

<b>Committee:</b> Strategic Development	<b>Date:</b> 28 August, 2008	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
---	---------------------------------	--	----------------------------

<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Town Planning Application and Listed Building Consent
<b>Case Officer:</b> Rachel McConnell	<b>Ref No:</b> PA/08/00601
	<b>Ward:</b> Millwall (February 2002 onwards)

## 1. APPLICATION DETAILS

**Location:** 1, Park Place, London, E14 4HJ  
**Existing Use:** Office (Class B1 Use)  
**Proposal:** Demolition of the existing building and structures on the site and erection of a new building (196.67m high) providing 122,615 sq.m of floorspace (office & retail), underground parking, services and plant and provision of a new publicly accessible walkway to dockside.

**Drawing Nos/Documents:** This application includes the submission of an Environmental Statement.  
Drawing Nos: 0001 P1, 9002 P1, S0110 P1, S0111 P1, SO112 P1, S0200 P1, S0201 P1, S0202 P1, S0203 P1, S0204 P1, S0205 P1, S0206 P1, 1100 P1, 1108 P2, 1109 P1, 1110 P1, 1111 P1, 1112 P1, 1119 P1, 1120 P1, 1129 P1, 1130 P1, 1131 P1, 1132 P1, 1134 P1, 1142 P1, 1143 P1, 1153 P1, 1154 P1, 1155 P1, 1140 P1, 1141 P1, 1142 P1, 143 P1, 1144 P1, 1145 P1, 1146 P1, 1147 P1, 1060 P1, 1160 P1, 1161 P1, 1162 P1, 1163 P1, 1164 P1, 1180 P1, 1181 P1, 1182 P1, 1183 P1, 0002 P1, 0003 P1, 0004 P1, 0005 P1, 0006 P1, 0007 P1, 0008 P1, 0009 P1, 0010 P1

- Design and Access Statement (March 2008)
- Planning Statement (March 2008)
- Environmental Statement (March 2008)
- Energy Statement (March 2008)
- Transport Assessment (March 2008)
- Sustainability Statement (March 2008)
- Statement of Community Involvement (March 2008)
- Environmental Statement Addendum (July 2008)
- Regulation 19 Response (June 2008)

**Applicant:** Park Place Sarl  
**Ownership:** Various  
**Historic Building:** Grade I Listed dock wall  
**Conservation Area:** n/a

## **2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS**

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

- The scheme will consolidate the sustainable future economic role of the area as an important global financial and legal centre. The scheme therefore accords with policy 3B.4 of the London Plan, CP11 of the Council's Interim Planning Guidance (October 2007), and saved policies DEV3 and CAZ1 of the Council's Unitary Development Plan (1998), which seek to develop London's regional, national and international role, ensure appropriate development and protect sites in employment use.
- Contributions have been secured towards off-site affordable housing provision in accordance with requirements to provide a mix of uses. This meets the requirements of London Plan policy 3B.3 which requires that a mix of uses, including housing and Policy 5G.3 which identifies Canary Wharf as an area where an off-site provision of housing should be accepted as a mix of uses on-site would compromise the broader objectives of sustaining important clusters of business activities.
- The building height, scale, bulk and design is acceptable and in line with regional and local criteria for tall buildings. As such, the scheme is in line with policies 4B.8, 4B.9 and 4B.10 of the London Plan 2008, saved policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998 and policies CP48, DEV1, DEV2, DEV3 DEV27 and IOD16 of the Council's Interim Planning Guidance (October 2007), which seek to ensure buildings are of a high quality design and suitably located.
- The development would form a positive addition to London's skyline, without causing detriment to local or long distant views, in accordance policies CP48 and CP50 of the Council's Interim Planning Guidance (2007) and policies 4B.1, 4B., 4B.8 and 4B.9 of the London Plan (2008) which seek to ensure tall buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- Sustainability matters, including energy, are acceptable and in line with policies 4A.4, 4A.6, 4A.7, 4A.14 and 4B.2 of the London Plan and policies DEV5 to DEV9 of the Council's Interim Planning Guidance (October 2007), which seek to promote sustainable development practices.
- Transport matters, including parking, access and servicing, are acceptable and in line with London Plan policies 3C.1 and 3C.23 of the London Plan, policies T16 and T19 of the Council's Unitary Development Plan 1998 and policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (October 2007), which seek to ensure developments minimise parking and promote sustainable transport options.
- Contributions have been secured towards the provision of transport infrastructure improvements; open space and public realm improvements; and access to employment for local people in line with Government Circular 05/05, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (October 2007), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

### 3. RECOMMENDATION

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

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

B. The prior completion of a **legal agreement** to secure the following planning obligations:

#### Financial Contributions

- a) Provide a contribution of **£440,342** towards education, training and employment initiatives for residents and improvements to the Mile End Park and other local leisure and recreational facilities.
- b) Provide a contribution of **£239,081** towards highway improvements
- c) Provide **£358,621** towards securing Local Labour in Construction initiatives.
- d) Provide a contribution of **£7,014,149** towards off-site provision of affordable housing
- e) Provide **£3,700,000** towards transport infrastructure, specifically:
  - i. Docklands Light Railway three carriage capacity enhancement works;
  - ii. Canary Wharf Underground station improvements;
- f) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

(Total S.106 contribution = **£11,752,243**)

#### Non-financial Contributions

- g) Travel Plan – to promote the use of sustainable travel;
- h) Publicly Accessible Walkways - Maintenance and with unrestricted public access to dockside walkway;
- j) Provision of Public Art;
- k) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal.

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

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

#### **Conditions**

- 1) Time Limit (3 years)
- 2) Particular details of the development
  - External materials;
  - 1:1 scale sample for typical cladding system;
  - External plant equipment and any enclosures;
  - Hard and soft landscaping; and
  - External lighting and security measures
- 3) Full particulars of energy efficiency technologies required
- 4) Submission of BREEAM assessment required.
- 5) Hours of construction
- 6) Biodiversity Action Plan required
- 7) Demolition and Environmental Construction Management Plan required

including feasibility study and details of moving waste and materials by water during construction

- 8) Service Management Plan
- 9) Employment and Training Strategy required
- 10) Noise control limits
- 11) Land contamination assessment required
- 12) Programme of archaeological work required
- 13) Programme of recording and historical analysis of archaeological evidence
- 14) Details of proposed foundation details to be agreed by LUL
- 15) Designated motorcycle spaces to be used solely for the parking of motorcycles
- 16) Scheme for design and implementation of flood warning system
- 17) Landscape Management Plan
- 18) Light spill to dock controlled
- 19) Details of construction of storage facilities for oils, fuels and chemicals
- 20) No solid matter stored within 10m of the banks of the dock
- 21) Protection of public sewers
- 22) Impact study of the existing water supply infrastructure required
- 23) Control of development works (restricted hours of use for hammer driven piling or impact breaking)
- 24) Any other informative(s) considered necessary by the Corporate Director Development & Renewal

#### **Informatives**

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

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

#### **4. PROPOSAL AND LOCATION DETAILS**

##### **Proposal**

- 4.1 The proposal is a complete redevelopment of the site at 1 Park Place comprising of the erection of a 45 storey (202.67m high) building containing 119,693 square metres of office floorspace and ground floor retail (418 sq.m) and restaurant uses (634 sq.m). The application also proposes to activate the site edge facing onto West India dock through the introduction of a new public space.
- 4.2 The proposal include 42 car parking spaces and 480 secure cycle spaces located in the basement and 20 public spaces located at ground level and 120 motor cycle spaces.

##### **Site and Surroundings**

- 4.3 The application site is 0.39 hectares in size and located on the western side of the Canary Wharf estate, between Cabot Square and Westferry Circus. The site is currently occupied by a brick office building of between 4 and 6 storeys know as the Little John Fraser Building.

The site is bounded by West India Avenue to the north, Park Place to the west and south, and by West India dock to the east. The existing building is directly accessed from Park Place and has a rear aspect to the dock. The building is sited approximately 6m below West India Avenue to the north. There is currently no direct access to the site from West India Avenue.

- 4.4 Being located on the western edge of the Canary Wharf estate, the application site is predominantly surrounded by office buildings, with a number of redevelopment sites within the vicinity providing a mix of uses, primarily residential, commercial and retail including Riverside South, North Quay and Herons Quay West.
- 4.5 Immediately to the south of the site is a separate current planning application proposing a 37 storey building comprised of a 150 bed hotel, 78 serviced 'apart-hotel' rooms with retails, restaurant and education facilities known as Newfoundland.

### **Planning History**

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

ID/97/84	Outline planning permission in respect of redevelopment by the erection of building(s) comprising 26165 sq m offices or 23665 sq m offices with 2500 sq m retail was granted in December 1997.
PA/00/1355	Planning permission for the erection of new building providing basement, lower ground, ground plus 10 storeys of offices comprising 25,000sq. metres of floorspace, associated pedestrian and vehicular access improvements. Introduction of pedestrian walkway and landscaping to dockside. Double storey height arcade along West India Avenue was granted in October 2002.
PA/06/1465	Erection of new building providing basement, lower ground, ground plus 10 storeys of offices comprising 25,000sq. metres of floor space, associated pedestrian and vehicular access improvements. Introduction of pedestrian walkway and landscaping to dockside. Double storey height arcade along West India Avenue (Renewal of earlier scheme PA/00/01355) – application withdrawn on 29 March 2007
PA/07/1322	This for the erection of a new building providing basement, lower ground, ground and 10 storeys of offices comprising 25,643sq metres of floor space with associated landscaping, car parking, servicing and plant – planning permission granted on 20 June 2008.
PA/08/602	Alterations to dock wall – Listed building consent granted on 22 May 2008.

## **5. POLICY FRAMEWORK**

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

### **Unitary Development Plan 1998 (as saved September 2007)**

Proposals:	Flood Protection Area Central Area Zone Water Protection Area Site of Nature Conservation Importance Within 200m East – West Crossrail
------------	--

Policies:	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use development
	DEV4	Planning Obligations
	DEV8	Protection of local views
	DEV12	Provision of Landscaping in Development
	DEV51	Contaminated Land
	DEV55	Development and Waste Disposal
	DEV69	Water Resources
	CAZ1	Location of Central London Core Activities
	CAZ4	Special Policy Areas
	T16	Impact of Traffic
	T18	Pedestrian Safety and Convenience
	T21	Existing Pedestrians Routes
	U2	Consultation Within Areas at Risk of Flooding
	U3	Flood Defences

### **Interim Planning Guidance for the purposes of Development Control**

Proposals:	Development site ID57 – Identifies preferred uses as Employment (B1) and Retail & Leisure (A1, A2, A3, A4, A5) Major Centre Flood Risk Area Site of Importance for Nature Conservation Public Open Space (Isle of Dogs wharves) Blue Ribbon Network Inland Water
------------	---

Core Strategies:	IMP1	Planning Obligations
	CP2	Equal Opportunity
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP7	Job Creation and Growth
	CP11	Sites in Employment Use
	CP27	Community Facilities
	CP29	Improving Education and Skills
	CP31	Biodiversity
	CP36	The Water Environment and Waterside Walkways
	CP37	Flood Alleviation
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP40	A sustainable transport network
	CP41	Integrating Development with Transport
	CP43	Better Public Transport
	CP48	Tall Buildings
	CP50	Important Views
Policies:	DEV1	Amenity
	DEV2	Character & Design
	DEV3	Accessibility & Inclusive Design
	DEV4	Safety & Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency & Renewable Energy
	DEV7	Sustainable Drainage

DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments
DEV18	Travel Plans
DEV20	Capacity of Utility Infrastructure
DEV21	Flood Risk Management
DEV22	Contaminated Land
DEV24	Accessible Amenities and Services
DEV27	Tall Buildings
EE2	Redevelopment /Change of Use of Employment Sites
SCF1	Social and Community Facilities
OSN3	Blue Ribbon Network and the Thames Policy Area
CON4	Archaeology and Ancient Monuments
CON5	Protection and Management of Important Views
IOD1	Spatial Strategy
IOD2	Transport and movement
IOD5	Public open space
IOD7	Flooding
IOD8	Infrastructure capacity
IOD10	Infrastructure and services
IOD13	Employment Uses in the Northern sub-area
IOD16	Design and Built Form in the Northern sub-area
IOD17	Site allocations in the Northern sub-area

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

3A.18	Protection and enhancement of social infrastructure and community facilities
3B.1	Developing London's economy
3B.2	Office demand and supply
3B.3	Mixed use development
3C.1	Integrating transport and development
3C.2	Matching development to transport capacity
4A.2	Mitigating climate change
4A.4	Energy assessment
4A.6	Decentralised energy: heating, cooling and power
4A.7	Renewable energy
4A.12	Flooding
4A.13	Flood risk management
4A.14	Sustainable drainage
4A.16	Water supply and resources
4A.18	Water and sewerage infrastructure
4A.20	Reducing noise and enhancing townscapes
4B.1	Design principles for a compact city
4B.2	Promoting world class architecture and design
4B.3	Enhancing the quality of the public realm
4B.5	Creating an inclusive environment
4B.8	Respect local context and communities
4B.9	Tall buildings - location
4B.10	Large-scale buildings – design & impact
4B.15	Archaeology
4B.16	London view management framework
4B.17	View management plans
4C.20	Development adjacent to canals
5C.1	The strategic priorities for North East London

**Government Planning Policy Guidance/Statements**

PPS1	Delivering Sustainable Development
PPS22	Renewable Energy
PPS25	Development and Flood Risk
PPG4	Industrial, Commercial Development and Small Firms

**Community Plan** The following Community Plan objectives relate to the application:

- A better place for creating and sharing prosperity
- A better place for learning, achievement and leisure
- A better place for excellent public services

**6. CONSULTATION RESPONSE**

6.1 The views of officers within the Directorate of Development & Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below.

6.2 The following were consulted regarding the application:

**LBTH Cultural Services**

6.3 Contributions should be sought to contribute to the Play Pitch Strategy to address the demand on pitches by the daytime workforce and the increase in demand on public open space.

Officer Comment

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

**LBTH Energy Efficiency**

6.4 The bio-diesel tri-generation plant is a relatively new technology and there are no current examples in operation in the UK. The energy strategy is acceptable however should be reviewed at the detailed design stage. The following conditions are recommended:

- Further details of the preferred energy technologies and the details of the proposed tri-generation plant which must also comply with Air Quality Standards.
- Confirmation prior to occupation that the proposal meets BREEAM requirements.

Officer Comment

Recommended conditions are to be imposed as detailed in paragraph 8.42-3.

**LBTH Environmental Health**

6.5 - Request further study to be carried out into possible contamination.  
- Monitoring of air quality to be carried out during construction management phase.  
- Renewable energy provision must meet LBTH Air Quality Standards.

Officer Comment

All the above points can be addressed by appropriate conditions.

**LBTH Highways**

6.6 - The provision of 42 car parking spaces is in line with current standards;  
- The provision of 180 motor cycle spaces has not been justified and concerns raised that the



motor cycle parking may be used for the parking of motor vehicles.  
- S.106 contribution required for public realm improvements.

Officer Comment

Amended plans have been received to reduced the motor cycle provision to 120 spaces. A condition is recommended to ensure that the spaces are only used for the parking of motor cycles.

**LBTH Waste Management**

6.7 No objections.

**British Waterways (Statutory Consultee)**

6.8 No objections however would like more animation of the dockside through the elevational treatment and positioning of uses to help add interest to the waterside. Suggested informatives.

Officer Comment

Active uses are proposed at ground floor level including Class A3 uses. The suggested informatives are to be imposed.

**CABE**

6.9 Insufficient resources available to comment on the scheme.

**City of London (Statutory Consultee)**

6.10 No objection – the proposed development does not directly impact on existing protected views of Tower Bridge.

**English Heritage (Statutory Consultee)**

6.11 Proposal will have some impact on the view from the General Wolfe Statue in Greenwich Park. Adequate conditions necessary to obtain the correct level of detail concerning the intricate design of the façade.

Officer Comment

Condition to be imposed requesting further detail of the façade and material to be used.

**English Heritage- Archaeological Division (Statutory Consultee)**

6.12 Redevelopment of the site has the potential to damage or remove significant buried remains. Require archaeological mitigation to be secured by attaching appropriate conditions.

Officer Comment

Requested condition to be imposed.

**Nabarro on behalf of English Partnerships (Statutory Consultee)**

6.13 Mixed use should be provided in accordance with Policy 3B.3 of the London Plan including residential. Proposal does not provide residential and affordable housing would be required – the proposal does not accord with this policy.

Officer Comment

A contribution of £7,014,149 towards off-site affordable housing has been secured to comply with the mixed use policies set out in the London Plan.

**Environment Agency (Statutory Consultee)**

6.14 No objection.

- Normally object to encroachment into the dock because this reduces flood storage area

and valuable dock habitat is lost however planning permission has previously been granted for development of the site and it proposes dock encroachment. Request conditions requiring mitigation and compensation measures.

- Sequential Test has adequately been demonstrated.

Officer Comment

Suggested conditions relating to remaining dock area cannot be imposed as this is outside of the application site.

**Greater London Authority (Statutory Consultee)**

6.15 The Council have received the GLA's Stage I comments upon the application. The GLA largely support the application, stating:

*"The application proposes a high quality design that accords with the context of the surrounding area and best maximises the potential of the site. There are however, a number of issues that will need to be addressed before this application is returned to the Mayor including; the financial contribution for transport and affordable housing, the inclusion of an accessible lift to allow access to the dockside, the energy proposals, further details on the proposed brown roof and flood risk assessment, the overall level of car parking and other technical transport considerations."*

Officer Comment

- Contributions towards transport and affordable housing have been sought. Full details are contained within Section 3.1 of this report.

- The agent confirms that a public lift service will be available at all times via the main building foyer to provide a secure lift connection to the dockside from West India Avenue.

- The GLA have subsequently confirmed that following clarification on a number of points, they are satisfied with the energy strategy submitted subject to confirmation from LBTH Air Quality team.

- There has been a reduction in motor cycle spaces from 180 to 120 spaces. A condition is to be imposed to ensure that these spaces are not used for the parking of motor vehicles.

- The Environment Agency considers the flood risk statement to be satisfactory and raises no objection to the proposal.

**London Borough of Greenwich (Statutory Consultee)**

6.16 No objection.

**London Borough of Southwark**

6.17 No comments received.

**London City Airport (Statutory Consultee)**

6.18 No safeguarding objection subject to imposition of conditions relating to craneage and scaffolding height, and requirement for aviation obstacle lighting.

Officer Comment

Informative imposed advising that London City Airport are contacted.

**London Development Agency (Statutory Consultee)**

6.19 - Employment and training strategy should be secured through an appropriate planning condition.

- Contribute towards on-site training or towards cost of construction training and ensure equality of opportunity.

- Ensure local people and businesses are encourage to apply for employment

Officer Comment

- An Employment and Training Strategy will be secured by condition.
- Contributions have been sought towards Local Labour in Construction initiative.

**London Fire and Civil Defence Authority (Statutory Consultee)**

- 6.20 Issues relating to Access and Water Supplies should be dealt with by the appointed Approved Inspector or Building Control.

Officer Comment

Informative imposed advising that LFCDA are contacted.

**London Underground Ltd (Statutory Consultee)**

- 6.21 The site is situated close to underground tunnels and infrastructure. Require condition that London Underground is contacted with details of the proposed foundation arrangements to ensure there is no detrimental impact in the short and long term.

Officer Comment

Appropriate condition to be imposed.

**National Air Traffic Services (Statutory Consultee)**

- 6.22 No safeguarding requirements

**Natural England (Statutory Consultee)**

- 6.23 No comments.

**Port of London Authority (Statutory Consultee)**

- 6.24 No objection. Suggest consideration should be given to the use of the river for transporting construction and waste materials and consideration to using the river to deliver the fuel that will power the plant.

Officer Comment

Condition to be imposed requiring consideration to be given to the use of the water for transportation.

**Thames Water (Statutory Consultee)**

- 6.25 Thames Water have identified an inability of the existing waste water and water supply infrastructures to accommodate the needs of the proposal. As such, Thames Water have requested a number of conditions be attached to any planning permission, requiring the submission of impact study, and a drainage strategy is to be submitted and approved prior to the commencement of any development. A number of informatives are also recommended.

**Transport for London (Statutory Consultee)**

- 6.26 - Support a reduction in car parking to reduce congestion at the junction of Westferry Road and the Limehouse Link.
- Service management plan required and construction management plan.
  - Request a contribution of £1.2 million to mitigate the impact on the bus network which equates to two busses for three years.
  - Request a contribution of £2.5 million toward increase in demand on DLR.
  - Cycle parking provided in accordance with TfL standards – requests that cycle route extended to the site.
  - Travel Plan should be secured through S.106.
  - Crossrail scheme will provide additional capacity across the network and will be financed from a range of funding streams. A contribution is requested towards the costs of constructing Crossrail.

Officer Comment

The above points are addressed in the Transportation and Highways section in the main assessment.

## 7. LOCAL REPRESENTATION

7.1 A total of 711 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses: 4            Objecting: 4            Supporting: 0

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

### *Design, Mass and Scale*

- No arcade provided along West India Avenue;
- Inadequate circulation around the building at ground level;
- Not in compliance with the principals of the Skidmore Owings and Merrill Masterplan;
- 'Reeded façade' does not reflect the character of the area;
- Does not create or enhance the character of the area;
- Buildings between One Canada Square and the Riverside South development should be of intermediate height;
- Fails to respond to the lower buildings to the east;
- Not subservient to the Canary Wharf tower – damages iconic views of tower;
- Design, height, mass and bulk inappropriate to site and setting;
- Not highest quality design;
- Contrary to CABE and English Heritage Guidance on tall buildings;
- Contrary to Interim Core Strategy and Isle of Dogs Area Action Plan;
- Quality of architecture and poor design solution;

### *Amenity*

- Impact on neighbouring properties amenities including sewage, water, waste and key public space;
- Location of service bays will create noise and traffic problems;
- Loss of sunlight and daylight;
- Overshadowing;
- Impact on road users and pedestrian both during and after development;
- Impact during construction detrimental to the area;
- Overbearing

### *Other Issues*

- Increase in flood risk;
- Infilling of docks in contrary to the London Plan policy;
- Green and public space small in comparison to the size of the building;
- Inadequate assessment on future capacity of public transport network;
- Inadequate service and access arrangements;

### *Comments on Environmental Statement(ES) and ES Addendum*

- Insufficient information on the impact on the road network;
- Consented developments have not all been included in the cumulative Transport

Assessment;

- Bats and Black Redstarts are protected species – surveys for these have not been undertaken;
- Microclimate – not clear whether mitigation measures have been tested for consented schemes. The ES Addendum utilises information from the Newfoundland application however an independent assessment should be carried out.
- Insufficient information has been provided on dock encroachment;
- Impact on Grade I listed dock wall has not been fully explored;
- Further assessment required into the impact on daylight/sunlight on the proposed hotel and adjoining office accommodation.
- Aviation assessment should be required;
- Further information should be provided for construction works relating to construction management, noise & vibration, air quality;
- Insufficient information on provision of utilities and services;
- Waste management plan not in the ES.

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

- Red line boundary encroaches onto land owned by Canary Wharf Group and inability to implement planning permission (OFFICER COMMENT: Issues relating to land ownership are not a material planning consideration)

## **8. MATERIAL PLANNING CONSIDERATIONS**

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

1. Land Use
2. Design, Mass and Scale
3. Transport and Highways
4. Amenity
5. Energy and Renewable Technology
6. Section 106 Planning Contributions
7. Other Issues

### **Land Use**

8.2 London Plan policies 3B.1 and 3B.2 recognise and support London's role as a world city and continued economic development by seeking the provision of a variety of type, size and cost of business premises to meet the needs of all business sectors. The redevelopment of existing outdated office buildings on an underutilised site in Canary Wharf is in line with the objectives of these policies.

8.3 The adopted UDP (1998) designates the application site within the Central Area Zone which promotes commercial development. The existing building on the site is currently used as offices and the proposal does not seek to change this. The application therefore accords with Policy CAZ1 of the UDP (1998) which seeks to develop the Central Activities Zone in order to foster London's regional, national and international role, and Policy IOD13 which promotes high-density office-based employment uses in the Northern sub-area. The application site is also identified as a development site (ID57) with preferred uses as Employment (B1) and Retail & Leisure (A1, A2, A3, A4, A5) to which the proposal accords.

8.4 Notwithstanding this, London Plan policy 3B.3 requires that where an increase in office

floorspace is proposed within the northern section of the Isle of Dogs, a mix of uses should be provided, including housing, unless such a mix would conflict with other London Plan policies. Policy 5G.3 identifies Canary Wharf as an exception to this rule, where a mixed use development would compromise the importance of sustaining clusters of business activities. Paragraph 5.178 states: *“As a general principle, mixed use development in CAZ and the north of the Isle of Dogs Opportunity Area will be required on-site or nearby within these areas to create mixed-use neighbourhoods. Exceptions to this will only be permitted where mixed-uses might compromise broader objectives, such as sustaining important clusters of business activities, for example in much of the City and Canary Wharf, or where greater housing provision, especially of affordable family housing, can be secured beyond this area. In such circumstances, off-site provision of housing elsewhere will be required as part of a planning agreement”* There is however no policy in the IPG which seeks the provision of off-site affordable housing for office developments.

- 8.5 Conformation has been provided that the applicant is willing to make a contribution towards off-site affordable housing to address the requirement for mixed use development as set out in Policy 3B.3 in the London Plan. Whilst it is acknowledged that a contribution towards off-site affordable housing provision would not be in accordance with Policy IOD1 (1.c) in the Isle of Dogs Area Action Plan (Submission Document) which seeks to accrue off-site employment space, such a contribution meets the overall objective of this policy which is to ensure that the development is of benefit to the wider community.

## **Design**

### Height, Mass and Scale

- 8.7 Policy 4B.8 of the London Plan states that tall buildings will be promoted where they create attractive landmarks enhancing London’s character, help to provide a coherent location for economic clusters of related activity or act as a catalyst for regeneration and where they are also acceptable in terms of design and impact on their surroundings. Policy 4B.9 of the London Plan (February 2008) provides detailed guidance on the design and impact of such large scale buildings, and requires that these be of the highest quality of design.
- 8.8 Policy DEV6 of the UDP specifies that tall buildings may be acceptable subject to considerations of design, siting, the character of the locality and their effect on views. Considerations include, overshadowing in terms of adjoining properties, creation of areas subject to wind turbulence, and effect on television and radio interference.
- 8.9 Policies CP1, CP48 and DEV27 of the IPG October 2007 states that the Council will, in principle, support the development of tall buildings, subject to the proposed development satisfying a wide range of criteria.
- 8.10 Good design is central to all the objectives of the London Plan. Chapter 4B of the London Plan refers to ‘Principles and specifics of design for a compact city’ and specifies a number of policies aimed at high quality design, which incorporate the principles of good design. These principles are also reflected in policies DEV1 and 2 of the UDP and the IPG.
- 8.11 Policies DEV1 and DEV2 of the UDP and policy CP4 of the IPG October 2007 state that the Council will ensure development create buildings and spaces of high quality design and construction that are sustainable, accessible, attractive, safe and well integrated with their surroundings.
- 8.12 Policy IOD16 of the Isle of Dogs AAP (IPG, 2007) states, inter alia, that the Northern sub-area will continue to be a location for tall buildings and new tall buildings should help to consolidate this cluster and provide new landmarks consistent with the national and international role and function of the area. It also goes on to state that building heights will

respect and complement the dominance of One Canada Square and heights should progressively reduce from this central landmark through to the periphery of the Northern sub-area.

- 8.13 In terms of form, massing and scale, the proposed development responds well to the context of the existing office buildings within the Canary Wharf estate. At 202.67m in height, the proposed building is significantly taller than the neighbouring 15 Westferry Circus to the west at 54.26m and 25 Cabot Square to the east at 90.80m. The proposed building however is c.46m lower than One Canada Square which is 243.20m to the apex of the pyramid roof and c.44m lower than the approved building at Riverside South to the west which is 241.10m at the highest point.
- 8.14 It is considered that the proposal sits comfortably within the massing of the Canary Wharf tall building cluster and does not disrupt the existing progressive reduction in height away from One Canada Square. When viewed from northern and southern viewpoints, the buildings will step down in height from Riverside South and Park Place to the lower rise buildings at Cabot Square, and then rise to the central building at One Canada Square. The development at Wood Wharf to the east provides balance to this development at the western side of the estate, with One Canada Square being the central focal point.
- 8.15 Canary Wharf has evolved beyond the scale of development identified in the original Masterplan. It is considered that the proposed building makes a positive contribution to the composition of buildings within the Canary Wharf cluster. The application has been supported by an assessment of near and distant views to the proposed building including from key locations.
- 8.16 Policy 4B.16 in the London Plan seeks to provide a view management framework. In terms of strategically important views as designated in the London Plan, whilst visible in the view from the City Hall to Tower of London, the proposed building is not considered to appear as a dominant feature and does not obscure the pyramid roof of One Canada Square. In the view from Statue of John Wolfe, at Greenwich Observatory, the building fits appropriately between western edge as defined by Riverside South and One Canada Square to the east. The pyramid roof of One Canada Square would also be clearly visible from both views from Waterloo Bridge.
- 8.17 Policy DEV27 of the IPG (October 2007) provides criteria that applications for tall buildings must satisfy. Considering the form, massing, height and overall design against the requirements of the aforementioned policy, the proposal is considered to be in accordance with the policy as follows:
- in terms of architectural design, the facade of the building draws inspiration from the waterside location with a 'reed like' texture. The development creates a landmark building to the edge of the Canary Wharf Estate, invigorating the West India Dock and complementing the existing tall buildings;
  - the proposed building contributes to an interesting skyline, from all angles and at night time;
  - the site is not within a strategic view corridor;
  - the site is not within a local view corridor and would not impact adversely on local landmarks;
  - the scheme provides adequate, high quality and usable amenity space along the dockside which is currently inaccessible;
  - the scheme enhances the movement of people, including disabled users, through the public open space and dockside walkway whilst securing high standard of safety and security for future users of the development;
  - the scheme meets the Council's requirements in terms of micro-climate;

- the scheme demonstrates consideration of sustainability throughout the lifetime of the development, including the achievement of high standards of energy efficiency, sustainable design, construction and resource management;
- the impact on biodiversity will not be detrimental;
- whilst the development is not mixed use, the immediate area houses a wide variety of commercial uses and as such, the proposal is considered appropriate and will contribute positively to the social and economic vitality of the surrounding area and includes an appropriate s.106 contribution towards off-site affordable housing;
- the site is located in an area with good public transport accessibility;
- the proposal takes into account the transport capacity of the area and includes an appropriate S106 contribution towards transport infrastructure, to ensure the proposal will not have an adverse impact on transport infrastructure and transport services;
- the building conform with Civil Aviation requirements; and
- the proposal does not interfere, to an unacceptable degree, with telecommunication and radio transmission networks.

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

#### Blue Ribbon Network

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

8.20 The proposal provides a new pedestrian access from West India Avenue to the dockside retail and restaurant uses at the ground level of the building. The lower levels of the building are splayed at the stepped walkway to provide views to the dockside from West India Avenue. The ground floor retail use adjacent to the dock will further animate this part of West India dock, as well as enabling greater enjoyment of the dock as part of the Blue Ribbon Network. It is considered that the proposal enhances the local pedestrian network and the dockside environment.

#### Listed Building Issues

8.21 The application site is not located within a conservation area. Listed Building Consent has been granted for works to the dock wall, copings and associated structure which are Grade I listed to enable the construction of the piling and the pile cap. English Heritage and the Council's Design & Conservation Department have raised no objections to the proposed works, subject to the imposition of conditions. Furthermore, the aforementioned bodies have raised no objections with regard to the proposed buildings' impact upon the setting of the listed structures. As such, the proposal is considered to be appropriate and in accordance with PPG15, the London Plan and the Council's Interim Planning Guidance (2007).

#### Newfoundland Site

8.22 Due to the proximity of the Newfoundland scheme in relation to this development, there is the potential for cumulative impacts to occur. At 37 storeys, the proposed scheme at Newfoundland would obscure much of the bulk and massing of 1 Park Place when viewed from the south. There is a separation of c.8m between the proposed buildings. This is not considered out of character in Canary Wharf, particularly given that it is the



narrowest elevation of the proposed building which adjoins the Newfoundland site.

### **Transport and Highways**

- 8.23 Policy T16 of the UDP and policies DEV17, DEV18 and DEV19 of the IPG October 2007 require new development to take into account the operational requirements of the proposed use and the impact (Transport Assessment) of the traffic that is likely to be generated. In addition, policy objectives seek to ensure that the design minimises possible impacts on existing road networks, reduces car usage and, where necessary, provides detailed mitigation measures, to enable the development to be acceptable in planning terms.
- 8.24 Vehicular access to the development will be gained from Park Place. The servicing for the development will be undertaken at the lower ground floor level. No alterations are proposed for the existing access into and out of the servicing area. LBTH Highways department and TfL have not raised objection to the proposed servicing arrangements.
- 8.25 Basement car parking is provided with the access and egress proposed from Park Place by lifts located on the western frontage of the development. A total of 42 car parking spaces are proposed within the development. TfL have requested that the number of car parking spaces is reduced given the accessibility of the site. The existing site currently has 40 car parking spaces. The standards set out in the IPG give a maximum parking standard of 1 space per 1,250 sq.m GFA of office floor space. This equates to a maximum provision of approximately 90 parking spaces. As such, the application accords with the policy and it is not considered that a refusal of permission on the overprovision of parking spaces could be substantiated.
- 8.26 The development proposed 180 motorcycles bays within the basement. Following concerns raised by LBTH Highways that this is an overprovision, amended plans have been received which reduce the number of bays to 120 which is considered acceptable.
- 8.27 The guidance set out in the IPG for cycle parking sets out a standard of one cycle parking space per 250 sq.m for office space and 125 sq.m for retail uses. Approximately 470 cycle parking spaces are required to be provided. The proposed scheme complies with guidance for the inclusion of 480 secure cycle parking which is situated within the basement along with 20 public cycle parking facilities located at ground floor level.
- 8.28 The site is located within an area of very good public transport accessibility (PTAL 5). There are bus services available nearby and within a short walk, as is Canary Wharf Underground Station to the south-east of the site providing access to the Jubilee Line. DLR services are also available nearby at Heron Quays, Canary Wharf and West India Quay. River taxis are also available from the west of the site at Canary Wharf Pier.

### Section 106 Contributions

- 8.29 Given the large amount of additional employment the development would bring to the area, the Council and TfL have determined that a contribution to the value of £3.7m for transport infrastructure is required via the s106 agreement for the DLR and Busses in order to ensure that the development can be accommodated within the existing transport network.
- 8.30 TfL have also sought contributions towards Crossrail however no figure has been specified. It is not considered that a contribution towards Crossrail could be justified given that significant contributions have already been secured.
- 8.31 It has been determined that contributions for transport infrastructure and public realm improvements are required via the s106 agreement to ensure that the development can be accommodated within the existing transport network. A contribution of £239,081 is to be

provided towards highway improvements. This is discussed further in paragraph 8.41.

## **Amenity**

### Sunlight, Daylight and Overshadowing

- 8.32 Policy 4B.10 of the London plan requires all large scale buildings, including tall buildings, to be sensitive to their impact on micro-climates in terms of sunlight, daylight and overshadowing.
- 8.33 Policy DEV2 of the UDP and policy DEV1 of the IPG October 2007 state that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm.
- 8.34 The method for assessment of daylight, sunlight and overshadowing matters is set out in the Building Research Establishment (BRE) Handbook. As stated in the BRE guidance "*guidelines may be used for houses and any non-domestic buildings where daylight is required*". However, in accordance with the guidance, and with best practice, where there is no guidance on the acceptable level for non-domestic buildings commercial building are usually assumed not to require sunlight. Given the location of the proposed development, there will be no impact on residential properties with regard to loss daylight or sunlight. A residential houseboat is moored to the south of the site in West India Dock. Given the orientation it is not considered that there will be any significant loss of day lighting.

### Air Quality

- 8.35 In order to mitigate any potential impacts during the construction phase, a Construction Environmental Management Plan (CEMP) will be conditioned setting out measures to be applied throughout the construction phase, including dust mitigation measures.
- 8.36 During the operational phase, the scheme is generally car free, Non-the-less, the scheme will be conditioned to provide a Green Travel plan which will encourage the use of sustainable transport modes. This will further reduce the impact of the development in terms of both greenhouse gases and pollutants.

### Wind

- 8.37 Although there is no national or regional planning policy guidance in relation to wind assessments, Policy 4B.10 of the London plan requires all large scale buildings, including tall buildings, to be sensitive to their impact on micro-climates in terms of wind.
- 8.38 Similarly, there is no specific UDP policy relating to wind, but this is addressed in respect of micro-climate in the IPG policies DEV1, DEV5 and DEV27.
- 8.39 Within the submitted Environmental Statement, the applicant undertook a wind assessment, in order to assess the impact of the proposal upon the local microclimate. The report concludes that the pedestrian comfort and safety levels are appropriate for intended use with no mitigation measures necessary.
- 8.40 Overall in terms of amenity, the applicant provided an Environmental Statement which addressed a wide range of issues, such as daylight/sunlight provision and impact, noise and vibration, air quality and biodiversity. This has been assessed by Council's independent consultants Bureau Veritas and the submitted information is considered acceptable.

### Newfoundland Site

- 8.41 The Newfoundland scheme has hotel usage as well as serviced apartments, which have windows facing towards the proposed development at 1 Park Place. These windows do not

have the expectation of natural light in accordance with BRE Guidance. Issues relating to the impact on micro-climates in terms of sunlight, daylight and overshadowing have been considered in the ES Addendum and it is concluded that there will be negligible cumulative impact.

### **Energy and Renewable Technology**

- 8.42 Policies 4A.2, 4A.4, 4A.6 and 4A.7 of the London Plan (2008) sets out that the Mayor will and the boroughs should support the Mayor's Energy Strategy and its objectives of reducing carbon dioxide emissions, improving energy efficiency and increasing the proportion of energy used generated from renewable sources. The latter London-wide policies are reflected in policies CP3, DEV5 and DEV6 of the IPG Oct 2007. In particular, policy DEV6 requires that:
- All planning applications include an assessment which demonstrates how the development minimises energy demand and carbon dioxide emissions;
  - Major developments incorporate renewable energy production to provide at least 20% of the predicted energy requirements on site.
- 8.43 As detailed earlier in this report, the Council's Energy Efficiency department is satisfied with the information submitted on the proposed use of bio-diesel tri-generation plant subject to the imposition of appropriate conditions.

### **Other Planning Issues**

#### Environmental Statement

- 8.44 The Environmental Statement and further information/clarification of points in the ES have been assessed as satisfactory by Council's independent consultants Bureau Veritas.
- 8.45 Upon Council's request, the applicant also considered the impact of their development upon the proposed scheme to the south at Newfoundland in the ES which was assessed as satisfactory by Bureau Veritas.

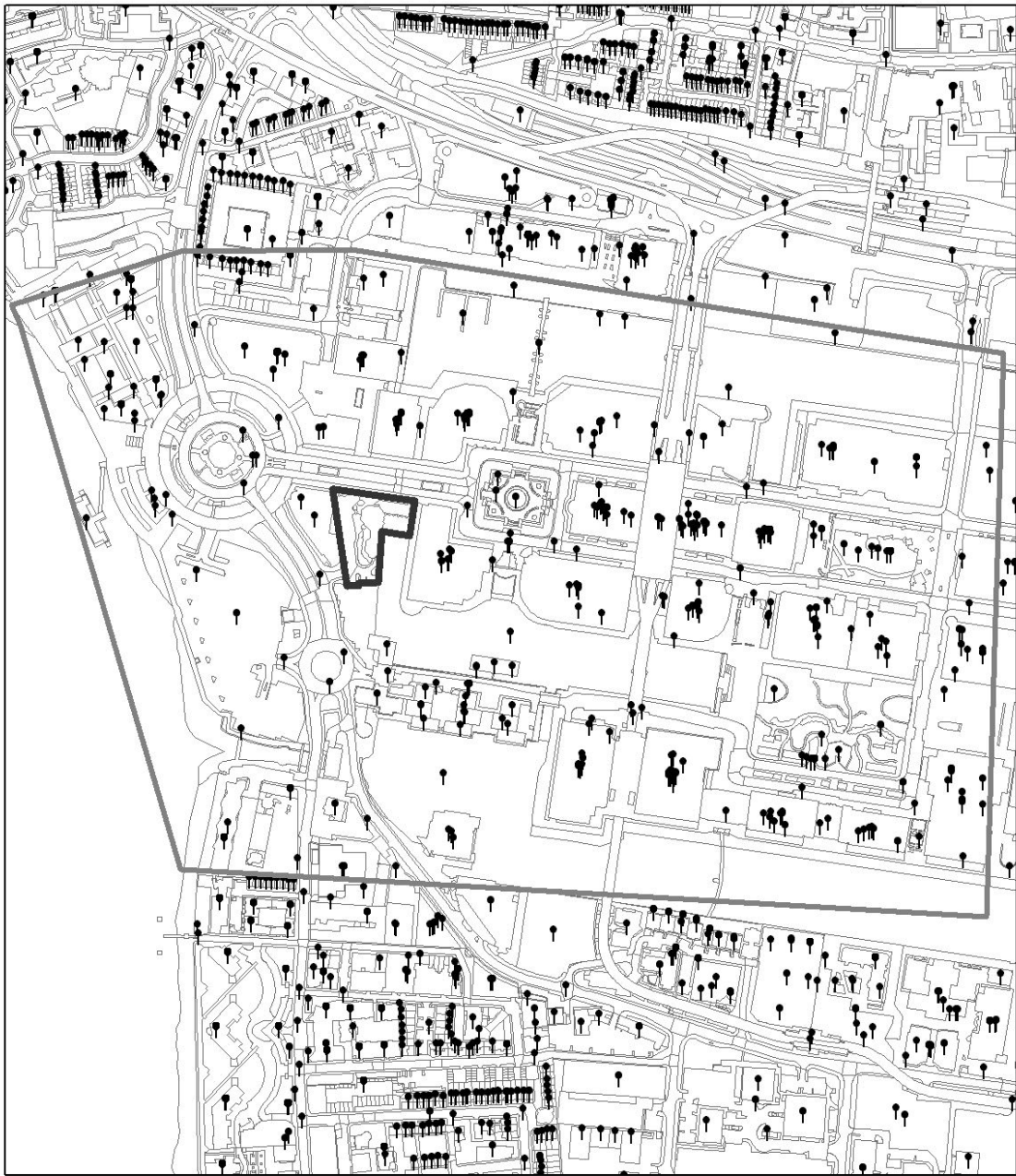
#### Biodiversity

- 8.46 The site is located adjacent to a site of nature conservation importance. As part of the ES, this was considered and there have been no objections from Natural England, Environment Agency and the Council's ecology officer regarding the potential for impact upon biodiversity both on-site and in the dock. The applicant's ecology survey identified that there was no evidence of nesting bats and Black Redstarts on site. However, it is recommended that a monitoring protocol to be set up throughout the period February to September during construction. This is to be implemented within the scope of the Environmental Construction Management Plan condition imposed.

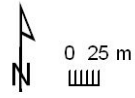
### **Conclusions**

- 8.47 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

# Planning Application Site Map



-  Planning Application Site Boundary
-  Consultation Area
-  Land Parcel Address Point



This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationary Office (c) Crown Copyright. London Borough of Tower Hamlets LA086568