

Committee: Strategic Development	Date: 25 June 2009	Classification: Unrestricted	Agenda Item Number: 9.2
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Report of: Director of Development and Renewal	Title: Town Planning Application and Conservation Area Consent
Case Officer: Richard Murrell	Ref No: PA/08/02709 and PA/08/0710 (CAC)
	Ward: Millwall (February 2002 onwards)

1. APPLICATION DETAILS

Location: Hertsmere House, 2 Hertsmere Road , London E14 4AB
Existing Use: Office (Class B1 Use)
Proposal: Demolition of existing building.

Erection of a ground and 63 storey building for office (use class B1), hotel (use class C1), serviced apartments (sui generis), commercial, (use classes A1-A5) and leisure uses (use class D2) with basement, parking, servicing and associated plant, storage and landscaping. (Maximum height 242 metres AOD).

Drawing Nos/Documents: PA/08/02709
A1/PL/000 REVA, A1/PL/001 REVC, A1/PL/002 REVA,
A1/PL/003 REVB, A1/PL/004 REVA, A1/PL/005 REVB,
A1/PL/007 REVA, A1/PL/008 REVA, A1/PL/019 REVA,
A1/PL/021 REVB, A1/PL/028 REVA, A1/PL/029 REVA,
A1/PL/030 REVB, A1/PL/031 REVA, A1/PL/032 REVA,
A1/PL/033 REVB, A1/PL/034 REVA, A1/PL/046 REVA,
A1/PL/047 REVA, A1/PL/048, A1/PL/049, A1/PL/056 REVA,
A1/PL/057 REVA, A1/PL/058 REVA, A1/PL/059 REVA,
A1/PL/060 REVA, A1/PL/062 REVB, A1/PL/063 REVB,
A1/PL/064 REVB, A1/PL/065 REVB, A1/PL/066 REVA,
A1/PL/067 REVA, A1/PL/068 REVA, A1/PL/069 REVA,
A1/PL/070 REVA, A1/PL/071 REVA, A1/PL/072 REVA,
A1/PL/073 REVA, A1/PL/074 REVB, A1/PL/075 REVB,
A1/PL/076 REVA, A1/PL/080 REVA, A1/PL/081 REVA,
A1/PL/082, A1/PL/083 REVA, A1/PL/085 REVA, A1/PL/086
REVA, A1/PL/087 REVA, A1/PL/088 REVA, A1/PL/090,
A1/PL/091 REVB, A1/PL/092 REVB, A1/PL/093 REVA,
A1/PL/094 REVA, A1/PL/095 REVA, A1/PL/096 REVA,
A1/PL/097 REVA, A1/PL/098 REVA, A1/PL/099 REVA,
A1/PL/101 REVA, A1/PL/102 REVA, A1/PL/103 REVA,
A1/PL/104 REVA, A1/PL/105 REVA, A1/PL/106 REVA,
A1/PL/107 REVA, A1/PL/108 REVA, A1/PL/109 REVA,
A1/PL/110 REVA, A1/PL/120 REVA, A1/PL/121 REVA,
A1/PL/122 REVA and A1/PL/123 REVA.

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Site Location Plan and A1/PL/112A

- Environmental Statement and Further Information
Prepared by URS Corporation December 2008, March 2009 and May 2009.
- Design and Access Statement
Prepared by Mark Weintraub Architecture & Design Dec. 2008
- Planning Statement
prepared by GVA Grimley December 2008
- Transport Assessment and Interim Travel Plan
prepared by Steer Davies Gleave dated December 2008
- Sustainability Statement
Prepared by URS Corporation December 2008
- Consultation Sweep-Up (including revised Energy Statement, Access Statement and Aerodrome Safeguarding Assessment)
Prepared by various authors. April 2009.

Applicant: Commercial Estates Group for and on behalf of GMV Ten Ltd
Ownership: Commercial Estates Group
 EDF Energy
Historic Building: Site in vicinity of Grade I and Grade II Listed buildings.
Conservation Area: West India Dock

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

2.1 The Local Planning Authority has considered the particular circumstances of these applications against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, the Council's Interim Planning Guidance (2007), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

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- The redevelopment of an under-utilised site with additional office floorspace, hotel rooms, serviced apartments and associated commercial uses will consolidate and support the future economic role of the north of the Isle of Dogs as an important global business centre. The scheme therefore accords with policies 3B.3, 3D.7 and 5C.1 of the London Plan (Consolidated with Alterations since 2004), policies ART7, DEV3 and CAZ1 of the Council's Unitary Development Plan 1998, policies CP8, CP13 and EE4 of the Council's Interim Planning Guidance (2007): Core Strategy and Development Control, and policies IOD13 and IOD15 of the Interim Planning Guidance Isle of Dogs Area Action Plan, which seek to develop and support Canary Wharf's roles as a leading centre of business activity.
- A contribution has been secured towards the provision of off-site affordable housing in lieu of the absence of any on-site housing. This accords with the requirements of London Plan (consolidated with Alterations Since 2004) policy 5G.3, which identifies Canary Wharf as an area where an off-site provision of housing should be accepted as on-site housing would compromise the broader objectives of sustaining important clusters of business activities.
- The building's 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 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, DEV27 and IOD16 of the Council's Interim Planning Guidance (October 2007), which seek to ensure buildings

are of a high quality design and suitably located.

- The high quality design of the tower 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.8 and 4B.9, policy DEV8 of the Council's Unitary Development Plan and policies CP48 and CP50 of the Council's Interim Planning Guidance (2007), and which seek to ensure tall buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- The proposal will enhance the setting of nearby Grade I and Grade II Listed buildings and will enhance the character and appearance of the West India Quay Conservation Area by the replacement of the existing building with an example of high quality architecture and as such accords with policies 4B.11 and 4B.12 of the London Plan (Consolidated with Alterations since 2004), policy DEV28 of the Council's Unitary Development Plan 1998 and policies CON1 and CON2 of the Council's Interim Planning Guidance (2007) Core Strategy and Development Control, which seek to ensure the preservation or enhancement of built heritage.
- The impact of the development on the amenity of neighbours in terms of loss of light, overshadowing, loss of privacy or increased sense of enclosure is acceptable given the urban context of the site and as such accords with policies DEV1 and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1 and DEV2 of Council's Interim Planning Guidance (2007): Core Strategy and Development Control, which seek to ensure development does not have an adverse impact on neighbouring amenity.
- 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) and policies DEV5 to DEV9 of the Council's Interim Planning Guidance (October 2007), which seek to promote sustainable development..
- 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 and policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007), which seek to ensure developments minimise parking and promote sustainable transport options.
- Contributions have been secured towards the provision of transport infrastructure improvements; open space and public realm improvements; 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), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

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- The existing building makes no significant contribution to the character of the West India Dock Conservation Area and there is no objection to its demolition subject to it being replaced with a suitably designed alternative. The proposal therefore accords with the requirements of policy DEV28 of the Council's Unitary Development Plan

and policy CON2 of the Council's Interim Planning Guidance, which seek to ensure high quality development that enhances the character of Conservation Areas.

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:

3.2 Financial Contributions

- a) Provide a contribution of £1, 155, 340 towards the provision of off-site affordable housing;
- b) Provide a contribution of £3, 581, 553 towards transportation improvements;
- c) Provide a contribution of £332, 756 towards local employment and training initiatives;
- d) Provide a contribution of £433, 252 towards the improvement of local parks, open spaces and public realm; and
- e) any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

3.3 Non-financial Contributions

- f) Travel Plan;
- g) Publicly accessible pavilion and upper floor restaurant /bar;
- h) TV and Radio Reception Monitoring;
- i) Maximum duration occupancy 90 days for serviced apartments
- i) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

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

3.5 That the Corporate Director Development & Renewal is delegated authority to issue the planning permission and impose conditions and informatives to secure the following matters:

3.6 **Conditions**

- 1) Time Limit (5 years)
- 2) Details of external materials including 1:1 scale sample of cladding system
- 3) Details of ventilation / fume extraction equipment for commercial units
- 4) Details of hours of opening of commercial units
- 5) Details of noise output and mitigation measures for all plant
- 6) Details of hard and soft landscaping
- 7) Assessment and mitigation for impact on microclimate
- 8) Details of mitigation from Crossrail noise and vibration
- 9) Provision of aviation warning lighting
- 10) Details of allocation of car-parking spaces between uses
- 11) Details of provision of cycle parking for serviced apartments
- 12) No additional car-parking to be provided
- 13) Energy Strategy to be implemented
- 14) Submission demonstrating building meets BREEAM 'Excellent' standards

- 15) Demolition and Environmental Construction Management Plan required. Including: - Feasibility study and details of moving waste and materials by water during construction, limits of hours of construction work, protection of trees.
- 16) Details of foundation construction method
- 17) Provision of notice to Crossrail for commencement of foundation works.
- 18) Survey and scheme of improvements to dock wall
- 19) Assessment of structural integrity of basement
- 20) Assessment potential groundwater contamination
- 21) Prevention of light-spill onto waterway.
- 22) Service Management Plan
- 23) Land contamination assessment required
- 24) Programme of archaeological work required
- 25) Landscape Management Plan including measures to promote biodiversity
- 26) Water supply infrastructure required
- 27) Further detail air quality impact and mitigation
- 28) Risk and Method Statement for works adjacent to water
- 29) Any other informative(s) considered necessary by the Corporate Director Development & Renewal

3.7 **Informatives**

- 1) Contact Thames Water
- 2) Contact London City Airport regarding cranes and scaffolding
- 3) Contact LBTH Building Control
- 4) Contact British Waterways
- 5) Contact Environment Agency
- 6) Contact London Fire & Emergency Planning Authority
- 7) Any other informative(s) considered necessary by the Corporate Director Development & Renewal

3.8 That, if within 3-months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

3.9 That the Committee resolve to **GRANT** Conservation Area Consent subject to:

Conditions

No demolition to take place until a planning permission has been granted for the redevelopment of the site.

No demolition until scheme of demolition management approved.

4. **PROPOSAL AND LOCATION DETAILS**

Background

4.1 Applications for planning permission (reference PA/03/00475) and Conservation Area Consent (PA/03/00878) for an almost identical 63 storey building to that which is currently proposed, were reported to Development Committee on 18th March 2004. Committee resolved to grant permission subject to conditions and a S106 agreement. Following the completion of the S106 agreement permission was granted on 2nd March 2005.

- 4.2 The building has not been constructed. The existing permissions remain extant, however they are due to expire on 2nd March 2010.
- 4.3 Following amendments to planning legislation it is no longer possible to extend the life of an unimplemented permission. Consequently the Applicant has submitted a new application to extend the time available to commence the development. The Applicant has stated that the reason the additional time is required is to avoid the construction of the tower conflicting with the engineering works being carried out under the site as part of the Crossrail tunnelling.
- 4.4 The Applicant has made some amendments to the design to bring the scheme into accordance with current policy and to respond to objections made during the course of consultation.
- 4.5 The revisions include:-
- Amendment to external plan form,
 - Amendment to detailed design of roof and podium,
 - Alterations to elevation treatment,
 - Incorporation of additional renewable energy,
 - Additional visitor cycle parking,

Proposal

- 4.6 The application proposes the demolition of the existing building and the redevelopment of the site with a ground and 63 storey building (maximum height 242 metres AOD). The building will provide a mixture of office, hotel, serviced apartments commercial and leisure uses.
- 4.7 The building would comprise a two storey basement. A ground and two storey podium would sit above this rising to a height of 18m AOD. The tower itself would rise above the podium to a maximum of 63 storey (242m AOD).
- 4.8 The uses within the building are vertically stacked. The podium provides retail space and a double height publicly accessible pavilion / winter garden. The office use occupies the low rise section of the tower, then the fitness and leisure centre in the mid-rise section. The hotel and serviced apartments occupy the high-rise zone. The top of the building is capped with penthouse hotel suits, a restaurant and a bar.
- 4.9 The basement provides parking and plant space. Various upper floors provide additional plant and 'back of house' space.
- 4.10 The ground floor pavilion/winter garden, high-level bar and restaurant would be accessible to the public.
- 4.11 The floorspace provided for each use given in the table below:-

Use	Gross External Floor Area (square metres)
Office (Use Class B1)	30, 871
Hotel (Use Class C1)	30, 081 (192 rooms)
Serviced Apartments (sui generis)	16, 693 (74 rooms)
Commercial (Use classes A1 – A5)	1, 468

Leisure (Use Class D2)	2, 731
Plant (above ground)	4, 877
Basement (excluding retail back of house)	6, 992
Winter Garden, Internal Public Circulation, Podium Core and Servicing	1, 246
Total	96, 433

- 4.12 The basement would contain 67 car-parking spaces. Of these 10% (7 spaces) will be designated as disabled spaces. Five of the spaces would be 'shared spaces' that could also be used for the parking of motorcycles

Site and Surroundings

- 4.13 The application site occupies an area of 0.36 hectares. The site is located off Hertsmere Road at the Western end of West India Dock North. The site is currently occupied by Hertsmere House, a 4-storey office building which was constructed in the late 1980s. The site is largely covered by the office building, with landscaping and mature trees around the perimeter.
- 4.14 Directly to North of the site are the Grade I Listed 'Gwilts' dock warehouses. These low-rise buildings are in commercial use on the ground floor with residential above. Further behind these is a cinema complex and a multi-storey car-park. Further along the dockside adjacent to the Listed warehouses is the modern 33 storey West India Quay Tower comprising hotel / residences.
- 4.15 To the East is West India Dock North itself, the dock walls of which are also Grade I Listed. To the South are the commercial high-rise buildings of the Canary Wharf Estate. These range from the 10 – 20 storey 'CSFB' buildings, directly to the South of the site, to One Canada Square the tallest at 245.75AODm metres high.
- 4.16 To the south-west of the site are the Cannon Street Workshops and Dockmasters House, which are Grade II Listed. There are residential dwellings, including some Grade II Listed properties along Garford Street and Hertsmere Road.
- 4.17 The site is located in an area with a PTAL of 5. The site is approximately 300 – 400m away from DLR stations are West India Quay and Canary Wharf. The Canary Wharf Jubilee line is 675m to the East. The closest bus stops are approximately 300m away. The site is located directly above confirmed alignment for future Crossrail tunnels.
- 4.18 In the adopted Tower Hamlets Unitary Development Plan the site falls within the Central Activities Zone, east-west Crossrail safeguarding and a designated Flood Protection Area.
- 4.19 A narrow strip of the northern frontage of the site falls just within the West India Dock Conservation Area.
- 4.20 West India Dock North forms part of the Blue Ribbon Network and is a site of Importance for Nature Conservation.
- 4.21 In the Isle of Dogs Area Action Plan the site is identified as Development Site 32, with a mixtures of Employment (B1) and Retail and Leisure (A1, A2, A3, A4 and A5) land uses preferred (this designation is a reflection of the grant of the previous planning permission).

4.22 In the Council's Interim Planning Guidance the site is located within a Major Town Centre.

Relevant Planning History

4.23 The following planning decisions are relevant to the application:

- PA/03/00475 Demolition of existing building and erection of a 63 storey tower for office (B1), hotel and serviced apartments (C1 and sui generis), retail (A1/A2/A3) and leisure (D2) uses, with basement car parking and servicing. Approved 2nd March 2005.
- PA/03/00878 Demolition of existing building to facilitate the redevelopment of site. [Conservation Area Consent] Approved 2nd March 2005.
- PA/08/02377 Request for Scoping Opinion as to the information to be contained within an Environmental Impact Assessment to be submitted in support of an application for demolition of existing building and erection of a 63 storey tower for office (B1), hotel and serviced apartments (C1 and sui generis), retail (A1/A2/A3) and leisure (D2) uses, with basement car parking and servicing. Scoping Opinion Issued 16th December 2008.
- PA/09/00309 Variation of conditions 2, 12, 13, 14, 18, 21, 22, 24 and 25 of planning permission dated 2nd March 2005, reference PA/03/475 in order to set back trigger for the submission of further details.
- PA/09/0488 Variation of Condition 2 pursuant to Conservation Area Consent dated 2nd March 2005, reference PA/03/878 in order to allow preliminary demolition works.

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:

5.2 Unitary Development Plan 1998 (as saved September 2007)

Proposals:	Flood Protection Area Central Area Zone East-West Crossrail Adjacent to site of Nature Conservation Importance Adjacent to Water Protection Area
Policies:	ST1 Addressing needs of all residents ST12 Encourage range of cultural activities ST15 Facilitate expansion of local economy ST17 To promote high quality work environments ST28 Restrain unnecessary use of private cars ST30 To improve safety for all road users ST34 To support range of shopping ST35 To retain reasonable range local shops ST37 To improve physical appearance of parks and open-spaces ST41 To encourage new arts and entertainment facilities ST47 To support training initiatives DEV1 Design Requirements

DEV2	Environmental Requirements
DEV3	Mixed Use development
DEV4	Planning Obligations
DEV8	Protection of local views
DEV12	Provision of Landscaping in Development
DEV15	Retention of Mature Trees
DEV32	Buildings worthy of protection
DEV43	Protection of Archaeological Heritage
DEV46	Protection of Waterway Corridors
DEV48	Riverside Walkways
DEV50	Noise
DEV51	Soil Tests
DEV51	Contaminated Land
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
DEV57	Sites of Nature Conservation
DEV69	Water Resources
CAZ1	Location of Central London Core Activities
T1	Improvements to rail services
T16	Impact of Traffic
T18	Pedestrian Safety and Convenience
T26	Promoting of Waterways for Freight
U2	Consultation Within Areas at Risk of Flooding
U3	Flood Defences
S1	Shops in District Centres
S7	Special Uses
ART1	New facilities
ART7	Location Major Hotel Development

5.3 Interim Planning Guidance for the purposes of Development Control

Proposals:	Development site ID32 – Identifies preferred uses as Employment (B1) and Retail & Leisure (A1, A2, A3, A4, A5) Major Centre Flood Risk Area Isle of Dogs Area Action Plan Draft Crossrail Boundary Adjacent site of Importance for Nature Conservation Adjacent Public Open Space (Isle of Dogs wharves) Adjacent Blue Ribbon Network Adjacent Inland Water
Core Strategies:	IMP1 Planning Obligations CP1 Creating Sustainable Communities CP2 Equality of Opportunity CP3 Sustainable Environment CP4 Good Design CP5 Supporting Infrastructure CP7 Job Creation and Growth CP8 Global Financial and Business Centre CP11 Sites in Employment Use CP13 Hotels, Serviced Apartments and Conference Centres CP16 Vitality of Town Centres CP29 Improving Education and Skills

	CP31	Biodiversity
	CP33	Site of Importance for Nature Conservation
	CP36	The Water Environment and Waterside Walkways
	CP37	Flood Alleviation
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP40	A sustainable transport network
	CP41	Integrating Development with Transport
	CP43	Better Public Transport
	CP44	Sustainable Freight Movement
	CP46	Accessible Environments
	CP48	Tall Buildings
	CP49	Historic Buildings
	CP50	Important Views
Policies:	DEV1	Amenity
	DEV2	Character & Design
	DEV3	Accessibility & Inclusive Design
	DEV4	Safety & Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency & Renewable Energy
	DEV7	Sustainable Drainage
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution
	DEV12	Management of Construction
	DEV13	Landscaping and Tree Preservation
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV20	Capacity of Utility Infrastructure
	DEV21	Flood Risk Management
	DEV22	Contaminated Land
	DEV24	Accessible Amenities and Services
	DEV27	Tall Buildings
	EE2	Redevelopment /Change of Use of Employment Sites
	EE4	Serviced Apartments
	OSN3	Blue Ribbon Network and the Thames Policy Area
	CON1	Listed Buildings
	CON2	Conservation Areas
	CON4	Archaeology and Ancient Monuments
	CON5	Protection and Management of Important Views
	IOD1	Spatial Strategy
	IOD2	Transport and movement
	IOD5	Public open space
	IOD7	Flooding
	IOD8	Infrastructure capacity
	IOD10	Infrastructure and services
	IOD13	Employment Uses in the Northern sub-area
	IOD16	Design and Built Form in the Northern sub-area
	IOD17	Site allocations in the Northern sub-area

5.4 Spatial Development Strategy for Greater London (London Plan)

2A.1	Sustainability Criteria
3B.1	Developing London's economy

3B.2	Office demand and supply
3B.3	Mixed use development
3C.1	Integrating transport and development
3C.2	Matching development to transport capacity
3C.12	New Cross-London Links
3C.22	Improving Conditions for Cycling
3C.23	Parking Strategy
3C.25	Freight Strategy
3D.1	Supporting Town Centres
3D.7	Visitor Accommodation
3D.14	Biodiversity and Conservation
4A.2	Mitigating climate change
4A.3	Sustainable Design and Construction
4A.4	Energy assessment
4A.6	Decentralised energy: heating, cooling and power
4A.7	Renewable energy
4A.12	Flooding
4A.13	Flood risk management
4A.16	Water supply and resources
4A.18	Water and sewerage infrastructure
4A.19	Improving Air Quality
4A.20	Reducing noise and enhancing townscapes
4B.1	Design principles for a compact city
4B.2	Promoting world class architecture and design
4B.3	Enhancing the quality of the public realm
4B.5	Creating an inclusive environment
4B.6	Safety and Security
4B.8	Respect local context and communities
4B.9	Tall buildings - location
4B.10	Large-scale buildings – design & impact
4B.11	London's Built Heritage
4B.12	Heritage Conservation
4B.15	Archaeology
4B.16	London view management framework
4B.17	View management plans
4C.1	Blue Ribbon Network
4C.23	Docks
5C.1	The strategic priorities for North East London
5C.3	Opportunity areas in North East London

5.5 Government Planning Policy Guidance/Statements

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

- 5.6 **Community Plan** The following Community Plan objectives relate to the application:
 A better place for creating and sharing prosperity
 A better place for learning, achievement and leisure
 A better place for excellent public services

6. CONSULTATION RESPONSE

The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.1 The following were consulted regarding the application:

6.2 **LBTH Air Quality**

- Satisfied with submitted Environmental Statement
- Detail of location and height of stack for boiler plant
- Verification of Nox concentrations required
- Conditions for air quality mitigation requested.

Officer comment:

Suitable conditons regarding the submission of this detail would be imposed on any permisison.

6.3 **LBTH Cultural Services**

The proposed development will increase the daytime population in the Canary Wharf area significantly. As such the development will impact on existing social infrastructure and open space provision. Contributions should be sought to mitigate for this impact to ensure there is sufficient capacity for both residents and resulting daytime population. This should include a contribution towards improving capacity of open spaces / sports pitches.

Officer Comment

Contributions have been sought towards education, training and employment initiatives for residents and improvements to the Mile End Park and other local leisure and recreational facilities.

6.4 **LBTH Energy Efficiency**

- The Applicant has followed Energy Hierarchy set out in London Plan
- A 240kW Fuel is proposed as part of CHP system to meet 20% on-site renewable energy requirement
- The fuel cell will provide CO2 savings of 23% initially when running from Natural Gas rising to 37% when switched to Hydrogen fuel.
- PV panels are also provided
- The combined Energy Strategy proposes to reduce development CO2 emissions by 17.6% through Energy Efficiency measures.
- The development could be connected to a future district heat system
- Development should be assessed against BREEAM ratings and should achieve a minimum 'excellent' rating.
- Conditions are recommended to ensure compliance with the proposed Energy Strategy

Officer Comment:

Suitable conditions would be imposed on any permission.

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

- Satisfied with submitted Ground Conditions Report. Conditions requested to carry out further investigation works

Officer comment:

Suitable conditions would be imposed on any permission.

6.6 LBTH Environmental Health (Noise and Vibration)

- Site will be affected by noise and vibration from future Crossrail network. Further survey work and mitigation would be required by condition.
- Development site is within noise exposure category A in relation to Road Traffic Noise. No objections.
- Further information required in relation to noise and ventilation of A3/A4 uses.
- Conditions required to limit hours of construction activity.

Officer comment:

Suitable conditions would be imposed on any permission to ensure future occupiers, and occupiers of neighbouring properties do not suffer from adverse noise or vibration.

6.7 LBTH Environmental Health (Daylight and Sunlight)

- VSC losses to Mary Jones House, Matthew House and Riverside House exceed 25%
- ADF losses at Garford Street, Mary Jones House, Matthew House and Riverside House excessive
- Daylight Distribution Contours (No Sky Line) acceptable
- Average Probable Sunlight Hours acceptable with the exception of Riverside House where there are significant failures.
- Developer should provide mitigation or amend scheme to improve the impact.

Officer comment:

This matter is discussed under the amenity section of the report.

6.8 LBTH Highways

- Site accessibility is very good with PTAL5
- Vehicle access via privately owned Hertsmere Road.
- Scheme has no significant impact on highways
- Applicant advised to convert some car-parking spaces to motorcycle spaces.
- Cycle parking adequate
- Contributions may be required to mitigate for impact on public transport

Officer Comment

These matters are discussed under the Transportation Section of this report, and are considered to be acceptable.

6.9 LBTH Primary Care Trust

- No objections, the application does not propose any permanent residential accommodation so no healthcare S106 contribution is required.

6.10 British Waterways (Statutory Consultee)

- Concerned scale of building may adversely affect the adjacent listed buildings and appear overbearing.
- Wind tunnel study needs to assess impact on Canon workshops.
- Freight by water should be investigated
- Maintenance service charge requested for additional impact of pedestrian footfall on dock.
- Feasibility of dock water for heating and cooling should be investigated.
- Conditions requested regarding Risk Assessment and Method Statement for works adjacent to water.

Officer Comment

- *The scale of the building is discussed under main issues. Additional wind-tunnel modelling would be carried out at the detailed design stage to ensure appropriate mitigation is provided to prevent adverse wind impacts. A condition would require the feasibility of moving freight by water to be considered. Officer's do not consider that the relatively limited additional pedestrian footfall from the development would justify any form of maintenance surcharge to British Waterways.*

6.11 Commission for Architecture and the Built Environment

- No objections to building of this height
- Proposal would be a distinctive and elegant addition to the skyline at Canary Wharf, and through the provision of viewing areas and public space it has potential to offer significant benefits to the public realm in the area.
- Generally well-considered design which is distinctive and attractive in terms of overall form and massing. Sleek and elegant design provides a pleasing contrast to block towers that dominate rest of Canary Wharf
- Pleased to note the mix of units proposed, the commitment to public access to various points in tower which make scheme unique in Canary Wharf cluster.
- Relates fairly convincingly to the existing cluster in most visualisations provided, particularly in longer views. Notes the relationship would become even stronger in the event that other proposed additions to sky-line are built.
- Impact on dwellings nearby should be considered particularly in relation to overshadowing.

Officer Comment:

Design is considered under main issues

6.12 City of London

- Proposal would have no detrimental impact on City of London

6.13 Civil Aviation Authority (Statutory Consultee)

- Potential impact on London City Airport. Comments should be sort from Airport licensee.
- Aviation warning lighting required

Officer Comment:

A suitable condition would be imposed on any permission

6.14 Crossrail (Statutory Consultee)

- Raised no objection to proposal providing that a condition is imposed requiring details of foundation construction methods, noise/vibration mitigation measures and provision of notice to Crossrail for commencement of works.

Officer Comment

The Applicant has undertaken detailed consultations with Crossrail's Engineers who are satisfied that the two developments are compatible. The proposed conditions would be imposed on any permission.

6.15 Environment Agency (Statutory Consultee)

- No objections on Flood Risk grounds subject to conditions requiring survey of dock

wall, scheme of improvements to dock wall, structural integrity of basement, assessment of potential groundwater contamination and mitigation, prevention of light-spill onto waterway.

Officer Comment:

Suitable conditions would be imposed on any permission.

6.17 English Heritage (Statutory Consultee)

- Re-iterated comments made previously in 2003. Specifically stating that:-
- Support Canary Wharf as location for tall buildings.
- No objection to proposals which add to cluster of high buildings within northern sector of Isle of Dogs.
- Proposal would have damaging impact on setting of grade I Listed West India Dock warehouse, Dockmasters House and the Cannon Workshops.
- Increased overshadowing of historic buildings and public spaces regrettable.
- Tower would affect character and appearance of West India Dock Conservation Area.
- Could not sustain objection given setting of Listed Buildings and Conservation Areas dominated by existing tall buildings.
- Podium building is over-burdened with dubious historical and architectural references.

Officer Comment

Design is discussed under main issues. It should be noted that the scheme was amended to improve the design of the podium and that no 'in principle' objection was made to the height or form of the building. English Heritage were re-consulted on the amended design and no further comments have been received.

6.18 English Heritage- Archaeological Division (Statutory Consultee)

- Site located in area with high potential for archaeological remains. Recommend condition to secure a programme of architectural work.

Officer Comment

A suitable condition would be imposed on any permission.

6.19 English Partnerships (Statutory Consultee)

- No comments received

6.20 Greater London Authority (Statutory Consultee)

Stage One response received. Issues raised:-

- Principle of new mixed-use building with office, hotel, serviced apartments, retail and leisure space is acceptable.
- Sculpted tower would be striking addition to London skyline and would blend into Canary Wharf cluster.
- Proposed building would be a slender addition that has modest and complementary impact on Strategic views.
- Insufficient detail on energy efficiency measures submitted, insufficient detail of climate change adaptation
- Financial contributions requested towards
 - o £1M off-site affordable housing
 - o £5M towards Crossrail
 - o £3M towards DLR
 - o £180K towards bus routes
- Scheme provides high level of car-parking and low provision of cycle parking spaces.

- Low provision of wheelchair accessible hotel rooms and serviced apartments.
- Further information required on size and location of blue badge parking.

Officer Comment

Additional information in relation to Accessibility and Energy has been submitted. These issues are discussed in more detail under main issues, and are considered to be satisfactory subject to appropriate conditions.

The requested financial contributions are discussed in more detail under the S106 section of the report.

6.21 London Borough of Greenwich (Statutory Consultee)

- Welcome further regeneration of Docklands and Job opportunities.
- Concern over excessive height and elevation treatment and the detrimental impact it would have on panoramic views from the General Wolfe Monument in Greenwich Park
- Existing skyline rises and falls from east to west and proposed development, by reason of its excessive height, would disturb the arrangement.
- Considered the views of English Heritage and the Mayor should be sought

Officer comment:

Design is discussed under main issues. It is noted that neither English Heritage nor the Mayor expressed any objection to the height of tower or the impact on views from Greenwich.

6.22 London City Airport (Statutory Consultee)

- No safeguarding objection
- Construction method and use of cranes to be agreed with airport

Officer comment:

A suitable informative would be imposed on any permission

6.23 London Fire and Civil Defence Authority (Statutory Consultee)

- Note that submitted documents indicate provision of water supply and Fire Brigade Access not likely to be problematic. Note that this issue will be addressed at Building Regulations stage.

6.24 London Borough of Southwark

- No objection raised, detailed comments made on building and views.

6.25 London Development Agency (Statutory Consultee)

- No comments received.

6.26 London Underground Ltd (Statutory Consultee)

- Responded to consultation stating no comments.

6.27 Thames Water (Statutory Consultee)

- Thames Water have identified an inability of the existing waste water and water supply infrastructures to accommodate the needs of the proposal.
- Conditions requested requiring the submission of impact study and a drainage strategy for approval prior to the commencement of any development. A number of informatives are also recommended.

Officer comment:

Suitable conditions and informatives would be imposed on any permission.

6.28 National Air Traffic Services (Statutory Consultee)

- No safeguarding objection

6.29 Natural England (Statutory Consultee)

- Concerns about adverse impacts of the Dockwater Cooling System on Millwall and West India Docks SBI
- Additional ecological enhancements should be secured.

Officer Comment:

The Dockwater Cooling system no longer forms part of the application. Additional ecological enhancements are also proposed including the provision of a green wall along the southern flank of the pavilion facing the CSFB building, bird and bat boxes within cladding system and moveable planters on terrace levels. The detail of these mitigation would be secured by condition on any permission.

6.30 Port of London Authority (Statutory Consultee)

- No objection. Suggest consideration should be given to the use of the river for transporting during construction.

Officer Comment

A condition would be imposed on any permission requiring the feasibility of utilising freight by water to be investigated.

6.31 Transport for London (Statutory Consultee)

- Circa £5M contribution requested for Crossrail
- £3M contribution required for introduction of 3 car operation on DLR
- Additional data on line capacity constraints required
- Transport Assessment flawed in relation to conclusion only 2 additional bus trips generated.
- Contribution of £180k towards increased bus capacity required
- More robust assessment of trip rates required.
- More data required on trip-rate assumptions in relation to leisure/fitness centre.
- Concerns about methodology of Transport Assessment, however trip generation not expected to have significant impact on Transport for London Road Network.
- Development, including serviced apartments, should be car-free. Retail leisure uses should not require parking.
- Car-club suggested
- Amount of motorcycle parking high
- Additional cycle parking requested
- Works to improve principle routes to public transport facilities should be implemented as part of travel plan.

Officer Comment

Additional information has been submitted in response to the above requests. The level of dedicated car-parking has also been reduced with the use of shared motorcycle / car-parking spaces. TfL were re-consulted and no further comments were received. The study is considered to be sufficiently detailed for the transport impact of the development to be properly assessed..

7. LOCAL REPRESENTATION

- 7.1 A total of 532 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site.

An additional round of consultation took place on 30th March 2009 after Regulation 19 information was submitted

A further round of consultation took place on 1st June 2009 after the submission of additional Regulation 19 information. Any additional representations received after the publication of this report will be updated to Members.

The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

- 7.2 No of individual responses: 10 Objecting:9 Supporting: 1

- 7.3 The following groups / organisations were also consulted regarding the proposals.

7.4 Museum of London: Docklands

- Construction may cause vibration which would damage building
- Water levels could be changed causing damage to historic quayside
- Rights of light and air diminished
- Outside terrace will be overshadowed
- Infrastructure required to support increased traffic and pedestrian flow required
- Construction impacts, noise and dirt etc will have an adverse impact on Museum's popularity.
- Boats belonging to museums floating collection moored in dock. Re-assurance required that these will not be affected.

Officer comment:

A condition would require the submission of a Construction Management Plan which would detail vibration and noise control measures. This would be sufficient to ensure that excessive noise and vibration does not occur. The small level of additionally displaced water from the basement excavations ensures that the development is unlikely to result in any significant changes in ground water in the vicinity of the site. The outside terrace area would not suffer from a permanent additional overshadowing. Transitory overshadowing will increase, however the terrace will still receive direct sunlight during work lunch hours (12pm to 2pm and after working hours (5pm onwards). Other matters are discussed in main issues section of report.

7.5 Canary Wharf Group

- No objection
- Suggest a contribution towards Crossrail is sought
- Note Applicant has not sought agreement for access across CWG land. Additional detail should be submitted.

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

- Proposed building too large, will over dominate and is out of scale
- Does not respect Conservation Area or Listed Buildings
- Style of architecture inappropriate
- Overdevelopment
- Skyline dramatically altered
- Adverse impact on views
- Proposal will block sunshine and cast shadow
- Air conditioning plant will cause noise and disturbance
- Increased congestion
- Increase in traffic volume
- Flood compensation should be provided
- Overcrowding of local transport during rush hour
- TV and Radio Interference
- Loss of privacy
- Impact on Crossrail tunnels / development
- Too many flats in area
- Small extension to dwelling refused.
- Likely to increase risk of terrorism

7.7 One letter of support was received that stated the development was a 'stunning tower that will give a much needed boost visually to the current rather old fashioned dull blocks of the Canary Wharf estate'.

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use
2. Design, Scale, Impact on Listed Buildings and Conservation Area
3. Transport and Highways
4. Amenity
5. Other issues

Land Use

Hotel and Serviced Apartments

8.1 The application proposes to provide 192 hotel rooms and 74 serviced apartments.

8.2 Serviced apartments are a specialised form of accommodation that is akin to a hotel use, rather than permanent residential accommodation. The proposed apartments are self-contained and include kitchens and living areas. There are a mixture of 2, 3 and 4 bedroom units. They would provide a form of short-term accommodation (with the maximum duration of occupancy limited via legal agreement to 90 days). The apartments are intended to serve the business market, for instance to provide accommodation for workers on short-term project assignments.

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

8.4 Tourism is seen as a key growth industry for London. To accommodate this growth London Plan policy 3D.7 specifies a target of 40,000 net additional hotel bedrooms by 2026. The policy identifies Central Activities Zones (CAZ) and Opportunity Areas as priority locations for new hotel accommodation and seeks to maximise densities. Policy 3D.7 also supports a wide range of tourist accommodation, such as serviced apartments.

- 8.5 Policies ART7 and CAZ1 of the Unitary Development Plan (UDP) state the Council will normally give favourable consideration to major hotel developments within the Central Area Zone (CAZ). In addition to this, policy CP13 of the Interim Planning Guidance October 2007 (IPG) states that large scale hotel developments and serviced apartments will be supported in major centres such as Canary Wharf.
- 8.6 Supporting information to policy EE4 of the IPG, serviced apartments are able to provide short term accommodation for the international business sector which operates in the north of the Isle of Dogs and the CAZ. This form of accommodation supports business tourism. Policy makes it clear that serviced apartments should have similar impacts to hotels, which are more suited to employment areas.
- 8.7 Policy IOD15 of the Isle of Dogs Area Action Plan (IDAAP) states tourism uses, in particular the development of business tourism, will be promoted in and around Canary Wharf and the northern sub-area to take full advantage of opportunities arising out of the 2012 Olympic and Paralympic games.
- 8.8 The provision of hotel rooms and serviced apartments in this location is supported by the London Plan, local policy objectives promoting tourism, and would contribute to London's role as a World City. The proposed uses will all contribute towards the attractiveness of Canary Wharf as a business hub by developing it as a lively and animated place throughout the day and into the evenings. The hotel and serviced apartments will also increase activity during the weekends when office uses are less active.

Office use

- 8.9 The existing building on-site provides 6913 square metres (Gross External Area) of office space. The building is not considered to make particularly efficient use of the available land given the site's location. The redevelopment would make more efficient use of the site and as such accords with overarching sustainability objectives. The application proposes to create 30, 871 square metres of office space, giving a net increase of 23, 958 square metres of floorspace.
- 8.10 London Plan policies 3B.1 and 3B.2 recognise and support London's role as a world city and promote continued economic development by seeking the provision of a variety of type, size and cost of business premises to meet the needs of all business sectors. UDP policies DEV3 and EMP1 and Interim planning guidance policy CP8 are also relevant. The redevelopment of existing outdated office buildings on an underutilised site in Canary Wharf is in-line with the objectives of these policies.
- 8.11 London Plan policy 3B.3 also requires that where an increase in office floorspace is proposed within the northern section of the Isle of Dogs, a mix of uses should be provided. It specifies that this mix should include housing.
- 8.12 Policy 5G.3 identifies Canary Wharf as an exception to this rule, as a mixed use development would compromise the importance of sustaining clusters of business activities. Paragraph 5.178 states:

“As a general principle, mixed use development in CAZ and the north of the Isle of Dogs Opportunity Area will be required on-site or nearby within these areas to create mixed-use neighbourhoods. Exceptions to this will only be permitted where mixed-uses might compromise broader objectives, such as sustaining important clusters of business activities, for example in much of the City and Canary Wharf, or where greater housing provision, especially of affordable

family housing, can be secured beyond this area. In such circumstances, off-site provision of housing elsewhere will be required as part of a planning agreement”

- 8.13 At the time of the previous application a sum of £1M was agreed with the developer towards the provision of off-site affordable housing. To ensure compliance with policy 5G.3 the Mayor has again requested a contribution towards the provision of off-site affordable housing.
- 8.14 A pro-rata increase of the previous contribution of £1.155M has been agreed with the Applicant, and this is considered acceptable.
- 8.15 Policy IOD1 (1.c) of the Isle of Dogs Area Action Plan seeks to secure off-site small employment space from large-scale office developments in the Isle of Dogs Major Centre. The scheme does not make a contribution towards off-site employment space as a greater priority has been placed on securing an affordable housing contribution. It should be noted that the scheme would provide £332, 756 towards local employment and training initiatives, which would assist local communities in benefiting from the development.

Retail, Restaurant and Leisure.

- 8.16 The application seeks to provide 1,468 square metres of retail commercial space in the three storey podium. A leisure facility, primarily aimed at the users of the office space and hotel, would provide 2731 square metres of floorspace over floors 24 and 25.
- 8.17 London Plan policies 3D.1 and 3D.3 seek to encourage retail and related uses in town centres and to maintain and improve retail facilities. UDP policy ST34 seeks to support and encourage improved provision in the range and quality of shopping in the Borough. UDP policy S7 relates to the provision of ‘Special’ Uses including restaurants and pubs. Policy DEV3 seeks to encourage mixed-use developments.
- 8.18 The A1 to A5 uses are acceptable in principle as they will support and improve provision in the range of shopping in the Major Centre, provide for the needs of the development and also present employment opportunities in a suitable location. The provision of the retail and restaurant spaces at the ground floor level will also introduce an active frontage along West India Dock and Hertsmere Road.
- 8.19 Conditions would limit hours of future operation and require the submission of detail of extract flues and ventilation equipment. With this safeguard the amenity impacts of the uses would be acceptable and in accordance with London Plan and Council policies.

Design

Height, Mass, Scale and Appearance

- 8.20 Good design is central to all the objectives of the London Plan. Chapter 4B of the London Plan refers to ‘Principles and specifics of design for a compact city’ and specifies a number of policies aimed at promoting the principles of high quality design. These principles are also reflected in saved policies DEV1 and DEV3 of the UDP.
- 8.21 Policy 4B.9 of the London Plan states that tall buildings will be promoted where they create attractive landmarks enhancing London’s character, help to provide a coherent location for economic clusters of related activity or act as a catalyst for regeneration and where they are also acceptable in terms of design and impact on their surroundings. Policy 4B.10 of the London Plan (February 2008) provides detailed guidance on the design and impact of such large scale buildings, and requires that these be of the highest quality of design.

- 8.22 Policies CP1, CP48, DEV2 and DEV27 of the IPG October 2007 states that the Council will, in principle, support the development of tall buildings, subject to the proposed development satisfying a list of specified criteria. This includes considerations of design, siting, the character of the locality, views, overshadowing in terms of adjoining properties, creation of areas subject to wind turbulence, and effect on television and radio interference. The document 'Guidance on Tall Buildings' produced by English Heritage / CABE is also relevant.
- 8.23 Policies DEV1 and DEV2 of the UDP and policy CP4 of the IPG October 2007 state that the Council will ensure development create buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings.
- 8.24 Policy IOD16 of the Isle of Dogs AAP (IPG, 2007) states that the Northern sub-area will continue to be a location for tall buildings, and that new tall buildings should help to consolidate this cluster and provide new landmarks consistent with the national and international role and function of the area. It also goes on to state that building heights will respect and complement the dominance of One Canada Square and heights should progressively reduce from this central landmark through to the periphery of the Northern sub-area.

Impact on Conservation Areas and Listed Buildings

- 8.25 UDP policies DEV27, DEV28 and IPG policy CON2 relate to development that affects Conservation Areas. London Plan policy 4B.11 and 4B.12 seeks to improve the contribution built heritage makes to quality of life and gives it protection from adverse development. Advice in PPG15 Planning and the Historic Environment is also relevant. The Council is required to pay 'special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
- 8.26 The West India Quay Conservation Area extends around the north-west corner of the former West India Dock. The remaining North Quay warehouses and the historic buildings located around the main dock entrance contribute to the character of this area. As designated, the Conservation Area includes a narrow strip along the North boundary of the application site.
- 8.27 The Council has prepared a Conservation Area appraisal which notes that the current office building on the site does not make a positive contribution to the area. Management guidelines for the area also state that any new development on this site should 'respect the historic and architectural significance of the dock warehouses and include detailed proposals for high-quality public realm at ground level'.
- 8.28 The proposed development will also be visible in longer views from other Conservation Areas including the Narrow Street, St Matthias Church Poplar, All Saints, St Annes and Lansbury Conservation Areas.
- 8.29 Interim Planning Policy CON1 states that development will not be permitted where it adversely affects the setting of a Listed Building. When assessing a proposal that affects the setting of a Listed Building the Council must have 'special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses'.
- 8.30 There are a number of historic buildings in close proximity to the site. Of these, the most significant impact would be on the Grade I Listed North Quay warehouses, directly to the north-east of the site, and the Grade II Listed Cannon Street Workshops – located to the West. It should also be noted that there are other Listed buildings located further from the

site within the West India Dock Conservation Area. These include the West India Dock Former Guard House, cottages on Garford Street and various railings and gate-piers.

Impact on Blue Ribbon Network

- 8.31 West India Dock falls just to east of the site and forms part of the Blue Ribbon Network. Policies 4C.11 and 4C.23 of the London Plan, DEV48 of the UDP and OSN3 of the IPG seek to protect and promote the vitality, attractiveness and historic interest of the docks, and to ensure that the design of waterside developments integrate successfully with the water space.

Protected Views

- 8.32 London Plan policies 4B.16 and 4B.18 provide a policy framework for the management of strategically important views. IPG policies CON3 and CON5 also require development to protect important views, including those from World Heritage Sites. UDP policy DEV8 seeks the protection of view of local importance.
- 8.33 The proposed building falls within the strategically important panoramic view from Greenwich Park (LVMF 5A.1), it would also be visible in the panoramic view from Primrose Hill (LVMF 4A.1) and the river prospect from Waterloo Bridge (LVMF 15B.1). Local views from nearby Conservation Areas and from Wren's Landing are also of importance.

Assessment

- 8.34 The existing building on-site has no particular merit and the demolition and replacement with a suitable alternative would improve the character and appearance of the Conservation Area. A condition would be imposed on the Conservation Area Consent to tie the demolition to the redevelopment of the site, to prevent an undeveloped site blighting the Conservation Area. In terms of the proposed redevelopment, in terms of height it is well established that Canary Wharf is an appropriate location for tall buildings. When assessed against relevant tall building and design policy it is considered that:-
- 8.35
- The slim and elegant proportions of the building ensure that it is acceptable in terms of height and mass. The aerofoil profile and overall design would result in an attractive appearance that achieves the very highest standards of architectural quality required for a building of this prominence.
 - The slender form of the building ensures that it does not detract from the overall hierarchy of building heights in the cluster. When viewed from the North, East and South the building would sit comfortably within the existing cluster of tall buildings and would be acceptable in appearance.
 - When viewed from the West the building will appear more separated from the main cluster. However, it is likely that in time, future development will 'fill-in' the space between the main cluster and the proposed building. Even if this does not happen the overall impact on the skyline remains acceptable.
 - The building achieves an acceptable relationship with the adjacent Grade I Listed warehouses by the incorporation of the 2/3 storey podium level. This is approximately 18m high, which is similar to the height of the upper story / roofline of the warehouse buildings behind. When viewed from Wren's Landing or the dockside area this podium ensures the building respects the historic scale, height and massing of the Listed buildings, and as such is considered to respect their setting. More generally the setting of Listed Buildings in this area is already seen in the context of the modern backdrop of Canary Wharf, and this setting would not be significantly altered by the proposal. In the wider context the development would not have any adverse impacts on World Heritage

sites.

- The building has a sculptured point which helps to differentiate it from other buildings in the Canary Wharf Cluster, and it would be a striking addition to the London skyline. The overall quality of the building ensures that the impact on strategic and local views, from all angles and at night-time, is acceptable.
- The existing building relates poorly to the dockside, presenting an unattractive blank facade that does not encourage public access or activity. The proposed building entrances and ground floor retail uses would add activity and animation to this part of the dockside, and as such would allow greater enjoyment of the Blue Ribbon Network.
- The scheme allows public access to the ground floor pavilion floor and the high-level restaurant / bar areas.
- The development would improve safety and security in the area by improving natural surveillance at ground floor level. The building would incorporate controlled entry points to ensure security for future occupiers. Objectors have stated that the building could be a target for terrorism, however it is not considered that one additional tower would significantly increase any potential risk to the area.
- The impact of the development on microclimate (including wind-tunnel modelling) has been assessed, and any potential adverse impacts can be mitigated against during the detailed design phase. This would be secured by condition and is acceptable.
- The impact of the development on the amenity of neighbouring occupiers is considered in detail under the 'Amenity' section of the report, and is acceptable.
- The development includes a good mix of uses and would contribute to social and economic activity in the area by supporting the business roll of the Canary Wharf Centre.
- The site is located in an area with good public transport accessibility and the scheme provides adequate mitigation for additional impacts on transport infrastructure. Links to and from the site are also considered acceptable.
- The scheme complies with the safeguarding requirements of London City Airport and, with the imposition of conditions, complies with Civil Aviation Authority requirements.
- The development would not cause unacceptable interference to telecommunication and radio transmission networks (subject to appropriate monitoring and mitigation as required under the S106 agreement).

Accessibility and Inclusive Design

- 8.36 Policy 3D.7 of the London Plan identifies that the Council should support an increase and the quality of fully wheelchair accessible accommodation. Policy CP13 of the IPG states that there is a shortage of accessible hotel accommodation in London. It identifies the English Tourist Council's National Accessible Standard as best practice to make hotel accommodation more accessible. All new hotel developments are required to meet the National Accessible Standard.
- 8.37 Under the Building Regulations Part M requirements, a minimum of 5% of the hotel rooms and serviced apartments are required to be wheelchair accessible. There is no direct planning policy on the minimum provision of wheelchair accessible units for hotel and serviced apartments. The applicant was originally seeking to comply with the minimum

building regulations, however the GLA raised concern regarding the shortage of wheelchair accessible hotel rooms in London. In response to these concerns the Applicant has submitted a more detailed Access Statement; however the number of wheelchair accessible rooms remains the same. In the absence of any specific policies requiring a certain amount of wheelchair accessible rooms the development is acceptable.

Transport and Highways

- 8.38 The site falls in an area with very good access to public transport (PTAL 5). It is within easy walking distance of Westferry, Canary Wharf and Heron Quay DLR Stations, Canary Wharf Jubilee and local bus services. Vehicles access the site via Hertsmere Road.
- 8.39 National guidance on transport provision is given in PPG13: Transport. London Plan policies 2A.1, 3C.1, 3C.2, 3C.3, 3C.21, 3C.22 and 3C.23; and IPG policies CP1, CP41, DEV16, DEV17, DEV18 and DEV19 in broad terms seek to promote more sustainable modes of transport by reducing car-parking and improving public transport. Saved UDP policy T16 requires that consideration is given to the traffic impact of operational requirements of a proposed use and T18 seeks to ensure priority is given to the safety and convenience of pedestrians. Policy ST28 seeks to restrain the unnecessary use of private cars.
- 8.40 The application has been accompanied by a detailed Transport Assessment and Interim Travel Plan produced by Steer Davies Gleave. The report details the policy context and baseline conditions in respect of the local area's public transportation and road network. The report then considers the likely impact of additional trip generation. The study includes an assessment of the development during the construction phase and the cumulative impact with other consented developments.

Access, servicing and vehicle trip generation

- 8.41 Vehicle access to the site would be provided from Hertsmere Road. Service vehicles and cars will travel via a ramp to the loading and parking areas in the basement. A taxi and drop-off area would be provided at ground floor level on Hertsmere Road. This lay-by would also be large enough to allow coach drop-offs without obstruction to the highway. The majority of vehicles are likely to approach the site from the North and would travel via Westferry Circus Lower Level.
- 8.42 The submitted Transport Assessment estimates the development would generate approximately 684 vehicle movements a day. Of these 67 would be in the morning peak and 59 during the evening peak. This level of operational trip generation (including when assessed in combination with the cumulative impact of other consented schemes) would not have a significant impact on the Highway network and is acceptable. Additional traffic would be generated during the construction phase and the impacts of this would be minimised through the Construction Management Plan.
- 8.43 The comments made by objectors regarding increased traffic congestion have been noted. However given that the Council's Highway Section and Transport for London are satisfied that the additional vehicle movements can safely be absorbed into the road network the development is considered to be acceptable.

Vehicle Parking

- 8.44 The proposed development would provide 67 basement car-parking spaces. In accordance with Interim Planning Guidance parking standards, 10% of this parking provision (7 spaces) will be designated as disabled spaces. Five of the spaces would be 'shared spaces' that could also be used for the parking of motorcycles.

- 8.45 The level of car-parking proposed exceeds that permitted under Interim Planning Guidance car parking standards. However, it is noted that the level is the same as the previously consented application, and is also slightly less than in the existing situation. Interim Planning guidance welcomes the substitution of car-parking spaces with motorcycle spaces, and in this respect the development is acceptable as it further reduces the number of dedicated car-parking spaces. On balance, with the submission of a Travel Plan to promote sustainable forms of transport, it is not considered that a further reduction in car-parking spaces is necessary to make the development acceptable
- 8.46 TfL have requested that the serviced apartments be 'car-free'. However, officers consider that some car-parking may be justified for future disabled occupiers. A condition would be imposed on any permission requiring the submission of a scheme detailing how the car-parking spaces would be allocated between the different uses. The condition would also prevent the provision of additional car-parking spaces. With these conditions the overall level of vehicle car-parking is acceptable.

Cycle Parking

- 8.47 The application proposes 158 cycle parking spaces. Of these 144 would be in the basement and 14 at ground level for visitors. The submitted plans also detail the provision of shower and changing facilities in the basement adjacent to the secure cycle stands, which will encourage this mode of transport. Transport for London have noted that the scheme does not make provision of cycle parking for occupiers of the serviced apartments. It is considered that given the short term nature of this accommodation there is unlikely to be a significant cycle parking demand. Nevertheless a condition would require the submission of a scheme detailing how cycle parking would be provided for these users. In overall terms level of provision accords with London Plan policy 3C.22 and IPG policy CP40 and is acceptable.

Impact on public transport infrastructure

- 8.48 The submitted Transport Assessment considers how many additional trips are likely to be generated on the public transport system. The development is estimated to generate 1,765 one-way trips on the Jubilee Line, 1,390 trips on the DLR and 270 trips on bus services.
- 8.49 The assessment concludes that in 2013 the combined 'planning standard' capacity of the Jubilee Line and DLR in the AM peak is likely to be exceeded. Transport for London have contested some of the methodology employed in the assessment of bus route trip generation, and have stated that bus routes in the area are likely to be over-subscribed.
- 8.50 Additional transport capacity in the area is planned with the delivery of Crossrail in 2017, and in the longer term this would provide sufficient additional public transport capacity for the development.
- 8.51 The additional transport pressure will require mitigation in the form of a financial contribution to Transport for London. A sum of £3,581,553 has been agreed with the developer, and this is discussed in more depth under the S106 section of the report. As the transport provider, ultimately it is for TfL to consider how this contribution should be distributed around differing modes of transport to best increase available capacity. The overall level of the contribution is acceptable and it would provide adequate mitigation for the impact of the development on public transport infrastructure.

Amenity

Sunlight, Daylight and Overshadowing

- 8.52 Policy 4B.10 of the London plan requires all large scale buildings, including tall buildings, to be sensitive to their impact on micro-climates in terms of sunlight, daylight and overshadowing. Saved policy DEV2 of the UDP and policies DEV1 and DEV27 of the IPG October 2007 states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm.
- 8.53 The main issue is the impact of the development on nearby residential properties and the potential overshadowing of public open-space.
- 8.54 The submitted Environmental Statement includes a consideration of the impact of the proposal on Daylight, Sunlight and Overshadowing of neighbouring properties. The assessment considers the impact of the proposal on the 'worst-case' properties closest to the application site. This includes the following residential properties: -
- 1 – 19 Garford Street
 - 10 – 18 Garford Street
 - Flynn Court
 - Grieg House
 - Mary Jones House
 - Matthew House
 - Port East Buildings
 - Riverside House
- 8.55 Dockmasters House, Cannon Workshops and the offices to the south within the Canary Wharf Estate have not been subjected to detailed assessment as these buildings are in commercial use, and as such would not be significantly affected by loss of daylight or sunlight. Other residential properties are further away from the site than the assessed buildings, and as such would receive a lesser impact.
- 8.56 An assessment is also carried out on the potential overshadowing of West India Dock and the dockside area.

Impact on residential properties

- 8.57 1 – 19 Garford Street.
These properties are some distance from the application site and resultant VSC and NSC levels comply with BRE guidelines. The impact on available sunlight also meets BRE guidelines, and is acceptable.
- 8.58 10 – 18 Garford Street
The results show that 16 of the 19 windows (84%) assessed achieve the levels of VSC recommended by the BRE guidelines. The 3 windows that do not achieve this level are located at 10 and 12 Garford Street. The windows experience losses of 20.92 – 23.56% (against the BRE standard of 20%), which is considered a marginal breach of the recommended levels.
- 8.59 The Annual Probable Sunlight Hours (APSH) results show that 16 of the 17 (94%) windows meet BRE guidelines, with one window have a marginal fail (22%) of total available sunlight. This impact is not considered significant.

Mary Jones House

- 8.60 The results show that 40 of the 58 windows (69%) assessed achieve BRE VSC levels. It should be noted that in the current situation none of the windows achieve the

recommended 27% base-line due to the design of the building, which includes balconies. The majority of the windows affected have reductions of between 20.0% and 28.0%. The largest reduction is 4.72%. Using the ADF analysis 88% of the rooms reach the recommended minimums. The NSC measure demonstrates that 98% of the rooms meet recommended levels.

- 8.61 If room use is taken into account 57 of the 58 windows (98%) assessed comply with BRE APSH guidelines, which is considered acceptable.

Matthew House

- 8.62 The results show that only 22 (44%) of the 50 windows meet BRE VSC guidelines. However, again it is noted that many windows do not meet recommended levels in the existing situation. The ADF results show that 18 of the 20 rooms meet recommended levels (90%). The windows which fail the ADF target are bedrooms. The resultant ADF levels are 0.92% and 0.94%, which is only marginally below the 1% target.

Riverside House

- 8.63 THE results show that that 50 (62%) of the 81 windows assessed meet BRE VSC guidelines. If the ADF measure is used 100% of the rooms meet the BRE guidelines. APSH results show that all principle living rooms also meet BRE guidance.

Flynn Court, Grieg House, Port East Building

- 8.64 The results shown compliance with BRE VSC targets levels and APSH, which is acceptable.

Conclusion

- 8.65 In overall terms the results shown that in terms of day lighting there will be failures against BRE VSC standards. In some cases, particularly Matthew House, Riverside and Mary Jones House, the impact would affect a large proportion of the windows assessed and the effect of this is likely to be noticeable to the occupiers of these properties. However, it is also noted that the majority of these failures occur in the 20 – 30% range (against the recommended limit of 20%).

- 8.66 There will also be some significant impacts in terms of loss of sunlight, with occupiers of Riverside House being the most significantly affected.

- 8.67 It is noted that the Council's Environmental Health Officer has raised concerns about the impact of the development in terms of loss of daylight and sunlight to neighbouring properties. However, in the role of local planning authority Members must consider whether the severity of the impact is so significant that a refusal could be substantiated.

- 8.68 In making the Officer recommendation, careful consideration has been given to the context of the application site. It is well recognised that BRE standards must be applied flexibly, as the legitimate expectation of light-levels in a low rise suburban town would have to differ from those in a densely built-up area. The site is undoubtedly located in an area where large-scale development is expected, and encouraged, by policy. It is inevitable that in many cases such buildings will have an impact on neighbouring amenity. The resulting light-levels to the properties affected are not untypical in an urban environment. On balance the impact on the amenity of the occupiers is not considered so significant as to warrant the refusal of the application and is acceptable.

Overshadowing of amenity spaces

- 8.69 The Environmental Statement has considered whether the development is likely to have a significant overshadowing impact on West India Dock North, the pedestrian area to the east of the site or on gardens serving 10 – 18 Garfield Street.

- 8.70 BRE guidelines state that no more than 40% (minimum level), and preferably no more than 25% (recommended) of any space should be left in permanent shadow.
- 8.71 The table below shows the amount of existing and proposed permanent overshadowing.

	Existing	Proposed
Dock	23.66%	23.66%
Pedestrian Area	0.75%	10.87%
Garden 1	32.42%	32.64%
Garden 2	19.74%	19.74%
Garden 3	21.00%	21.21%

- 8.72 The table shows that, with the exception of the pedestrian area, there will be relatively little additional permanent overshadowing and the resultant levels are acceptable in terms of BRE guidance.
- 8.73 The proposed building will also have an impact in terms of transitory overshadowing as the sun moves through the day. In this case the relatively slim profile of the tower means that the shadow cast will pass quickly. The gardens to the north will not be overshadowed for more than an additional 1.5 hours each day on any one point throughout the year.
- 8.74 The objection raised by the Museum of London in relation to overshadowing of the dockside area has been noted. It is recognised that the dockside will suffer increased overshadowing in the late afternoon. However, the level of permanent overshadowing is not excessive in relation to BRE guidelines and is considered acceptable.

Privacy

- 8.75 The development is far enough away from neighbouring properties for there to be no significant impacts in terms of potential overlooking or loss of privacy.

Solar Glare

- 8.76 This has been assessed and is acceptable.

Noise and Vibration

- 8.77 PPG24 provides national planning guidance regarding the impact of noise, which is identified as a material consideration in the determination of planning applications. It advises that wherever practicable, noise sensitive developments should be separated from major sources of noise. When separation is not possible, local planning authorities should consider whether it is practicable to control or reduce noise levels or to mitigate the impact of noise through conditions.
- 8.78 The London Plan seeks to reduce noise, by minimising the existing and potential adverse impacts of noise on, from, or in the vicinity of development proposals (Policy 4A.20). Policy DEV50 of the UDP states that the Council will consider the level of noise generated from developments. Policy DEV2 seeks to preserve the amenity of neighbouring occupiers.
- 8.79 The submitted Environmental Statement includes a consideration of the potential impact of noise and disturbance on future and neighbouring occupiers. Subject to the imposition of conditions covering noise from future air conditioning plant, hours of opening of commercial (A1-A5) units, details of plant and fume extraction equipment, Construction Management Plan and details of mitigation for ground bourn noise and vibration, the development would

be acceptable.

Microclimate

- 8.80 In respect of saved UDP policy DEV2 and IPG policy CP1, CP3 and DEV5 the application is supported by a microclimate assessment. The report considers whether the proposed development is likely to produce unacceptably high wind flows within or around the proposed building. The assessment concludes that any increased wind flow is unlikely to be significant and can be mitigated for during the detailed design stage. Officers are satisfied that this matter can be suitably addressed during the discharge of landscaping conditions.

Other Planning Issues

Air Quality

- 8.81 London Plan policy 4A.19 and IPG policy DEV11 require the potential impact of a development on air quality to be considered. IPG policy DEV12 requires that air and dust management is considered during demolition and construction work. The submitted Environmental Statement includes an assessment of the impact of the development on Air Quality.
- 8.82 The study concludes that during the construction phases the development may have some adverse impacts in terms of the generation of dust emissions. It is considered that this matter can be controlled via an appropriate construction management plan. This would be required by condition. Once completed the development is unlikely to generate any significant emissions. The Council's Air Quality Officer reviewed the submitted information and is satisfied that, subject to conditions, the development is acceptable.

S106 Agreement

- 8.83 Planning obligations have been agreed with the developer to mitigate for the impacts of the development on local infrastructure. The contributions include a payment to provide off-site affordable housing, transport mitigation, open-space mitigation and employment and training initiatives.
- 8.84 Policy 6A.4 of the London Plan states that affordable housing and transport should be given the highest priority in planning obligations.
- 8.85 The Mayor has published Proposed London Plan Alterations. Policy 3C.12A of this documents seeks planning obligations Crossrail in view of it's strategic importance to London's economic development. Draft supplementary planning guidance has also been published which states that contributions should be sought in respect of office development in the northern part of the Isle of Dogs. The Mayor has indicated that a contribution of circa £5M should be made for Crossrail
- 8.86 A contribution pro-rata increase of the previous £3M towards the 3-car running upgrade of the DLR is also requested. As is a further £180k towards bus-route capacity improvements.
- 8.87 Officer's do not consider that a contribution towards the DLR upgrade can be justified given that these works are nearing completion.
- 8.88 An overall transportation contribution of £3, 581, 553 has been agreed with with the Developer. Given the weight that can be given to affordable to emerging policy, and the fact that policy 6A.4 recognises that affordable housing is a planning obligation priority, Officer's consider that this is the maximum level of contribution that can be justified in this

instance. Consideration is also given to the fact that there is only a marginal increase in floorspace from the previous approval, which remains extant as a fall-back position for the developer.

In overall terms Officer's consider that the level of agreed financial contributions is appropriate and that they adequately mitigate for the impacts of the development.

Environmental Statement

- 8.89 The application was accompanied by a detailed Environmental Statement. The Council's independent consultants are satisfied that all environmental impacts, with the exception of air quality, have been satisfactorily assessed. The Council's Air Quality Officer has reviewed the submitted information in relation to Air Quality, and is satisfied that the development is acceptable.

Renewable Energy and Energy Efficiency

- 8.90 London Plan energy policies aim to reduce carbon emissions by requiring the incorporation of energy efficient design and renewable energy technologies. Policy 4A.7 states that new developments should achieve a reduction in carbon dioxide emissions of 20% from on-site renewable energy generation. IPG policies CP28, DEV5 and DEV6 have similar aims to London Plan policy.

- 8.91 The application has been accompanied by an Energy Statement prepared by DSA Engineering. This details that the development would utilise a 240kW Fuel Cell to reduce the development's annual carbon emissions by 23%. The fuel cell would initially run on Natural Gas. If in the future the infrastructure to deliver Hydrogen fuel is available, the fuel cell could be switched over to increase the carbon saving to 37%. The submitted strategy also details that 17.6% of carbon dioxide emissions would be saved through further energy efficiency measures. Solar heating and PV panels are also proposed around the crown of the building to further enhance on-site energy generation.

- 8.92 The proposed Energy Strategy accords with London Plan policy targets and as such is acceptable.

Biodiversity

- 8.93 Saved UDP policies DEV57 and DEV63 require development to retain and enhance the Borough's wildlife and natural resources. Policy DEV12 seeks the provision of landscaping in new development, policy DEV15 seeks the retention of mature trees in development proposals. London Plan policy 3D.14 also requires the Borough to take a proactive approach to promotion of biodiversity.

- 8.94 The existing site is largely hard-standing with some small planting beds around the boundary. There are mature Elm, Beech and Plane trees around the perimeter of the site. The proposal will include the removal of the shrub beds and six London Planes located between the development and West India Dock. These trees are not covered by Tree Preservation Orders.

- 8.95 There is limited opportunity to introduce replacement landscaping on the site, however the scheme does include the provision of a Green Wall and planters on high-level roof terraces. Bat and Bird boxes would also be introduced into the building cladding system. The agreed financial contribution towards local open-spaces would also allow the provision of additional habitat, which would improve biodiversity.

- 8.96 The development would not have any significant impacts on the Millwall and West India Dock 'Site of Borough Interest'. Conditions would be imposed on any permission to prevent

damage to trees during construction and to prevent light-spill onto the dock water.

Crossrail Tunnels

- 8.97 Tunnels required for the Crossrail route to Canary Wharf will pass directly under the application site, and are subject to safeguarding directions. The Applicant has held detailed discussions with Crossrail to ensure the building is compatible with the tunnels running underneath.
- 8.98 Crossrail have confirmed they have no objection to the development subject to a condition requiring the submission of additional detail on the type of foundations employed. Crossrail have also requested a condition to prevent certain construction works (primarily the foundation piling) taking place when the construction of Crossrail tunnels is underway. It is clearly advantageous to ensure that the development of the site and Crossrail do not take place at the same time. Suitable conditions would be imposed on any permission and these would ensure the development is acceptable in terms of policy to promote transport improvements.
- 8.99 Crossrail works in the vicinity of the site are scheduled for late spring/summer of 2012 and will take 2 – 3 weeks. To allow additional time for the proposed development and Crossrail to be properly coordinated the length of time to implement this permission would be extended from the normal 3 years to 5 years.

Flood Risk

- 8.100 Policy U3 of the UDP and policy DEV21 of the IPG state that the Council will seek appropriate flood protection where the redevelopment of existing developed area is permitted in areas at risk of flooding. Advice given in PPS25 is also relevant.
- 8.101 The site is located in an area with a high flood probability (Flood Risk Zone 3). The application was accompanied by a detailed Flood Risk Assessment. The local planning authority has carried out a sequential test to demonstrate that alternative site less at risk of flooding are not available.
- 8.102 The sequential test and Flood Risk Assessment have been reviewed by the Environment Agency. The Environment Agency are satisfied that, subject to the imposition of conditions requiring survey work of the dock wall and structural integrity of the basement, the development is acceptable in terms of flood risk. The proposed conditions would be imposed on any permission and with this safeguard the development would be acceptable in terms of relevant policy.

Archaeology

- 8.103 The application was accompanied by a desk-top assessment that considered the potential of the site to house archaeological remains. English Heritage have considered the study and concluded that the site is located in an area with a high potential for archaeological remains. A condition requesting further site works was requested, and with this safeguard the Council is satisfied the proposal accords with the requirements of saved UDP policies DEV42, DEV43 and DEV44, which seek to ensure that development proposals do not have an adverse impact on archaeological remains.

Site Contamination

- 8.104 In accordance with the requirements of PPS23, saved UDP policy DEV51 and IPG policy DEV22 the application has been accompanied by an assessment of Ground Conditions to assess whether the site is likely to be contaminated. The study has been reviewed by the Council's Environmental Health Officers who have concluded that there is a potential threat of contamination. The study identifies the need for further intrusive investigations and the mitigation. This would be secured by condition.

Conclusions

- 8.105 All other relevant policies and considerations have been taken into account. Planning permission and Conservation Area Consent 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.