proposal would not result in the overall loss of trees on site, a funding agreement is not considered appropriate. Full details of the planting and hard landscaping scheme have been submitted within the application and will be secured within the S.106 agreement).

#### **London Borough of Tower Hamlets - Energy**

- 6.5 Further information is requested from the applicant on the following issues:

- Energy Baseline: Clarification on the inclusion of unregulated energy in the SBEM modelling. Reason - to ensure compliance with Policy 4A.4 Energy Assessment.
- Decentralised Energy: Confirmation that the potential of the CHP system and associated absorption chillers have been maximised before the consideration of any renewable energy technologies. Reason - to ensure compliance with Policy 4A.6 Decentralised Energy: Heating, Cooling and Power.
- BREEAM: A pre-assessment should be provided to demonstrate the development can achieve an 'Excellent' rating. Reason - to ensure consistency with the Consolidated London Plan (2008) Policy 4A.3 Sustainable Design and Construction and local planning policy DEV5 Sustainable Design (interim planning guidance).

Conditions and Informatives:

- Recommend conditions regarding energy efficiency and renewable energy.
- Recommend a condition regarding sustainability

Further comments received 11/01/2010 following submission of further information by the applicant

- Principally the Sustainable Energy Strategy is considered appropriate for the

development. The London Plan energy hierarchy has been followed appropriately.

- A sustainability statement has been submitted outlining how the scheme responds to the Sustainable Design and Construction Supplementary Planning Guidance.
- The BREEAM methodology is considered appropriate for this scheme and an 'Excellent' rating should be targeted.
- Conditions recommended

(OFFICER COMMENT: Conditions have been imposed to ensure renewable energy technologies and energy efficiency and CHP technologies are implemented in accordance with the proposal submitted. A condition would be imposed whereby the Council will approve the BREEAM assessment. Additional energy and sustainability information has been submitted since these comments were received to address the issues raised. This is discussed in further detail within 8.34-8.35 section of the report).

### **London Borough of Tower Hamlets – Crime Prevention**

- 6.6 Supportive of the central walkway, active frontages will help the public and DLR users. The walkway space should have good lighting and ground floor glass should be laminated as it is more vulnerable to attack.

(OFFICER COMMENT: details of the public walkway can be included as part of the S.106 obligation).

### **London Borough of Tower Hamlets – Waste Management**

- 6.7 No comments received to date.

### **Greater London Authority (GLA)**

- 6.8 Land Use: In line with London Plan Policy 3D.7, a hotel use is acceptable in this location.

Urban Design: The layout, scale and façade treatment are appropriate to its context and are supported in line with London Plan policies 4B.1, 4B.9 and 4B.10.

Inclusive access: the provision of 5% wheelchair accessible bedrooms is acceptable in line with London Plan policies 4B.5 and 3D.7. The use of revolving doors at the main hotel entrance however, does not comply with London plan policy 4B.5.

Climate change and mitigation: The proposed energy efficiency measures, size of CHP system and proposed renewable energy technologies do not comply with policies in chapter 4A of the London Plan.

Climate change and adaptation: A sustainability statement has been submitted in line with London Plan policy 4A.3, but further information is required in relation to green roofs, grey water recycling and surface water attenuation.

Transport: The proposal is broadly supported in transport terms but further work is required in relation to trip generation, walking and cycling.

(OFFICER COMMENT: Following the above comments, the applicant has provided additional information regarding energy and transport seeking to address the issues raised. This is discussed further in section 8.27-8.33 and 8.34-8.35 of the report. No further comments from the GLA have been received to date).

## **Transport for London (TfL)**

- 6.9 - It is not expected that the proposal would have an unacceptable impact on the public transport network.
- TfL requests a £100,000 contribution towards improving the public realm around Westferry station.
  - Car free approach supported, however disabled parking should be provided.
  - TfL supports the drop off area for taxis and the lay-by for coaches on Salter Street.
  - TfL supports the service access from Salter Street
  - Cycle parking should accord with planning policy and be shown on the plans.
  - Construction Logistics Plan and a Service Plan should be secured via S.106 agreement.
  - A Travel Plan should be secured via S.016 agreement.

(OFFICER COMMENT: TfL have not provided detail of any specific projects or works that the requested contribution would fund. The applicant is delivering the following:

- Comprehensive scheme of public realm improvements inside and outside the red line boundary. This includes the area to the north and south of the site by the DLR station.
- The public realm area within the red edged site boundary would be laid with a combination of natural stone and high quality concrete block paving with integral lighting. The works are subject to approval by the Local Planning Authority.
- The area adjacent to the station within the ownership of the DLR, would be laid with high quality concrete block paving.
- The area to the north of the site would be a mix of high quality concrete paving and natural stone with some integral lighting.
- Public rights of access through the site

The break down of costs submitted by the applicant amount to approx £480,000 in total. The applicant has agreed to provide a contribution of £15,000 to TfL to enable DLR to carry out works necessary around the station. The council considers that the works to be carried out by the applicant and the contribution, equates to sufficient public realm improvements given the scale of the scheme and is acceptable).

(OFFICER COMMENT: A Construction Logistics Plan, Service Plan and Travel Plan would be secured as part of the S.106 obligations).

## **English Heritage**

- 6.10 No comments on the proposal

## **Environment Agency**

- 6.11 No objection in principle to the proposed development provided the recommended planning conditions are imposed on any planning permission granted.

(OFFICER COMMENT: The recommended conditions have been included as conditions 14-19 as set out in section 3 of this report).

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

- 6.12 - General massing and scale supported.
- A simpler architectural expression could be more successful.
  - An over complicated articulation will lead to unresolved junctions between different forms and materials.
  - Not convinced by the green glass and consider a simpler, more elegant architectural aesthetic could create a more positive landmark that can stand the test of time.
  - Scheme should be considered in light of *Guidance on Tall Buildings* (CABE/English Heritage 2007).

(OFFICER COMMENT: Full details of the materials and façade detailing would be conditioned).

#### **London City Airport**

6.13 No comments received to date.

#### **National Air Traffic Services**

6.14 No safeguarding objections to this proposal.

#### **London Fire and Emergency Planning Authority**

6.15 No comments received to date.

#### **Docklands Light Railway**

6.16 No comments received to date.

#### **Thames Water**

6.17 No objection in principle. Standard informative advice for applicant.

(OFFICER COMMENT: Thames Water advice to the applicant would be added as an informative).

#### **BBC reception advice**

6.18 No comments received to date.

#### **Olympic Delivery Authority**

6.19 No comment on the proposals.

#### **National grid**

6.20 No comments received to date.

### **7. LOCAL REPRESENTATION**

7.1 A total of 265 neighbouring properties within the area shown on the map appended to this report were notified about the application. The application has also been publicised within the local press and on site via a site notice.

The total number of representations received in response to notification and publicity of the application were as follows:

|                             |    |                         |                |             |   |
|-----------------------------|----|-------------------------|----------------|-------------|---|
| No of individual responses: | 11 | Objecting:              | 5              | Supporting: | 5 |
| No of petitions received:   |    | 1 objecting containing  | 17 signatories |             |   |
|                             |    | 0 supporting containing | 0 signatories  |             |   |

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

- Scale and height
- Overlooking

- Overshadowing
- Loss of light
- Noise from use and traffic
- Noise and road closures during construction
- Salter Street too small to accommodate service and hotel vehicles
- Traffic congestion
- Loss of car parking
- Pressure on car parking within the area
- No benefit to the community or community facilities
- Would set a precedent
- Would not enhance public realm

7.3 The following **objections** were raised in representations that are **not material** to the determination of the application.

- Views / right to a view

7.4 The following points were raised **in support** to the application:

- Would bring investment to the area
- Investment would support local businesses
- Regeneration benefits to the area
- Job creation
- Strong demand for hotel accommodation within the area
- Improves access and the environment around the station
- Would provide a landmark and gateway to the area

## 8. MATERIAL PLANNING CONSIDERATIONS

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

### **1. Land Use**

Acceptability of the use in this location.

### **2. Design and scale**

Impact on the amenity of the surrounding area including amenity space.

### **3. Amenity**

Impact on the amenity of the surrounding area.

### **4. Highways**

Transport and highways implications.

### **Land Use**

8.2 Policy 3D.7 in the London Plan 2008 encourages the provision of new visitor accommodation in town centres, and other locations such as Opportunity Areas, with good public transport access to central London and transport termini. Although not in a designated town centre or Opportunity Area the site is immediately adjacent to a DLR station offering direct services to central London and is within a 700m walk of Canary Wharf which is designated as a major centre in the London Plan. Policy CP13 in the Interim Planning Guidance (October 2007) supports the provision of hotel accommodation in areas of high public transport accessibility. Policy SP06 in the Core Strategy (Submission Version 2009) further reinforces this. As such, the proposed use is considered acceptable in principle within this location.

8.3 The applicant has undertaken an assessment of need for a new hotel in this location. This demonstrates that demand for such accommodation in the area is likely to rise in the short to

medium term. It is considered that the proposal would support both business and recreational tourism given its location.

- 8.4 The proposal would also provide a café, bar/restaurant and conference facilities, which would support active frontages to the ground floor of the development. These uses considered acceptable within this mixed use location.
- 8.5 The proposal would create a significant number of jobs that will help to sustain the local economy. It is expected that approximately 150 people will be employed once the development is completed. The development will therefore make a contribution towards increasing the employment potential of the borough. A clause within the S.106 agreement would require local employment initiatives to be adopted to ensure the borough benefits from employment opportunities.
- 8.6 The site is situated in a mixed use area and it is considered that the proposed use is compatible with surrounding uses. The proposal would create active uses at ground floor level which would contribute to the attractiveness of the area making the entrance around Westferry station more appealing to users.
- 8.7 In conclusion, the provision of a hotel and associated facilities in this location is supported by the London Plan and local policy objectives which seek to promote leisure and tourism and benefit employment and the economy within the borough.

### **Design**

- 8.8 Good design is central to all objectives of the London Plan and is specifically promoted by the policies contained in Chapter 4B of the London Plan. Saved policy DEV1 in the UDP 1998, Policy CP4 and DEV2 of the Interim Planning Guidance (October 2007) and policy SP10 in the Core Strategy (December 2009) states that developments are required to be of the highest quality design, incorporating the principles of good design.
- 8.9 The application proposes two connected buildings: a 16 storey building adjacent to West India Dock Road that would accommodate the hotel, bar, gym, boardrooms and ancillary office space; and a smaller 3-storey annex building fronting Salter Street the would accommodate the café, restaurant, meeting rooms and the plant, servicing and vehicle drop off space. The two buildings are connected by an enclosed walkway.
- 8.10 The principle of a tall building on this site has been established by the previous planning permission PA/04/1038. The previous application proposed a mixed use commercial and residential scheme including a 20 storey building located adjacent to West India Dock Road. This permission is still extant. However, it has not been implemented to date.
- 8.11 Within the previous appeal decision, the Inspector concluded the following points:
  - Because of the excellent public transport links available, the proposal would offer an opportunity to increase the density of development in a sustainable manner.
  - The proposal would add to the attraction of the public transport facilities located adjoining the site by providing an easier and more attractive user-friendly environment.
  - The site is situated within a diverse urban context, not just in terms of uses, but also in terms of heights and densities of buildings. The area lacks any strong sense of place or destination. The streetscene area lacks any appeal or quality.
  - The appeal site is a highly visible island site, not located in a terrace or within any closely abutting neighbouring development. It has wide roads around it which encourage a proposal of significant scale. He considered the redevelopment would offer an opportunity to mark the presence of the DLR station with a significant building, with associated development which would provide a sense of place for a site which is potentially an important interchange between public transport modes, and a

waymarker between Docklands and the City.

- 8.12 The site is located adjacent to the raised DLR station and in an area with limited sensitive buildings. A taller building on this site would act as a landmark for the DLR station and due to the disparate and weak architectural styles of the surrounding buildings, the scheme would help to create a striking and engaging building that would help generate an improved architectural quality in the immediate surroundings. The area is also characterised by the backdrop of tall buildings at Canary Wharf and in longer views, the proposed building would complement this existing character. As such, the proposed height, bulk and scale of the current application is considered acceptable in accordance with policy 4B.9 and 4B.10 in the London Plan and policy DEV2 and DEV27 in the Interim Planning Guidance (October 2007).
- 8.13 The proposed external materials are a simple palette of glazed and metal cladding in bronze and copper green colour. This approach seeks to provide a striking landmark building that complements its context. The scheme incorporates a lighting strategy that would provide visual interest at night. The proposal does not seek to mimic the glazed buildings within Canary Wharf. Overall the design is not considered to be overly complex and subject to conditions regarding the details of materials and finishes, it is considered the scheme would represent quality and would provide a landmark within the locality for the present time and for the future. The use of materials and external façade approach is considered acceptable in principle in accordance London Plan and local plan design policy requirements.
- 8.14 It is considered that not only is the current scheme within this application of a significantly higher architectural quality than the previous scheme, it also provides better public realm improvements. In line with the Inspectors findings, the current scheme has been designed to create a sense of place, provide public realm improvements, mark the presence of Westferry DLR station and provide a clear reference point for way finding.
- 8.15 The scheme would improve connectivity to the DLR station with the introduction of a new north to south pedestrian route that would be accessible 24 hours a day. This route would have active ground floor uses and, in conjunction with the proposed public realm strategy, would provide an attractive public route which greatly improves the current public realm within the locality. Full details of the planting, hard landscaping and lighting scheme have been submitted within the application. The approach is considered acceptable. Public Artwork is proposed on a ground floor wall within the public precinct in the form of words and images. This artwork intends to relate to the heritage of the area which is considered acceptable in principle. However, full details of the artwork would be secured by condition.
- 8.16 Part of the public realm improvements to the north of the site fall outside the application boundary. However, the applicant is committed to delivering a comprehensive high quality public realm strategy and these improvements will be secured as part of the S.106 agreement.
- 8.17 In accordance with London Plan policy 3D.7 the scheme contains 5% wheelchair accessible bedrooms, plus a further 5% easily adaptable to wheelchair standards. These rooms are evenly distributed throughout the building which is acceptable.
- 8.18 External surfaces are level or have a shallow gradient to enhance accessibility for all users and the drop-off area is located adjacent to the main hotel entrance which is supported.
- 8.19 Overall, the proposal is considered to have been carefully designed to deliver a high quality development which is appropriate within its context. The proposal would enhance the site and provide positive public realm improvements to the benefit of all users. The proposal would meet the criteria set out in tall building policy 4B.9 in the London Plan and policy SP10 in the Core Strategy (December 2009). The proposal meets the high quality design requirements of policy 4B.1 and 4B.3 in the London Plan and Local Plan policies, which seek to ensure high quality developments that are appropriate to their context.

### **Amenity**

- 8.20 Saved Policy DEV2 in the UDP 1998 and Policy DEV1 of the Interim Planning Guidance seek to ensure that development where possible protects and enhances the amenity of existing and future residents as well as the amenity of the public realm.

### **Overlooking**

- 8.21 Given the location, distance from neighbouring residential buildings and orientation of the proposal, it is not considered that there would be any unacceptable overlooking or loss of privacy to surrounding residential occupiers.

### **Loss of light**

- 8.22 The applicants submitted a daylight and sunlight report carried out by GL Hearn dated 6<sup>th</sup> October 2009 to support the application. The contents of this report demonstrated that there would be no unacceptable loss of daylight and sunlight to surrounding residential occupiers in accordance with the requirements of the BRE guidance and policy DEV2 in the UDP 1998 and policy DEV1 in the Interim Planning Guidance (October 2007).

### **Overshadowing**

- 8.23 In terms of overshadowing, the proposal is considered acceptable and as demonstrated in the report carried out by GL Hearn dated 6<sup>th</sup> October 2009, the scheme would not have an increased impact in terms of overshadowing when compared to the current approved scheme on the site.

### **Noise**

- 8.24 Given the scale of the development, the applicant would be required to adhere to an approved construction management plan to minimise noise and disturbance to nearby residents caused by construction noise, debris and traffic. A comprehensive construction management plan secured by S.106 agreement, would ensure that the level of disturbance and disruption within the locality during construction is minimised and kept to an acceptable level.
- 8.25 It is not considered that the proposed uses would cause unacceptable noise and disturbance given the mixed use location of the site. Given the scale of the proposal and its location adjacent to major transport links, it is not considered excessive noise and disturbance from traffic would be created. A planning condition regarding servicing hours and hours of operation would ensure the amenity of nearby residential occupiers is protected. Therefore, the proposal is considered acceptable in accordance with policy DEV50 in the UDP 1998 and policy DEV10 in the Interim Planning Guidance (October 2007).

### **Transport & Highways**

- 8.26 The London Plan, Unitary Development Plan 1998 and the Interim Planning Guidance contain a number of policies which encourage the creation of a sustainable transport network which minimises the need for car travel, and supports movements by walking, cycling and public transport. This is further supported by policy SP09 in the Core Strategy (Submission Version 2009).
- 8.27 The site is situated within an area of high public transport accessibility. The use is considered to be appropriately located with easy access to pedestrian routes and public transport.



- 8.28 It is considered that the public realm improvements outweigh the loss of 6 public car parking spaces to the north of the site given the high accessibility of the site and policy aims with regard to promoting sustainable transport modes. As such, no objection is raised on these grounds.
- 8.29 The car-free approach, by way of no parking on site, is supported within this accessible location. Access to parking provision for disabled users and adequate cycle parking provision is required. Following initial highways comments, the applicant has provided further information and the proposal includes sufficient cycle parking in accordance with planning policies. An on-street disabled parking space can be provided within Salter Street. This is shown on Drawing SK-14 which is acceptable.
- 8.30 Access arrangements to the site off Salter Street are considered appropriate in highways terms in principle. The drop off area and lay-by for coaches is supported in principle. It is considered that the access route and arrangement are suitable for the scale of the use. A service management plan will be secured via S.106 agreement to ensure servicing is carried out appropriately and would minimise any disruption on Salter Street.
- 8.31 Following initial highways comments, further information was requested regarding the servicing arrangements and auto tracking to ascertain whether the HGV shown actually can turn within the boundaries of the site. A Vehicle to pedestrian visibility splay of 1.5m x 1.5m must be achieved at the vehicular access point of the site. This information has now been provided by the applicant and is considered acceptable.
- 8.32 Works surrounding the site to the footpaths would be secured under a S.278 highways agreement. The proposed public realm improvements and the provision of a travel plan, servicing management plan and construction logistics plan are to be secured via a S.106 agreement.
- 8.33 Given the accessibility of the site, It is not considered that the proposal would have an unacceptable impact on the surrounding highway network. Transport for London and LBTH Highways support the scheme in principle subject to conditions and S.106 obligations which will be secured as part of any planning permission granted.

### **Other**

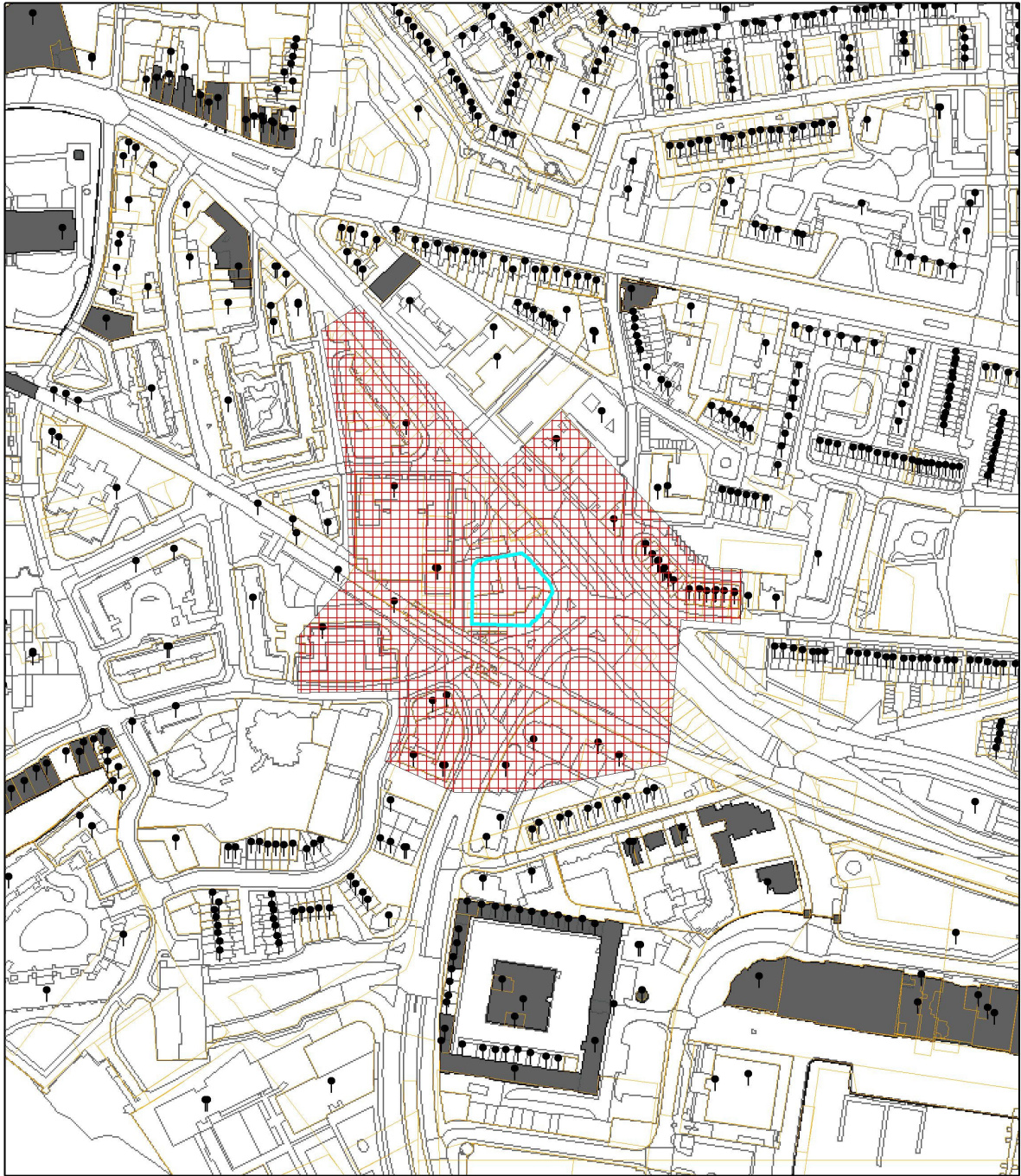
- 8.34 Following initial comments from LBTH and the GLA, additional information regarding energy and sustainability has been provided to address the issues raised. In principle, the Sustainable Energy Strategy is considered appropriate for the development. The London Plan Energy Hierarchy has been followed appropriately. A sustainability statement has been submitted outlining how the scheme responds to the Sustainable Design and Construction Supplementary Planning Guidance. The BREEAM methodology is considered appropriate for this scheme and an 'Excellent' rating should be targeted.
- 8.35 The contents of the Lighting Technical Report By WSP dated September, 2009 for Aitch Group is acceptable. However, the mitigation methods in the Report as in paragraph 7.1.8 and 7.1.9 should be implemented to mitigate light nuisance to sensitive receptors. As such, the lighting scheme within the proposed development would not give rise to unacceptable noise pollution as a result of the development.

## **9.0 CONCLUSIONS**

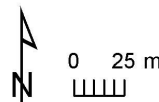
- 9.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.



# Planning Application Site Map



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



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