

Committee: Strategic Development	Date: 13 th March 2008	Classification: Unrestricted	Agenda Item No: 7.3
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Simon Ryan		Ref No: PA/07/3088 PA/07/3089 PA/07/3090	
		Ward(s): Millwall	

1. APPLICATION DETAILS

- Location:** Heron Quays West, Heron Quays, London E14
- Existing Use:** Business (Use Class B1) and Education (Use Class D1)
- Proposal:** PA/07/3088:
Demolition of the existing buildings and structures on the site, partial infilling of South Dock and its redevelopment by:
- erection of a part 12 storey, part 21 storey and part 33 storey building comprising Class B1 offices; construction of 3 levels of basement for Class A retail units, underground parking, servicing & plant;
 - construction of a subterranean pedestrian link to the Jubilee Place Retail Mall and the Jubilee Line Station incorporating Class A retail accommodation;
 - erection of a 4 storey building for Class A3 (restaurant and cafe) and A4 (drinking establishments) uses, and/or at first and part second floor level Class D1 (training centre);
 - relocation of the canal between South Dock and Middle Dock from the eastern to western part of the application site;
 - provision of a new publicly accessible open space;
 - associated infrastructure and landscaping together with other works incidental to the application.
- PA/07/3089:
- Partial demolition of a Grade I listed quay wall, copings and buttresses to south edge of West India Export Dock to facilitate works for the relocation of the existing canal; reinstatement of Grade I listed quay wall and copings along existing canal entrance to West India Export Dock alterations and stabilisations of Grade I listed quay wall and copings and associated works.
- PA/07/3090:
- Partial demolition and associated works to the Grade II listed former lock entrance to South Dock to facilitate works for the relocation of the existing canal.
- Drawing Nos:**
- 760-50001, 760-50980 rev A, 760-50985 rev A, 760-50990 rev A, 760-51000 rev A, 760-51005, 760-51010, 760-51020, 760-51030, 760-51040, 760-51050, 760-51060, 760-51070, 760-5180, 760-51090, 760-51100, 760-51110, 760-51120, 760-51130, 760-51140, 760-51150, 760-51160, 760-51170, 760-51180, 760-51190, 760-51200, 760-51210, 760-51220, 760-51230, 760-51240, 760-51250, 760-51260, 760-51270, 760-51280, 760-51290, 760-51300, 760-51310, 760-51320, 760-51330, 760-52001, 760-52002, 760-52003, 760-52004, 760-53001, 760-53002, 760-53003, 760-53004, 760-53501, 760-53502, 760-

55001, 760-55002, 760-55003, 760-55004, 760-55005, 760-55006, 760-55007, 0X4398-P-100, 364-10-100, 364-10-103, 364-10-104, 364-10-105, 364-10-106, 364-10-107, 364-10-108, 364-10-201, 364-10-202, 364-10-203, 364-10-204, 364-10-301, 364-10-302, 364-10-303 and 364-10-304;

- Design & Access Statement, dated November 2007;
- Planning Statement, dated November 2007;
- Sustainability statement, dated November 2007;
- Travel Plan, dated November 2007;
- Transport Assessment, dated November 2007;
- Waste Management Strategy, dated November 2007;
- Energy Statement, dated November 2007;
- Environmental Statement, dated November 2007, consisting of: Volume 1: Main Report, Volume 2: Figures, Volume 3: Appendices, Volume 4: Visual Impact Study; Volume 5: Sunlight & Daylight Appendices and Volume 6: Supplement (dated January 2008);
- Statement in support of the Listed Building Consent Application, including PPG15 assessment, for partial demolition of and works to the Quay wall, coping and buttresses to Import Dock and Export dock (Grade I listed), dated November 2007;
- Statement in support of the Listed Building Consent Application, including PPG15 assessment, for partial demolition of the Former western lock entrance to South Dock (Grade II listed), dated November 2007.

Applicant: South Quay Properties Ltd
Owner: Various
Historic Building: Grade I listed (quay wall) and Grade II listed (South Dock former lock entrance)
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, the Council's Interim Planning Guidance (2007), associated supplementary planning guidance, the London Plan and Government Planning Policy Guidance and has found that:

- The scheme will consolidate the sustainable future economic role of the area as an important global financial and legal centre, whilst also facilitating locally-based employment, training and local labour opportunities for the local community together with numerous public realm improvements. The scheme therefore accords with policy 3B.4 of the London Plan, CP11 of the Council's Interim Planning Guidance (October 2007), and saved policies DEV3 and CAZ1 of the Council's Unitary Development Plan (1998), which seek to develop London's regional, national and international role, ensure appropriate mixed use development and protect sites in employment use.
- The retail (Class A1), restaurant and café (Class A3), drinking establishment (Class A4) and training (Class D1) uses are acceptable as they will provide for the needs of the development and also present employment opportunities in a suitable location. As such, it is in line with saved policies ST34, ST49 and DEV3 of the Council's Unitary Development Plan 1998 and policies DEV1, SCF1, and RT4 of the Council's Interim Planning Guidance (October 2007) and policy IOD4 of the Isle of Dogs Area Action Plan (2007) which seek to ensure services are provided that meet the needs of the local community and to promote entertainment, food and drink premises and

retail in the Isle of Dogs, specifically along the docksides.

- The building height, scale, bulk and design is acceptable and in line with regional and local criteria for tall buildings. As such, the scheme is in line with policies 4B.8, 4B.9 and 4B.10 of the London Plan 2008, saved policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998 and policies CP48, DEV1, DEV2, DEV3 DEV27 and IOD16 of the Council's Interim Planning Guidance (October 2007), which seek to ensure buildings are of a high quality design and suitably located.
- The development would form a positive addition to London's skyline, without causing detriment to local or long distant views, in accordance policies CP48 and CP50 of the Council's Interim Planning Guidance (2007) and policies 4B.1, 4B., 4B.8 and 4B.9 of the London Plan (2008) which seek to ensure tall buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- Sustainability matters, including energy, are acceptable and in line with policies 4A.4, 4A.6, 4A.7, 4A.14 and 4B.2 of the London Plan and policies DEV5 to DEV9 of the Council's Interim Planning Guidance (October 2007), which seek to promote sustainable development practices.
- Transport matters, including parking, access and servicing, are acceptable and in line with London Plan policies 3C.1 and 3C.23 of the London Plan, policies T16 and T19 of the Council's Unitary Development Plan 1998 and policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007), which seek to ensure developments minimise parking and promote sustainable transport option.
- Contributions have been secured towards the provision of affordable housing; health care and education facilities; highways improvements; transport; open space; 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.
- The submitted Environmental Statement is satisfactory. Mitigation measures will be ensured through conditions and a s106 agreement.
- The proposed works to the Grade I listed quay walls and the Grade II listed West Entrance Lock of the South Dock would enhance the historic character and importance, subject to conditions regarding construction methods. As such, the scheme is in line with policy CON1 of the Council's Interim Planning Guidance (October 2007) and policies 4B.11 and 4B.12 of the London Plan (2008) which seek to protect listed buildings and structures within the Borough and London respectively.

3. RECOMMENDATION

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

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

B. The prior completion of a **legal agreement**, to the satisfaction of the Assistant Chief Executive (Legal Services), to secure the following planning obligations:

Financial Contributions

a) Provide **£175,000** for the improvement and upgrade of the 24 hour lighting in the

- lower Westferry roundabout
- b) Provide a contribution of **£870,521** towards open space management. This will fund the enhanced management of existing public open spaces on the Isle of Dogs for a period of 5 years
 - c) Provide a contribution of **£1,500,000** for Heron Quays public realm improvements
 - d) Provide a contribution of **£3,178,000** towards social and physical infrastructure. In line with similar developments elsewhere within the Canary Wharf estate, the projects/improvements would be defined under specific headings within the S106 agreement, these being:
 - i. *Environmental improvements within and around the site*; up to £2,500,000
 - ii. *Sustainable transport initiatives*; improvements to facilitate walking, cycling, sustainable transport modes, including improvements in accordance with the Cycle Route Implementation Plan and Millwall Outer Dock walkway improvements
 - iii. *Heritage and culture*; improvements to preserve and enhance the history and character of the Docklands/Isle of Dogs area
 - iv. *Provision of affordable flexible business space*; to assist small/start-up businesses within the Borough
 - e) Provide a contribution of **£3,000,000** towards Docklands Light Railway (DLR) capacity enhancement works and works that would improve the hard landscape under Heron Quays station
 - f) Provide **£1,800,000** towards TfL Buses improvements (£200,000 per bus per year for three years)
 - g) Provide **£2,250,000** towards the conversion of 3 grass pitches to Astroturf to increase capacity, in accordance with the Council's emerging Sports Pitch Strategy
 - h) Provide **£2,500,000** towards social and community facilities (Isle of Dogs Community Foundation)
 - i) Provide **£3,000,000** towards Employment and Training – 'pump priming' the new employment service during the first two years of its operation

(Total s106 contribution of **£18,273,521**)

Non-Financial Contributions

- j) TV Reception - mitigation of any impacts on TV Reception.
- k) Publicly Accessible Open Space and Walkways - Maintenance of new publicly accessible open space within the development together with unrestricted public access
- l) Biodiversity Management Plan - Ensure biodiversity value is maintained in the long-term
- m) Code of Construction Practice - To mitigate against environmental impacts of construction
- n) Travel Plan - To promote sustainable transport
- o) Access to employment - To promote employment of local people during and post construction
- p) Any other planning obligation(s) considered necessary by the Corporate Director of Development & Renewal

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

3.3 That the Corporate Director Development & Renewal be delegated authority to impose conditions on the planning permission to secure the following matters:

Conditions

- 1) Time Limit (3 years)

- 2) Phasing programme details
- 3) Particular details of the development
 - External materials;
 - External plant equipment and any enclosures;
 - Wind mitigation measures;
 - Hard and soft landscaping including the reed bed planting and trees; and
 - External lighting and security measures
- 4) Full particulars of energy efficiency technologies required
- 5) Hours of construction (0800-1800 Hours Monday to Friday and 0800 – 1300 Hours on Saturdays)
- 6) Hours of operation of A3/A4 units
- 7) Environmental Noise Assessment required
- 8) Demolition and Construction Management Plan required including feasibility study and details of moving freight by water during construction
- 9) Noise control limits
- 10) Land contamination assessment required
- 11) Details of additional cycle parking spaces
- 12) Green Travel Plan required including
- 13) Biodiversity Plan required
- 14) Submission of method statement for works to listed dock
- 15) Full details of the new canal required
- 16) Programme of archaeological work required
- 17) Drainage strategy details required
- 18) Protection of public sewers
- 19) Impact study of the existing water supply infrastructure required
- 20) Control of development works (restricted hours of use for hammer driven piling or impact breaking)
- 21) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal

Informatives

- 1) Section 106 agreement required
- 2) Contact Thames Water
- 3) Contact London City Airport regarding cranes and aircraft obstacle lighting
- 4) Contact LBTH Building Control
- 5) Contact British Waterways
- 6) Contact London Fire & Emergency Planning Authority
- 7) Any other informative(s) considered necessary by the Corporate Director Development & Renewal

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

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The applications propose the redevelopment of Heron Quays West by way of the demolition of the existing low-rise 'red shed' buildings and structures, and the erection of a main building, visually subdivided into three linked elements of 12, 21 and 33 storeys in height (heights of 101.75m, 153.8m and a maximum height of 204.9m AOD respectively). Also proposed are three basement levels containing underground parking, servicing and plant, and retail units. The construction of an associated subterranean pedestrian link (also containing retail units) leading to the Jubilee Place retail mall and the Underground station (Jubilee Line) is also proposed.

- 4.2 The building would provide accommodation of approximately 193,175 sq.m. of office (Use Class B1) floorspace over 33 storeys, with 2,454 sq.m. of retail (Use Class A1) within the lower basement level and subterranean pedestrian link to Jubilee Place mall and the Underground station.
- 4.3 The application also proposes a four storey 'pavilion' building upon the adjacent retained deck on Middle Dock. This pavilion building would provide a total of 4,155sq.m. of floorspace for either restaurant/café or drinking establishment usage (Use Class A3/A4) and a training centre (Use Class D1) at first and second floor level.
- 4.4 The proposal also includes the relocation of the existing canal between the Middle Dock and South Dock, from the eastern to the western part of the site, with the existing canal being decked over to create a new publicly accessible space created to the east, between 20 Bank Street and the proposed main building. This area, which measures approximately 1,550 sq.m, would comprise hard and soft landscaped open space, which will be accessible from the north and south parts of the site, enabling access to the new building and providing amenity areas. The application also proposes a promenade boardwalk which extends over the water to the south of the site, together with a new dockside pedestrian route.
- 4.5 In order to construct the relocated canal, part of the Grade I listed banana dock wall to the north and the upper part of the Grade II listed wall to the south are proposed to be removed. In addition, building 1 Heron Quays, which is situated on a platform over the south-western corner of the Middle Dock, is proposed to be demolished and the Grade I listed wall revealed.

Site and Surroundings

- 4.6 The site is located in northern part of the Isle of Dogs, on land to the east of Heron Quays roundabout. Marsh Wall/Westferry Road and the Heron Quay roundabout form the western boundary, with Middle Dock water body to the north and West India Dock South water body to the south. To the east lies 20 Bank Street. Heron Quays Road passes through the northernmost part of the site (east-west), and a canal is located at the eastern end of the application site and links the Middle Dock and West India Dock South. These docks have mooring facilities and as such the canal is in occasional use.
- 4.7 The application site is approximately 2.04 hectares in area, and presently comprises two identifiable areas; the main site to the south of Heron Quays Road and the retained deck in Middle Dock, which previously accommodated 11/12 Heron Quay (demolished in 2003).
- 4.8 The main site is currently in commercial use, with the existing buildings at 1-16 Heron Quays providing office (Use Class B1) and educational (Use Class D1) uses. The existing buildings (known as the 'red sheds') are 3-4 storeys in height and contain a total of 13,700 sq.m. of floorspace. The River House Montessori Primary School is located within 15-16 Heron Quays and the Tower Hamlets Recruitment and Training Centre is also being temporarily housed within the site. The application site also presently provides parking for 48 vehicles.
- 4.9 Being located on the western edge of the Canary Wharf estate, the application site is predominantly surrounded by office buildings, with a number of redevelopment sites within the vicinity providing a mix of uses, primarily residential, commercial and retail. Approximately 200m to the west, beyond the Heron Quays roundabout, lies the Riverside South site, currently being redeveloped to provide commercial and retail space within two towers of 241m and 191m in height with a lower rise central link building. Also 190m to the south lies 22 Marsh Wall, a residential development currently under construction, comprising two towers of 137m and 95m, with retail and food and drink uses at ground a first floor level.
- 4.10 The site has good access to public transport, with a Public Transport Access Level (PTAL) of

6a (very good – excellent). The underground Jubilee Line tunnel runs east-west 30 metres to the north of the application site, with Canary Wharf Station 250m to the east. Heron Quays DLR station is located approximately 100m to the east.

- 4.11 In terms of built heritage, the site does not fall within a conservation area, with the closest being the Narrow Street Conservation Area some 500m to northwest, and the Coldharbour Conservation Area 1km to the east. The Dock Walls within and surrounding the site include both Grade I and Grade II listed structures, as well as sections of unlisted walls. The South Dock wall of the former West India Export Dock is Grade I listed, and the South Dock former entrance to the lock linkage to the River Thames at the south west corner of the site is Grade II listed. The site is not within any strategic viewing corridors, lateral assessment areas or background assessment areas of St Paul's Cathedral as identified within the London View Management Framework (GLA, 2007).

Planning History

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

T/92/0010 & T/92/0011	In January 1992 a planning application was submitted for the redevelopment of the site (referred to as the Tarmac site) together with part of the South Dock comprising 134,075 sq.m. gross floorspace, consisting of offices (121,789 sq.m.), retail (5,989 sq.m.), public uses (6,641sq.m.) and a public park (1,000sq.m.). In addition a new road was proposed through the site connecting Heron Quays roundabout to the rest of Heron Quays together with underground car parking and a pedestrian route around the perimeter of the site. The application proposed a large single block located on the southern side of Heron Quays and extending into South Dock by approximately 32m from the quay edge. The building was between 71m AOD and 130 sq.m. AOD in height. Planning permission was granted on 24 th April 1992 and listed building consent (ref. T/92/0011) for works of stabilisation, refurbishment and reinstatement of the listed banana dock wall was later granted on 7 th May 1992.
T/97/0076 & T/97/0085	Applications for planning permission and listed building consent were submitted for the renewal of the 1992 consents in February 1997. Planning permission (ref. T/97/0076) was granted for the redevelopment of 134,705 sq.m. gross floorspace, consisting of offices (121,789 sq.m.), retail (5,989 sq.m.), public uses (6,641 sq.m.) and a public park (1,000 sq.m.) on the 3 rd December 1997 for a further five years. The associated renewal of the listed building consent (T/97/0085) was approved on 27 th November 1997. Planning permission ref. T/97/0076 was implemented in 2002 with the construction of Heron Quays Road between Bank Street and the Heron Quays roundabout. These works also included the associated footway, dock edge balustrade and landscaping.
PA/02/01734	The listed building consent for the stabilisation, refurbishment and reinstatement of the Grade I listed wall was further renewed on 13 March 2003 to amend condition 1 of listed building consent ref. T/97/0085.
PA/05/01095	Temporary planning permission was granted on 31 st August 2005 for the change of use of the ground floor and part first floor of 15-16 Heron Quays from offices (Use Class B1) to education use (Use Class D2) for a period of three years.
PA/07/00233	Planning permission was granted on 22 nd March 2007 for the change of use of derelict office use pontoon to a temporary children's playground with ancillary perimeter fencing and re-surfacing works, to be used in conjunction

with temporary Montessori School (Use Class D2) at 15-16 Heron Quay.
This permission expires on 1st September 2008.

5. POLICY FRAMEWORK

- 5.1 For details of the status of relevant policies see the front sheet for “Planning Applications for Decision” agenda items. The following policies are relevant to the application:

Unitary Development Plan 1998 (as saved September 2007)

Proposals:		Flood Protection Area Central Area Zone Water Protection Area Site of Nature Conservation Importance
Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use development
	DEV4	Planning Obligations
	DEV8	Protection of local views
	DEV12	Provision of Landscaping in Development
	DEV17	Siting and Design of Street Furniture
	DEV44	Protection of Archaeological remains
	DEV50	Noise
	DEV51	Contaminated Land
	DEV55	Development and Waste Disposal
	DEV69	Water Resources
	EMP6	Employing Local People
	CAZ1	Location of Central London Core Activities
	CAZ4	Special Policy Areas
	T10	Priorities for Strategic Management
	T16	Impact of Traffic
	T18	Pedestrian Safety and Convenience
	T21	Existing Pedestrians Routes
	U2	Consultation Within Areas at Risk of Flooding
	U3	Flood Defences

Interim Planning Guidance for the purposes of Development Control

Proposals:		Development site ID12 – Identifies preferred uses as Employment (Use Class B1) and retail and leisure (A1, A2, A3, A4, A5) Major Centre Flood Risk Area
Core Strategies:	IMP1	Planning Obligations
	CP1	Creating Sustainable Communities
	CP2	Equal Opportunity
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP7	Job Creation and Growth
	CP11	Sites in Employment Use
	CP15	Range of Shops
	CP27	Community Facilities
	CP29	Improving Education and Skills
	CP31	Biodiversity

	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
	CP42	Streets for People
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
	CP48	Tall Buildings
	CP49	Historic Environment
	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
	DEV12	Management of Demolition and Construction
	DEV13	Landscaping
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV18	Travel Plans
	DEV19	Parking for Motor Vehicles
	DEV20	Capacity of Utility Infrastructure
	DEV21	Flood Risk Management
	DEV22	Contaminated Land
	DEV24	Accessible Amenities and Services
	DEV25	Social Impact Assessment
	DEV27	Tall Buildings
	EE2	Redevelopment /Change of Use of Employment Sites
	SCF1	Social and Community Facilities
	OSN2	Open Space
	CON1	Listed Buildings
	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

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

3A.18	Protection and enhancement of social infrastructure and community facilities
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.23	Parking strategy
3D.14	Biodiversity and nature conservation
4A.2	Mitigating climate change
4A.4	Energy assessment
4A.6	Decentralised energy: heating, cooling and power
4A.7	Renewable energy
4A.9	Adaptation to climate change
4A.12	Flooding
4A.13	Flood risk management
4A.14	Sustainable drainage
4A.16	Water supply and resources
4A.17	Water quality
4A.18	Water and sewerage infrastructure
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.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.20	Development adjacent to canals
5C.1	The strategic priorities for North East London
5C.3	Opportunity areas in North East London

Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS9	Biodiversity & Conservation
PPS22	Renewable Energy
PPS25	Development and Flood Risk
PPG4	Industrial, Commercial Development and Small Firms
PPG13	Transport
PPG15	Planning & The Historic Environment

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

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

LBTH Cleansing

- 6.3 LBTH Cleansing commented that the submitted waste management strategy appears to be extremely thorough, well researched and conducive to high diversion rates of recycling. As such, no objections are raised.

LBTH Education

6.4 No objections.

LBTH Energy Efficiency Unit

6.5 LBTH Energy Services are in support of the proposed development and are generally satisfied with the submitted energy statement. The energy strategy however, needs to be developed further to be acceptable, and are satisfied that this can be dealt with by way of condition.

LBTH Environmental Health

Contaminated Land

6.6 The proposal is acceptable subject to a condition requiring further contamination investigation and mitigation works.

Noise

6.7 No objections, subject to a condition requiring building service plant/equipment noise levels to be agreed with Environmental Health prior to the commencement of development. An informative is also requested regarding the need for a Section 61 consent to be obtained from LBTH Environmental Health for the demolition/construction phase of work.

LBTH Highways

6.8 LBTH Highways initially raised concerns regarding the proposed development, specifically that:

- There is an overprovision of parking spaces
- The number of disabled spaces is too low
- Manoeuvrability in the basement parking area is poor
- Bicycle parking spaces are too low

Officer Comment:

Following correspondence and meetings between LBTH and the applicants, revised basement level plans have been submitted in order to address Highways' concerns. Whilst the majority of the concerns have been addressed, such as the reconfiguration of the basement layout, a reduction in car parking spaces and the provision of additional disabled parking spaces, visitor spaces and motorcycle spaces, the bicycle parking is substandard. However, it is considered that the shortfall can be secured by way of condition. The applicant has also agreed to provide electric charging points within the basement.

British Waterways (Statutory Consultee)

6.9 British Waterways welcomes the redevelopment of the site and raise no objections. However, they request the imposition of a suitably worded condition to any consent as further detailed design work is required on the relocated canal to ensure that its configuration allows navigation to the same extent as the existing canal.

Crossrail (Statutory Consultee)

6.10 No objections.

Environment Agency (Statutory Consultee)

6.11 The Environment Agency are generally satisfied with the proposal, however have raised an objection stating that no evidence has been provided that the flood risk Sequential Test has been adequately demonstrated. At the time of drafting this report, the Council are liaising with the Environmental Agency regarding this matter, and expect to have resolved the issue prior to the Strategic Committee meeting.

Government Office for London (Statutory Consultee)

6.12 No comments received.

Greater London Authority (Statutory Consultee)

6.13 At the time of drafting this report, the proposal has yet to be heard by the Mayor. If received prior to committee, the GLA's comments will be included in an addendum report.

London City Airport (Statutory Consultee)

6.14 No objections, subject to informative regarding aircraft obstacle lighting and cranes during construction.

London Fire and Emergency Planning Authority (Statutory Consultee)

6.15 No objections.

London Thames Gateway Development Corporation (Statutory Consultee)

6.16 No comments.

London Underground Ltd (Statutory Consultee)

6.17 No objections.

Natural England (Statutory Consultee)

6.18 Natural England is supportive of the biodiversity enhancements that have been put forward as part of the development. They also recommend that a biodiversity management plan is secured by way of condition.

National Air Traffic Services (Statutory Consultee)

6.19 No comments received.

Port of London Authority (Statutory Consultee)

6.20 No objections. PLA recommend that details of use of the waterways for the transport of freight and materials be detailed within the demolition and construction plan.

Transport for London (TfL) (Statutory Consultee)

6.21 TfL's consultation comments conclude that the proposed development is acceptable in principle. However, the following issues were identified as being unclear or inconsistent with strategic planning policy:

- A total of 125 parking car parking spaces is high; given the high PTAL rating and future transport infrastructure improvements, TfL would support a car-free development, save for disabled provision
- The trip generation assessment does not represent the survey data used. As such further clarification on how the figures were calculated is required

- The development includes 311 cycle parking spaces. In order to comply with TfL cycle parking standards 885 cycle parking spaces should be provided
- Taxi stands are required
- A construction management plan should be developed with the aim that 50% of materials be moved by barge
- A total contribution of £4.8 million towards DLR and bus improvement works is expected

Officer Comment:

As detailed above within the Officer Comments upon LBTH Highways consultation response, revised basement level plans have been submitted in order to address Highways' concerns. Whilst the majority of the concerns have been addressed, such as the reconfiguration of the basement layout, a reduction in car parking spaces and the provision of additional disabled parking spaces. Furthermore, within the submitted Travel Plan, the applicant outlines the Canary Wharf Estate Draft Travel Plan, one of the themes of which is the encouragement of walking and cycling. It details that there are currently 920 free cycle spaces on the estate and 405 private cycle parking spaces were recently added, for which a charge is applied. A further 781 private cycle spaces are located within individual buildings. The applicant also details the following:

"The Heron Quays West development is expected to have a total employment of 7,960 staff – assuming that 85% of staff attend on any one day, this is equivalent to cycle parking for 4.6% of staff. In practice, the occupier is likely to be a 24/7 employer with staff working shift patterns and some staff working part time. If 80% of daily staff are working in the building at any one time, the provision is equivalent to 5.7% of staff being able to cycle... The latest survey of Canary Wharf employees shows an increase to 2.9% of staff cycling to work. The proposed provision of cycle parking provides a significant margin for cycle use to increase"

In light of the above information, it is considered that the attachment of a condition would suffice in order to secure the implementation of an appropriate amount of cycle parking, and in an appropriate location.

With regard to the accuracy of the trip generation assessment data, this issue was put forward to the applicant who detailed that the Transport Assessment is based on trends within the Canary Wharf Employee Surveys of 2005 and 2007. The Council's Strategic Planning department have recognised the aforementioned surveys as a robust source of information.

Commission for Architecture and the Built Environment (CABE)

6.23 No comment.

English Heritage (Statutory Consultee)

6.24 No objections are raised. English Heritage note that the proposal would not intrude into the viewing corridors towards St Paul's Cathedral or the Palace of Westminster, but that it would be visible from designated viewpoints including the General Wolfe Statue in Greenwich Park where it would form a key part of the evolving Canary Wharf Cluster of tall buildings, appearing between the iconic towers of Sir Christopher Wren's Royal Naval College.

English Heritage – Archaeology & Built Heritage (Statutory Consultee)

6.25 No objections raised, subject to conditions including archaeological mitigation measures and the implementation of a programme of archaeological work in accordance with a written scheme of investigation.

British Broadcasting Corporation (BBC)

6.26 No comments received.

The Inland Waterways Association

6.27 No objections.

London Borough of Greenwich

6.28 No objections.

London Borough of Southwark

6.29 No comments received.

London Wildlife Trust

6.30 No comments received.

City of London Corporation

6.31 No objections.

Metropolitan Police

6.32 No objections.

National Grid

6.33 Object on the grounds of a gas main being located on the application site.

Officer Comment: The relocation of a gas mains would fall under separate legislation. As such, it is not considered that this is a material planning consideration. The applicant will arrange for any relocation, maintenance and protection of gas mains through liaising with National Grid.

Thames Water Utilities

6.34 Thames Water has identified an inability of the existing waste water and water supply infrastructures to accommodate the needs of the proposal. As such, Thames Water have requested a number of conditions be attached to any planning permission, requiring the submission of impact study, no works are to be undertaken within 3 metres of a public sewer without prior approval, and a drainage strategy is to be submitted and approved prior to the commencement of any development. A number of informatives are also recommended.

Officer Comment

Relevant conditions have been added in order to address Thames Water's concerns.

Maritime Greenwich Heritage Site

6.35 Concerned that additional tall buildings to the west of the Isle of Dogs would alter the composition of the skyline, altering it from a 'cluster' to a 'wall' of tall structures.

Officer comment:

The above concerns are discussed later in the report, from paragraph 8.7 onwards.

Association of Island Communities

6.36 No comments received.

7. LOCAL REPRESENTATION

7.1 A total of 442 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses:	3	Objecting:	3	Supporting:	0
No of petitions received:	0				

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

- The application does not address flooding issues
- The increase in the number of tall buildings in the area is leading to wind tunnel effects
- Pedestrian access to Westferry DLR station will be severely limited during demolition and construction, particularly while the Riverside South works are ongoing
- The scale of the development will lead to excessive pedestrian and vehicular traffic in the immediate area. As such a lower building would be more appropriate
- Restrictions on the works should be imposed to protect pedestrians, cyclists and the environment

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

- Many of the ongoing developments within the area are flouting their hours of construction restrictions

Officer comment: Should the Council receive complaints regarding specific sites failing to adhere to any restrictive conditions attached to a planning permission, these will be passed to the Enforcement team as a possible breach of condition investigation.

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, Mass and Scale
3. Listed Building Issues
4. Transport and Highways
5. Amenity
6. Energy and Renewable Technology
7. Section 106 Planning Contributions
8. Other Issues

Land Use

8.2 The adopted UDP (1998) designates the application site within the Central Area Zone which seeks to promote commercial development. The existing buildings on site are predominantly used for office purposes, with a temporary consent for a private nursery school at 15-16 Heron Quays expiring on 31 August 2008 (consent was applied and granted for a temporary period only, in order for a more appropriate location to be found for the school, and to return the usage of the site to B1 in the long term). The application site is also identified as a development site (ID12) within the Interim Planning Guidance Isle of Dogs Area Action Plan,

with preferred uses as Employment (B1) and Retail & Leisure (A1, A2, A3, A4 & A5). It is also located within the Northern sub-area; the main focus of commercial development on the Isle of Dogs and a landmark location for major corporate occupiers.

- 8.3 Given the office-based nature of the proposal, it is considered that it is in keeping with the character and function of the area which is predominantly commercial. The application therefore accords with Policy CAZ1 of the UDP (1998) which seeks to develop the Central Activities Zone in order to foster London's regional, national and international role, and Policy IOD13 which promotes high-density office-based employment uses in the Northern sub-area.
- 8.4 Additional uses proposed include 2,454sq.m. of retail floorspace at lower basement level and within the pedestrian link to Jubilee Place mall, and 4,155sq.m. of floor space within the four storey pavilion building, which is proposed to be used for restaurant/café and a training centre at first and second floor level.
- 8.5 The retail and restaurant/café uses are acceptable in principle as they will provide for the needs of the development and also present employment opportunities in a suitable location. As such, it is in line with saved policies ST34, ST49 and DEV3 of the Council's Unitary Development Plan 1998 and policies DEV1, SCF1, and RT4 of the Council's Interim Planning Guidance (October 2007) and policies IOD4 and IOD15 of the Isle of Dogs Area Action Plan (2007) which seek to ensure services are provided that meet the needs of the local community and to promote entertainment, food and drink premises and retail in the Isle of Dogs, specifically within the Northern sub-area and along the docksides.
- 8.6 The provision of a training centre is considered to accord with policies CP7, CP29 and SCF1 of the Interim Planning Guidance (2007) and saved policy EMP6 of the UDP (1998), which seek the provision of social and community facilities and encourage the employment of local people. It is also in line with the Community Plan's objective of ensuring a better place for learning, achievement and leisure.

Design, Mass and Scale

- 8.7 Policy 4B.8 of the London Plan states that tall buildings will be promoted where they create attractive landmarks enhancing London's character, help to provide a coherent location for economic clusters of related activity or act as a catalyst for regeneration and where they are also acceptable in terms of design and impact on their surroundings. Policy 4B.9 of the London Plan (February 2008) provides detailed guidance on the design and impact of such large scale buildings, and requires that these be of the highest quality of design.
- 8.8 Policy DEV6 of the UDP specifies that high buildings may be acceptable subject to considerations of design, siting, the character of the locality and their effect on views. Considerations include, overshadowing in terms of adjoining properties, creation of areas subject to wind turbulence, and effect on television and radio interference.
- 8.9 Policies CP1, CP48 and DEV27 of the IPG October 2007 states that the Council will, in principle, support the development of tall buildings, subject to the proposed development satisfying a wide range of criteria.
- 8.10 Good design is central to all the objectives of the London Plan. Chapter 4B of the London Plan refers to 'Principles and specifics of design for a compact city' and specifies a number of policies aimed at high quality design, which incorporate the principles of good design. These principles are also reflected in policies DEV1 and 2 of the UDP and the IPG.
- 8.11 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

- 8.12 Policy IOD16 of the Isle of Dogs AAP (IPG, 2007) states, inter alia, that the Northern sub-area will continue to be a location for tall buildings and 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.
- 8.13 In terms of form, height and massing, the proposed development responds to the context of the existing office buildings within the Canary Wharf Estate. The orientation of the docks has led to development following a strong east-west/north-south pattern with the east-west orientated docks becoming dominant spatial corridors. The scheme continues the progressive reduction in height away from One Canada Square, by way of its visual separation into three towers of descending height towards the west, specifically 33 storeys, 21 storeys and 12 storeys in height (204.9m, 153.8m and 101.75m AOD respectively).
- 8.14 As with the implemented planning permission (T/97/0076), the proposed main building footprint will extend into the South Dock. The previous consent details a heavy 71m high block with a 130m high tower on the western side of the site. The visual subdivision of the proposed building into three tower elements provide a strong vertical emphasis in keeping with the context of the form of the existing built environment within Canary Wharf Estate, whilst the dropping of the mass towards the west avoids a concentration of bulk adjacent to Riverside South, giving a more harmonious configuration of building masses.
- 8.15 With regards to the architectural design, each 'tower' has a perimeter core to the north and south which consists of a structural box in the form of an 'H'. This structural box, which effectively envelopes the front and rear façade of each tower, is open, and contains staircases, lifts and atria behind a glazed wall, to further emphasise the verticality and independence of each tower. These external structures rise above the general roof level on each of the towers, and enclose the recessed plant enclosures. The applicant states within the design and access statement that the external structure also enhances the public realm at ground level by avoiding the need for external columns along the north and south facades. All elevations use a palette of clear glazing, within a metallic cladding system, with metal panels and louvers disguising rooftop plant.
- 8.16 The four storey pavilion building proposed to be erected upon the retained deck on Middle Dock, is articulated as three elements; a portal frame sitting on the dock edge which supports the glazed cube-like building below, and the platform of the deck providing public amenity space. The building is proposed to be finished with layered coloured glass, with moveable glass louvers over. The proposed pavilion building would appear to be suspended over the retained deck, with the platform surface being a semi-enclosed publicly accessible area during normal working hours, thereby providing a visual connection to the Middle Dock from Heron Quays Road. The deck and the bridges will be clad in stone with the sides of the deck being over clad to conceal the existing structure.
- 8.17 Policy DEV27 of the IPG (October 2007) provides criteria that applications for tall buildings must satisfy. Considering the form, massing, height and overall design against the requirements of the aforementioned policy, the proposal is considered to be in accordance with the policy as follows:
- the development creates an acceptable landmark building to the edge of the Canary Wharf Estate, invigorating the South Dock and complementing the existing tall buildings;
 - it contributes to an interesting skyline, from all angles and at night time;
 - the site is not within a strategic view corridor;
 - the site is not within a local view corridor and would not impact adversely on local landmarks;
 - the scheme provides adequate, high quality and usable amenity space;

- the proposal also includes an appropriate S106 contribution towards the proposed open space and the upkeep of existing public open spaces on the Isle of Dogs;
- the scheme enhances the movement of people, including disabled users, through the communal/public open space whilst securing high standard of safety and security for future users of the development;
- the scheme meets the Council's requirements in terms of micro-climate;
- demonstrates consideration of sustainability throughout the lifetime of the development, including the achievement of high standards of energy efficiency, sustainable design, construction and resource management;
- the impact on biodiversity will not be detrimental;
- the mix of uses proposed are considered appropriate and will contribute positively to the social and economic vitality of the surrounding area;
- the site is located in an area with good public transport accessibility;
- takes into account the transport capacity of the area and includes an appropriate S106 contribution towards transport infrastructure, to ensure the proposal will not have an adverse impact on transport infrastructure and transport services;
- conform with Civil Aviation requirements; and
- not interfere, to an unacceptable degree, with telecommunication and radio transmission networks.

8.18 It is considered that the proposed buildings will contribute positively to the Canary Wharf cluster and help to animate the South Dock. In light of supporting comments received from the Council's Design Department regarding the form, height, massing and design of the development, and subject to conditions to ensure high quality detailing of the development is achieved, it is considered that the proposal is acceptable in design terms and accords with the abovementioned policy and guidance set out in the London Plan (2008) and IPG (2007).

Listed Building Issues

- 8.19 PPG15 (Planning and the Historic Environment) requires local planning authorities who consider proposals which affect a listed building to have special regard to the preservation of the setting of the listed building as the setting is often an important part of the building's character.
- 8.20 Policy 4B.11 of the London Plan seeks to protect and enhance London's historic environment. Furthermore, Policy 4B.12 states that Boroughs should ensure the protection and enhancement of historic assets based on an understanding of their special character.
- 8.21 Policy CON1 of the IPG October 2007 states that planning permission will not be granted for development which would have an adverse impact upon the setting of the listed building.
- 8.23 As detailed within Section 1, the application site is not located within a conservation area. Two Listed Building Consent applications have been received for proposed works to a Grade I listed quay wall and a Grade II listed former lock entrance, in order to facilitate works for the relocation of the existing canal. English Heritage and the Council's Design & Conservation Department have raised no objections to the proposed works, subject to the imposition of conditions. Furthermore, the aforementioned bodies have raised no objections with regard to the proposed buildings' impact upon the setting of the listed structures. As such, the proposal is considered to be appropriate and in accordance with PPG15, the London Plan and the Council's Interim Planning Guidance (2007).

Transport & Highways

- 8.24 Policy T16 of the UDP and policies DEV17, DEV18 and DEV19 of the IPG October 2007 require new development to take into account the operational requirements of the proposed use and the impact (Transport Assessment) of the traffic that is likely to be generated. In addition, policy objectives seek to ensure that the design minimizes possible impacts on

existing road networks, reduces car usage and, where necessary, provides detailed mitigation measures, to enable the development to be acceptable in planning terms.

- 8.25 Vehicular access to the site for taxis and visitor drop-off and pick-up would be provided at ground level in the form of on-street lay-bys. There is a ramp proposed from Heron Quays Road, which provides access to the basement level car parking and servicing areas. Servicing for the Pavilion building would take place from an on-street lay-by in front of the building where loading bays are detailed. A total of 107 parking spaces are provided at basement level, of which 16 are disabled spaces. A total of 28 motorcycle spaces and 311 cycle parking spaces are proposed at basement level, with 22 visitor cycle spaces at ground floor level.
- 8.26 The site is located within an area of very good public transport accessibility (PTAL 6a). The underground Jubilee Line tunnel runs east-west 30 metres to the north of the application site, with Canary Wharf station 250m to the east. Heron Quays DLR station is also located approximately 100m to the east and there are a four bus routes which travel through the Canary Wharf Estate, with a new bus route planned to be opened by TfL in Spring 2008 between Old Street and Crossharbour.

S106 Contributions

- 8.27 Given the large amount of additional employment the development would bring to the area, the Council and TfL have determined that contributions for transport infrastructure and public realm improvements are required via the s106 agreement to ensure that the development can be accommodated within the existing transport network. This is discussed further within paragraphs 8.49 and 8.50.
- 8.28 As such, TfL have requested a total contribution of £4.8 million towards transport improvements. This amount consists of £3 million towards DLR enhancements, such as new rail car vehicles to enhance the services that DLR can provide and to a more hospitable station environment, improving safety and creating a more active corridor in the heart of Canary Wharf, providing better links from the north to the south via the footbridge across the Dock to South Quay and the Millennium Quarter. The remaining contribution of £1.8 million is requested to cater for the additional demand for the three bus services serving the development, and is calculated at £200,000 per bus per year for three years. These sums have been included within the draft heads of terms and have been presented to the applicant.

Cycle Parking

- 8.29 TfL have raised concerns with regard to level of cycle parking. TfL cycle parking standards require a total of 885 stands for the proposed development, whilst the application provides 331. It is therefore considered necessary to attach a condition requesting the submission of cycle parking details prior to the implementation of development.
- 8.30 As detailed above within paragraph 6.22, within the submitted Travel Plan, the applicant outlines the Canary Wharf Estate Draft Travel Plan, one of the themes of which is the encouragement of walking and cycling. It details that there are currently 920 free cycle spaces on the estate and 405 private cycle parking spaces were recently added, for which a charge is applied. A further 781 private cycle spaces are located within individual buildings. The report adds that provision of parking for cyclists will continue to be met. A condition has been attached which will secure the implementation of an appropriate amount and location of cycle parking, upon taking into account the next phase of the Canary Wharf Estate Travel Plan.

Car Parking

- 8.31 TfL have stated that they would support a car free development (with the exception of disabled parking). Following negotiations with the applicant, revised ground floor and basement floor plans have been submitted reducing the number of car parking spaces from 125 to 107, and the number of disabled spaces has been increased from 13 to 16. Policy 3C.23 of the London Plan (2008) states that a non-operational employment (B1) parking standard of one space per 1,000 - 1,500 sq.m. of gross floorspace should be provided in the CAZ. The proposed development could therefore provide up to 194 spaces within this standard. As such, the application accords with the policy and it is not considered that a refusal of permission on the overprovision of parking spaces could be substantiated. It is considered that TfL's request for a taxi drop-off point can be secured by way of condition.

Servicing and Refuse Provisions

- 8.32 The applicant has provided a waste management strategy which details that waste produced in the buildings will be consolidated in the basements, where waste and recyclables will be transported by road to suitable waste transfer and recycling storage. The Council's Cleansing Department have commented positively upon the waste management strategy.

Officer Response to Highways-Based Objections

- 8.33 As detailed above within paragraph 7.2, objections to the application were received on the grounds that the development may interrupt pedestrian routes during construction, and also requesting that pedestrians and cyclists are protected. With regard to the interruption of pedestrian routes around the site to the various surrounding transport hubs, such issues will be pre-empted by way of a condition requiring the applicant to submit a construction management plan. This document will also need to take into account ongoing development elsewhere within the area, in order to ensure pedestrian and cycle routes along Westferry Road and other main thoroughfares are maintained at all times and that where necessary diversion routes are implemented and clearly signposted. With regard to the protection of pedestrian and cyclists, it is unclear if concern is during the construction period or upon completion of the development. Nevertheless, further to the requested construction management plan, the submitted Environmental Statement summarises the effect of the development and notes that all junctions within the vicinity of the development would operate within capacity in peak hours. Furthermore, the s106 agreement seeks significant sums towards the upgrade of lighting, cycle routes and public realm improvements.

Amenity

- 8.34 Policy DEV2 of the UDP and policy DEV1 of the IPG October 2007 state that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm.
- 8.35 In terms of amenity, the applicant provided an Environmental Statement which addressed a wide range of issues, such as daylight/sunlight provision and impact, noise and vibration, air quality and biodiversity.
- 8.36 The application site is not located within or adjacent to any residential development. As such, the impact upon amenity is limited to users of the development and the surrounding Canary Wharf Estate. The Council's Environmental Health Department have raised no objections on the grounds of loss of amenity created by the proposed development, subject to the imposition of conditions requiring the submission of a noise impact assessment.

Officers Comment to Wind/Microclimate Based Objection

- 8.37 As detailed above within paragraph 7.2, one objection has been received on the grounds of the addition of a tall building contributing to a windy microclimate in the area. Although there is no national or regional planning guidance in relation to wind assessments, Policy 4B.10 of the London Plan requires all large scale buildings, including tall buildings, to be sensitive to their impact on microclimates in terms of wind, sunlight, reflection and overshadowing.
- 8.38 Within the submitted Environmental Statement, the applicant undertook a wind assessment, in order to assess the impact of the proposal upon the microclimate, using wind tunnel tests. The report concludes that the pedestrian comfort level will be at an acceptable level in the majority of areas. However, to the northwest of the site lies an open existing wind tunnel area, due to property boundaries and flood control provisions, which the proposed development would exacerbate. The applicant has proposed mitigation measures to ameliorate this impact, such as the addition of trees and wind screens, which are proposed as part of the landscaping scheme. These additional measures would provide a protective 'alley' to screen pedestrians from adverse south westerly winds that sweep around the pedestrian path along the Heron Quays West property line in this area. The implementation of these measures can be secured by way of the landscaping conditions. It is also considered necessary to request wind control measures integrated into the design of the building, the implementation of which would also be secured through the external materials conditions.

Energy and Renewable Technology

- 8.39 Policies 4A.2, 4A.4, 4A.6 and 4A.7 of the London Plan (2008) sets out that the Mayor will and the boroughs should support the Mayor's Energy Strategy and its objectives of reducing carbon dioxide emissions, improving energy efficiency and increasing the proportion of energy used generated from renewable sources. The latter London-wide policies are reflected in policies CP3, DEV5 and DEV6 of the IPG Oct 2007. In particular, policy DEV6 requires that:
- All planning applications include an assessment which demonstrates how the development minimises energy demand and carbon dioxide emissions;
 - Major developments incorporate renewable energy production to provide at least 20% of the predicted energy requirements on site.
- 8.40 As detailed earlier within this report, the applicant submitted an Energy Statement with the application. The information has been considered by the Council's Energy Department who have commented that the design proposes some good passive design and energy efficiency measures. The Energy Officer made other specific comments, including:
- The scheme proposes to install Fuel Cell CHP, and as this is a new technology and the introduction is delayed, then an alternative strategy is required to bridge the gap of 400kWe that the contingency plan does not provide
 - Biomass is not suitable for this development
 - The scheme proposes 1,800m² of building integrated photovoltaic panels, which will provide 0.3% of the development's electricity requirement. All efforts must be made to install and maximise the potential of this renewable energy technology
 - Further information is required regarding the use of dock water for cooling of the retail units
 - Although there is a lack of renewable energy technology proposed for the development, as the scheme proposes Fuel Cell technology, which Tower Hamlets and the GLA promote, the proposed energy strategy is considered to be satisfactory; however the full details are required.

In light of the above comments, a condition is to be attached to the planning permission requiring full details of the energy efficiency measures and preferred energy technologies to be submitted and agreed by the local planning authority, along with the requested information above. The condition also states that the energy technologies should reduce

carbon dioxide emissions from the development by at least 20%.

Section 106 Planning Contributions

- 8.41 The section 106 includes £3,178,000 towards social and physical infrastructure. As with the Riverside South development there are a wider range of mitigation projects the Council considers as necessary arising from the Heron Quays West development. However, given the uncertainties over the timing of the development and in particular the fact that the development may not be completed for a number of years, it is not possible to define these projects in detail at this stage. To this end, the Council is seeking an 'additional contribution for social and physical infrastructure' of £3.178m which equates to the equivalent per sq.m. 'additional contribution' that has been agreed for Riverside South. In line with similar developments elsewhere within the Canary Wharf estate, the projects/improvements would be defined under specific headings within the S106 agreement, these being:
- *Sustainable transport initiatives*; (improvements to facilitate walking, cycling, sustainable transport modes)
 - *Heritage and culture*; (improvements to preserve and enhance the history and character of the Docklands/Isle of Dogs area)
 - *Environmental improvements within and around the site*; and
 - *Provision of affordable flexible business space*; to assist small/start-up businesses within the Borough.

Other Section 106 Contribution Matters

- 8.42 The site is within the Isle of Dogs Opportunity Area and therefore Policy 3B.3 of the London Plan (2008) is relevant. This states: *"Within the Central Activities Zone and the north of the Isle of Dogs Opportunity Area, wherever increases in office floorspace are proposed they should provide for a mix of uses including housing, unless such a mix would demonstrably conflict with other policies in this plan."* Policy 5G.3 of the London Plan targets this policy at the CAZ and Isle of Dogs Opportunity Area. 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."*
- 8.43 In considering the above, it is not considered reasonable for the applicant to make a contribution towards off-site affordable housing in order to make the proposed development acceptable in planning terms, particularly when considering the following:
- The Council is currently meeting its housing targets;
 - The development complies with Policy 3B.1 in developing London's Economy and policies 3B.2 and 3B.3 which encourage developments that meet office demand and rejuvenate office-based activities in the CAZ. The key impact raised in these policies from such developments is upon transport infrastructure, which has been appropriately addressed within this report;
 - According to the definition for CAZ within the London Plan, these areas are to promote finance, specialist retail, tourist and cultural uses and activities. This report identifies that the site is appropriate for commercial development, and with the proposed development providing approximately 7,900 jobs, this is considered a significant contribution towards the target of 100,000 new jobs by 2016 within Isle of Dogs as set out in Policy 5C.1 of the London Plan; and
 - The consented and implemented office development in 1992 (and as renewed in 1997) was not required to provide a contribution towards off-site affordable housing. Furthermore, given that the aforementioned consents have been implemented by way

of construction of the associated infrastructure, a considerable commercial development could be constructed on site which provides considerably less in the form of planning contributions and the aforementioned London Plan employment targets.

Other Planning Issues

Flooding

- 8.44 As detailed above within paragraph 7.2, a representation has been received objecting on the grounds of the application failing to address flood risk matters.
- 8.45 Policy U3 of the UDP and policy DEV21 of the IPG October 2007 states that the Council (in consultation with the Environment Agency) will seek appropriate flood protection where the redevelopment of existing developed areas is permitted in areas at risk from flooding.
- 8.46 Chapter 11 of the submitted Environmental Statement reports on the effects on water resources and flood risk of the proposals, addressing the effects on surface water and foul water drainage, water supply, flood risk, surface water quality and groundwater hydrology. The report details that during construction work, temporary flood defences would be installed to maintain the integrity of the flood defences, which would need to satisfy a Flood Risk Management Consent. The applicant also acknowledges that during an extreme event, there could be run-off water discharging off site, and while a temporary cofferdam is in place, there would be a temporary loss of flood storage, however, together with good construction practice, the effect would be short term and negligible.
- 8.47 The applicant also details that a meeting was held with the Environment Agency in October 2007 to discuss the proposal which encroaches into the South Dock. This leads to a loss of flood storage in the River Thames catchment during extreme tides because the docks are hydraulically linked to the river when the water level in the River Thames rises above the easter level in the docks. The EA confirmed that the loss of flood storage for the proposed scheme would be acceptable provided it did not exceed the loss proposed as part of the implementation consented scheme that was approved in 1997. The proposal results in a slight gain in flood storage capacity in comparison to the consented 1997 scheme. As such, the effects of the proposal upon completion would be negligible.
- 8.48 As detailed above within paragraph 6.11, the Environment Agency have reported that they are generally satisfied with the proposal, however have raised an objection stating that no evidence has been provided that the flood risk Sequential Test has been adequately demonstrated. At the time of preparing this report, the Council are liaising with the Environment Agency regarding this matter, and expect to have resolved the issue prior to the Strategic Committee meeting.

Biodiversity

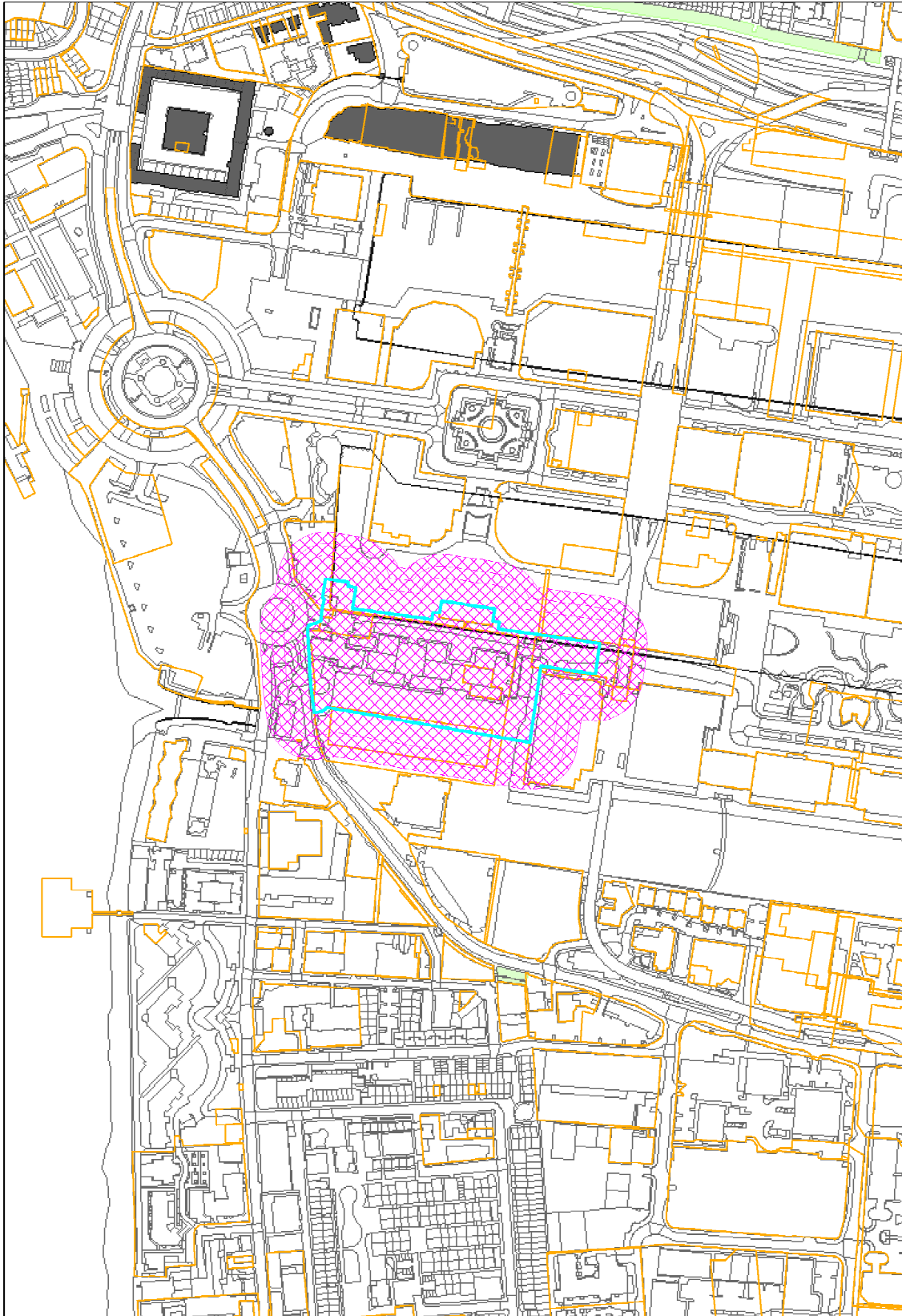
- 8.49 As detailed above within paragraph 7.2, a letter of representation was received objecting on the grounds, inter alia, that the environment needs to be protected. It is not clear whether this relates to the construction period or subsequent to completion. The majority of environmental issues are dealt with above, with the exception of biodiversity.
- 8.50 It is considered that the proposed development will not have a direct adverse impact on the biodiversity of the area. Through the implementation of the proposed mitigation measures, the proposal is considered acceptable and in accordance with policy guidance.
- 8.51 The attachment of a condition requiring the submission and agreement of a Biodiversity Action Plan has been considered necessary.

Environmental Statement

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

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.



Heron Quays West, Heron Quay, London