### Strategic planning application stage II referral (new powers)


### The proposal

The application proposes a 19-storey office building, with 71,169 sq.m. of floor space, 8 car parking spaces and 138 cycle spaces along. The application also includes a range of public realm improvements, including a canal side public walk way and improved pedestrian access to the Churchill Place retail centre.

### The applicant

The applicant is **Canary Wharf Ltd.** and the architect is **KPF.**

### Strategic issues

This application does not raise any strategic planning policy concerns.

### Recommendation

That Tower Hamlets Council be advised that the Mayor is content for it to determine the case itself, subject to any action that the Secretary of State may take, and does not therefore wish to direct refusal or direct that he is to be the local planning authority.

### Context

1. On 1 March 2010 the Mayor of London received documents from Tower Hamlets Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. This was referred to the Mayor under Categories 1B and 1C of the Schedule to the Order 2008: “.

   - “Development which comprises or includes the erection of a building or buildings outside Central London and with a floorspace of more than 15,000 sq.m.”
   - “Development which comprises or includes the erection of a building more than 30 metres high outside the City of London.”

2. On 31 March 2010 the Mayor considered planning report PDU/2140a/01, and subsequently advised Tower Hamlets Council that the application did not comply with the London Plan, for the reasons set out in paragraph 60 of the above-mentioned report; but that the possible remedies set out in paragraph 62 of that report could address these deficiencies.
3 A copy of the above-mentioned report is attached. The essentials of the case with regard to the proposal, the site, case history, strategic planning issues and relevant policies and guidance are as set out therein, unless otherwise stated in this report. On 17 June 2010 Tower Hamlets Council decided that it was minded to grant planning permission, and on 28 June 2010 it advised the Mayor of this decision. Under the provisions of Article 5 of the Town & Country Planning (Mayor of London) Order 2008 the Mayor may allow the draft decision to proceed unchanged, direct Tower Hamlets Council under Article 6 to refuse the application or issue a direction to Tower Hamlets Council under Article 7 that he is to act as the Local Planning Authority for the purposes of determining the application. The Mayor has until 11 July 2010 to notify the Council of his decision and to issue any direction.

4 The environmental information for the purposes of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 has been taken into account in the consideration of this case.

5 The decision on this case, and the reasons will be made available on the GLA’s website www.london.gov.uk.

Update

6 The Mayor previously stated that the principle of providing a new office building on this site in the northern part of the Isle of Dogs Opportunity Area is acceptable in strategic planning policy terms. However, he did identify a number of strategic planning policy issues that needed to be addressed in more detail before this application could be considered to be acceptable:

- **Mix of uses**: The application does not include a mix of uses and does not provide any on, or off-site affordable housing.
- **Transport**: There is insufficient transport information included within the submitted application
- **Crossrail**: The application does not make a contribution towards Crossrail
- **Energy**: there is insufficient information on the energy strategy and climate change adaptation measures
- **Climate change**: The applicant has not assessed the potential to include living roofs or walls

7 This report provides an update on these issues, setting out how these have been satisfactorily resolved.

Mix of uses

8 The Mayor previously noted that London Plan policies 3B.3 and 5G.3 state that within the Central Activities Zone and the northern part of the Isle of Dogs Opportunity Area (Canary Wharf), 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 the London Plan.

9 Given the site’s location within a major business centre, and the desire to promote and co-ordinate the development of this part of the Isle of Dogs to provide a competitive, integrated and varied global business location, the Mayor indicated that he was prepared to accept an off-site affordable housing contribution.

10 There have been a number of discussions with the applicant and the local planning authority as to an acceptable section 106 package. Since the Mayor’s previous comments, the
The overall financial section 106 contribution has increased from £994,186 to £1,704,244. This overall increase is acceptable in this case.

11 London Plan policy 6A.4 highlights public transport and affordable housing as being the Mayor’s strategic priorities for planning obligations. In this regard and given the Mayor’s priority to deliver Crossrail, it is acceptable for the additional section 106 package to be earmarked for Crossrail and not affordable housing in this case.

**Transport and Crossrail**

12 The Mayor previously welcomed the restraint-based approach to car parking, and was satisfied that no further work would be required to mitigate the impact of additional vehicular trips that might be generated from this development on the strategic highway network.

13 The Mayor did request that the level of cycle parking be increased from 138 spaces to 285 spaces, in line with London Plan policy 3C.22 ‘Improving conditions for cycling’ and draft revised London Plan policy 6.9 ‘cycling’. The proposed level of cycle parking remains below TfL cycle parking standards, however, the local planning authority has included a condition requiring this to be reviewed in accordance with the travel plan means that it will be increased where necessary. This reflects the approach taken to cycle parking when the Mayor considered the earlier scheme in 2008.

14 The Mayor requested a contribution towards the upgrading of the Thames Path and Lea Valley Walk, both of which form part of the Strategic Walk Network. As a satisfactory contribution has been secured for Crossrail as set out below, and in accordance with London Plan priorities, a contribution from this development towards the Strategic Walk Network has not been pursued.

15 The applicant has now clarified all of the transport points raised regarding the travel plan, and TfL is now satisfied that no further work is required in this respect. The proposed travel plan is secured by section 106 agreement, which is appropriate.

16 The Mayor previously requested that a financial contribution of £1,646,100 be provided towards Crossrail in line with Policy 3C.12A of the London Plan. This contribution was calculated by applying the charging rate of £186 per square metre (as set out in the March 2010 draft Crossrail SPG) to the net increase in office floorspace from the implemented planning permission. Following negotiations a contribution of £1,062,000 has now been secured for Crossrail, which is reasonable in this instance because of the particular planning history of this case.

**Energy and climate change**

17 The Mayor previously requested that the applicant provide further information on the proposed energy efficiency measures. The applicant has provided a response arguing that there is limited ability to influence the carbon emissions due to unregulated energy usage in this case. The applicant has, however, confirmed this commitment, should the opportunity arise, to work with the tenants to ensure the building’s efficiency in operation is optimised, which is acceptable in this case.

18 The applicant was requested to review the potential to connect the energy centre for this site to the other centres in the wider area. The applicant has now carried out this review and has satisfactorily demonstrated that there is no possibility to connect to other developments at this time. However, the applicant has demonstrated that the energy centre would be designed to allow a connection in the future, which is acceptable.

19 The applicant has now provided further information on the proposed internal heat distribution systems. This indicates that the centralised heating system will be supplied from a plant room on floor 17, which is acceptable.
The scheme includes 135 sq.m. of photovoltaic panels on the roof of the building. The Mayor previously requested that the applicant assess the potential to incorporate these within the facade of the building. In response, the applicant has provided a range of technical reasons, including shading from nearby buildings, why the integration of PV into the facade on the development would not be possible, which is acceptable.

The application proposes a number of sustainable urban drainage techniques, which have been secured by an appropriate planning condition, which is acceptable.

In response to the Mayor’s previous questions, the applicant has now satisfactorily demonstrated that green roofs would be provided, which has been set out on plan and is acceptable.

Response to consultation

The local planning authority consulted a total of 1,369 neighbouring properties. The Council received no response from the public on this consultation process.

Article 7: Direction that the Mayor is to be the local planning authority

Under Article 7 of the Order the Mayor could take over this application provided the policy tests set out in that Article are met. In this instance the Council has resolved to grant permission with conditions and a planning obligation which satisfactorily addresses that matters raised at stage I, therefore there is no sound planning reason for the Mayor to take over this application.

Legal considerations

Under the arrangements set out in Article 5 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor has the power under Article 6 to direct the local planning authority to refuse permission for a planning application referred to him under Article 4 of the Order. He also has the power to issue a direction under Article 7 that he is to act as the local planning authority for the purpose of determining the application. The Mayor may also leave the decision to the local authority. In directing refusal the Mayor must have regard to the matters set out in Article 6(2) of the Order, including the principal purposes of the Greater London Authority, the effect on health and sustainable development, national policies and international obligations, regional planning guidance, and the use of the River Thames. The Mayor may direct refusal if he considers that to grant permission would be contrary to good strategic planning in Greater London. If he decides to direct refusal, the Mayor must set out his reasons, and the local planning authority must issue these with the refusal notice. If the Mayor decides to direct that he is to be the local planning authority, he must have regard to the matters set out in Article 7(3) and set out his reasons in the direction. The Mayor must also have regard to the guidance set out in GOL circular 1/2008 when deciding whether or not to issue a direction under Articles 6 or 7.

Financial considerations

Should the Mayor direct refusal, he would be the principal party at any subsequent appeal hearing or public inquiry. Government guidance in Circular 03/2009 (‘Costs Awards in Appeals and Other Planning Proceedings’) emphasises that parties usually pay their own expenses arising from an appeal.

Following an inquiry caused by a direction to refuse, costs may be awarded against the Mayor if he has either directed refusal unreasonably; handled a referral from a planning authority unreasonably; or behaved unreasonably during the appeal. A major factor in deciding whether the Mayor has acted unreasonably will be the extent to which he has taken account of established planning policy.
Should the Mayor take over the application he would be responsible for holding a representation hearing and negotiating any planning obligation. He would also be responsible for determining any reserved matters applications (unless he directs the council to do so) and determining any approval of details (unless the council agrees to do so).

Conclusion

The principle of providing a new office building on this site in the northern part of the Isle of Dogs Opportunity Area is acceptable in strategic planning policy terms. The proposed building achieves a good quality office building that will help consolidate the economic offer of Canary Wharf.

The Mayor did previously identify a number of strategic planning policy issues that needed to be addressed in more detail before this application could be considered to be acceptable, in relation to the provision of a contribution for off-site affordable housing, a financial contribution for Crossrail, along with some further detail on the proposed energy and transport strategies. These issues have now been satisfactorily resolved and this application does not raise any strategic planning policy concerns.

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Strategic planning application stage 1 referral (new powers)


The proposal

The application proposes the development of a 19-storey office building, with 71,169 sq.m. of floor space, eight car parking spaces and 138 cycle spaces along. The application also proposes a range of public realm improvements including a canal side public way and improved pedestrian access to the Churchill Place retail centre.

The applicant

The applicant is Canary Wharf Ltd. and the architect is KPF.

Strategic issues

The principle of providing a new office building on this site in the northern part of the Isle of Dogs Opportunity Area is acceptable in strategic planning policy terms. There are two principle issues that need to be resolved before this application is returned to the Mayor; the requirement to provide off-site affordable housing and a financial contribution for Crossrail. There are also a number of more detailed issues that need to be addressed, including; the energy strategy, green roofs and some transport measures.

Recommendation

That Tower Hamlets Council be advised that while the application is generally acceptable in strategic planning terms the application does not comply with the London Plan, for the reasons set out in paragraph 60 of this report; but that the possible remedies set out in paragraph 62 of this report could address these deficiencies.

Context

On 1 March 2010 the Mayor of London received documents from Tower Hamlets Council notifying him of a planning application of potential strategic importance to develop the above site for the above uses. Under the provisions of The Town & Country Planning (Mayor of London) Order 2008 the Mayor has until 9 April 2010 to provide the Council with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for
taking that view. The Mayor may also provide other comments. This report sets out information for
the Mayor’s use in deciding what decision to make.

32 The application is referable under Category 1B and 1C of the Schedule to the Order 2008:
   • “Development which comprises or includes the erection of a building or buildings outside
     Central London and with a floorspace of more than 15,000 sq.m.”
   • “Development which comprises or includes the erection of a building more than 30 metres
     high outside the City of London.”

33 Once Tower Hamlets Council has resolved to determine the application, it is required to
   refer it back to the Mayor for his decision as to whether to direct refusal; take it over for his own
   determination; or allow the Council to determine it itself.

34 The environmental information for the purposes of the Town and Country Planning
   (Environmental Impact Assessment) (England and Wales) Regulations 1999 has been taken into
   account in the consideration of this case.

35 The Mayor of London’s statement on this case will be made available on the GLA website
   www.london.gov.uk.

Site description

36 The site is approximately 0.36 hectares in size. The application site located on the eastern
   side of the Canary Wharf major town centre on the plot of land marked as BP4 within the Canary
   Wharf estate.

37 The site is bounded by Churchill Place to the north, no. 20 Churchill Place to the east,
   South Dock to the south, and Bellmouth Passage to the west. The A1261 Aspen Way, accessed at
   the Preston Road Roundabout via Trafalgar Way, is the nearest section of the Transport for
   London Road Network (TLRN), which lies 500m to the northeast.

38 Canary Wharf Underground station is the closet tube station and is 250-metres west of the
   site. DLR stations are within walking distance, the nearest being Canary Wharf and Heron Quays,
   both 500-metres to the west. Four bus routes operate close to the site. As a result, the location
   records an excellent public transport accessibility level of five (where one is low and six is high).

Details of the proposal

39 The application proposes the construction of a new 19-storey office building with
   approximately 71,169 sq.m. (Gross Internal Area) of office space. The building includes two floors
   of promenade and lobby space at the lower levels, with floors 2 to 15 comprised of office space.

40 On the southern side of the site, the scheme proposes a publicly accessible walkway along
   the dock edge, which provides a connection from Montgomery Street and Churchill Place retail
   area to the dock and the plot further to the east of the site, called BP3.

41 The scheme also proposes eight car parking spaces, six of which are blue badge accessible
   spaces. These spaces are located in the basement and are accessed from a new access road to the
   east of the site. The scheme also proposes 138 cycle bays located in the basement of the Churchill
   Place retail area.
Case history

There is an existing Enterprise Zone consent on this site for the development of 61,300 sq.m. of office space to be provided in a 15-storey building up to 81 metres in height. This permission has been implemented. All ground works have now been completed.

The site also benefits from a more recent permission from August 2008. That permission allows the development of 80,535 sq.m. of office space in a 23-storey building at 130-metres in height.

A formal pre-application was held between the applicant and the Greater London Authority on 14 December 2009.

Strategic planning issues and relevant policies and guidance

The relevant issues and corresponding policies are as follows:

- Land use principle: London Plan, PPG13, PPS4
- Urban design: London Plan; PPS1
- Strategic views: London Plan; RPG3A, View Management Framework SPG, draft Revised View Management Framework SPG
- Transport: London Plan; the Mayor’s Transport Strategy; draft replacement Transport Strategy; PPG13;
- Crossrail: draft London Plan Alteration; draft Crossrail SPG (minor alterations March 2010)
- Energy and climate change: London Plan; PPS1, PPS3; PPG13; PPS22; the Mayor’s Energy Strategy; Sustainable Design and Construction SPG
- River Thames / flooding: London Plan; Mayor’s draft Water Strategy; PPS25, RPG3B

For the purposes of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the development plan in force for the area is the Tower Hamlets 1998 Unitary Development Plan and the London Plan (Consolidated with Alterations since 2004). The following are also relevant material considerations:

- In October 2007 the Secretary of State directed Tower Hamlets Council to withdraw the submitted Tower Hamlets Core Strategy, Development Control and Leaside Area Action Plan development plan documents. Currently the Council is working on a renewed Issues and Options consultation for the Core Strategy. In the interim the Council has adopted these withdrawn documents as ‘Interim planning guidance for the purposes of development control’. However, as these documents are yet to be subject to public consultation, little weight can be afforded to them as development control documents.
- The draft replacement London Plan (2009).

Land use principle

The application site is located in the Canary Wharf Mayor Town Centre, and within the northern part of the Isle of Dogs Opportunity Area. London Plan policies 3B.1 and 3B.2 support London’s world city role and offer continued support for London’s 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.
London Plan policy 5G.2 recognises that the Central Activities Zone (CAZ) and the northern part of the Isle of Dogs Opportunity Area are the heart of London’s world city offer and, as such, seeks to promote and co-ordinate their development so that together they can provide a competitive, integrated and varied business location. In this regard the principle of providing an office development in this location is compatible with London Plan policy. The provision of a significant amount of office space will help to meet the future demands of London’s business and financial sector and will enable London maintain and expand it’s world city role in accordance with national, strategic and local policies.

Policies 3B.3 and 5G.3 state that within the Central Activities Zone and the northern part of the Isle of Dogs Opportunity Area (Canary Wharf), 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 the London Plan.

This application is primarily comprised of office floor space and does not include a residential provision. Given the site’s location within a major business centre, and the desire to promote and co-ordinate the development of this part of the Isle of Dogs to provide a competitive, integrated and varied global business location, and the associated economic and employment benefits, an office-led scheme with no on-site housing is acceptable in this instance.

The application represents an increase in office floorspace over the implemented office building application, with an increase of 8,850 sq.m. GEA. On this uplift London Plan mixed-use policy would require this application to make a contribution towards affordable housing, proportional to the proposed uplift.

Permission was granted for a larger office building, totalling 80,535 sq.m. of office floor space in August 2008. A contribution to off-site affordable housing was not required as part of that permission. That application has not yet been implemented. Further discussion with regards the requirement for this application to make an off-site affordable housing contribution is required, to ensure that the proposed scheme is acceptable.

Urban design

Good design is central to the objectives of the London Plan and is specifically promoted by the policies contained within Chapter 4B which encompass both general design principles and specific design issues. London Plan Policy 4B.1 sets out a series of overarching design principles for development in London. Other design polices in this chapter and elsewhere in the London Plan include specific design requirements relating to maximising the potential of sites, the quality of new housing provision, tall and large-scale buildings, built heritage, views, and the Blue Ribbon Network.

The application proposes a modern contemporary office building, with large office floorplates for a specified end user. The application presents a well considered response to the surrounding context and fits well within the existing, and expanding, cluster of taller commercial buildings in Canary Wharf.

There has been an overall reduction in the quantum and height of the building compared to the building permitted in 2008. Overall this application proposes a floorspace reduction of approximately 9,366 sq.m. and a height reduction of 4-storeys. The overall form, scale and character of this building is broadly comparable to the previous application. However, the applicant has adopted a fresh architectural approach to the treatment of the building, which ensures an individual design rather than a simple reduction in height, which is supported. The building achieves a high quality architectural expression.
The building sits on the eastern edge of the Canary Wharf cluster and would be highly visible from the surrounding area. The applicant has prepared a number of detailed local views, which show the proposed building in its setting. These views help demonstrate that the proposed building would sit comfortably within the context of Canary Wharf.

View of scheme from South Dock (image taken from KPF Design and Access Statement)

The Bellmouth Passage pedestrian bridge joins Montgomery Street to the application site. The bridge is designed within an enclosed glazed box and is likely to be a successful bridge connection. At either end of the bridge there is a level change between the canal side and street level. The design of the pedestrian bridge has addressed this level change, and tactfully includes lifts, ramp and step access from the bridge to the canal edge. The bridge layout and the canal side public walk way will facilitate pedestrian movement along the canal edge which is supported and is in line with London Plan policy 4C.11 on 'Increasing access alongside and to the Blue Ribbon Network'.

Strategic views

London Plan policies 4B.16 to 4B.18 along with table 4B.1 provide the policy framework for the management of strategically important views. The London View Management Framework (LVMF) Supplementary Planning Guidance provides further guidance on the implementation of these policies and assessment of the impact of new developments on designated views.

The proposed development does not fall within any of the strategic viewing corridors of St. Paul's Cathedral or the Palace of Westminster. The building does however affect the strategically important panoramic view from Greenwich Park (LVMF 5A.1).

In accordance with the guidance contained in the LVMF, the applicant has undertaken a qualitative visual assessment for the impact of the proposed development on the view from Greenwich Park. From this location the proposed development would be visible on the eastern edge of the existing cluster at Canary Wharf and appreciated as being part of the existing cluster. While this applicant will result in a change to this view, given the moderate scale of the building, its slim profile, the context of surrounding area along with other various consented schemes in the area (and on this site), this applications contribution to the cluster will be modest and complementary.
The methodology and submitted visual assessment is broadly consistent with guidance contained in the LVMF and provides an adequate basis for assessment of the impact of the development.

**Transport**

The application proposes a total of eight car parking bays, six of which would be provided as blue badge accessible bays. This restrained approach to car parking provision is welcomed and is in line with London Plan policy 3C.23 ‘Parking Strategy’ and draft replacement London Plan policy 6.13 ‘Parking’. Accordingly TfL is satisfied that no further work is required to mitigate the impact of additional vehicular trips, likely to be generated from the development, on the strategic highway network.

The application includes 138 cycle parking spaces, which is below the minimum standards set out in TfL’s cycle parking guidance and in draft London Plan policy 6.9 ‘Cycling’. TfL therefore requires the level of cycle parking provision to be increased from 138 to a minimum of 285 cycle spaces to comply with London Plan policy 3C.22 ‘Improving conditions for cycling’ and draft revised London Plan policy 6.9 ‘cycling’.

The site is located close to the Thames Path and Lea Valley Walk, both of which form part of the Strategic Walk Network. TfL would welcome further discussion with the applicant and Tower Hamlets Council regarding a contribution to the upgrade of this network. TfL also recommends that works to improve the pedestrian realm immediately surrounding the development site are secured as part of any planning permission in line with adopted London Plan Policy 3C.21 ‘Improving Conditions for Walking’, and draft London Plan Policy 6.10 ‘Walking’.

To help manage travel demand, the submission of a travel plan is in line with London Plan Policy 3C.2. Whilst the document is comprehensive, additional detail is necessary to secure the
appointment of a travel plan coordinator, and the target dates should be revised dependant on the
date of the building’s occupation.

A construction logistics plan should be submitted, which should seek to minimise highway
and traffic impact to the highway network during the course of construction. TfL also requests the
submission of a delivery and servicing plan that should seek to rationalise servicing with the aim to
reduce the total number of trips made and to avoid critical times on the road network. The
submission of both plans should be secured via planning condition or Section 106 agreement.

Crossrail

In view of the strategic regional importance of Crossrail to London’s economic regeneration
and development, and in order to bring the project to fruition in a suitably timely and economic
manner, contributions will be sought from development likely to add to or create congestion on
the public transport network that Crossrail is intended to mitigate. This will be through planning
obligations, arrangements for the use of which will be established at strategic level in accordance
with relevant legislation and policy guidance (Policy 3C.12A of the Proposed London Plan
Alterations).

An approach has been developed for collecting contributions towards Crossrail and is set
out in the Mayor’s draft Supplementary Planning Guidance (SPG) ‘Use of planning obligations in
the funding of Crossrail’ (March 2010). The SPG states that contributions should be sought in
respect of office developments in Central London and the northern part of the Isle of Dogs which
involve a net increase in floorspace of more than 500 sqm. As the proposed development falls
within the Isle of Dogs contribution area, the proposed indicative level of charge is £186 per metre
for new office floorspace.

In order to be consistent with the previous approach taken with this and other proposed
developments, TfL expects that the Crossrail charge should be applied to the net increase in office
floorspace from the implemented planning permission. Based on the information submitted, TfL
understands that the net increase will be 8,850sqm GEA, and TfL therefore requires a contribution
of £1,646,100 towards Crossrail.

A 20% discount is applied to contributions received from developments which receive
permission and commence before March 2013.

Energy and climate change

The London Plan climate change policies as set out in chapter 4A collectively require
developments to make the fullest contribution to tackling climate change by minimising carbon
dioxide emissions, adopting sustainable design and construction measures, prioritising
decentralised energy supply, and incorporating renewable energy technologies with a target of
20% carbon reductions from on-site renewable energy. The policies set out ways in which
developers must address mitigation of and adaptation to the effects of climate change. Policies
4A.2 to 4A.8 of the London Plan focus on how to mitigate climate change, and the carbon dioxide
reduction targets that are necessary across London to achieve this.

Baseline carbon dioxide emissions (policy 4A.4 of London Plan)

The carbon dioxide emissions for the proposed development have been estimated using
building regulations compliance modelling software. Both regulated and unregulated emissions
have been accounted for in line with London Plan requirements. The baseline emissions amount to
3501 tonnes of carbon dioxide per year based on the 2006 Building Regulations compliant
building. For this building, non-regulated emissions account for approximately 60% of the baseline emissions.

**Energy efficiency standards (Policy 4A.3 of the London Plan)**

73 A range of passive design features and demand reduction measures are proposed. These measures will reduce carbon emissions by 10% below the baseline emissions. The need for artificial lighting will be minimised through the use of daylighting control using photocell technology. Energy efficient lighting will be specified. The specific fan power will be minimised on the air handling units and heat recovery using thermal wheels is planned. Air permeability will also be improved well beyond the minimum requirements set by building regulations. While it is clear that efforts have been made to minimise the emissions associated with regulated energy usage (25% reduction), further details should be provided on the strategies that will be adopted to minimise energy usage associated with non-regulated emissions. This is particularly important in this case in view of the high proportion of overall emissions relating to unregulated energy use.

**District heating (policies 4A.5 and 4A.6 of the London Plan)**

74 The applicant has considered the potential for connecting into the existing Barkantine Heat and Power scheme to the south of the proposed development. Due to the need for any extension to cross the West India Docks and potential capacity limitations in the existing network, the applicant has rejected the idea of connecting into the Barkantine scheme. The applicant is asked to consider whether there is potential to link into other planned new build developments in the area.

75 Additionally further information on the proposed internal heat distribution systems within the building and the number of plant rooms should be provided.

**Combined Heat and Power (Policy 4A.6)**

76 The applicant has considered, and then rejected, the use of standard combined heat and power (CHP) for the development due to the relatively limited and sporadic nature of the heating demand. Significant heating is estimated to be required for just a few hundred of the circa 3000 building operating hours per annum. Given the characteristics of the proposed development, this reasoning is accepted. See further comments under cooling section below.

**Cooling (Policies 4A.6 of the London Plan)**

77 The proposed design utilises high performance solar control double glazing on all facades in order to reduce solar gains. The outcome of this is the reduction of unwanted solar gains and the consequential cooling loads.

78 The applicant is proposing the use of a 307kilowatt combined cooling, heat and power (CCHP) system to meet the base-load cooling demands. The analysis suggests that this could reduce carbon emissions by 4%, although this could be reduced further depending on changes in tenant type, reduced building occupancy and subsequent variations in load profiles.

79 The residual cooling load will be supplied by high efficiency water cooled chillers designed to operate with high seasonal energy efficiency ratios.
Renewable energy technologies (policy 4A.7)

80 The applicant is proposing the installation of 135 sq.m. of photovoltaic panels on the roof of the development, reducing carbon dioxide emissions by 0.23%. While it is acknowledged that the space for further PV panels on the roof is restricted due to the allocation of space for various uses, the applicant is asked to consider whether there is any scope to integrate photovoltaic panels into the facade of the building.

81 The applicant has also considered, and the energy strategy recommends, providing part of the heating and cooling using a heat pump operating in conjunction with the dock water. The analysis indicates that this could provide a modest 0.14% reduction in carbon emissions, subject to further studies down the line.

82 The estimated carbon emissions of the development are 2945 tonnes of CO2 per year after the cumulative effect of energy efficiency measures, CCHP and renewable energy has been taken into account. This equates to a reduction of 14% compared to a baseline of a 2006 Building Regulations compliant building.

Climate change adaptation

83 The applicant proposes the discharge of surface water run-off from this site into the docks. This is in line with the London Plan sustainable drainage hierarchy (policy 4A.14) and is acceptable. The applicant will also utilise grey water recycling measures for all non-potable uses, which is acceptable. The applicant is also seeking to reduce water consumption through the use of low flow taps and dual flush toilets, which is in line with London Plan policies 4A.14 and 4A.16.

84 The applicant has not assessed the potential to include green or living roofs or walls, which is not in line with London Plan policy 4A.11 on living roofs and walls. This issue must be addressed before the application is returned to the Mayor.

Flood risk

85 The applicant has prepared a detailed Flood Risk Assessment. The application site lies in Flood risk Zone 3a and is classified as “less vulnerable”, therefore the development is acceptable.

86 Nonetheless, the detailed design of this scheme should pay particular attention to residual flood risk and consideration should be given to how the building (ground floor and basement which will contain plant and parking) would remain safe during a flood. In addition, the applicant should also give further consideration to how the building would recover from a flood - this would include ensuring that plant rooms, utilities and lifts remain operational and ability to pump out the basement level.

Local planning authority’s position

87 The view of the local planning authority is not known at the time of writing this report.

Legal considerations

88 Under the arrangements set out in Article 4 of the Town and Country Planning (Mayor of London) Order 2008 the Mayor is required to provide the local planning authority with a statement setting out whether he considers that the application complies with the London Plan, and his reasons for taking that view. Unless notified otherwise by the Mayor, the Council must consult the Mayor again under Article 5 of the Order if it subsequently resolves to make a draft decision on the
application, in order that the Mayor may decide whether to allow the draft decision to proceed unchanged, or direct the Council under Article 6 of the Order to refuse the application, or issue a direction under Article 7 of the Order that he is to act as the local planning authority for the purpose of determining the application. There is no obligation at this present stage for the Mayor to indicate his intentions regarding a possible direction, and no such decision should be inferred from the Mayor’s statement and comments.

**Financial considerations**

There are no financial considerations at this stage.

**Conclusion**

London Plan policies on Major Town Centres, Opportunity Areas, mix of uses, urban design, strategic views, transport, Crossrail, energy and climate change and flood risk are relevant to this application. The application complies with some of these policies but not with others, for the following reasons:

- **Mix of uses:** The application does not include a mix of uses and does not provide any on, or off, site affordable housing.
- **Transport:** There is insufficient transport information included within the submitted application.
- **Crossrail:** The application does not make a contribution towards Crossrail.
- **Energy:** There is insufficient information on the energy strategy and climate change adaptation measures.
- **Climate change:** The applicant has not assessed the potential to include living roofs or walls.

Whilst the application is broadly acceptable in strategic planning terms, on balance, the application does not comply with the London Plan.

The following changes might, however, remedy the above-mentioned deficiencies, and could possibly lead to the application becoming compliant with the London Plan:

- **Mix of uses:** A further discussion on the requirement of this application to provide a contribution to off-site affordable housing is required.
- **Transport:** Further technical information is required as set out in the above report.
- **Crossrail:** The applicant is required to provide a financial contribution for Crossrail.
- **Energy:** Further technical information on the proposed energy strategy is required.
- **Climate change:** The applicant must assess the potential to include living roofs and walls.

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