

<b>Committee:</b> Strategic Development	<b>Date:</b> 27 <sup>th</sup> September 2012	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b>
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Katie Cooke		<b>Ref No:</b> PA/12/00918	
		<b>Ward(s):</b> Limehouse	

## 1. APPLICATION DETAILS

**Location:** Site at 82 West India Dock Road and 15 Salter Street, London  
**Existing Use:** Vacant site (former commercial buildings now demolished)  
**Proposal:** Application is made under s73 of the Town and Country Planning Act for a minor material amendment following grant of planning permission dated 19/07/2010, ref: PA/09/02099 which was for 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.

The application seeks to amend condition 23 of planning permission PA/09/02099 and seeks the following:

- § The addition of a typical bedroom floor resulting in a further 20 bedrooms but no increase in height, a nominal reduction in height of 880mm;
- § Standard bedroom windows reduced from 2300mm to 2100mm in height to balance the elevations;
- § Rebalancing the copper and bronze lookalike rain screen around the building to enhance the effect of the proposed Alucobond cladding system approved;
- § Standardising the parapet walls at roof level to 1.1m;
- § Replacing the narrow glass lookalike strip of rain screen behind the south side of the arrowhead with bronze to match elsewhere on that elevation;
- § Reduction in footprint to low rise (1m from boundary and high rise buildings (small splay at high level); and
- § Introduction of splayed bedroom to south corner of building.

**Drawing Nos:** Documents:

- Design and Impact Statement (including a Daylight/Sunlight Study, Aviation Assessment, Sustainability Assessment Strategy, EIA

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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		Eileen McGrath 020 7364 5321

Updated Assessment);

- Letter from Malachy Walsh and Partners (dated 4th April 2012);
- Letter from Donban Contracting Ltd in relation to the Construction Methodology Statement (dated 4th April 2012);
- Construction Methodology Statement produced by Donban Contracting Ltd (dated 4th April 2012);
- Construction Environmental Management Plan produced by Donban Contracting Ltd, Rev 1 (dated 1st March 2012);
- Addendum to Lighting Technical Report September 2009 produced by Malachy Walsh and Partners ref: 14509-D008 (dated March 2012);
- Addendum to Noise and Vibration Assessment 6 October 2009 produced by Donban Contracting Ltd, Rev 1 (dated March 2012);
- Letter from WSP in relation to Air Quality, ref: 00030553/L01JG (dated 3rd April 2012);
- Letter from Donban in relation to the Construction Environment Management Plan (dated 4th April 2012);
- Addendum to Phase I Environmental Assessment September 2009 (dated March 2012);
- Sustainability, Renewable Energy and Compliance Study produced by Malachy Walsh and Partners ref:6001.C (dated June 2012);
- Addendum to Flood Risk Assessment October 2009 produced by Malachy Walsh and Partners ref:14509-D004 (dated March 2012);
- Addendum to Transport Assessment September 2009 produced by CBP Architects (dated May 2012)
- BREEAM New Construction 2012 Bespoke Preliminary Assessment ref: 6002.A (dated August 2012)
  
- Drawings:
  - 4139 [20] 250 Rev A – Proposed Site Plan
  - 4139 [30] 3000 Rev L – Ground Floor Plan
  - 4139 [30] 3001 Rev L – First Floor Plan
  - 4139 [30] 3002 Rev L – Second Floor Plan
  - 4139 [30] 3003 Rev J – Typical Floor Plan 3rd to 8th
  - 4139 [30] 3009 Rev G – Typical Floor Plan 9th to 14th
  - 4139 [30] 3015 Rev F - Typical Floor Plan 15th to 16th
  - 4139 [40] 405 Rev D – North Elevation A1

- 4139 [40] 406 Rev D - East Elevation A1
- 4139 [40] 407 Rev D - South Elevation A1
- 4139 [40] 408 Rev D – West Elevation A1
- 4139 [40] 456 Rev C - Section FF
- 4139 [40] 454 Rev A - Section DD
- 4139 (40) 410 Rev A
- 4139 (30) 3017 Rev A
- 13666-80005 Rev A

**Applicant:** Key Homes Fund  
**Owners:** Key Homes Fund  
**Historic Building:** N/A  
**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 set out in policies 4.1 and 4.5 of the London Plan (2011).
- b) The principle of a hotel led scheme (as already established through the implemented planning consent ref: PA/09/02099) 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 policy 4.5 of the London Plan (2011), policies ART1 and CAZ1 of the Council's Unitary Development Plan (1998), policy CP12 of the Interim Planning Guidance (October 2007), policy SP01 and SP06 in the Core Strategy (2010) and policy DM15 of the Managing Development DPD (Submission Version, 2012) which seek to support the economic role of the borough, London and the UK generally.
- c) The proposal seeks minor physical changes to the elevations and an additional floor, whilst reducing the overall height of the hotel by 880mm. As such, the building height, scale, bulk and design is acceptable and accords with regional and local criteria for tall buildings. The proposal is therefore acceptable in terms of policy 7.7 of the London Plan (2011), saved policies DEV1, and DEV2 of the Council's Unitary Development Plan (1998) and policies DEV1, DEV2, DEV3 and DEV27 of the Interim Planning Guidance (October 2007), policy SP10 in the Core Strategy (2010) and policies DM24, DM25 and DM26 of the Managing Development DPD (Submission Version, 2012) 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 distance views, in accordance with London Plan (2011) policies 7.6 and 7.7, policy DEV8 of the Council's Unitary Development Plan, policy SP10 in the Core Strategy

(2010) and DM26 of the Managing Development DPD (Submission Version, 2012) 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 7.5 in the London Plan (2011), policies DEV1 in the Unitary Development Plan (1998), policies DEV2 and DEV3 in the Interim Planning Guidance (October 2007), policies SP04, SP09 and SP10 in the Core Strategy (2010) and policies DM23 and DM24 of the Managing Development DPD (Submission Version, 2012) 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), policy SP01 in the Core Strategy (2010) and policy DM25 of the Managing Development DPD (Submission Version, 2012) 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 would not result in an unduly detrimental impact on the local and strategic highway network. As such, the proposals accord with London Plan (2011) policies 6.1 and 6.13, 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), policy SP08 in the Core Strategy (2010) and policies DM20 and DM21 of the Managing Development DPD (Submission Version, 2012) which seek to ensure developments minimise parking and promote sustainable transport options.
- h) Sustainability matters, including energy, are acceptable and accord with policies 5.1, 5.2, 5.3, 5.5, 5.7, 5.8, 5.12, 5.13, 5.15, 5.16, 5.17, 5.19 and 5.20 of the London Plan (2011), policies DEV5 to DEV9 of the Interim Planning Guidance (October 2007), policy SP11 in the Core Strategy (2012) and policy DM29 of the Managing Development DPD (Submission Version, 2012) 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, Planning Obligations SPD (Adopted 2012), 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 (2012) 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 **S.106 Agreement** to the current **legal agreement** attached to the extant planning permission (reference: PA/09/02099) to secure the following planning obligations:

- a) Transport for London Crossrail contribution = £61,992

- b) Employment and Enterprise = £4,174
- c) Public Realm Improvements = £15,000
- d) Community Facilities (Libraries and Leisure) = £125,350
- e) Sustainable Transport = £600
- f) Public Access (24 hours) through the site
- g) Travel Plan
- h) Construction Logistics Plan
- i) Service Management Plan
- j) TV Reception
- k) 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).
- l) 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 within three months 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 compliance conditions (given that conditions 1-22 of planning permission PA/09/02099 have all been discharged) and informatives on the planning permission to secure the following matters:

#### **Conditions**

- 1) Full time limit
- 2) List of approved documents
- 3) Samples of materials to be approved
- 4) Façade detailing at a scale of 1:20 to be approved
- 5) Hours of operation for the ground floor café and bar
- 6) Hours of operation for servicing vehicles
- 7) Site drainage details (highways)
- 8) Loading and unloading to remain ancillary to the use of the building
- 9) Contamination condition
- 10) Full details of cycle parking to be submitted
- 11) Scheme of highways improvements (S.278) approved and implemented
- 12) A heat network supplying all spaces within the West India Dock Road development shall be installed and sized to the hot water requirements of the Development
- 13) A photovoltaic panel array (~400m<sup>2</sup> with a minimum peak output of 50kWp) shall be installed and operational prior occupation. The renewable energy technologies shall be implemented in accordance with the proposals made in the 'Sustainability, Renewable Energy and Compliance Study (Version C - July 2012)
- 14) Within 6 months of the occupation of the development hereby approved, the applicant shall submit the Final BREEAM certificates to demonstrate the development achieves an "Excellent" rating which shall be verified by the awarding body. The sustainable design and construction measures shall be implemented in accordance with the proposals made in the 'Sustainability, Renewable Energy and Compliance Study (Version C - July 2012)'
- 15) Implementation in accordance with the approved Flood Risk Assessment
- 16) Preliminary risk assessment regarding water contaminants to be submitted and approved
- 17) Verification report regarding potential water pollutants to be approved

- 18) Remediation strategy if water pollutants are found during development
- 19) Piling and foundation design details to be submitted and approved
- 20) Foul and surface water details to be approved and implemented
- 21) Full details of Public Art to be approved and implemented
- 22) Mitigation measures within the Lighting Technical Report By WSP dated September 2009 to be implemented
- 23) Glazing specification within the Noise/Vibration Assessment Report by WSP Acoustics dated 8 October 2009 to be implemented
- 24) Developer to engage with DLR and obtain safety approval from DLR for any works in proximity to the railway

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
- 6) Engagement between the Developer and DLR regarding the cost of relocating ticket machine

## 4. PROPOSAL AND LOCATION DETAILS

### Background to Minor Material Amendments

- 4.1 Changes were introduced by Central Government in October 2009 to allow minor and non material amendments to developments after planning permission has been granted.
- 4.2 The 'Greater Flexibility Guidance' states that the use of the existing route under s.73 to vary a condition would be the best short term solution in allowing minor material amendments. However, the use of s.73 depends on the existence of a relevant condition which can be amended, which includes either a condition listing plans numbers or compliance with the approved plans condition.
- 4.3 The current proposal relies on condition 23 of planning permission PA/09/02099 for the proposed minor-material amendment.

### Proposal

- 4.4 Application is made under s73 of the Town and Country Planning Act for a minor material amendment following grant of planning permission dated 19/07/2010, ref: PA/09/02099 for the erection of a part 3, 14 and 16 storey building to provide a 252 room 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.

The application seeks to amend condition 23 of planning permission PA/09/02099 to secure the following:

- § The addition of a typical bedroom floor resulting in a further 20 bedrooms but no increase in height, a nominal reduction in height of 880mm;
- § Standard bedroom windows reduced from 2300mm to 2100mm in height to balance the elevations;

- § Rebalancing the copper and bronze lookalike rain screen around the building to enhance the effect of the proposed Alucobond cladding system approved;
- § Standardising the parapet walls at roof level to 1.1m;
- § Replacing the narrow glass lookalike strip of rain screen behind the south side of the arrowhead with bronze to match elsewhere on that elevation;
- § Reduction in footprint to low rise (1m from boundary and high rise buildings (small splay at high level); and
- § Introduction of splayed bedroom to south corner of building.

### **Site and Surroundings**

- 4.5 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.
- 4.6 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.
- 4.7 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.
- 4.8 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.
- 4.9 The site is not situated within a Conservation Area, nor is it within the immediate vicinity of any historic listed buildings.
- 4.10 The site has an excellent public transport accessibility level (PTAL) of 6a.

### **Planning History**

- 4.11 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.

- 4.12 The proposal within the application being considered is smaller in scale than the previously approved application under PA/04/1038. The tall element is 16 storeys 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.
- 4.13 PA/09/02099: Planning permission was granted on 15<sup>th</sup> July 2010 for ‘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.’
- 4.14 Since this consent was issued, all of the conditions have been discharged.
- 4.15 PA/10/02700: A non-material amendment was approved on 13<sup>th</sup> January 2011 for:
1. Reduction in height of proposed green glass parapet from 4.5m to 3m;
  2. Alter glazing panels on the western elevation; and
  3. Reduction of overall area of glass canopy between buildings.
- 4.16 PA/12/00640: A non-material amendment was approved on 17<sup>th</sup> April 2012 for:
1. A reduction in overall height of the building of 3375mm as a result of the method of modular construction. No additional floor or bedrooms.
  2. The introduction of a splayed bedroom to the south elevation of the building and adjusted elevations to reflect this
  3. A reduction in footprint of the low rise building by 1m from the south boundary and adjusted elevations to reflect this [no change in height]
  4. Standard bedroom windows reduced from 2300mm to 2100mm in height to balance the elevations.
  5. Rebalancing the copper and bronze lookalike rain screen around the building to enhance the effect of the proposed Alucobond cladding system approved.
  6. Replacing the narrow glass lookalike strip of rain screen behind the south side of the arrowhead with bronze to match elsewhere on that elevation.

## 5. POLICY FRAMEWORK

- 5.1 Since PA/09/02099 was approved, the National Planning Policy Framework (2012) (NPPF) was adopted, and the Council’s Managing Development DPD (Submission Version, 2012) has been submitted for Examination in Public. Accordingly, these two documents are material to the current planning proposal.
- 5.2 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**

National Planning Policy Framework

### **Spatial Development Strategy for Greater London (London Plan July 2011)**

Policies	4.1	Developing London’s economy
	4.3	Mixed Use Development
	4.5	London’s Visitor Infrastructure
	4.6	Support for and Enhancement of Arts, Culture, Sport and Entertainment Provision
	4.12	Improving Opportunities for All
	5.1	Climate Change Mitigation
	5.2	Minimising Carbon Dioxide Mitigations
	5.3	Sustainable Design and Construction
	5.5	Decentralised Energy Networks



5.6	Decentralised Energy in Development Proposals
5.7	Renewable Energy
5.8	Innovative Energy Technologies
5.9	Overheating and Cooling
5.10	Urban Greening
5.11	Green Roofs and Development Site Environs
5.12	Flood Risk Management
5.13	Sustainable Drainage
5.14	Water Quality and Wastewater Infrastructure
5.15	Water Use and Supplies
5.16	Waste Self-Sufficiency
5.17	Waste Capacity
5.18	Construction, Excavation and Demolition Waste
5.20	Aggregates
5.21	Contaminated Land
5.22	Hazardous Substances
6.1	Strategic Approach
6.2	Providing Public Transport Capacity and Safeguarding Land for Transport
6.3	Assessing Effects of Development on Transport Capacity
6.4	Enhancing London's Transport Connectivity
6.5	Funding Crossrail and Other Strategically Important Transport Infrastructure
6.8	Coaches
6.9	Cycling
6.10	Walking
6.11	Smoothing Traffic Flow and Tackling Congestion
6.12	Road Network Capacity
6.13	Parking
6.14	Freight
7.1	Building London's Neighbourhoods and Communities
7.2	An Inclusive Environment
7.3	Designing Out Crime
7.4	Local Character
7.5	Public Realm
7.6	Architecture
7.7	Location and Design of Tall and Large Buildings
7.14	Improving Air Quality
7.15	Reducing Noise and Enhancing Soundscapes

#### **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)**

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 (Adopted 2010)**

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

### **Managing Development DPD (Submission Version, May 2012)**

Policies	DM1	Development within the Town Centre Hierarchy
	DM7	Short Stay Accommodation
	DM8	Community Infrastructure
	DM9	Improving Air Quality
	DM10	Delivering Open Space
	DM11	Living Buildings and Biodiversity
	DM13	Sustainable Drainage
	DM14	Managing Waste
	DM15	Local Job Creation and Investment
	DM20	Supporting a Sustainable Transport Network
	DM21	Sustainable Transportation of Freight
	DM22	Parking
	DM23	Streets and the Public Realm
	DM24	Place-Sensitive Design
	DM25	Amenity

DM26	Building Heights
DM29	Achieving a Zero-Carbon Borough and Addressing Climate Change
DM30	Contaminated Land

**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 No objection

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

6.3 No objection

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

6.4 No objections

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

6.5 No objections

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

6.6 The Crime Prevention Officer raised concerns regarding the following:

- Art Wall;
- Cycle racks;
- CCTV;
- Lighting Design and Layout;
- Staff Admittance;
- Certification of Windows; and
- Tower Hamlets Secure by Design Requirements

(OFFICER COMMENT: These comments largely relate to the extant permission which dealt with these issues and has since had all of its conditions discharged. Therefore these comments are considered to have already been dealt with.

Notwithstanding this, compliance conditions will be attached to this planning consent to ensure that the details previously discharged are implemented accordingly.)

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

6.7 No comments received to date.

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

6.8 GLA conclude that the proposed changes do not raise any strategic issues and therefore the proposal does not need to be referred back to the GLA for further Stage II comments. The Council can therefore determine the application following Members consideration.

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

6.9 No objection so long as the package of mitigation is as before.

#### **English Heritage**

6.10 No objection

#### **Environment Agency**

6.11 As the proposed uplift will be implemented above the ground floor, the EA have no concerns with the proposed changes to the scheme.

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

6.12 No comments received to date.

#### **London City Airport**

6.13 No comments received to date.

(OFFICER COMMENT: The proposal does not increase the height of the building beyond that which was previously approved, and as such it is considered that the scheme does not have any safeguarding issues in this respect)

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

6.14 No safeguarding objections to this proposal.

(OFFICER COMMENT: The proposal does not increase the height of the building beyond that which was previously approved, and as such it is considered that the scheme does not have any safeguarding issues in this respect)

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

6.15 No comments received to date.

#### **Docklands Light Railway**

6.16 DLR commented as below:

*'DLR notes that the development's construction required a scaffolding rig that is positioned against the DLR infrastructure boundary: This scaffolding presents numerous potential safety concerns to us in regard to the prospect of materials falling onto the railway; therefore, we would be obliged to object to the application unless a condition is inserted into any consent requiring the developer to engage with DLR and obtain safety approval from DLR for any works in proximity to the railway*

(OFFICER COMMENT: A condition shall be added to the decision notice requiring the

developer to engage with DLR and obtain safety approval from DLR for any works in proximity to the railway).

*It should be noted that the development plans show that the main pedestrian route between through the development passes across an area of the DLR concourse where there is currently a ticket machine. Should the development proceed, the developer would be liable for the cost of moving this ticket machine in order to open up the route.'*

(OFFICER COMMENT: The area of land on which the ticket machine is currently located is private land, the DLR's comments in this regard have been provided to the applicant and that the developer needs to reach an agreement with the DLR in respect of these costs. An informative will be attached to the decision stating that the DLR have noted that the ticket machine will need to be relocated and that they expect the developer to meet the costs of this. The developer should contact the DLR to arrange for the ticket machine to be relocated)

### **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 355 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.

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

No of individual responses:	4	Objecting:	3	Supporting:	0	No Comment:	1
No of petitions received:	0						

7.3 The following **issues** were raised:

- The area is overbuilt and overpopulated; and
- Thames Water Board cannot meet the requirements to provide water to additional properties. It is not acceptable that residents should have to pay for additional pumps when much of the blame is to be laid at the door of Thames Water.

### Officer's Comment:

7.4 In terms of the concern that the proposals constitute overdevelopment, the principle of development has already been established and, as such, this 20 room uplift, is considered

acceptable. Furthermore, with regard to the Thames Water comment, Thames Water were consulted as part of the application and have no objection to the proposal.

## 8. MATERIAL PLANNING CONSIDERATIONS

8.1 As introduced within section 4 of this report, the 'Greater Flexibility Guidance' introduced on 23rd November 2009 states that the use of the existing route under s.73 to vary a condition would be the best short term solution in allowing minor material amendments to approved schemes.

8.2 Whilst there is no statutory definition of a minor material amendment, the Guidance provides a definition as:

*'A minor material amendment is on whose scale and nature results in a development which is not substantially different from the one which has been approved.'*

8.3 The main planning issues raised by the application for Members consider are whether the proposed changes can be considered to be minor material changes to the original planning permission, as well as the material planning consideration of planning issues as a result of the changes.

8.4 The acceptability of Land Use was assessed as part of the original permission and the proposal remains unchanged in this regard. The main issues that members need to consider are the acceptability of Design and Scale, Amenity and any impact on the Highway, and therefore in making a decision, the focus in these aspects should be on national and development plan policies, and other material considerations which may have changed significantly since the original grant of permission.

8.5 A copy of the previous report to committee is attached to this report for reference purposes.

### **Design**

8.6 Good design is central to all objectives of the London Plan and is specifically promoted by the policies contained in Policy 7.6 of the London Plan (2011). Saved policy DEV1 in the UDP (1998), Policy CP4 and DEV2 of the Interim Planning Guidance (October 2007), policy SP10 in the Core Strategy (2010) and policy DM24 (Submission Version, 2012) state that developments are required to be of the highest quality design, incorporating the principles of good design.

8.7 As part of the extant permission, planning permission was granted for two connected buildings: a 16 storey building adjacent to West India Dock Road to accommodate the hotel, bar, gym, boardrooms and ancillary office space; and a smaller 3-storey annex building fronting Salter Street that 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.

8.8 The principle of a tall building on this site was considered acceptable given that it had already 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 was never implemented.

8.9 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. The Inspector 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.

8.10 As part of the extant permission (PA/09/02099), it was acknowledged that 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 height, bulk and scale of the extant application (PA/09/02099) was considered acceptable in accordance with policy 7.4 in the London Plan and policy DEV2 and DEV27 in the Interim Planning Guidance (October 2007).

8.11 As part of this s73 application (despite the insertion of an additional floor), due to the change in construction methods, there will be a reduction in height of proposed scheme due to change in floor to floors from 60.710mm to 59.830mm as measured from the Ordnance datum (a reduction of 880mm). Given that there will be a slight reduction in height and that the additional 20 bedrooms will be identical to the existing bedroom floor layouts, it is considered that there will be no negative impact on the design of the scheme.

8.12 Planning permission PA/09/02099 sought external materials which comprised a simple palette of glazed and metal cladding in bronze and copper green colour. It was considered that this approach provided a striking landmark building that complemented its context. The scheme incorporates a lighting strategy that would provide visual interest at night. The scheme did not seek to mimic the glazed buildings within Canary Wharf. Overall the design was not considered to be overly complex and subject to conditions regarding the details of materials and finishes, it was 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 was considered acceptable in principle in accordance London Plan and local plan design policy requirements.

8.13 In terms of design, the amendments sought as part of this current application comprise the following:

- § Standard bedroom windows reduced from 2300mm to 2100mm in height to balance the elevations;
- § Rebalancing the copper and bronze lookalike rain screen around the building to enhance the effect of the proposed Alucobond cladding system approved;
- § Standardising the parapet walls at roof level to 1.1m;
- § Replacing the narrow glass lookalike strip of rain screen behind the south side of the arrowhead with bronze to match elsewhere on that elevation;
- § Reduction in footprint to low rise (1m from boundary) and high rise buildings (small

splay at high level); and

§ Introduction of splayed bedroom to south corner of building.

- 8.14 It is considered that the proposed alterations are minor and will not affect the overall visual integrity of the approved building. The Council's Design Officer has confirmed that she has no objections to the proposed changes.
- 8.15 As part of the existing consent, it was agreed that 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 had been submitted within the previous application. The approach was 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. Full details of the artwork were secured by condition 20 of PA/09/02099 and have since been discharged. Notwithstanding this, a compliance condition would be attached to a new consent to ensure that the agreed details are implemented.
- 8.16 The public realm improvements remain unchanged from the extant consent.
- 8.17 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.
- 8.18 In accordance with London Plan policy 4.5 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.
- 8.19 External surfaces remain unchanged and 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.
- 8.20 The application proposes 400sqm photovoltaic (PV) panels which shall be situated on the roof of the high rise and low rise building. The majority of the panels shall be located on the high rise roof and will be set behind the 1100mm parapet at this level. Therefore the panels will not be visible from ground level and will not affect the height or appearance of the building.
- 8.21 PV panels on the low rise building are generally obscured by the small parapet and will be set back from the edge of the roof meaning that they will not be visible from street level.
- 8.22 Overall, the proposals are considered to be minor material changes to the original planning permission which have been carefully designed to deliver a high quality development which is appropriate within its context. The proposals therefore meet the criteria set out in tall building policy 7.7 in the London Plan and policy SP10 in the Core Strategy (2010). The proposal meets the high quality design requirements of policies 7.4, 7.5 and 7.6 in the London Plan and Local Plan policies, which seek to ensure high quality developments that are appropriate to their context.

### **Amenity**

- 8.23 Saved Policy DEV2 in the UDP (1998), Policy DEV1 of the Interim Planning Guidance (2007) and policy DM27 of the Managing Development DPD (Submission Version, 2012) 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

- 8.24 Given the site location, distance from neighbouring residential buildings, orientation of the proposal and given that there are no directly facing habitable room windows within 18 metres, it is not considered that there would be any unacceptable overlooking or loss of privacy to surrounding residential occupiers.

#### Loss of light

- 8.25 The applicants submitted a daylight and sunlight report carried out by GL Hearn dated 6<sup>th</sup> October 2009 to support the original 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).
- 8.26 In addition to the above, given that this minor material amendment application seeks a reduction in the overall height of the building, there will be no loss of daylight/sunlight to surrounding properties beyond that approved under the extant consent. As such the proposals are considered to be in accordance with policy DEV2 in the UDP (1998) and policy DEV1 in the Interim Planning Guidance (October 2007) and policy DM25 of the Managing Development DPD (Submission Version, 2012).

#### Overshadowing

- 8.27 In terms of overshadowing, the planning application for the extant consent (PA/09/02099) included a report carried out by GL Hearn dated 6<sup>th</sup> October 2009 and was considered acceptable.
- 8.28 Given that the current proposals will result in a scheme which will have a lower building height, the scheme would not have an increased impact in terms of overshadowing when compared to the current approved scheme on the site.

#### Noise

- 8.29 Officers are satisfied that an increase of 20 additional bedrooms will not cause a material increase in noise levels.
- 8.30 Given the scale of the development (272 bedrooms), and as per the original consent, 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.
- 8.31 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), policy DEV10 in the Interim Planning Guidance (October 2007) and policy DM25 of the Managing Development DPD (Submission Version, 2012).

#### Transport & Highways

- 8.32 The London Plan (2011), Unitary Development Plan (1998) and the Interim Planning Guidance (2007) 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 (2010).
- 8.33 Given the accessible location of the site, planning permission (PA/12/02099) was granted for a car-free scheme. It was accepted that the public realm improvements outweighed 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.
- 8.34 Servicing and Access arrangements, as well as works surrounding the site to the footpaths were also agreed as part of the extant consent.
- 8.35 The character and mixed-use nature of the locality has remained unchanged since the extant consent was permitted. and the inclusion of an additional floor is not considered to intensify the servicing or highways arrangements from those details that were originally approved. The Council's Highway Officer has reviewed the proposal as well as the Addendum to the Transport Assessment (produced by CBP Architected, dated May 2012) and has confirmed that the additional floor will not have any significant or negative impact on the transport network and do not seek further increases on provision to mitigate this.
- 8.36 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**

- 8.37 At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the emerging Managing Development DPD Policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- Use Less Energy (Be Lean);
  - Supply Energy Efficiently (Be Clean); and
  - Use Renewable Energy (Be Green).
- 8.38 The London Plan (2011) includes the target to achieve a minimum 25% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).
- 8.39 The Managing Development DPD (Submission version 2012) policy DM29 includes the target to achieve a minimum 35% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy. Draft Policy DM 29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential developments to achieve a Code for Sustainable Homes Level 4.
- 8.40 Policy SO3 of the Core Strategy (2010) seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised

energy and renewable energy technologies and minimising the use of natural resources. Core Strategy (2010) policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.

- 8.41 The Sustainability, Renewable Energy and Compliance Study (Version C - July 2012), follows the Mayor's energy hierarchy as detailed above. The development would make use of energy efficiency and passive measures to reduce energy demand (Be Lean). The integration of a communal heating scheme incorporating a Combined Heat and Power (CHP) engine to supply the hot water and a proportion of the space heating requirements in accordance with policy 5.6 of the London Plan will also reduce energy demand and associated CO2 emissions (Be Clean).
- 8.42 The current proposals for delivering the space heating and hot water are considered acceptable; however an appropriately worded condition should be applied to any permission to ensure development is supplied by the CHP (200kWe) following completion and prior to occupation.
- 8.43 Photovoltaic cells are proposed to provide a source of on site renewable energy (Be Green). The technologies employed would result in a ~3.5% carbon savings over the regulated energy baseline. Through the maximisation of the communal system and commitment to the proposed CHP to deliver space heating and hot water it is acknowledged that achieving a 20% reduction in CO2 emissions through renewable energy technologies is technically challenging and not feasible for all developments. The applicant has demonstrated that the proposed CO2 emission reduction through PV's (400m2 PV array with peak output of 50kWp) is the maximum that can be achieved from renewable energy technologies for the site. Whilst the proposed development is not meeting Core Strategy Policy SP11, the Sustainable Development Team support the application as the applicant has demonstrated that the design has followed the energy hierarchy and sought to integrate renewable energy technologies where feasible.
- 8.44 The total anticipated CO2 savings from the development are ~27%, through a combination of energy efficiency measures, a CHP power system and renewable energy technologies. The proposed energy strategy falls short of the requirements of policy DM29 which seeks a 35% reduction in CO2 emissions, however the anticipated CO2 savings are in accordance with adopted development plan (London Plan Policy 5.2) and the applicant has demonstrated the CO2 savings have been maximised at each stage of the energy hierarchy. Therefore the CO2 savings proposed for this development are considered acceptable in this specific instance and it is recommended that the strategy is secured by Condition and delivered in accordance with the submitted Energy Statement.
- 8.45 In terms of sustainability, London Borough of Tower Hamlets requires all development to achieve a BREEAM Excellent rating. This is to ensure the highest levels of sustainable design and construction in accordance with Policy 5.3 of the London Plan (2011) and Policy DM29 of the Managing Development DPD.
- 8.46 The submitted BREEAM Pre-assessment demonstrates how the development will achieve an Excellent Rating. It is recommended that the achievement of the excellent rating is secured through an appropriately worded condition with the final certificate submitted to the Council prior to occupation.

### **Planning Obligations and S106**

- 8.47 Policy DEV4 of the adopted UDP, policy SP13 of the CS and Policy IMP1 of the IPG say that the Council would seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.

The Community Infrastructure Levy Regulations 2010 state that any s106 planning obligations must be:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development

The general purpose of s106 contributions is to ensure that development is appropriately mitigated in terms of impacts on existing social infrastructure such as education, community facilities, health care and open space and that appropriate infrastructure to facilitate the development i.e. public realm improvements, are secured.

8.48 As part of the original planning consent, the following contributions were secured through the S106:

- £125,000 towards the upgrade of leisure and recreational facilities;
- £15,000 towards public realm improvements

These monies are now due to the Council and therefore the Council will be requesting this payment on completion of the Legal Agreement.

8.49 The Council's Supplementary Planning Document (SPD) on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance concerning planning obligations set out in policy SP13 of the adopted Core Strategy.

Based on the Planning Obligations SPD, the planning obligations required to mitigate the proposed development would be £210,018.00.

The proposed heads of terms are:

#### Financial Contributions

Employment & Enterprise:  
Construction Phase - £1,876  
End user Phase - £2,298

Community Facilities:  
Libraries - £350  
Leisure - £125,000

Public Realm:  
Improvements - £15,000

Sustainable Transport - £600

TfL  
Cross rail - £61,992

Including 2% monitoring fee of £2,902

#### Non-financial Contributions

a) Landscaping works to improve the development to the value of £280,000

b) A commitment to utilising employment and enterprise initiatives in order to maximise employment of local residents. This includes the usual 20% local employment in the construction phase and end user skills and training.

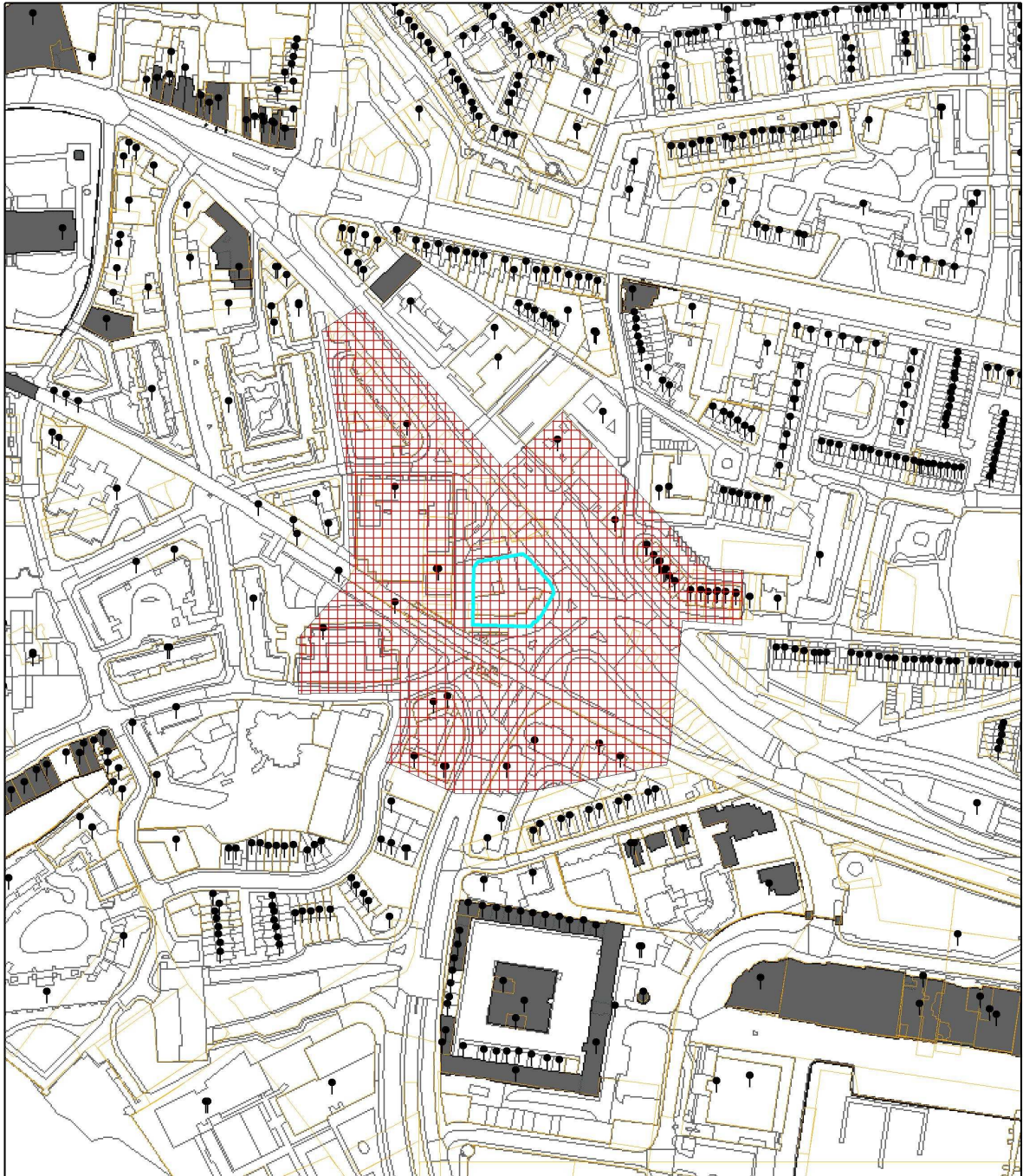
c) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

8.50 For the reasons identified above it is considered that the package of contributions being secured is appropriate, relevant to the development being considered and in accordance with the tests of circular 05/05 and the relevant statutory tests.

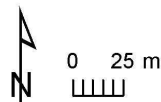
## **9.0 CONCLUSIONS**

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



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