

Committee: Strategic Applications Committee	Date: 14 July 2005	Classification: Unrestricted	Report Number: SDC003/056	Agenda Item No: 7.2
Report of: Corporate Director of Development & Renewal		Title: Town Planning Application		
Case Officer: Richard Humphreys		Location: Land at Shed 35, North Quay, Aspen Way, London E14		
		Ward: Millwall		

1. SUMMARY

1.1 Registration Details

Reference No: PA/03/00379

Date Received: 13/03/2003

1.2 Application Details

Existing Use:

Vacant site

Proposal:

Erection of two towers of 43 storeys (221 metres) and 37 storeys (209 metres) with a 23 storey central link building (125 metres) to provide 372,660 sq.m of offices, 5,324 sq. m of Class A1, A2 A3, A4, or A5 of which no more that 2,499 sq m shall be Class A1, together with an area of public realm, a pedestrian bridge across West India Dock North, a dockside walkway, access roads, parking and servicing areas.

Applicant:

Norquill Limited

Ownership:

Applicant

Historic Building:

Listed dock wall

Conservation Area:

Not applicable

2. RECOMMENDATION

2.1 The Committee is recommended to **grant** planning permission subject to: -

A. The application being referred to the Mayor of London pursuant to the Town & Country Planning (Mayor of London) Order 2000, as an application for a new building exceeding 30 metres in height and over 15,000 square metres of floorspace.

B. The completion of a section 106 and section 278 agreement under the following heads:-

- 1) To contribute £7.5 million to the Council for projects to be determined by the Planning Contributions Overview Panel in accordance with the Council's Strategic Priorities, such as affordable housing expenditure.
- 2) Provide the new public realm to include the provision of public art to a combined value of £8 million.
- 3) To provide a sum up to £0.6 million for TV reception monitoring and mitigation to be held in trust.
- 4) Provide a sum of £4.15 million for public transport enhancement such as improvements to the DLR, the Jubilee Line and bus services.
- 5) Provide up to £100,000 for highway works.
- 6) To adhere to an agreed travel plan for the development.
- 7) To adhere to the Council's Code of Construction Practice.
- 8) To secure the Dockside and North-South public walkway from Aspen Way Bridge for public availability.
- 9) Local labour in construction together employment training within the development.

**LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT**

Brief Description of background paper:	Tick if copy supplied for register	Name and telephone no. of holder
Application case file, plans and & UDP		Development Control 020 7364 5338

C. The following conditions:-

- 1) 10 year time limit.
- 2) Details of the following to be agreed prior to the commencement of each phase of the development:
 - i) facing materials
 - ii) detailed design of lower level elevations to dockside and public realm
 - iii) hard and soft landscaping including dockside walkway and external lighting
 - iv) secure cycle storage
 - v) public art
 - vi) high level roof top plant to be sound proofed to be 10dB(A) below background noise levels
 - vii) means of refuse storage/disposal
 - viii) boundary treatment including walls, fences, railings and gates
 - ix) access statement, including disabled access
 - x) pedestrian links to West India DLR Station and public space
 - xi) monitoring before and during construction phase for Black Redstart and subsequent provision of foraging habitat
 - xii) aircraft safety lights
 - xiii) scheme for raising the flood defences to 5.85 AOD during construction works
- 3) Landscaping maintenance
- 4) Car parking and servicing shown to be retained permanently
- 5) Contamination report and remedial measures
- 6) Construction hours limited
- 7) Piling hours limited
- 8) Wheel cleaning
- 9) Waste recycling plan
- 10) Archaeological investigation
- 11) A scheme for constructing flood defences to 5.23 above ODN
- 12) A scheme for maintaining the condition and integrity of flood defences for 50 years
- 13) A scheme for maintaining the stability of flood defences
- 14) Crossrail conditions
- 15) Before any A3, A4 or A5 use commences details of the means of fume extraction shall be agreed and implemented.

2.2 Should the Committee resolve that planning permission be granted, the Committee **confirms** that its decision has taken into account the environmental assessment information, required by Regulation 3 (2) of the Town & Country Planning (Environmental Impact Assessment) Regulations 1999.

2.3. As required by Regulation 21(1)(c) of the Town & Country Planning (Environmental Impact Assessment) Regulations 1999, the Committee agrees that following the issue of the decision, a statement be placed on the statutory register confirming that the main reasons and considerations on which its decision was based were those set out in the Planning Officer's report to the Committee.

3. BACKGROUND

Site and surroundings

3.1 This 3.33 hectares site is situated between Aspen Way and the West India Dock North across from Adams Place on the Canary Wharf estate. It was until recently used as a temporary car park and contractors yard serving the Canary Wharf estate that lies to the south. Billingsgate market adjoins to the east. To the west is the existing West India DLR Station. Across Aspen Way lies a predominantly residential area centered on Poplar High Street.

Planning history

3.2 In April 1992, planning permission was granted by the LDDC for redevelopment by a scheme

comprising 152,279 sq. m of hotel/offices and retail. This permission was renewed in September 1997 and again June 2002 and is extant until 2007.

Proposal

- 3.3 Full planning permission is sought for the development described on the front sheet of this report.
- 3.4 The proposal falls within Schedule 2 (Urban Development Projects) of the Town & Country Planning (EIA) Regulations 1999. An Environmental Impact Assessment supports the application in compliance with the Regulations.
- 3.5 Not dissimilar in principle to its sister scheme at Riverside South, which was approved by Committee in September 2004, this proposal also comprises twin office towers, with a link building in between. The scheme includes 3 basement levels to provide a retail mall leading out to promenade level on the dockside with two levels of car parking and servicing below. New access roads are proposed from Aspen way on the east side and Hertsmere Road to the west side.
- 3.6 The proposal includes a large open space, approximately 0.5 hectares, at podium level beneath the central link building. This would provide an area of public realm forming the hub of a pedestrian route linking Poplar DLR Station via the Aspen Way footbridge to a new landscaped pedestrian bridge proposed to the south across West India Dock North. The result would be a direct access into the Canary Wharf Estate from Poplar High Street. A lower promenade level would provide a dockside pedestrian walkway.
- 3.7 The planning application is accompanied by an application for listed building consent (PA/03/380) for alterations to the listed dock wall structure. These would facilitate the extension of the dockside over the dock basin to provide the proposed walkway.

4 PLANNING POLICY FRAMEWORK

Comments of Chief Legal Officer

- 4.1 The relevant policy framework against which the Committee is required to consider planning applications includes the adopted London Plan 2004, the Council's Community Plan, the adopted Unitary Development Plan (UDP) 1998, the Draft UDP and Interim Planning Guidance Notes.
- 4.2 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 is particularly relevant, as it requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations.
- 4.3 Whilst the adopted UDP 1998 is the statutory development plan for the Borough, it will be replaced by a more up to date set of plan documents which will make up the Local Development Framework (LDF). The emerging policies in the Draft UDP and the Interim Planning Guidance will inform the LDF and, as the replacement plan documents progress towards adoption, they will gain increasing status as a material consideration in the determination of planning applications.
- 4.4 The report takes account not only of the policies in statutory UDP 1998 but also the emerging plan, which reflect more closely current Council and London-wide policy and guidance.
- 4.5 In accordance with Article 22 of the General Development Order 1995 members are invited to agree the recommendations set out above which have been made on the basis of the analysis of the scheme set out in this report. This analysis has been undertaken on the balance of the policies set out below and any other material considerations set out in the report.
- 4.6 The London Plan policies relevant to the proposal are referred to attached in the appended GLA's initial response. The Mayor considered the report on 9 February 2005 and his

conclusions are set out under paragraph 5.1(20) below.

4.7 The following Unitary Development Plan 1998 **proposals** are applicable:

- (1) Central Area Zones
- (2) Flood Protection Areas
- (3) Sites of Nature Conservation Importance (Dock Basin)
- (4) Water Protection Area (Dock Basin)

4.8 The following Unitary Development Plan 1998 **policies** are applicable to this application:

DEV 1: Design requirements.
DEV2: Environmental Requirements.
DEV3: Mixed Use Developments
DEV4: Planning Obligations.
DEV5: High Buildings & Views.
DEV12: Landscaping requirement.
DEV13: Tree planting.
DEV18: Public Art.
DEV48: Dockside walkway.
DEV50: Construction noise.
DEV57: Contaminated land.
DEV55 & 56: Waste management recycling
DEV62: Nature Conservation
CAZ1: Central London Core Activities.
CAZ3: Promote large scale B1 & Retail uses (A1, A2 & A3).
EMP1: Employment growth
EMP6: Access to employment
EMP9: Central Area Zone business growth.
T15: Transport system capacity.
T16: Operational transport requirements.
T17: Planning standards for parking, servicing, access and circulation.
T20: Pedestrian access improvements.
S6: New retail development
ART5: mix-use developments to promote art & entertainment.
U2 & U3: Tidal & flood defenses.

4.4 The following **Draft Deposit UDP** 2004 proposals are applicable:

- (1) Site 144 – Designated for offices/retail/public space
- (2) Flood Protection Area
- (3) Shopping and Town Centres

4.5 The following **Draft Deposit UDP** policies are applicable:

EMP1 – Promoting economic growth and employment opportunities
EMP2 – Mixed-use developments
EMP4 – Proposals for office development
TC2 – Vitality and viability of shopping centres
TC8 – Retail development in Area Action Frameworks and identified mixed-use opportunity sites
TRN1 – Transport and development
TRN2 – Public transport schemes
TRN3 – Transport Interchange Growth Areas (TIGA)
TRN5 – Road network
TRN6 – parking and servicing
TRN7 – Transport assessment
TRN8 – Travel Plans
TRN9 – Linkages
TRN10 – Pedestrian mobility
TRN11 – Bicycle facilities
UD1 – Scale and density
UD2 – Architectural quality
UD3 – Ease of movement and access through inclusive design

UD4 – Design statements and access statements
UD5 – Safety and security (within development and public spaces)
UD7 – Tall buildings and large development proposals
UD8 – Important views
UD9 – Public art
UD11 – Landscaping
UD12 – Urban design, the Blue Ribbon Network and Thames Policy Area
ENV1 – Amenity
ENV6 – Sustainable construction materials
ENV8 – Energy efficiency
ENV9 – Contaminated land
ENV11 – Waste disposal and recycling facilities
ENV15 – Protection of bio-diversity
ENV20 – Flood protection
ENV22 – Waterside walkways
IM1 – Planning agreements
IOD1 – Development nodes
IOD5 – Town Centres
IOD7- Waterfront
IOD8 – Access

4.6 The following **Community Plan** objectives are relevant to this application:-

- Living Safely.
- Creating and Sharing Prosperity.

5. **CONSULTATION**

5.1 The following have been consulted:

- (1) **Greater London Authority.** The Mayor's initial conclusion on the scheme is as follows:-

“The principle of a large-scale office based development is supported, as it will complement London's world city role as an international financial centre. However, there are a number of strategic planning matters that are either unacceptable and need to be resolved, or need further consideration, before the Mayor considers the application again”.

The matters identified by the Mayor are set out in the appended Stage 1 Report and addressed below.

- (2) **British Waterways.** No comments received.
- (3) **London Regional Transport.** No comments received.
- (4) **London Development Agency.** The Agency supports the proposal and advises a section 106 clause to secure local employment & training opportunities.
- (5) **English Partnerships.** No comments received.
- (6) **London Electricity Plc.** No objection.
- (7) **Docklands Light Railway.** No comments received.
- (8) **Transport for London.** No objection in principle as set out in the Mayor's Report. It is recommended that detailed matters raised by TfL i.e. pedestrian links, cycle storage and a travel plan are treated by the conditions and/or legal agreement recommended above. Comments relating to transport capacity issues are discussed below.
- (9) **Crossrail.** No objection subject to conditions to safeguard the Crossrail project.
- (10) **Government Office for London.** No comments received

- (11) **London Underground Ltd.** No comments received.
- (12) **Port of London Authority.** Advises that the Mayor's policies for the Blue Ribbon Network should be taken into account. The construction process should utilise water borne transport. This will be addressed within the Council's Code of Construction Practice.
- (13) **London Borough of Greenwich.** Welcomes the further regeneration of Docklands and the job opportunities that will be created but expresses concern on the quality of the elevational treatment. The Council say the new building is located within the Docklands panorama from Wolfe Monument in Greenwich Park, a World Heritage site, and as such the the highest architectural quality should be expect.
- (14) **London Borough of Southwark.** No comments.
- (15) **Countryside Agency.** No comments.
- (16) **Nature Conservancy Council.** No comments received.
- (17) **London Fire & Emergency Planning Authority.** No objection.
- (18) **Commission for Architecture & Built Environment (CABE).** Welcomes the progress that has been made with the project and is pleased that there has been a significant response to the comments previously made by the Commission. The revised arrangement of the central block of offices is considered a successful move that has facilitated changes to the design of the north-south pedestrian route. As a result reservations about the quality of the public north-south route has been largely overcome.
- (19) **English Heritage.** Emphasises that it believes Canary Wharf is an appropriate location for tall buildings. No objection in principle to the proposal that would add to the growing cluster of high buildings within the northern sector of the Isle of Dogs. There are however concerns about the bulk, massing and siting of the proposed buildings and ancillary bridge.'
- (20) **Environment Agency.** No objections subject to safeguarding conditions.
- (21) **BBC Reception Advice.** An assessment of 'shadowing/ghosting' before and after the development should be undertaken with appropriate mitigation measures put in place.
- (22) **English Nature.** No comments received.
- (23) **London City Airport.** No objection.
- (24) **Head of Highways.** Advises that the car parking layout is acceptable, there is the required 10% provision for disabled drivers with good provision for cyclists and motor cycles. The reduction from the previous consented figure of 2500 & 1500 car parking spaces to 241 is welcomed. The Transport Assessment is a good, in-depth analysis of the effect on all modes of transport and, because of the lower level of parking, there is likely to be no significant effect on the local road network. Recommends that a travel plan and contributions toward transport infrastructure and highway works be secured.
- (25) **Environmental Health.** No objection. A detailed assessment relating to local amenity impact such as daylight/sunlight has been carried and is considered satisfactory. Potential noise from rooftop building plant should be treated by condition.
- (26) **Landscape Section.** No comments at this stage. A detailed landscape design is reserved for further approval.
- (27) **Cleansing Officer.** No comments at this stage. Details of refuse storage/disposal

arrangements are reserved for further approval.

- (28) **Corporate Access Officer.** No comment at this stage. Access details are conditioned for further approval.
- 29) **Greenwich Society.** Objects due to detrimental effect of the proposed buildings on the Maritime Greenwich World Heritage Site and Greenwich Park by reason of scale and height and impact on famous views.
- (30) **The Greenwich Conservation Group.** Shares the Greenwich Society's opinion adding, "the Docklands panorama has over recent years been considerably degraded by a proliferation of towers and high buildings, many of which do not share the same high quality of design as the original One Canada Square development. Approval for a further cluster of high towers, however well they may be designed, should not be allowed as they will further degrade the panoramic view".

5.2 Responses from statutory publicity and neighbour consultation are as follows:

No. Responses: 5 In Favour: 0 Against: 5 Petition: 0

5.3 The grounds of objection can be summarised as:

- Building height and scale.
- Impact on daylight and sunlight on neighbouring residential properties and recreation areas.
- Noise pollution, air pollution and dust contamination from construction works.
- Loss of privacy.
- TV and satellite reception.
- Impact of construction traffic.
- Impact on aircraft safety.
- Impact on Crossrail.

6. ANALYSIS

The London Plan.

6.1. The proposal's compatibility with the London Plan 2004 is addressed in the attached GLA Report. The Mayor advises that the proposal is in general conformity with the economic and design aspirations of the Plan. He has however a number of strategic concerns and the following comments are made:

Mixed-use (Paragraph 25)

6.2 Policy 3B.4 of the London Plan requires new office development within the Central Activities Zone to be accompanied by the provision of housing. This is to ensure that demand for local housing from employment growth can be sustained with reduced commuting which would in the long term over-burden public transport infrastructure. The growth of the private housing market within the Isle of Dogs is unprecedented with new developments coming on-stream to satisfy the projected growth in employment. Additional public transport infrastructure is planned to address employment growth, such as the DLR 3-car upgrade and Crossrail.

6.3 Comment: It is not considered appropriate for this scheme to include the provision of housing, and this is acknowledged within the Mayor's report. Nevertheless, it is considered that there is policy justification to seek the provision of affordable housing to address the likely demand generated by those employees who may not have the means to access the private housing market at current prices. This is addressed within the recommended legal agreement whereby a portion of the contributions made by the applicant can be allocated for off-site affordable housing. The applicant has agreed to this approach despite considering that in policy terms affordable housing is not a requirement for a development of this nature in this location.

Public Spaces Project

6.4 The applicant acknowledges that the DLR West India Quay Station concourse needs to be

integrated with the wider public realm within the proposed development and this is being pursued separately by the applicant with TfL and the GLA. An appropriate condition is recommended.

Noise and Air Quality

- 6.5 Concerns raised over noise and air quality relate primarily to the construction phase. These issues have been considered within the EIA. Appropriate mitigation measures are included within the Council's Code of Construction Practice that is recommended to form part of the legal agreement. Hours of construction can be limited by condition.

Transport Issues

- 6.6 The Mayor confirms that the site enjoys a public transport accessibility level (PTAL) of 5 and that the scheme provides a low level of car parking spaces with a reduction of 1500 spaces from the approved development. However, there are concerns relating to pedestrian access, cycle storage and the need for a travel plan to address issues such as servicing during peak times and employee travel patterns. A recommended condition and the legal agreement address these matters.

Nature Conservation/Biodiversity

- 6.7 Impact on the adjoining dock basin that is designated as a site of nature conservation importance has been examined within the EIA. Further supplemental information has been reviewed by the Council's EIA consultants and found to be satisfactory. The Mayor's concern that there should be "appropriate compensation for partial loss of the area" refers to the scheme's encroachment into the dock basin by approximately 10 m. However, the extant permission involves such encroachment and it is not considered any compensation is justifiable.

Accessibility and Sustainable Issues

- 6.8 Physical access to the scheme and surrounding public realm has been addressed and the applicant has submitted additional statements. However, it is recommended that final details be conditioned for further approval. With regard to access to employment, it is proposed that the legal agreement includes a clause to address the issue of local employment and training opportunities during construction and within the completed scheme. Sustainability in terms of energy efficiency has been addressed within the EIA. Further information has been supplied to address this issue and is under consideration by the GLA.

The Tower Hamlets Unitary Development Plan

- 6.9 The site is located within the defined Central Area Zone. In terms of land use and scale, the proposal is considered to be in compliance with policies CAZ1 and CAZ3 and employment policies EMP1, EMP6 and EMP9. The development will further consolidate the Isle of Dogs as a major financial and business centre; enhance its global status and increase local job opportunities. It is estimated that approximately 18,900 jobs (based on 1 per 20 sq.m of floorspace) would be created.
- 6.10 The retail provision would enhance Canary Wharf, as the major retail destination in the borough. The latest employee survey of December 2004 shows that there are currently 63,814 people employed on the Canary Wharf Estate with approximately 9.3% living in the borough. Based on these figures, it is projected that North Quay would provide 1,758 additional local jobs.
- 6.11 In relation to the UDP's design policies DEV1 and DEV2 and emerging policy UD7, situated on the edge of the cluster of tall buildings at Canary Wharf, the proposal is considered to comply with policy given the context of the locality.
- 6.12 It is recommended that specific relevant policy requirements i.e. archaeology, contamination, ecology, and control of noise and air pollution during construction are dealt with by conditions. Other material considerations such as TV interference are addressed by the recommended legal agreement.

Design and Layout

- 6.13 The applicants initially presented the scheme to officers in October 2001. Presentations were also made to the GLA and CABE. The architecture has been refined to respond to the views expressed at the pre-application stage. In terms of height and scale, the proposal is considered satisfactory in relation to Canary Wharf and public spaces in the locality.
- 6.14 It is also considered that the applicant has successfully addressed the relationship between the different parts of the proposal and the public realm. The connection between Poplar, the public parts of the proposal and the new interconnecting bridge over the dock is well developed and attractive as acknowledged by CABE. The buildings would provide a new landmark to define the northern boundary of the estate.
- 6.15 The provision of public access to the lower retail floor at promenade level, from the public concourse within the central link building is welcomed. There would be access, linked by a new landscaped bridge across the north dock to the heart of Canary Wharf and the main retail mall by Cabot Hall. A new dockside public walkway, linking to West India Quay is also welcomed.
- 6.16 The proposal has taken account of local and strategic views and does not affect the strategic viewing corridor from Greenwich to the City. It is considered that the buildings will add a further layer to the dramatic skyline of Canary Wharf and would not compromise local views or sites of historic interest.

Transport Capacity Issues

- 6.17 Car parking provision is below the 1:1000 sq.m standard set out within the UDP and the Council's Highways Officer has welcomed the proposal's compliance with the car restraint policy T17. Servicing and access arrangement from Aspen way and Hertsmere Road to servicing bays at ground/promenade level below the main buildings is considered satisfactory.
- 6.18 Employee surveys show that car usage to Canary Wharf has declined from a peak of 22% in 1997 (modal split then being 68% by DLR, 2% by bus, 8% other) to 7%. This is expected to decline further by 2010, when the Jubilee Line upgrade (48% of the modal split in 2001) and the DLR 3-car upgrade are operational by the time the building is ready for occupation. The forecast for the modal split is 49% by Jubilee Line, 35% by DLR and 6% by bus.
- 6.19 The submitted Transport Impact Assessment have been analysed by TfL and the Council's Highway Officers who are satisfied that upgraded public transport facilities can absorb the additional demand generated by the application, without adverse impact on the surrounding road network.

Local Amenity Issues

- 6.20 Objections have emanated from north of Aspen Way. The points relating to height, strategic views and architectural quality are addressed above and Members will note the comments from the GLA and CABE. It is not considered that a refusal is warranted on these grounds.
- 6.21 With regard to construction and traffic noise, there may be some inconvenience to surrounding residential occupiers during construction. However safeguards are proposed by condition and within the s106 agreement, including compliance with the Council's Code of Construction Practice, to minimise disturbance. In addition, details of building plant including noise levels are reserved by condition.
- 6.22 Similarly daylight/sunlight impacts have been examined within the EIA. Whilst a building of this size will have some impact on residential properties north of Aspen Way, there is sufficient distances to maintain satisfactory light levels. Further detailed analysis has also been undertaken in relation to the Marriott Hotel at West India Quay and found to be satisfactory.
- 6.23 With regard to TV reception interference and mitigation, consistent with established practice it is recommended that this matter be dealt with by a clause in a s106 agreement. This would involve monitoring in 3 stages - as the building comes out of the ground, mid-way

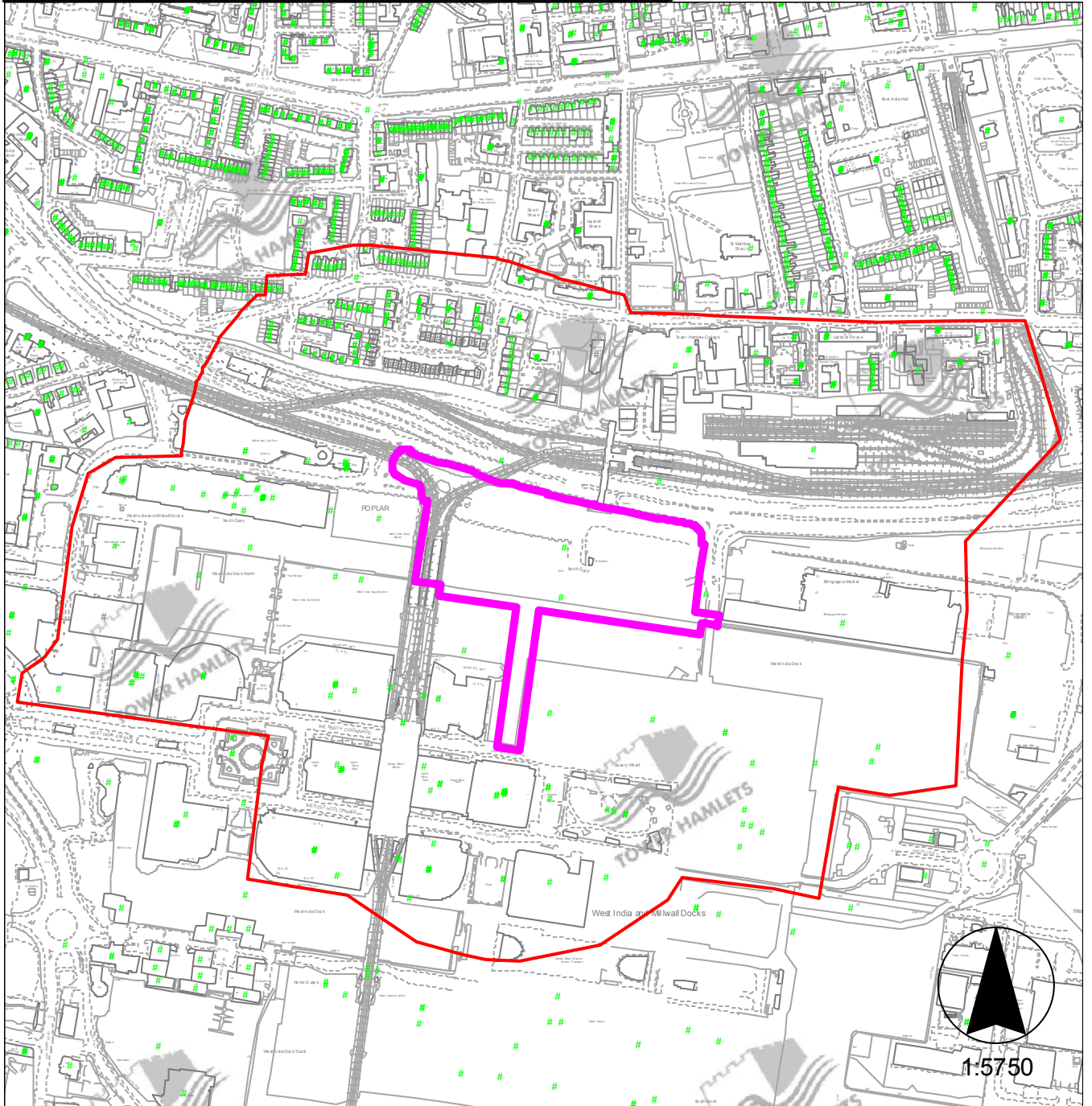
through the construction process and on final completion. This will establish the scale and nature of any interference caused by the building, with appropriate mitigation measures to be put in place as determined by specialist engineers. It is recommended that £600,000 be put in trust to deal with this issue.

Environmental Impact Assessment

- 6.22 The submitted Environmental Impact Assessment accords with the EIA Regulations 1999. It has been subject to consultation with the statutory authorities, and advertised in compliance with statutory requirements. There are no adverse comments from statutory consultees.
- 6.23 The Council's consultants have reviewed the EIA, and further supplemental information has been submitted. A critique of the key issues in the areas of air quality, archaeology, built heritage, ecology, townscape and visual impact, transport, including construction impact, contamination and noise has been undertaken. Consultees, notably the Environment Agency and Crossrail as well as the GLA, have requested a number of additional details that are subject to the recommended conditions.

7. SUMMARY

- 7.1 This is the second significant planning application by a subsidiary Canary Wharf Plc, to come before this Council, since the estate was constructed under the former Enterprise Zone Scheme. Whilst there some local objection, it is considered that the proposal is acceptable in planning terms and negative impacts can be mitigated.
- 7.2 In the strategic and local context, the proposal would bring significant economic benefits to the borough, in line with the Council's Community Plan aspirations, and would consolidate the Isle of Dogs as a major business centre. Subject to appropriate conditions and the execution of a legal agreement with the Council, no planning objections are raised.



LAND AT SHED 35 NORTH QUAY, ASPEN WAY, LONDON, E14.

9 February 2005

North Quay (Shed 35), Canary Wharf

in the London Borough of Tower Hamlets

planning application no. PA/03/00379

Strategic planning application stage 1 referral

Town & Country Planning Act 1990 (as amended); Greater London Authority Act 1999; Town & Country Planning (Mayor of London) Order 2000

The proposal

Erection of two skyscrapers of 43 and 37 storeys and a lower central link building to provide 372,660 sq.m. of office floorspace , 5,324 sq.m. of A1/A2/A3 floorspace, public open space within link building, pedestrian bridge across North Quay, dockside walkway, access road and parking

Strategic issues

The redevelopment of this vacant site for a large scale office development is consistent with London Plan policies. However, there are some strategic concerns:

- The proposal does not comply with the London Plan's policy for mixed uses within the Central Activities Zone.
- Consideration should be given to the relationship of the development with the proposed Mayor's 100 Public Spaces project under West India Quay Docklands Light Railway station and the footpath along Aspen Way.
- There are concerns regarding noise and air quality.
- There are transport concerns relating to Crossrail, cycle parking, transport improvements, pedestrian access and the public highway.
- Appropriate compensation is required for the partial loss of the Site of Interest for Nature Conservation.
- Inadequate consideration has been given to accessibility.
- Inadequate consideration has been given to sustainable development issues.

Recommendation

That Tower Hamlets Council be advised that the principle of the development is acceptable in strategic planning terms. However, matters relating to mixed use, transport, design, noise, air quality, biodiversity, accessibility and sustainable development are currently unacceptable and will need to be resolved before the Mayor could determine the application.

Context

1 On 27 March 2003 Tower Hamlets Council consulted the Mayor of London on a proposal to develop the above site for the above uses. With the agreement of the applicant, consideration of this application was deferred until after one of its other applications, Riverside, had been determined. Under the provisions of the Town & Country Planning (Mayor of London) Order 2000 the Mayor has the same opportunity as other statutory consultees to comment on the proposal. This report sets out information for the Mayor's use in deciding what comments to make.

2 The application is referable under Category 1B of Schedule of the above Order: *'Development...which comprises or includes the erection of a building....outside Central London and with a total floorspace of more than 15,000 square metres...'* and Category 1C *"Development which comprises or includes the erection of a building...more than 30 metres high and outside the City of London"*.

3 If Tower Hamlets Council subsequently decides that it is minded to grant planning permission, it must first allow the Mayor an opportunity to decide whether to direct the Council to refuse permission.

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 the case.

5 The Mayor of London's comments on this case will be made available on the GLA website www.london.gov.uk.

Site description

6 The site is located within the former West India Docks complex and was originally developed for warehousing to serve the adjacent Import (North) Dock. Following closure of the docks in the 1970s the site was cleared. Aspen Way, which forms part of the Transport for London Road Network, forms the northern boundary of the site. Aspen Way is an eight lane dual carriageway that links to the Lower Lea Crossing, A13, Blackwall Tunnel and Limehouse Link. Beyond Aspen Way is Poplar Docklands Light Railway (DLR) station, which serves Beckton, Stratford, Crossharbour, Bank and Tower Gateway. Upper Bank Street forms the eastern boundary of the site, beyond which is Billingsgate Fish Market. To the west of the site is the elevated West India Quay DLR station, which serves Stratford, Lewisham and Bank. Beyond the DLR station is a 32-storey building comprising a hotel, serviced apartments and residential units. Beyond the North Dock to the south is the Canary Wharf estate, which comprises office buildings, retail units and open spaces.

7 The site is approximately 3 hectares in size and is level. It is currently used as a car park. A concave brick dock wall, known as the banana wall, exists below grade level and is Grade 1 listed. Early in the 20th century the quay was extended over the banana wall to create a false quay.

Details of the proposal

8 The application involves the construction of two tall buildings of 221 and 208.5 metres high with a lower central building of 125 metres (this compares to One Canada Square, 237 metres, 8 and 25 Canada Square, both 200 metres, Swiss Re, 180 metres; and the proposed London Bridge tower, 310 metres). A podium block links the three blocks. The buildings are predominantly for office use with retail uses at ground and promenade level (it should be noted that throughout this report promenade level refers to the existing ground level at dock edge, whereas ground floor refers to the level above this, which is roughly level with Upper Bank Street). The taller of the two towers (NQ1) is located at the western end of the site and comprises a 43 storey tower that is rectangular in form with a curved screen that wraps around the western elevation. The curved

facade does not extend to the top of the building, leaving a three storey enclosed plant area. The central building (NQ2) extends to 17 storeys in height and is basically cubic in form with a curved structure rising up from the eastern elevation to approximately five storeys above. A large atrium runs through its centre from the seventh storey upwards and is visible on the western elevation. The second tower is located at the eastern end of the site and is 37 storeys in height and is rectangular in form with a curved southern elevation. The towers will sit on a plinth at ground level. The buildings will be clad in stainless steel, aluminium and glass.

9 At promenade level there are retail units on the southern elevation fronting the dock. These units open out onto a promenade that extends 10 metres out over the dock and runs the length of the site. At ground level (the level above) there is an access road (described in paragraph 10 below) and a pedestrian walkway around the perimeter of the blocks that give access to the towers. There is a large semi-enclosed space between NQ1 and NQ2, approximately 4,300 sq.m. in area and 17 metres high. The space has the podium block above it and the elevations of the office buildings on its east and west sides. It is open to the north and south.

10 There is an existing footbridge that crosses the DLR line adjacent to Poplar Station and Aspen Way, which currently ends at the site boundary, with a lift and stairs to pavement level. The development proposes to extend this footbridge into the semi-enclosed space. There is a level change of approximately two metres between the footbridge and ground level. The enclosed space will be landscaped to deal with this level change with a series of stepped seating areas, plateaus and gardens. Large glass and woven steel screens will be integrated into the contoured landscape to provide shelter from the weather.

11 The development also includes a pedestrian link across North Quay to Adams Place. This is described by the applicant as a 'carpet and stick'. The 'stick' is an eight metre wide glass rectangular prism that spans the dock at ground level on both the North Quay and Adams Place ends. The carpet is a 22 metre wide landscaped bridge that spans the dock from ground level on the North Quay and ramps down to promenade level at Adams Place. The carpet has been designed as an extension of public realm across the dock, with areas of landscaping, seating and openings into the water below. The stick has been designed to retract by 20 metres, and the carpet lift at one end, to enable tall vessels to use the whole of the dock.

12 The development will be served by a two-way access road. This will run along the southern boundary of the site from Upper Bank Street at ground level. The road turns northwards and runs along the western boundary of the site, adjacent to the DLR line. At this point the road descends on a ramp to promenade level and joins Hertsmere Road under West India Quay DLR station. Access to the basement loading bay and car parking area is also from Hertsmere Road, with a second exit onto Upper Bank Street.

13 The basement will provide 241 car parking spaces (10% of which will be designated as parking bays for disabled people), 215 motorcycle parking bays and 136 cycle parking bays (with shower and changing facilities). A further 149 cycle spaces are to be provided under the DLR station.

14 The full application has been submitted by DP9 on behalf of Norquill Ltd, a company within the Canary Wharf Group. Ceasar Pelli Associates, who designed 1 and 25 Canada Square and 25 and 40 Bank Street, designed the towers and Alsop Architects have designed the public realm areas including the semi-enclosed space and carpet and stick.

Case history

15 An outline planning permission was granted in 1987 for 176,400 sq.m. of office/retail/leisure and residential uses. A further permission was granted in 1992 for 181,263 sq.m. of office/retail and hotel uses and 1,500 car parking spaces. The proposals included a building 176 metres high. This permission was renewed in 1997 for a further five years. Construction of this development started on March 2002, which gives the permission an indefinite time period. The permission was renewed for a further five years in June 2002, although the car parking was reduced to 468

spaces. Under Schedule 1 (2) (b) of the Town & Country Planning (Mayor of London) Order 2000 applications for renewal of permissions first granted before 2 July 2000 are not referable to the Mayor.

Strategic planning issues and relevant policies and guidance

16 The relevant issues and corresponding policies are as follows:

- Economic Development and regeneration *London Plan; London's Economic Development Strategy*
- World city role *London Plan*
- Mix of uses *London Plan; PPS1*
- Urban design and tall buildings *London Plan; PPS1*
- Access/equal opportunities *London Plan; Accessible London SPG*
- Transport and parking *London Plan; the Mayor's Transport Strategy; PPG13*
- Biodiversity *London Plan; the Mayor's Biodiversity Strategy; PPG9*
- Blue Ribbon Network *London Plan*
- Air quality *London Plan; the Mayor's Air Quality Strategy; PPG23*
- Noise *London Plan; the Mayor's Ambient Noise Strategy; PPG24*
- Sustainable development *London Plan; the Mayor's Energy Strategy; PPS22*

17 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 1998 Tower Hamlets Unitary Development Plan and the 2004 London Plan. The London Plan identifies the Isle of Dogs as an Opportunity Area. It also forms part of the Central Activities Zone. Tower Hamlets Council published its Deposit Draft Replacement Unitary Development Plan in May 2004, which includes an outline Action Area Framework (AAF) for the Isle of Dogs. The application site is included within the AAF boundary. Tower Hamlets Council has now decided to abandon the UDP and proceed with a Local Development Framework, which will include an Isle of Dogs Area Action Plan. It is anticipated that this will be endorsed by the Mayor and will constitute the Opportunity Area Framework required by the London Plan.

World City role and economic development

18 One of the Mayor's principal purposes, under section 30 of the GLA Act 1999, is promoting economic development and wealth creation in the capital. The London Development Agency's Economic Development Strategy, issued January 2005, acknowledges the ever-increasing mobility of increasingly global businesses and the impacts on London that could arise from a reduction in its attractiveness to both new and existing business investors.

19 London has a unique role in providing headquarters functions for large UK, European and global companies. This part of the wider services sector is a crucial element of London's economy and fundamental to its world city role. If London is to compete in the global market for housing the world's largest firms, it needs a supply of office buildings large enough to accommodate them.

20 At present, the shortage of such accommodation results in London's office rents for such primary office floorspace being amongst the highest in the world with consequential implications for London's competitiveness among other global business locations. There is hence a continuing and growing requirement for large premises that are suitable for the headquarters of large global companies if London is to remain a global business location.

21 In recent years, the Canary Wharf Estate has played a fundamental role in providing a sufficient quantity of modern accessible floorspace to attract and meet the needs of global companies. The provision of a significant amount of flexible modern office accommodation in this location will help to meet the future demands of the business and financial sector and will enable

London to maintain and expand its world city role in accordance with national, strategic and local policies, and aid in the improvement of London's status as one of the three major world corporate centres.

22 Paragraph 5.65 of the London Plan notes that Canary Wharf is already known globally as a prime focus for banking headquarters, as well as for financial and business services and that although not physically part of Central London, many of the future activities on the Isle of Dogs are interdependent with Central London and that plot ratios should reflect this. The Opportunity Area is identified in paragraphs 5.66 and 5.67 as having potential to accommodate at least 150,000 jobs and 3,500 additional dwellings by 2016. There are currently some 60,000 people employed in the Isle of Dogs.

23 The applicant has stated that 16,800 people will be expected to be employed once the development is completed and occupied, of which 16,550 will be office jobs. The development will therefore make a significant contribution towards meeting the employment potential of the Isle of Dogs.

24 The applicant has stated that during the construction phase it will be in a strong position to provide opportunities for the local community through the adoption of local recruitment and training initiatives, which it has already established and used in the past. This should be secured by condition or agreement. The applicant has also referred to Skillsmatch, an agency run by Tower Hamlets Council (based in rent-free offices provided by Canary Wharf Group), which links local people to local jobs within the Isle of Dogs. If necessary the developer should consider providing extra funding to continue this work.

Mix of uses

25 Within the Central Activities Zone increases in office floorspace should provide for a mix of other uses including residential (policy 3B.4 of the London Plan). Paragraph 3.125 notes that exceptions to this policy will only be permitted where the requirement for such a mix would demonstrably undermine strategic policy for other developments, including parts of the City and the Isle of Dogs. Furthermore, where an exception is permitted, provision of housing elsewhere on suitable land will be required as part of a planning agreement.

26 The proposal includes a small element of retail use, which accounts for approximately 1.5% of the total floorspace. Although this provides active uses at promenade and ground floor level its limited amount and the absence of any residential floorspace conflicts with Policy 3B.4. The applicant has not specifically demonstrated why on-site provision of housing in this location would undermine strategic policy. It can be implied from the Environmental Statement that the requirement by international financial companies for large floorplates (between 3,700 sq.m. and 4,650 sq.m.) precludes residential use within the same building. A separate residential tower could have been considered, although this would, arguably, undermine the site's potential to meet the Mayor's economic objectives.

27 The London Plan states that the approach to mixed use development will be developed through the sub regional development frameworks. However, the East London sub regional development framework has not yet been prepared. The draft Housing Provision Supplementary Planning Guidance (SPG) provides some further detail about the application of the mixed use policy and highlights the approach taken in Westminster, Camden and Lambeth, where 50% of the uplift on floorspace should be residential and 50% of that should be affordable housing. If this approach were taken on this site some 186,000 sq.m. of housing would need to be provided (approximately 2,800 two-bed units, based on an average of 65 sq.m. per unit).

28 In the absence of detailed policy advice for this location and given (i) the site's location and characteristics, (ii) the fall-back position established by the implemented and extant permissions, and (iii) the fact that the scheme has been in conception since before the London Plan was drafted

it would be unreasonable to seek on-site provision of housing. However, the development should make a contribution to the off-site provision of housing.

Tall buildings and urban design

29 Policy 4B.8 of the London Plan states that the Mayor will promote the development of tall buildings where they create attractive landmarks enhancing London's character, help to provide a coherent location for economic clusters of related activities and/or act as a catalyst for regeneration and where they are also acceptable in terms of design and impact on their surroundings. The guidance on the design and impact of large scale buildings (policy 4B.9) is also particularly relevant.

30 The development will add to the landmark characteristics of Canary Wharf, contribute to London's role as an international financial centre, enhance the setting of the dock and improve pedestrian linkages. The development does not include a sufficient mix of uses as described in paragraphs 25 to 28 and does not illustrate exemplary standards of sustainable construction, as described in paragraphs 53 – 56.

31 The applicant considers that the development is acceptable in terms of its effects on microclimate and residential amenity. These matters should be considered by Tower Hamlets Council having regard to its own UDP policies and London Plan policy 4B.9.

32 Subject to the satisfactory resolution of the mixed use policy and sustainable construction matters it is considered that the development meets the London Plan's requirements for tall and large scale buildings.

33 Canary Wharf has been developed to a formal Beaux-Arts masterplan, comprising a series of development parcels orientated on a strong east – west axis. The docks, Aspen Way and DLR help to frame this masterplan. The design for North Quay has evolved over a period of time and the proposals as presented are a considered response to the site constraints and the masterplan. The proposal for North Quay conforms to the masterplan and thus contributes to the strong identity that Canary Wharf has.

34 The two towers complement the existing towers at Canary Wharf, while ensuring that One Canada Square remains the central iconic feature. This distinction is reinforced by the use of rectangular volumes juxtaposed with curved elevations and variations in the use of materials, which means that no two elevations are the same. For example, the curved elevation of NQ1 is further accentuated by a pattern of projecting stainless steel fins, arranged in a diagonal stagger. Glass and steel has been used to good effect to optimise the effect that the changing angle, intensity and colour that the sunlight has on the building. Overall, the massing, design and use of materials will result in high quality buildings that will contribute to the identity of Canary Wharf as an international financial centre.

35 The proposal very successfully responds to the current limited north-south permeability of the area, by providing a pedestrian link from the truncated Aspen Way footbridge to the rest of the Canary Wharf estate. This link will breach the barrier created by Aspen Way and the DLR and help to integrate Canary Wharf with Poplar. However, the pedestrian flow on the Aspen Way bridge will increase and therefore the developer should exploit any opportunity to improve the quality of the northern access to this bridge, which is currently served only by a single unglazed lift and exposed stairway.

36 The proposed semi-enclosed public space, set within the central podium building, will provide a distinctive amenity area that complements the existing public spaces within the Canary Wharf estate. The use of suspended glass screens will provide protection against the weather, but allow unrestricted access into the space. The space can be used flexibly for events, concerts, exhibitions and conferences and will include a cafe and areas to sit out.

37 The continuation of the pedestrian route from the Aspen Way through the open space and across the carpet and stick will provide an exceptionally high quality route, which not only provides a direct pedestrian route but also quality spaces to be enjoyed in their own right. However, careful consideration will need to be given to the point where the pedestrian route linking the open space and the carpet and stick crosses the access road and drop off zone.

38 The boardwalk along the dock edge is a further addition to this package of spaces. It will provide a continuation of the public route alongside the dock to the west of the site and will provide an attractive setting for the cafes and restaurants located at the promenade level of the North Quay development as well as enabling a greater enjoyment of the dock as part of the Blue Ribbon Network.

39 There are concerns about the relationship between the development, the pedestrian route on Aspen Way and the area under West India Quay DLR station, which is to become one of the Mayor's 100 public spaces. The only present direct connection is a standard width staircase. Direct visual and physical links to platform level, access alongside ramp and extra lift provision as well as widening of the stair should be investigated further. The development should aim to provide active facades towards the station where possible to increase passive surveillance. Further discussions should take place with the applicant to address these.

Transport

40 The site is served by a range of public transport modes within a walking catchment. The Jubilee Line is accessed via Canary Wharf station, while the Docklands Light Railway via Poplar, West India Quay and Canary Wharf stations. The site is within close proximity to bus services providing routes operating along North and South Collonade on Canary Wharf. The site enjoys a Public Transport Accessibility Level (PTAL) of 5 (where 6 is the highest) during peak travel hours. This reduces to a PTAL score of 3 during off-peak hours.

41 In line with London Plan policy 3C.1 the development seeks to reduce the need to travel by car. Measures to achieve this include: a low level of car parking spaces (total 241 which equates to an average of 1 space per 1400 m² gfa); 660 cycle parking spaces; improved pedestrian facilities; and appropriate travel planning. The levels of car parking are within the standards set out in the London Plan. The proposed level of cycle parking is in line with current levels of use but does not allow for potential growth in cycle usage and is lower than standards set out in the London Cycle Network Design Manual. 149 out of the 285 cycle parking spaces are to be provided under the DLR station. This is unacceptable as the spaces will be open to the elements and not particularly secure or convenient.

42 However, TfL recommends that the following additional measures should be undertaken as part of the development to further reduce the need to travel by car and promote a more sustainable pattern of development in line with this policy:

- an audit of pedestrian routes to identify where safe and direct access could be improved, such as safe crossing facilities;
- capacity to extend cycle parking provision in the event of growth in cycle use. Additional space should be provided within the basement parking area as well as outside the entrance to the towers and along the dockside;
- the production of a Travel Plan to address issues such as the problems of servicing during peak times and employee travel patterns.

43 In terms of London Plan policy 3C.2 matching development to the capacity of the public transport networks TfL has some detailed concerns regarding inbound/outbound peak hour trips, assumed service patterns, modal split and distribution assumptions. TfL recommends that various sensitivity tests are undertaken to provide a robust impact assessment. TfL would welcome further

discussion with the applicants on this issue. Subject to this work TfL's initial assessment of the impacts on the various public transport networks has indicated that appropriate contributions for the DLR 3 car project and extension of bus route 330 should be agreed.

44 London Plan Policy 3C.13 seeks to enhance bus priority measures. Additional contributions should be made from this development to resurface both the northbound and southbound bus stops at Westferry Station in line with this policy.

45 The applicant has confirmed that the pedestrian route from the Aspen Way bridge, through the public space and across North Dock will be a Public Right of Way. This should be secured as a public right of way (rather than a permissive route) by condition or agreement. The access road between Upper Bank Street and Hertsmere Road will be an access road for private use. The applicant has stated that because of the quality of materials used, Tower Hamlets Council is reluctant to adopt roads within the Canary Wharf estate and maintain them at public expense. It is desirable that all parts of the highway that would generally be considered part of the public realm should be adopted in order to remove any uncertainty about public access. Policy 4B.4 makes clear that the public realm should be accessible and usable for all. Therefore the proposed use of a private road is unacceptable. Tower Hamlets Council should be required to adopt the road as public highway, if necessary with a commuted sum from the developer to pay for the increased maintenance cost.

46 North Quay has been identified as work site for Crossrail 1 and will be included in the safeguarding lines when these are published alongside the Parliamentary Bill to promote the route, anticipated to be in the next month or so. Crossrail has been in discussion with the applicant to agree on an appropriate condition, which will prevent commencement of the permission until after completion of Crossrail (or expiry of the powers contained within the bill or revocation of the safeguarding direction). Policy 3C.11 of the London Plan states that the Mayor will improve the strategic public transport system in London by implementing Crossrail 1, therefore it is essential that this site is safeguarded and the North Quay development does not prejudice the implementation of the railway project. It is therefore essential that an appropriate condition is placed on any permission.

47 The consultation plan for Crossrail indicates that the proposed Isle of Dogs station will be located within North Dock, with a direct entrance to the North Quay site. This will significantly improve the public transport accessibility of the site. However, it is essential that there is a continuing dialogue between Crossrail and the applicant to ensure that the designs for both North Quay and the station are properly integrated.

Air quality

48 The applicant has carried out an air quality assessment. The conclusions of this are accepted and the development is unlikely to have a significant impact on air quality. There are some minor concerns with the air quality assessment, which should be addressed by the applicant. These are set out in Appendix One.

Noise

49 The applicant has carried out a noise impact assessment. This concludes that it is unlikely that any significant disbenefits would occur to the occupants of nearby potentially sensitive buildings. In terms of the noise impacts of construction and operation of the buildings this conclusion is accepted as Tower Hamlets Council has powers to control noise in relation to both these activities and the applicant is confident that it can work within these. However, with regard to the noise impact of road traffic the assessment is too limited in scope as it only assessed the impact on the nearest residential property (Dingle Gardens). The noise impact of the extra traffic on the West India Dock (slip) Road is not discernible at this location because of the existing level of background noise caused by Aspen Way. However, further to the west of Dingle Gardens, where Aspen Way

descends into the Limehouse Tunnel, the level of background noise may well be lower, thus making the impact of the additional traffic more significant. This matter should be addressed.

Access/equal opportunities

50 Contrary to the London Plan an access statement has not been submitted. Although the site is level the development involves level changes within the 'public' areas. Generally the change in levels has been satisfactorily addressed through the use of inclusive ramps and lifts. However, there are instances where treatment of the changes in level is unclear, for example at the Adams Place end of the 'carpet and stick'. Because of the dramatic level change there is a need for the applicant to demonstrate that the widths, locations and numbers of stairs, lifts and escalators are adequate. An access statement should be produced before the Mayor considers the application again. Section 2.5 of the Mayor's Accessible London SPG provides further guidance on the content of access statements.

51 The site is located within an area of multiple deprivation. As discussed in paragraph 24 the development has the potential to provide employment to the local community in both the construction and operational phase. However, barriers to accessing this employment experienced by disadvantaged residents, should be overcome through specific schemes, such as those described in paragraph 24.

Blue Ribbon Network

52 The dock forms part of the Blue Ribbon Network, and therefore the policies in chapter 4C of the London Plan are particularly relevant. Policy 4C.32 seeks to prevent the partial or complete in-filling of London's remaining dock areas. Therefore the proposal to extend the promenade into the dock will conflict with this policy. The applicant has pointed out that the promenade will only extend out over the dock rather than result in in-filling, although the plans accompanying the Environmental Statement show that there will be a reduction in the volume of water as gravel will be placed under the deck to support the Banana Wall. The applicant has also pointed out that there is an implemented and extant permission and that the developer could construct the promenade as the next element of the implemented permission.

53 The promenade will increase access alongside the Blue Ribbon Network, in accordance with policy 4C.17. Overall, the development does respond to the expectations of Policy 4C.20, which seeks to ensure that the design of waterside developments integrate successfully with the water space. In particular, the development includes a mix of public uses and open spaces to ensure an inclusive, accessible and active waterside and ground level frontage.

54 Given the 'fall-back' position of the implemented and extant schemes, which are significant material considerations, and the benefits to the Blue Ribbon Network that the scheme brings, the small loss of the dock area is not inconsistent with London Plan policies.

55 The development also includes a structure over the dock. Policy 4C.22 of the London Plan states that such structures should be resisted unless the use specifically requires a waterside location. However, paragraph 4.126 notes that some structures, such as bridges, are vital for effective communication, can be monuments and tourist attractions and help Londoners to appreciate the Blue Ribbon Network. The bridge across North Quay will significantly improve the north-south permeability of the Canary Wharf Estate. The integration of this bridge with the existing bridge across Aspen Way will provide a quick and direct pedestrian link to the Estate from Poplar, thus benefiting the residents in the area. While the bridge is not a monument or tourist attraction of the same nature as Tower Bridge its innovative and stimulating design means that it is likely to become an important feature within the Canary Wharf Estate. The bridge therefore complies with policy 4C.22.

Biodiversity

56 The dock is designated as a Site of Borough Grade II Importance for Nature Conservation. West India Dock is important for fish, and also supports small populations of water birds, which increase significantly in very hard weather. The development will result in the reduction of habitat, which will have a significant adverse impact on nature conservation. Policy 3D.12 of the London Plan states that such adverse impacts should be avoided, but that if this is not possible the impact should be minimised and appropriate compensation sought.

57 For the reasons set out in paragraph 48 the reduction in habitat cannot be avoided, therefore significant mitigation and compensation should be proposed.

58 The site is within the core range of the black redstart (a specially protected species). The possibility of their presence on site has not been conclusively resolved and it is quite likely that they nest on or near the site. This should be resolved and consideration given to providing a suitable foraging habitat.

Sustainable development

59 In order to promote sustainable development, new buildings should take account of the impact they have on London's natural resources and environmental assets (policy 2A.1). Developments can achieve this by improving energy efficiency, increasing the proportion of energy use generated from renewable sources, minimising the use of treated water, utilising rainwater harvesting and grey water recycling schemes and incorporating sustainable drainage systems. Proposals should be accompanied by an energy assessment which demonstrates the steps taken to apply the Mayor's energy hierarchy (proposed heating and cooling systems should be selected in accordance with the following order of preference: passive design; solar water heating; combined heat and power, for heating and cooling, preferably fuelled by renewables; community heating for heating and cooling; heat pumps; gas condensing boilers and gas central heating). Where renewable technologies are included, the applicant should show the proportion of energy demand met, and where technologies are not feasible, the Mayor is expecting applicants to justify the decisions in detail.

60 The applicant has demonstrated consideration for the energy efficiency of the development and has included a system to recover heat from the development and use it to raise the air temperature through condenser water systems. This negates the need for conventional boilers to be the lead system.

61 However, the development does not include renewable energy and no justification has been given for this. Given the Mayor's policy for energy and tall buildings and the significant nature of the proposed development, it should make a strong commitment to sustainable development generally and energy in particular. The applicant's Environmental and Social Report 2002/03 for the Canary Wharf Estate includes a target to investigate the feasibility of developing renewable energy for the North Quay development and to investigate the feasibility of using brown and grey water in new building design. The applicant should demonstrate compliance with its own targets, as well as those of the Mayor and either provide renewable energy and water re-cycling or provide a justification for their rejection. To assist in meeting the Mayor's 10% renewable target the applicant should also reduce overall energy demand by introducing energy efficiency measures that go beyond the 2002 building regulations.

62 The applicant has stated that the development will achieve a BREEAM rating of excellent, which is welcomed.

London Development Agency comments

63 The Agency supports the proposed development of this under-utilised brownfield site in principle given that it would provide a high quality, large scale office development that will improve office accommodation in this location and provide opportunities for businesses seeking space close to the City, however subject to the resolution of any issues raised in this report. This

development will contribute to or support London's World City functions. The inclusion of retail on the ground floor would provide a mix within the scheme and also enhance interaction at street level.

The Agency would also seek the inclusion within a section 106 agreement of appropriate clauses relating to the employment and training of local people and also opening up opportunities for local businesses to locate within the development and/or supply the occupiers with goods and services where possible

Local planning authority's position

64 The application is expected to be reported to Tower Hamlets Council's planning committee in March with a favourable recommendation.

Legal considerations

65 Under the arrangements set out in article 3 of the Town and Country Planning (Mayor of London) Order 2000 the Mayor has an opportunity to make representations to Tower Hamlets Council at this stage. If the Council subsequently resolves to grant planning permission, it must allow the Mayor an opportunity to decide whether to direct it to refuse planning permission. 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 comments unless specifically stated.

Financial considerations

66 There are no financial considerations at this stage.

Conclusion

67 The development of this under-utilised brownfield site to provide good quality, large scale office space represents the continuing development of Canary Wharf as a well established regeneration area which is delivering significant benefits for London as a whole. The site is appropriate for these buildings, as they will complement the existing cluster and is located in proximity to existing and proposed public transport interchanges. The buildings will provide a landmark piece of architecture that will add positively to London's townscape and skyline, without detriment to London's views or historic assets. The proposal is therefore broadly acceptable with the policy objectives of the London Plan for the development of this site. There are, however, a number of strategic issues that remain unresolved: the failure to meet the mixed-use policies of the London Plan; the relationship of the site to Aspen Way and the Mayor's 100 Space; safeguarding of the site for Crossrail construction; location of cycle parking; audit of pedestrian crossing; production of a travel plan, contributions to transport improvements; impacts of noise and air quality; accessibility; compensation for loss of habitat; and contribution towards sustainable development.

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APPENDIX ONE: DETAILED AIR QUALITY COMMENTS

Air quality impacts during construction

This section recognises the impact that dust and particles from construction activities on health and the environment and highlights measures to mitigate this using strict dust control. However, there is no mention of a programme of dust monitoring. This should be included in the Construction Environmental Management Plan and a mechanism put in place to ensure there are no excessive dust emissions from the works. Details are therefore required outlining a programme to monitor dust and fine particles from the construction site.

The incremental changes in concentrations due to construction vehicles seem low, given an extra 170 HGV movements per day is predicted in addition to overall traffic growth. The assessment should confirm which roads were included and the assumptions and data used in the methodology.

From a general policy viewpoint, I would urge the applicant to take steps to encourage all contractors to run cleaner vehicles, in line with proposal 74 of the Mayor's Air Quality Strategy. In addition, the Mayor encourages emission controls on off-road construction vehicles, by using options such as low sulphur fuels, retrofitted abatement equipment or higher specifications.

Air quality impacts during operation

Although the location of the proposed development is an Air Quality Management Area, the applicant states that by the time the development is built, the 2010 air quality objectives should be met. This conclusion appears to be quite ambitious, as the GLA's London-wide modelling shows that the tighter PM₁₀ objective is unlikely to be met close to busy roadsides, such as Aspen Way. It would be interesting to know what assumptions the applicant has made. For example, has the worst-case scenario been modelled, to be in line with the Council's review and assessment work?