

Committee: Strategic Development	Date: 23 March 2017	Classification: Unrestricted
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Report of: Director of Place	Title: Applications for Planning Permission
Case Officer: Piotr Lanoszka	Ref No: PA/16/02956
	Ward: Canary Wharf

1.0 APPLICATION DETAILS

- Location:** 10 Bank Street, London, E14
(eastern part of the site known as Heron Quays West)
- Existing Use:** Cleared cofferdammed land used to facilitate construction of the 1 Bank Street development.
- Proposal:** Construction of a building of 166m AOD comprising 124,734sqm (GIA) of office (Use Class B1) and 293sqm (GIA) of retail (Use Class A1-A5) along with a decked promenade to the West India Dock South, access and highways works, landscaping and other associated works.
- Drawings:** A-0010 rev 00, A-0011 rev 00, A-0012 rev 01, A-0201 rev 01, A-0202 rev 00, A-0203 rev 01, A-0331 rev 00, A-0332 rev 00, A-0333 rev 00, A-0334 rev 00, A-0335 rev 00, A-0336 rev 00, A-0204 rev 01, A-0330 rev 00, 780-60980 rev C, 780-60985 rev C, 780-60990 rev C, 780-61000 rev D, 780-61005 rev C, 780-61010 rev C, 780-61020 rev C, 780-61030 rev C, 780-61040 rev C, 780-61050 rev C, 780-61060 rev C, 780-61070 rev C, 780-61080 rev C, 780-61090 rev C, 780-61100 rev C, 780-61110 rev C, 780-61120 rev C, 780-61130 rev C, 780-61140 rev C, 780-61150 rev C, 780-61160 rev C, 780-61170 rev C, 780-61180 rev C, 780-61190 rev C, 780-61200 rev C, 780-61210 rev C, 780-61220 rev C, 780-61230 rev C, 780-61240 rev C, 780-61250 rev C, 780-61260 rev C, 780-61270 rev C, 780-61280 rev C, 780-61290 rev C, 780-61300 rev C, 780-61310 rev C, 780-61320 rev C, 780-S6000 rev D, 780-S6001 rev D, 780-S6002 rev 00, 780-S6003 rev 00, TOWN583.02(08)5002 rev R01, TOWN583.02(08)5003 rev R01, and TOWN583.02(08)5010 rev R01.
- Documents:**
- Planning Statement by DP9 Ltd;
 - Statement of Community Involvement by Heron Quays

- West Limited Partnership ;
- Design and Access Statement by Kohn Pedersen Fox;
 - Environmental Statement Volumes 1-4 by Ramboll Environ;
 - Environmental Statement Non-Technical Summary by Ramboll Environ;
 - Transport Assessment by Steer Davies Gleave;
 - Framework Travel Plan by Steer Davies Gleave;
 - Energy Strategy by WSP;
 - Sustainability Strategy by WSP;
 - Aviation Assessment by Eddowes Aviation Safety; and
 - Television and Radio Interference Assessment by Hoare Lea.

Applicant and owner: Heron Quays West Limited
(A subsidiary of Canary Wharf Group)

Historic Building: Adjacent to Grade I listed Middle Dock Banana Wall

Conservation Area: None

2.0 EXECUTIVE SUMMARY

- 2.1 This report considers an application for planning permission for the erection of a 31 storey, high-rise, large floorplate office building within the Canary Wharf Estate. Officers recommend approval of planning permission.
- 2.2 The acceptability of the general principles of the development, including its broad massing, height, land use, floorspace and dock intake and coverage have been established through previous consents for high-rise office developments on this site as detailed in the report. There have not been any significant policy developments since the granting of previous consents to justify taking a different view in this instance.
- 2.3 The site is within Canary Wharf Major Centre and Preferred Office Location (POL), the proposed development would accord with the land use policies in place for the area and make a significant contribution to the economy, providing employment for some 7,675 people.
- 2.4 A publicly accessible dock-side promenade with retail units and public sitting opportunities would be created around the southern and eastern edges of the site, linking with the new promenade at 1 Bank Street, activating the water edge and providing better opportunities for the enjoyment of the open space.
- 2.5 In order to facilitate the construction of the dock-side promenade, to align with the adjoining 1 Bank Street scheme and to allow creation of larger, more functional floor plates necessary to attract potential business occupiers, the proposal involves further encroachment into the South Dock through extension of decking. The increase in water displacement is minimal at about 14sqm but the additional area covered by decking would measure approximately 238sqm (a further extension of 3m across the southern edge of the site in comparison to the approved outline scheme). This is unfortunate but given the particular circumstances of the site, is considered to be

largely unavoidable and necessary to facilitate a high quality development in this location.

- 2.6 Careful consideration has been paid to the further coverage of the South Dock and the resulting harm. Officers consider that the minor harm is justified in planning terms given the public benefits of the scheme including through provision of better public realm, place making, significant employment provision and economic benefits including the contribution to maintaining the strategic role of Canary Wharf as an internationally significant financial and business centre. Any harm to biodiversity would be mitigated with an overall net benefit delivered in the long term.
- 2.7 The building has been designed by Kohn Pedersen Fox (KPF) and would be of a high architectural quality. It would complement the adjoining scheme at 1 Bank Street and appropriately respond to the setting of the site. The building would be lower than previously approved and of a broadly similar massing. The proposal would not result in any significant adverse heritage impacts and there would be no significant impact on the setting of the Greenwich World Heritage Site.
- 2.8 With regard to amenity, given the significant separation distance from the nearest residential properties, there would not be a detrimental impact with regarding to overlooking, loss of privacy, outlook or sense of enclosure. As the site is to the north of the relevant residential properties, there would be no sunlight losses. With regard to daylighting, there would be a minor adverse impact on a limited number of properties. This impact would be broadly similar to that of the previously approved scheme and, on balance, is not considered to unacceptably prejudice the living conditions of the occupiers of the affected properties.
- 2.9 Given the reduction in floorspace and car parking spaces from the previous development proposals approved by the Council, the highways and transportation impacts of the proposal are likely to be lower than previously approved and do not raise concerns.
- 2.10 Subject to the recommended conditions and planning obligations, the proposal would constitute sustainable development in accordance with the National Planning Policy Framework. The application is in accordance with the provisions of the Development Plan and there are no other material considerations which would indicate that it should be refused.

3.0 RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:
- 3.2 Any direction by the London Mayor.
- 3.3 The prior completion of a legal agreement to secure the following planning obligations:

Financial obligations:

- a) £500,108 towards construction phase employment skills and training
- b) £3,131,400 towards end-user phase employment skills and training
- c) £489,420 towards carbon off-setting

- d) £19,358,968 Crossrail CIL top-up contribution (on the basis of estimated CIL liability of £4,375,945)
- e) £3,000 monitoring fee (£500 per each substantial Head of Terms)

Total financial contribution: £23,482,896

Non-financial obligations:

- f) Access to employment
 - 20% local procurement
 - 20% local labour in construction and end-user phases
 - 21 construction apprenticeships
 - 31 end-user apprenticeships
- g) Travel plan for end-user phase
- h) TV reception mitigation
- i) Public access to public realm areas including dockside promenade
- j) Compliance with Considerate Constructors Scheme & LBTH Code of Construction Practice
- k) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

3.4 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above acting within delegated authority. If within three months of the resolution the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

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

3.6 Conditions:

Compliance

- a) Compliance with plans
- b) 3 year commencement time limit
- c) Compliance with energy and sustainability strategies, BREEAM 'Excellent'
- d) Provision and retention of cycle, car and motorcycle parking facilities including blue badge spaces and electric vehicle charging points
- e) Noise standards for plant and ventilation systems, extract system standards for restaurant units

Pre-commencement

- f) Construction Environmental Management Plan including measures to protect amenity, minimise noise & air pollution, working hours restrictions
- g) Construction Logistics Plan including travel plan for construction workers, measures to safeguard DLR viaduct and waterborne transport feasibility study and measures to maximise waterborne transport (in consultation with TfL)
- h) Piling Method Statement to safeguard sewerage infrastructure (in consultation with Thames Water)
- i) Land contamination remediation

Pre-superstructure

- a) Samples and mock-ups of all facing materials, elevation detailing
- b) Biodiversity enhancement measures

Prior to relevant works

- c) Details of surface water drainage & SUDS (in consultation with Canal & River Trust)
- d) Water supply (in consultation with Thames Water)
- e) Landscaping including details of soft & hard landscaping, lighting, security measures, public art and inclusive access provisions
- f) Heating system specification – air quality
- g) Details of construction cranes (in consultation with London City Airport)

Pre-occupation

- h) Delivery, Servicing and Waste Management Plan
- i) Parking Management Plan

3.7 Informatives:

- a) Thames Water
- b) Natural England
- c) Canal & River Trust
- d) Community Infrastructure Levy

3.8 Any other conditions or informatives as considered necessary by the Corporate Director for Development & Renewal.

4.0 PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1 The application proposes construction of a 31 storey high rise office tower measuring 166m AOD in height and comprising 124,734sqm GIA of office (Use Class B1) and 293sqm GIA of retail (Use Class A1-A5) along with a decked promenade to the South Dock, access and highways works, landscaping and other associated works.
- 4.2 The building would include a 2 storey basement (deeper level including a mezzanine floor) with parking facilities, plant, servicing areas and storage, a double-height ground floor with (mezzanine at the rear) housing principally office lobbies, servicing areas and retail units. Office accommodation would be on floors 1 to 25, with plant on 26th and 27th floor and the top of the building at floors 28, 29 and 30 principally dedicated to office amenity areas.
- 4.3 1,442 cycle parking spaces, 25 car parking spaces (including 4 wheelchair accessible) and 37 motorcycle parking bays would be provided.
- 4.4 The architecture of the scheme is contemporary, characterised by division of the massing into three vertically accentuated interlocking volumes. The building has been designed by Kohn Pedersen Fox (KPF) Associates and would be principally faced in glass with metal framing.

- 4.5 The proposal includes a publicly accessible dock-edge decked promenade from the north-eastern corner of the site to its south-western corner, linking with the decked promenade of the high-rise office tower at 1 Bank Street.
- 4.6 The site benefits from an extant permission for an office development of broadly similar parameters as those currently proposed (outline planning permission ref PA/13/01150 and reserved matters approval PA/14/01664). The below table compares the current proposal to the outline permission and reserved matters:

	Outline permission	Reserved matters	As proposed
Office floorspace	129,857sqm GIA	105,170sqm GIA	124,734sqm GIA
Retail Floorspace	785sqm GIA	0	293sqm GIA
Height	191.5m AOD	147m AOD	166m AOD
Basement extension into dock	30.5m	30.5m	30.5m
Area of water displacement by basement/piles	2410sqm	2410sqm	2424sqm
Extent of decking over dock	7.4m	6.4m	10.4m
Area of decking	~ 589sqm	509sqm	827sqm

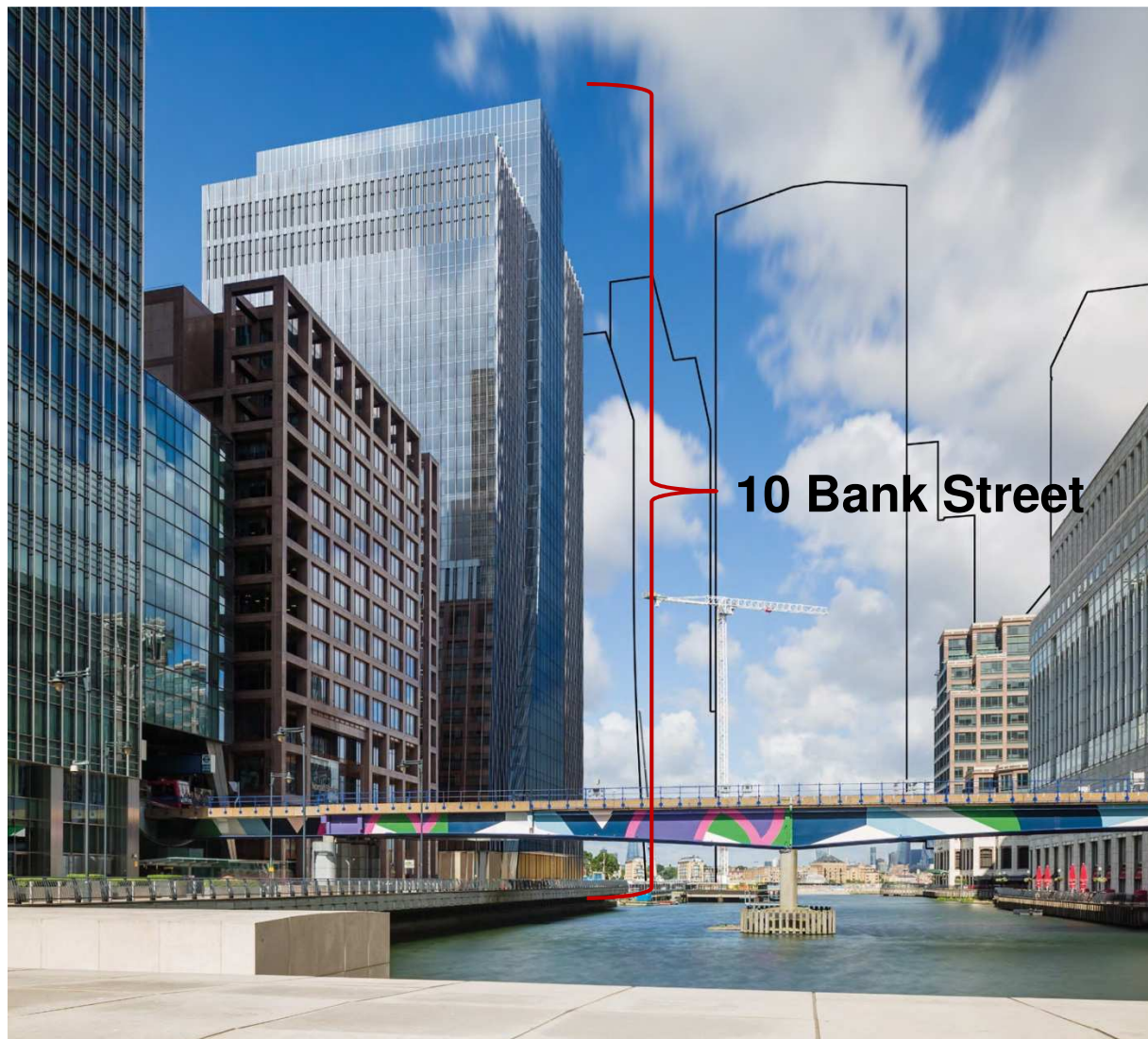


Figure 1 – Verified cumulative view of the proposal from the Jubilee Plaza

Site and Surroundings

- 4.7 The application site is broadly square in shape and measures 0.65 hectare. It is located within the south-western part of the Canary Wharf Estate, on the south side of Bank Street and to the north of the South Dock. To the west, the site is bounded by the development site of 1 Bank Street, a 27 storey office tower, while to the east by a short and narrow canal linking the Middle and South docks. Further east lies 20 Bank Street, a 14 storey office building.



Figure 2 – Site location plan showing previous extent of dock, prior to construction of the cofferdam at the site and at 1 Bank Street, immediately to the west.



Figure 3 – Aerial view of the site, looking east.

- 4.8 The site has been cleared a number of years ago with a cofferdam constructed. It is currently used as part of the construction compound of the 1 Bank Street development. The development site, together with the 1 Bank Street site and the 'Quay Club' site located across Bank Street, was previously known as Heron Quays West and was previously occupied by 11 low-rise buildings known as 'the red sheds'. The buildings provided office & training centre accommodation and included Skillsmatch, East London Business Place and the former George Brumwell Learning Centre. The site was cleared with the cofferdam constructed in preparation for the redevelopment of the site with Skillsmatch and the East London Business Place relocated (pursuant to the 1 Bank Street S106 Agreement).
- 4.9 The site is located within the Isle of Dogs & South Poplar Opportunity Area and forms part of the Canary Wharf Major Centre and Preferred Office Location. The northern part of the opportunity area is part of the Central Activities Zone for the purpose of the office policies of the London Plan due to its internationally significant clustering of financial services. The site is within Flood Zone 3 and, as the whole borough, is a designated Air Quality Management Area. West India Docks, together with Millwall Docks, are a Site of Importance for Nature Conservation (SINC) and form part of the Blue Ribbon Network.
- 4.10 The site contains no listed buildings and is neither located within a conservation area nor a strategic viewing corridor of the London View Management Framework. Nonetheless, the proposed development would be visible in views from the Maritime Greenwich World Heritage Site. The nearest listed structures are the Grade I quay walls, copings and buttresses to the Import and Export Docks, with the southernmost

quay wall located on the northern side of Bank Street, and the Grade II former west entrance to the South Dock located on the western side of Westferry Road, over 120m west of the application site. The nearest conservation areas are the West India Dock Conservation Area – over 400m to the north, the Narrow Street Conservation Area – over 500m to the north-west, the St Matthias Church Conservation Area – over 650m to the north-east, and the Coldharbour Conservation Area – over 750m to the east. These conservation areas contain a significant number of Grade II listed buildings as well as some Grade I and locally listed buildings.

- 4.11 Bank Street is a private road forming part of the Canary Wharf Estate. The nearest adopted highways are Westferry Road and Marsh Wall. The site benefits from excellent access to public transport with the highest PTAL rating of 6b. The area is served by a number of bus routes, a number of DLR stations (the closest being the Heron Quays Station) and the Canary Wharf Jubilee Line Station. The Elisabeth Line (formerly known as Crossrail) is due to commence operation in December 2018. There is a number of Cycle Hire stations in the vicinity, the closest located adjacent to 20 Bank Street.
- 4.12 The site is located close to the south-western edge of the Canary Wharf cluster with its vicinity dominated by high-rise office towers. The nearest existing office buildings are to the east along Bank Street, including neighbouring 20 Bank Street, as well as the offices surrounding Cabot Square on the north side of Middle Dock and the Island Quay office building at 161 Marsh Wall, across the South Dock. The nearest existing residential properties are within the East and West towers of the Landmark Square development, over 110m to the south-west of the site, across the South Dock. The International Hotel, at 163 Marsh Wall, is some 100m to the south of the site, also across the South Dock.
- 4.13 There is a large number of commercial and residential development sites within the vicinity, including the office towers at: 1 Bank Street – immediately to the west, 1 Park Place – to the north, across Middle Dock and Riverside South – on the western side of Westferry Road; and the high-rise residential schemes: Newfoundland – at the western end of Middle Dock, City Pride – at 15 Westferry Road and Arrowhead Quay – on Marsh Wall, to the east of the International Hotel.
- 4.14 To the north is the marine slab pontoon, site of the ‘Quay Club’ application.

Planning History

Application site

- 4.15 Full planning permission, ref PA/07/03088, granted 17/12/2008, for:

Demolition of the existing buildings and structures on the site, partial infilling of South Dock and its redevelopment by:

- *Erection of a part 12 storey, part 21 storey and part 33 storey building comprising Class B1 offices; construction of 3 levels of basement for Class A retail units, underground parking, servicing & plant;*
- *Construction of a subterranean pedestrian link to the Jubilee Place Retail Mall and the Jubilee Line Station incorporating Class A retail accommodation;*
- *Erection of a 4 storey building for Class A3 (restaurant and cafe) and A4 (drinking establishments) uses, and/or at first and part second floor level Class D1 (training centre);*

- *Relocation of the canal between South Dock and Middle Dock from the eastern to western part of the application site;*
- *Provision of a new publicly accessible open space;*
- *Associated infrastructure and landscaping together with other works incidental to the application.*

[This permission covered the entire Heron Quays West site, including the sites of 1 & 10 Bank Street and the 'Quay Club'. The approved AOD height of the office building was 101.75m for the 12 storey element, 153.80m for the 21 storey element and 204.90m for the 33 storey element. The total office floorspace was 193,175sqm GEA with 2454sqm GEA of retail floorspace within the office building and 4,255sqm retail & leisure within the 'Quay Club' pavilion. The permission provided for 125 car parking spaces.]

- 4.16 Outline planning permission (all matters reserved), ref PA/13/01150, granted 06/11/2013, for:

Demolition of existing buildings and structures and erection of a new building with a maximum height of 191.5 metres AOD comprising a maximum of 129,857 square metres GIA of office floor space (Use Class B1) and a maximum of 785 square metres GIA of flexible floor space (Use Class A1,A2, A3, A4 and A5) along with a decked promenade to the South Dock, access and highways works, landscaping and other associated works.

[This permission was principally for the 10 Bank Street site and allowed for a maximum incursion of 30.5m into South Dock with a maximum deck extent of 7.4m over the dock.]

- 4.17 Approval of all reserved matters pursuant to the above permission was granted on 30th March 2015 under ref PA/14/01664.

[The approval was for an office building 147m AOD high housing 105,170sqm GIA of office accommodation with no retail floorspace. The basements extended 30.5m into South Dock with a decking of a further 6.4m. The car parking provision was for 11 spaces (out of a maximum of 86 as specified by the outline permission.)

- 4.18 Enabling works at the application site took place under full planning permissions granted on 17/07/2014:

- PA/14/01373 for the construction of a secant piled wall
- PA/14/01372 for temporary cofferdam works

Adjoining sites, formerly also part of the Heron Quays West site

1 Bank Street

- 4.19 Full planning permission ref PA/14/02617 granted on 30th March 2015, for:

Erection of a 27 storey building comprising offices (Use Class B1) and retail (Use Class A1-A5) including three basement levels, partial infilling of South Dock, ancillary parking and servicing, access and highways works, landscaping and other works incidental to the application.

[The scheme is currently under construction. The approval is for 114,345 GIA of office and 113 GIA of retail, including 29 car parking spaces and a decked promenade along the northern edge of the South Dock.]

'Quay Club'

- 4.20 Full planning permission application (Strategic Development Committee resolution to grant - issue of decision pending completion of S106 agreement) ref PA/16/00900, for:

Demolition of the existing concrete slab and associated infrastructure; alterations to Bank Street including the removal of existing coping stones above the existing Banana Wall to enable the installation of proposed utilities services and future deck; the installation of new piles in the Bank Street; and the erection of a five storey building on the existing marine piles for use as a members club (Use Class Sui Generis) and other associated works incidental to the development.

5.0 POLICY FRAMEWORK

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

5.2 Government Planning Policy

National Planning Policy Framework 2012
Planning Policy Guidance 2014 with subsequent alterations

5.3 London Plan 2016

- 2.9 - Inner London
- 2.10 - Central Activities Zone: strategic priorities
- 2.11 - Central Activities Zone: strategic functions
- 2.13 - Opportunity areas and intensification areas
- 3.1 - Ensuring equal life chances for all
- 4.1 - Developing London's economy
- 4.2 - Offices
- 4.3 - Mixed use development and offices
- 4.7 - Retail and town centre development
- 4.8 - Supporting a successful and diverse retail sector
- 4.12 - Improving opportunities for all
- 5.1 - Climate change mitigation
- 5.2 - Minimising carbon dioxide emissions
- 5.3 - Sustainable design and construction
- 5.4A - Electricity and gas supply
- 5.5 - Decentralised energy networks
- 5.6 - Decentralised energy in development proposals
- 5.7 - Renewable energy
- 5.8 - Innovative energy technologies
- 5.9 - Overheating and cooling
- 5.10 - Urban greening
- 5.11 - Green roofs and development site environs
- 5.12 - Flood risk management
- 5.13 - Sustainable drainage
- 5.14 - Water quality and wastewater infrastructure
- 5.15 - Water use and supplies
- 5.16 - Waste net self-sufficiency
- 5.17 - Waste capacity

- 5.18 - Construction, excavation and demolition waste
- 5.21 - Contaminated land
- 6.3 - Assessing effects of development on transport capacity
- 6.5 - Funding Crossrail and other strategically important transport infrastructure
- 6.7 - Better streets and surface transport
- 6.9 - Cycling
- 6.10 - Walking
- 6.13 - Parking
- 7.1 - Lifetime neighbourhoods
- 7.2 - An inclusive environment
- 7.3 - Designing out crime
- 7.4 - Local character
- 7.5 - Public realm
- 7.6 - Architecture
- 7.7 - Location and design of tall and large buildings
- 7.8 - Heritage assets and archaeology
- 7.10 - World Heritage Sites
- 7.11 - London View Management Framework
- 7.13 - Safety, security and resilience to emergency
- 7.14 - Improving air quality
- 7.15 - Reducing noise and enhancing soundscapes
- 7.18 - Protecting open space and addressing deficiency
- 7.19 - Biodiversity and access to nature
- 7.24 - Blue Ribbon Network
- 7.26 - Increasing the use of the Blue Ribbon Network for freight transport
- 7.27 - Blue Ribbon Network: supporting infrastructure and recreational use
- 7.28 - Restoration of the Blue Ribbon Network
- 7.30 - London's canals and other rivers and waterspaces
- 8.2 - Planning obligations

5.4 **Core Strategy 2010**

- SP01 - Refocusing on our town centres
- SP03 - Creating healthy and liveable neighbourhoods
- SP04 - Creating a green and blue grid
- SP05 - Dealing with waste
- SP06 - Delivering successful employment hubs
- SP09 - Creating attractive and safe streets and spaces
- SP10 - Creating distinct and durable places
- SP11 - Working towards a zero carbon borough
- SP12 - Delivering placemaking
- SP13 - Planning obligations

5.5 **Managing Development Document 2013**

- DM0 - Delivering sustainable development
- DM1 - Development within the town centre hierarchy
- DM9 - Improving air quality
- DM10 - Delivering open space
- DM11 - Living buildings and biodiversity
- DM12 - Water spaces
- DM13 - Sustainable drainage
- DM14 - Managing waste
- DM16 - Office locations
- DM20 - Supporting a sustainable transport network

- DM21 - Sustainable transportation of freight
- DM22 - Parking
- DM23 - Streets and the public realm
- DM24 - Place-sensitive design
- DM25 - Amenity
- DM26 - Building heights
- DM27 - Heritage and the historic environment
- DM28 - World Heritage Sites
- DM29 - Achieving a zero carbon borough and addressing climate change

5.6 Other Material Planning Documents

- Planning Obligations SPD (LBTH 2016)
- Control of Dust and Emissions during Construction and Demolition SPG (GLA 2014)
- Accessible London: Achieving an Inclusive Environment SPG (GLA 2014)
- Sustainable Design and Construction SPG (GLA 2013)
- Site Layout Planning for Daylight and Sunlight (BRE 2011)
- Central Activities Zone SPG (GLA 2016)
- Use of Planning Obligations in the Funding of Crossrail SPG (GLA 2013)
- London View Management Framework SPG (GLA 2012)
- London World Heritage Sites - Guidance on Settings SPG (GLA 2012)
- Tall Building Advice Note (Historic England 2015)

6.0 CONSULTATION RESPONSE

- 6.1 The views of the Place Directorate are expressed in the MATERIAL PLANNING CONSIDERATIONS section.
- 6.2 The following were consulted regarding the application. The responses are summarised below.

Greater London Authority (GLA)

Recommendation & conclusion

- 6.3 The proposal to provide a significant quantum of large floorplate office accommodation to support the strategically important financial services cluster in the north of the Isle of Dogs & South Poplar Opportunity Area is strongly supported. The design approach is well-considered and supported and the additional encroachment into the dock is acceptable. Whilst the application broadly complies with the London Plan, a number of outstanding matters need to be addressed with regard to climate change and transport.

Land use

- 6.4 The proposed uses are strongly supported. The scheme would make a significant contribution towards the minimum strategic job creation targets of 110,000 additional jobs within the Opportunity Area. Small scale retail uses would be appropriate to the town centre location.
- 6.5 Given the priority given to Crossrail funding and subject to the Crossrail CIL top-up contribution being secured through the S106, contributions towards off-site affordable housing will not be required.

Urban design and the Blue Ribbon Network

- 6.6 Overall, the ground floor layout and public realm would be improved and is strongly supported in urban design terms
- 6.7 Further encroachment into South dock is acceptable for the following reasons:
- The principle has been accepted in previous proposals for the site
 - Increased size of office floorplates and the strategic importance of Canary Wharf as a globally important financial and business centre
 - The dockside building line and promenade would be unified with that of 1 Bank Street
- 6.8 The applicant has demonstrated that a footbridge between 10 and 20 Bank Street is not feasible. A footbridge in this location is not supported by the GLA.

Height, heritage and strategic views

- 6.9 The proposal is acceptable given the extant consent and the emerging cluster of tall buildings in this part of the Isle of Dogs. The building would be largely obscured by other existing and consented development in key strategic views. There would be no harm to the setting of the Maritime Greenwich World Heritage Site or any other heritage assets.

Architectural treatment

- 6.10 The architectural approach is supported and should result in a high quality finishes however the quality of materials and detailing will be essential – detailing and materials should be secured by condition.

Climate change

- 6.11 The applicant should provide further details on feasibility of a connection to the Barkantine district heating network as well as details of the site heat network. It is accepted that there is little further potential for reductions further to the proposed 33.5% reduction in CO2 emissions compared to the 2013 Building Regulations baseline but the shortfall should be met off-site through a S106 contribution. Final energy strategy should be secured.

[The requested climate change information has been provided by the applicant. GLA officers subsequently confirmed that all issues have been resolved.]

Transport

- 6.12 Transport Assessment methodology is consistent with the approach taken in the outline permission with appropriate adjustments to take account of Crossrail. The reduction in car parking to 25 spaces is supported. Provision of electric vehicle charging points and Blue Badge spaces should be secured.
- 6.13 The development is forecast to generate 180 trip arrivals at Heron Quays Station from the southern branch of the DLR in the morning peak hour. Although this is lower than the previous scheme due to the inclusion of Crossrail trips, this branch already experiences very heavy usage (93% capacity in sections of the route in the morning peak) and these additional trips are therefore a concern. The impact should be assessed and mitigated where necessary.
- 6.14 The Transport Assessment forecasts 20,586 additional walking trips each day. A

pedestrian environment Review Survey (PERS) has been carried out. Improvements should be secured as identified and details of way finding measures should be provided.

- 6.15 A cycle hire docking station for 36 cycles is required (through a financial contribution of £120,000).
- 6.16 All servicing would take place off-street but there are concerns about adequacy of the proposed loading bay. If it is not possible to accommodate an additional loading bay within the scheme, the applicant should demonstrate that deliveries can be managed satisfactorily.
- 6.17 Construction Logistic Plan and Travel Plan should be secured by condition and/or S106. Crossrail CIL top-up contribution should be secured through the S106.

[The requested loading bay and servicing information has been provided by the applicant with TfL subsequently requesting that a Delivery & Servicing Plan is secured by condition.]

Transport for London (TfL)

- 6.18 As per the above Transport section of the GLA response other than for clarification that TfL seeks a S106 financial contribution of £250,000 for DLR improvements at Heron Quays Station and a further specific request for a condition to safeguard the structural integrity of the DLR viaduct from the use of any waterborne transport in construction of the scheme.

Thames Water

- 6.19 No objection with regard to sewerage infrastructure capacity. Non-return valves should be installed to protect from surcharges during storm conditions.
- 6.20 The existing water supply infrastructure has insufficient capacity. A condition should be imposed to secure that water supply impact studies are carried out to determine the magnitude of any additional capacity required in the system.
- 6.21 A piling method statement should be secured by condition to safeguard underground sewerage infrastructure.
- 6.22 Informatives should be attached to advise the applicant that it is the responsibility of the developer to make proper provision for surface water drainage, and that Thames Water approval is required for surface water drainage and ground water drainage discharges to a public sewer; as well as to discuss the details of the piling method statement

Port of London Authority

- 6.23 The works proposed are unlikely to result in adverse impact on the River Thames and all environmental matters have been satisfactorily dealt with.
- 6.24 Further information should be provided to investigate the potential for waterborne transport of materials during the construction and operational phases of the development.

Historic England

- 6.25 Does not wish to make comments or express any views on the merits of the proposal. The application should be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.

Historic England – Greater London Archaeological Advisory Service (GLAAS)

- 6.26 The proposal is unlikely to have a significant effect on heritage assets of archaeological interest. No further assessment or conditions are necessary.

Historic Royal Palaces

- 6.27 Does not wish to comment on the development and believes that the proposal would not have any negative impact on the Tower of London World Heritage Site.

National Air Traffic Services (NATS) Safeguarding

- 6.28 No safeguarding objection to the proposal.

London City Airport

- 6.29 No safeguarding objection subject to condition regarding the operation of cranes during construction.

Environment Agency

- 6.30 No objection.
- 6.31 Although the site is located within Flood Zone 3 and is protected to a very high standard by the Thames Tidal flood defences up to a 1 in 1000 (0.1%) chance in any year, flood modelling shows that it is at risk if there was a breach in the defences or they were to be overtopped. While the proposal does have a safe means of access and /or egress in the event of flooding, safe refuge within the higher floors of the development has been suggested. The adequacy of evacuation arrangements should be assessed by the Council as the competent authority on matters of evacuation and rescue. Finished floor levels should be set above 4.137 AOD.

Natural England

- 6.32 No objection subject to appropriate mitigation being secured.
- 6.33 The proposal would have an adverse effect on the integrity of the Recommended Marine Conservation Zone of the Thames River. To mitigate, an Environmental Management Plan covering construction and operation of the building, including landscaping and water management strategy, should be secured.
- 6.34 Further detail advice has been given to be included as an informative.

Canal & River Trust (CRT)

- 6.35 No planning objection to the additional loss of waterspace but this would require a civil agreement from the Trust.
- 6.36 The dock walls should be designed so as to allow future maintenance. Proposed biodiversity enhancement measures are welcome but a maintenance agreement may

need to be negotiated with the Trust. External lighting should be designed so as not to cause light spill onto the waterspace and should be bat friendly wherever possible – this should be secured by condition. Surface water drainage into the dock will require an agreement with the Trust. Feasibility of use of waterborne freight during construction should be investigated further and secured by a condition. Use of the dock water for heating and cooling should be investigated. Informatives should be attached.

Southwark Council

6.37 Does not wish to comment.

No response

6.38 The following organisations were consulted but have not provided any comments:

- Metropolitan Police Crime Prevention Officer
- London Fire and Emergency Planning Authority
- Inland Waterways Association
- Greater London Industrial Archaeology Society
- The Greenwich Society
- Georgian Group
- Maritime Greenwich heritage Site
- The Victorian Society

7.0 LOCAL REPRESENTATION

Public Consultation

7.1 Public consultation took place in accordance with statutory requirements. This included a total of 1630 letters sent to occupiers of neighbouring properties, a press advert published in a local newspaper and site notices displayed outside the application site.

7.2 No responses were received.

Applicant's Consultation

7.3 The applicant submitted a Statement of Community Involvement (appended to the Planning Statement). The consultation included a public exhibition on 14th and 16th July 2016 – residents of over 1100 addresses and over 70 local businesses were consulted and invited to the exhibition and a press advert was published in The Wharf. The exhibition was attended by 60 people with 12 people providing written feedback. Further details including presentation materials and a summary of comments received by the applicant are provided within the statement.

8.0 MATERIAL PLANNING CONSIDERATIONS

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

1. Land use
2. Townscape, design & heritage

3. Amenity

- 8.2 Other material issues addressed within the report include transportation & servicing, energy efficiency & sustainability, biodiversity, planning obligations, as well as financial, health, human rights and equalities considerations.

Land Use

Policy Context

- 8.3 The National Planning Policy Framework (the NPPF) sets out the Government's land use planning and sustainable development objectives. The framework identifies a holistic approach to sustainable development as a core purpose of the planning system and requires the planning system to perform three distinct but interrelated roles: an economic role, a social role and an environmental role. These roles are mutually dependant and should not be undertaken in isolation.
- 8.4 According to paragraph 9 of the NPPF, pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life. These aims are reflected in the Core Strategy's Strategic Objective SO3 which pursues the achievement of environmental, social and economic development, realised through well-designed neighbourhoods, high quality housing, and access to employment, open space, shops and services.
- 8.5 Policy 2.9 of the London Plan identifies the unique challenges and potential of inner London and specifies that boroughs should work to sustain its economic and demographic growth while addressing concentrations of deprivation and improving the quality of life and health.
- 8.6 The London Plan policies 4.1 and 4.2 seek to promote and enable the continued development of a strong, sustainable and diverse economy - ensuring the availability of sufficient workplaces in terms of type, size and cost. The Council's Core Strategy policy SP06 seeks to support the competitiveness, vibrancy and creativity of the local economy, ensuring a sufficient range, mix and quality of employment uses and spaces – part 2 of the policy seeks to focus large floor plate offices and to intensive floor space within the Preferred Office Locations. Policies 2.10 and 2.11 set out the strategic priorities and functions of the Central Activities Zone – while formally outside the CAZ, the policy considers the north of the Isle of Dogs as part of the CAZ for the purpose of the London Plan's office policies. This is due to the Canary Wharf's role as a strategically important, globally orientated financial and business service centre.
- 8.7 Policy 2.13 of the London Plan sets out the policy context for the support of development within opportunity areas.
- 8.8 With regard to the designation of Canary Wharf as a Major Centre, policy SP01 of the Core Strategy seeks to maintain and enhance Canary Wharf as an important major centre in the borough through improving its local accessibility and supporting its continued growth. The London Plan sets out an aspiration for Canary Wharf to grow to become a centre of Metropolitan importance.
- 8.9 In line with the National Planning Policy Framework, the London Plan policies 2.15 and 4.7 require new uses in town centres to:
- support the vitality and viability of the centre,

- accommodate economic growth through intensification and selective expansion in appropriate locations,
 - support and enhance the competitiveness, quality and diversity of town centre retail, leisure, arts and culture, other consumer and public services,
 - be of scale related to the size, role and function of the centre, and
 - be easily accessible by public transport.
- 8.10 Policy SP01 of the Core Strategy, with related objectives SO4 and SO5, seeks to ensure that the scale and type of development is proportionate to the town centre hierarchy and to promote mixed use at the edge of town centres and along main streets. The policy also seeks to ensure that town centres are active, well-used and safe during day and night and to encourage evening and night time economy uses. Evening and night time uses should not be over-concentrated where undue detrimental impact on amenity would result, of a balanced provision and complementary to the adjoining uses and activities. Further guidance is provided by policy DM1 of the Managing Development Document which directs evening economy uses to town centres, provided that they do not result in overconcentration.
- 8.11 The north of the Isle of Dogs forms a strategically significant part of London's world city offer for financial, media and business services and is recognised within the London Plan as part of the Central Activities Zone for office policy purposes. The Isle of Dogs Opportunity Area is anticipated to accommodate 110,000 additional workers and a minimum of 10,000 new homes. Retail provision in Canary Wharf has the potential to develop and serve a wider catchment, complemented by a broader range of civic, leisure and other town centre facilities.
- 8.12 The Core Strategy vision for Canary Wharf, pursuant to the place making policy SP12, is to retain and enhance its global role as a competitive financial district as well as to adopt a stronger local function. The policy identifies a priority to work with Canary Wharf Group to maintain and enhance Canary Wharf's global position as a commercial and business centre and a priority to improve the integration between Canary Wharf and waterspaces to help stimulate activity.

Office Use

- 8.13 The application proposes erection of a large-floor plate office building which would house 124,734sqm GIA of office floorspace and provide employment for some 7,675 people (net additional full-time jobs).
- 8.14 The land use principles have been established through the previous planning consents for this site. The proposed floorspace would be within the upper limit of the outline planning permission which gave consent for 129,857sqm GIA however, due to the larger floorplates, the proposed design would be more efficient and functional, better responding to the requirements of prospective office occupiers.
- 8.15 Given the site's location within the Canary Wharf Major Centre and Preferred Office Location, the proposed office floorspace is not only acceptable but also highly desirable in planning policy terms as the proposal would support the continued development of Canary Wharf as a strategically important employment location.
- 8.16 As detailed within the Socioeconomic Assessment which forms part of the submitted Environmental Statement, the proposal would bring substantial economic benefits arising from provision of a workplace for some 7,675 employees. The additional local spending by the future employees is estimated at approximately £17.9 million per year. In addition, there would be temporary benefits to do with the construction of the

scheme. The construction workforce is estimated at 310 full-time employees with an estimated level of construction workforce spending of one million pounds per year.

Retail Use

- 8.17 Two ground floor retail units are included within the proposal, measuring a total of 293sqm and complementing the retail provision at the 1 Bank Street site. The application is for a flexible retail/commercial use within the use classes of A1 to A5, covering uses such as retail, restaurant, drinking establishment and hot food take-away. The provision would be lower than the maximum approved under the outline planning permission, of 785sqm GIA.
- 8.18 All of the proposed uses are considered to be appropriate within a major town centre and the scale of the retail offer would be clearly ancillary to the office development. The units would be located along the dockside and provide animation of the southern elevation and of the public realm, contributing to place making objectives for the area.

Mixed Use Development

- 8.19 Policy 2.11 of the London Plan states that *“new development proposals to increase office floorspace within CAZ and the north of the Isle of Dogs Opportunity Area [should] include a mix of uses including housing, unless such a mix would demonstrably conflict with other policies in this plan (see policies 3.4 and 4.3).”*
- 8.20
- 8.21 Policy 3.4 seeks to optimise housing potential and density while policy 4.3 of the London Plan provides guidance with regard to mixed use development and offices. Part (A) of the policy states that within the *“Central Activities Zone and the north of the Isle of Dogs Opportunity Area, increases in office floor space should provide for a mix of uses including housing, unless such a mix would demonstrably conflict with other policies in the plan.”*
- 8.22 The Council’s policy SP02 (2a) unequivocally states that the Preferred Office Location are not appropriate locations for housing and the Council’s adopted Planning Obligations SPD does not require the provision of affordable housing for commercial developments.
- 8.23 The site is located within the core of the Canary Wharf and, as such, is not a suitable location for housing. Housing use within this site would directly conflict with the objectives of the Preferred Office Location and, as such, it is not appropriate to seek affordable housing contributions. The Council has also not previously secured such contributions on any other office development within Preferred Office Locations.

Open Space and Blue Ribbon Network

- 8.24 Strategic policy SP04 sets out the Council’s vision to create a high quality well connected and sustainable nature environment of green and blue spaces that are rich in biodiversity and promote active and healthy lifestyles.
- 8.25 Policy 7.24 of the London Plan sets out a vision for the Blue Ribbon Network to contribute to the overall quality and sustainability of London by prioritising the use of waterspace and land alongside it for water related purposes. Policy 7.27 seeks to support infrastructure and recreation use by amongst other aims protecting existing access points and where possible enhancing access, increasing habitat value and protecting the open character of the Blue Ribbon Network. Policy 7.28A specifically states that *“Development proposals should restore and enhance the Blue Ribbon*

Network by ... c) preventing development and structures into the water space unless it serves a water related purpose.”

- 8.26 Policy 7.30 of the London Plan makes specific reference to development alongside London’s docks, and requires such development to protect and promote the vitality, attractiveness and historical interest of London’s remaining dock areas by amongst other aims preventing their partial or complete filling.
- 8.27 Paragraph 7.84 notes that “*The Blue Ribbon Network should not be used as an extension of the developable land in London*”.
- 8.28 Policy DM12 of the Managing Development Document provides guidance for development adjacent to the Blue Ribbon Network. Firstly development should not have an adverse impact. Secondly, with regard design and layout development should provide appropriate setbacks from the water space edges where appropriate. Finally, development should identify how it will improve the quality of the water space and provide increased opportunities for access, public use and integration with the water space.
- 8.29 In order to facilitate the construction of the dock-side promenade, to align with the adjoining 1 Bank Street scheme and to allow creation of larger, more functional floor plates necessary to attract potential business occupiers, the proposal involves further encroachment into the South Dock through extension of decking. The increase in water displacement is minimal at about 14sqm but the additional area covered by decking would measure approximately 238sqm (a further extension of 3m across the southern edge of the site in comparison to the approved maximum parameters of the outline scheme). In comparison to the reserved matters scheme, the increase in decking area would be approximately 318sqm (a further extension of 4m).

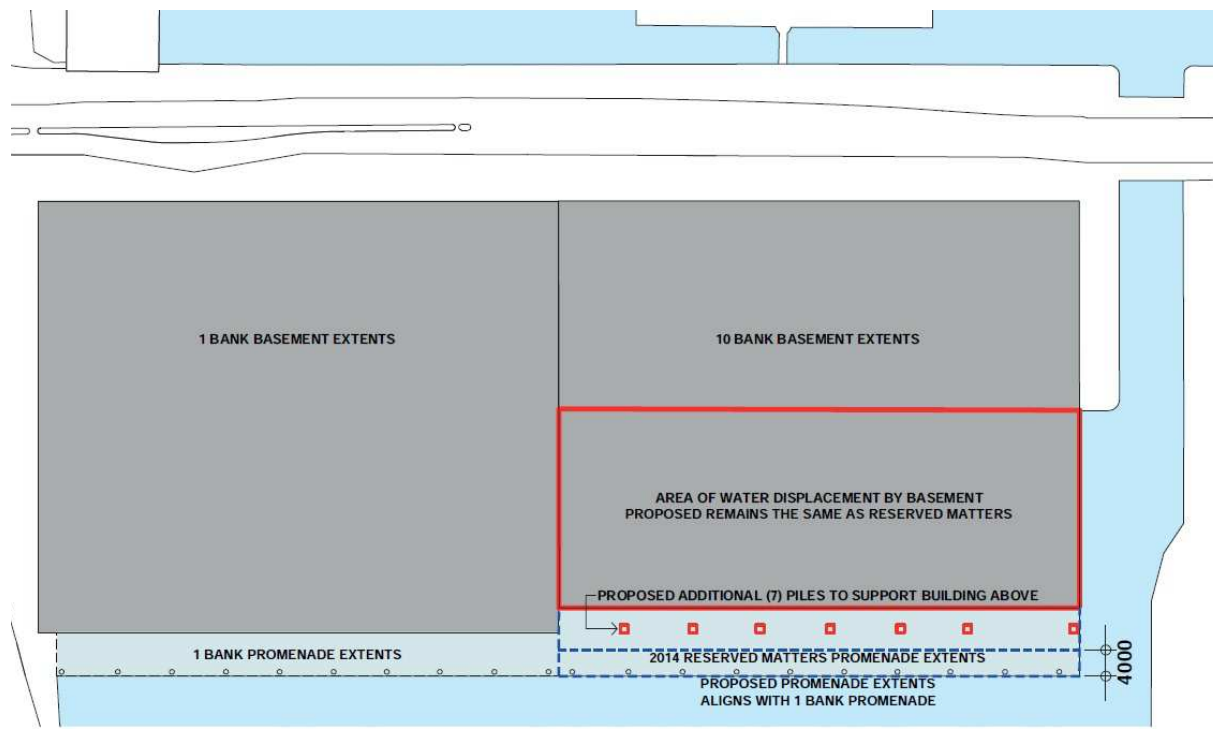


Figure 4 – Comparison of dock infilling and coverage with the approved outline planning and reserved matters permissions.

- 8.30 The loss of additional exposed dock water is unfortunate but given the particular circumstances of the site, is considered to be largely unavoidable and necessary to facilitate a high quality development in this location.
- 8.31 As explained elsewhere below in this report, the biodiversity impact would be fully mitigated with a net benefit achieved in the long term.
- 8.32 The applicant has demonstrated that the additional dock covering is the most appropriate design response to the requirement of the site to provide functional large floor plates of the kind that are likely to attract office occupiers. Any other solutions would be unsuitable as they would significantly impact on the building line and footway areas of Bank Street. If smaller floorplates were proposed or an undercroft was created for the southern dockside promenade, the quality of the dockside route would suffer substantially and there would be no scope to include retail units to animate the dockside.
- 8.33 As addressed in the Design section of this report, further below, the proposed dockside promenade would be appropriately designed to engage with the South Dock and to improve opportunities for its enjoyment by members of the public.
- 8.34 Overall, on balance, officers consider that the minor harm is justified in planning terms given the public benefits of the scheme including through provision of better public realm, place making, significant employment provision and economic benefits including the contribution to maintaining the strategic role of Canary Wharf as an internationally significant financial and business centre. Any harm to biodiversity would be mitigated with an overall net benefit delivered in the long term.
- 8.35 The additional dock coverage represents an optimal design solution which, while in conflict with the objectives of the aforementioned policies, is justified in the round. As such, officers consider that it would not be appropriate to refuse planning permission for the proposal on the grounds of impact on waterspaces and that the proposal still complies with the Development Plan when read as a whole.

Design, Townscape & Heritage

Policy Background

- 8.36 The National Planning Policy Framework attaches great importance to the design of the built environment.
- 8.37 In accordance with paragraph 58 of the NPPF, new developments should:
- function well and add to the overall quality of the area,
 - establish a strong sense of place, creating attractive and comfortable places to live,
 - respond to local character and history, and reflect the identity of local surroundings and materials,
 - create safe and accessible environments, and
 - be visually attractive as a result of good architecture and appropriate landscaping.
- 8.38 Chapter 7 of the London Plan as well as the Council's policy SP10 set out broad design requirements for new development to ensure that buildings, spaces and places are high-quality, sustainable, accessible, attractive, durable and well integrated with their surrounds and that heritage assets and their settings are

safeguarded. These aims are to be realised through the detailed development management policies DM24 and DM27.

- 8.39 Furthermore, policies SP09 and DM23 seek to deliver a high-quality public realm consisting of streets and spaces that are safe, attractive and integrated with buildings that respond to and overlook public spaces.
- 8.40 The placemaking policy SP12 seeks to improve, enhance and develop a network of sustainable, connected and well-designed neighbourhoods across the borough through retaining and respecting features that contribute to each neighbourhood's heritage, character and local distinctiveness.
- 8.41 With respect of tall buildings, policy 7.7 of the London Plan provides criteria for assessing tall and large scale buildings.
- 8.42 Tall and large buildings should:
- a) *generally be limited to sites in the Central Activity Zone, opportunity areas, areas of intensification or town centres that have good access to public transport*
 - b) *only be considered in areas whose character would not be affected adversely by the scale, mass or bulk of a tall or large building*
 - c) *relate well to the form, proportion, composition, scale and character of surrounding buildings, urban grain and public realm (including landscape features), particularly at street level;*
 - d) *individually or as a group, improve the legibility of an area, by emphasising a point of civic or visual significance where appropriate, and enhance the skyline and image of London*
 - e) *incorporate the highest standards of architecture and materials, including sustainable design and construction practices*
 - f) *have ground floor activities that provide a positive relationship to the surrounding streets*
 - g) *contribute to improving the permeability of the site and wider area, where possible*
 - h) *incorporate publicly accessible areas on the upper floors, where appropriate*
 - i) *make a significant contribution to local regeneration*
- 8.43 The policy adds that tall buildings should not impact on local or strategic views adversely and the impact of tall buildings proposed in sensitive locations should be given particular consideration.
- 8.44 Policy DM26 of the Managing Development Document identifies a number of criteria that need to be satisfied when considering the appropriateness of a tall building. This includes the height being proportionate to the location in the town centre hierarchy; achieve a high architectural quality which contributes positively to the skyline, not adversely affecting heritage assets or strategic views, presenting a human scale at street level including not creating unsuitable microclimate conditions. Tall buildings should also not adversely impact on biodiversity or civil aviation should consider public safety and provide positive social and economic benefits.

Assessment

- 8.45 The Environmental Statement accompanying the application contains a Townscape, Visual and Built Heritage Assessment which identifies and describes the heritage assets which could be affected by the proposal and includes verified view photomontages showing local and more distant townscape views.

- 8.46 The application site is located within the Canary Wharf Preferred Office Location and Major Town Centre, it also benefits from high public transport accessibility and has been identified as a suitable location for tall buildings by policy SP10 of the Core Strategy. The principle of a high rise, large floor-plate tall building in this location has also been accepted in previous decisions of the Council – the approved outline planning permission scheme was for a tall building of 191.5m AOD. The adjoining 1 Bank Street scheme which is currently under construction will rise to 151.5m AOD.
- 8.47 The proposed tower would be similar in massing to the consented scheme and to the 1 Bank Street scheme and rise to the height of 166m AOD. The height is comfortably within the limit set by the outline planning permission and due to the stepped design of the top storeys responds to the height of the adjacent 1 Bank Street scheme. The aviation, biodiversity and microclimate impacts have been considered and are acceptable as explained elsewhere in this report.
- 8.48 The site, part of the Canary Wharf tall building cluster, is characterised by large floor-plate, high rise office towers and the proposal would not cause harm to any local or strategic views. The proposal would have no adverse impact on the setting of the Greenwich World Heritage Site or on the setting of any of the nearby listed buildings or conservation areas.
- 8.49 In the majority of views the building would form part of the Canary Wharf cluster, serving to consolidate it. Moreover, as illustrated in the below verified view from the General Wolfe statue in Greenwich, in many instances the development would be obscured by other consented development and its full height would be visible in only a limited number of locations – in views across the Middle and South Docks. In views from Greenwich, the site would be obscured by the residential developments in the South Quay area – the building outline is in the centre of the picture with the building appearing lower than some of the consented schemes in the immediate area, such as Riverside South, City Pride, Newfoundland or Hertsmere House.



Figure 5 - Verified cumulative view from General Wolfe statue in Greenwich

- 8.50 The nearest listed building is the Grade I southern dock wall of the Middle Dock. The dock wall is located on the opposite side of Bank Street, outside the application site. The dock wall would not be affected by the proposed works and given its current setting, dominated by large office buildings, there would be no further harm to this heritage asset. The proposal would not impact on the ability of members of the public to appreciate the heritage of the listed dock wall.
- 8.51 The architecture of the scheme is contemporary, characterised by division of the massing into three vertically accentuated interlocking volumes. The building would be principally faced in glass with metal framing.
- 8.52 The below computer generated visualisations show the daytime and night-time views of the proposal in the context of the approved Quay Club development (to the front, within the Middle Dock), the 1 Bank Street scheme (to the right) which is under construction and the existing office building at 20 Bank Street (to the left).

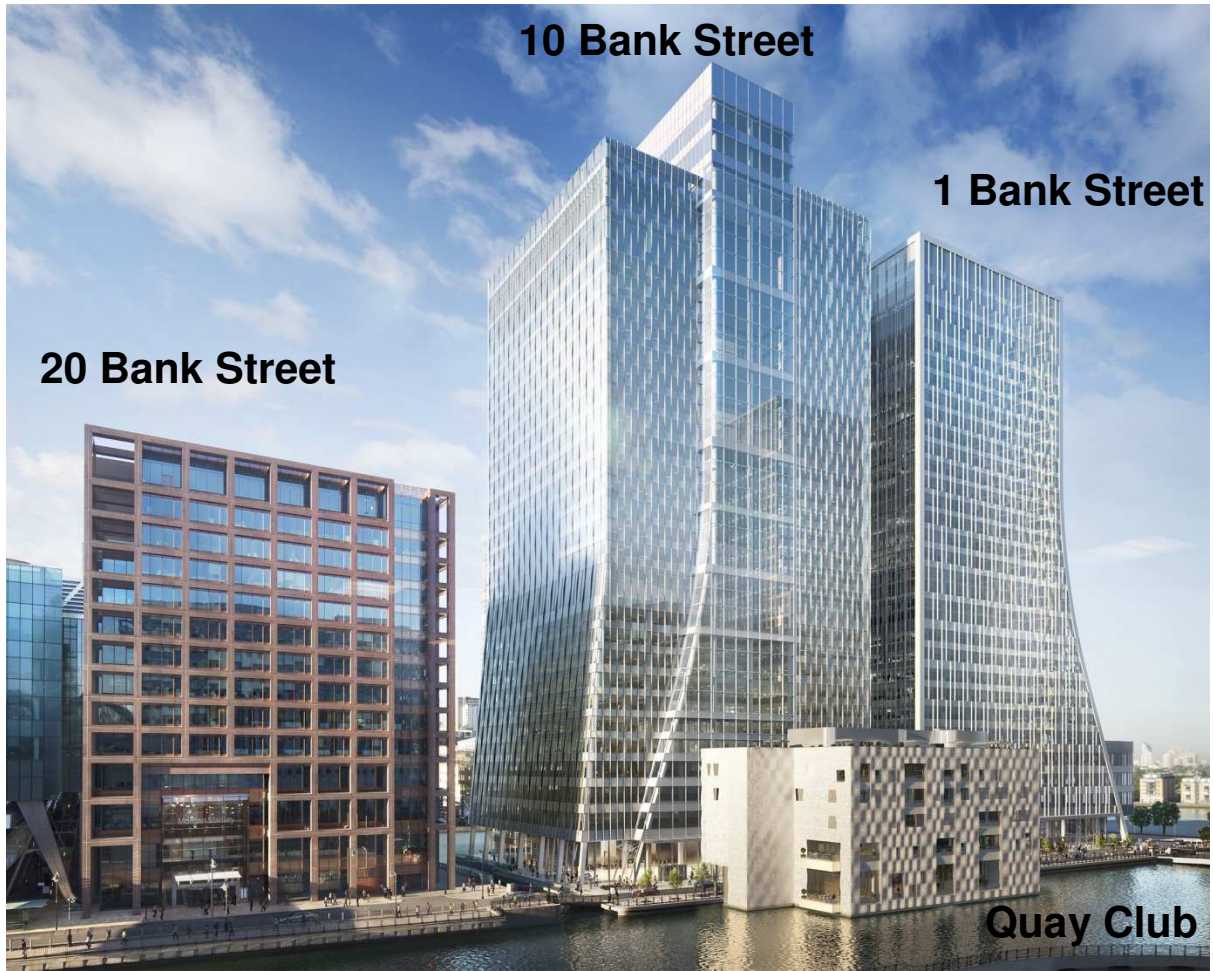


Figure 6 - Daytime CGI visualisation of the view across the Middle Dock



Figure 7 - Night-time CGI visualisation of the view across the Middle Dock

- 8.53 The central element would house the atriums and rise higher than the shoulders of the building which reference the height of the 1 Bank Street development. The central volume would appear lighter and more translucent than the more textured regular office floors wrapping either side. Different glazing and undulating metal fins would be utilised to give side volumes a different character and a degree of solidity to provide articulation to the building. A condition is recommended to require submission of detailed drawings, material samples and elevation mock-ups to ensure the highest quality of materials.
- 8.54 Plant areas would be obscured behind glazed louvres or behind the roof parapet and have been integrated into the elevation design to minimise their impact on the architectural quality of the building.
- 8.55 In terms of site layout, the proposal is similar to the previously approved scheme, with two large office lobbies fronting Bank Street, a shared servicing and car park access route between the site and 1 Bank Street, and a publicly accessible dockside promenade wrapping around the southern and western side of the site. Active frontages have been maximised. The building lines are logical and appropriately reflect the building lines of 1 Bank Street and 20 Bank Street, either side of the development. The separation distance between the site and 1 Bank Street has been maintained, at 15.5m.

- 8.56 The notable improvements to the quality of the public realm include provision of sunken public seating areas and planters as well as provision of two retail units fronting the dock. The dockside promenades would appropriately activate the dock edge and add to the recreational value of the dock.
- 8.57 While the eastern promenade would be of a lower quality due to its location within a double height undercroft, this is considered acceptable and its principle has been established in the previous planning permission for the site. The eastern part of the lobby would make a small protrusion into this area, partially affecting the sightlines, however, as a light-weight glazed structure necessary to provide a waiting area for the main office tenant, it would not compromise the public realm to an unacceptable extent.
- 8.58 The below visualisation illustrates how the new dockside promenade is likely to look like.

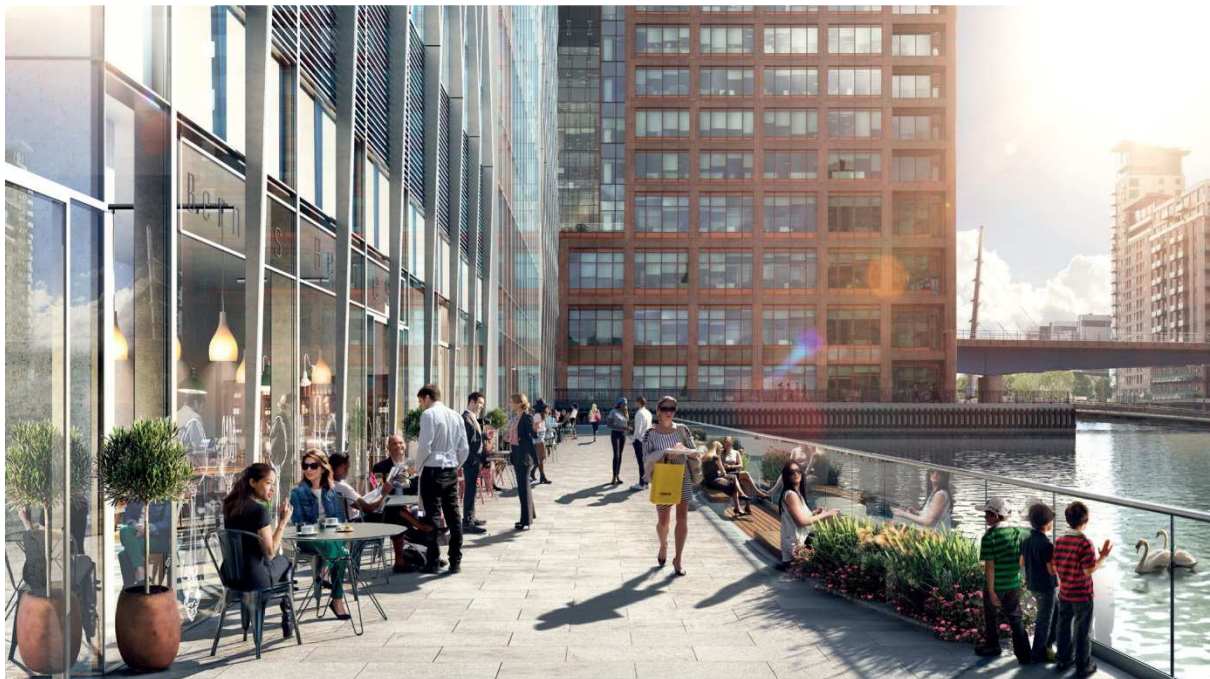


Figure 8 - CGI visualisation of the new South Dock promenade.

- 8.59 The applicant has investigated the feasibility of provision of a footbridge across the narrow canal linking the South and Middle Docks immediately to the east of the site with the promenade on the western side of the existing building at 20 Bank Street. This is not feasible due to the substantial level difference between the walkways either side of the canal.
- 8.60 The public realm would be mostly hardscaped which is appropriate in a busy town centre location. Nonetheless, planters have been incorporated along the dock edge and on Bank Street. Indicative details of security measures have been provided, including bollards within the Bank Street footway. A condition has been included to request full details of all landscaping elements, including lighting and security features.

- 8.61 Overall, the proposal's design appropriately responds to the sites context, the architecture and facing materials would be of a high quality, the massing and heights would be acceptable for the site's central location and the public realm would enhance the value of the dock. There would be no adverse heritage impacts.

Amenity

- 8.62 Further to policy 7.6 of the London Plan and SP10 of the Core Strategy, policy DM25 of the Managing Development Document requires development to protect, and where possible improve, the amenity of surrounding existing and future residents as well as the amenity of the surrounding public realm. The policy states that this should be by way of protecting privacy, avoiding an unacceptable increase in sense of enclosure or loss of outlook, unacceptable deterioration of sunlighting and daylighting conditions or overshadowing and not creating unacceptable levels of noise, vibration, light pollution or reductions in air quality during construction or operational phases of the development.
- 8.63 The application site is located within the commercial core of Canary Wharf and the nearest existing residential properties are located a significant distance away - within the East and West towers of the Landmark Square development, over 110m to the south-west of the site, across the South Dock. The International Hotel, at 163 Marsh Wall, is some 100m to the south of the site, also across the South Dock, however the hotel is not considered to be a sensitive use given that it provides short stay accommodation.
- 4.21 There are a number of residential development sites within the vicinity, including the high-rise residential schemes at Newfoundland – at the western end of Middle Dock, City Pride – at 15 Westferry Road and Arrowhead Quay – on Marsh Wall, to the east of the International Hotel.

Daylight, Sunlight and Overshadowing

- 8.64 Guidance on assessment of daylight and sunlight is set out in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight'. The primary method of assessment is through calculating the vertical sky component (VSC). BRE guidance specifies that reductions in daylighting materially affect the living standard of adjoining occupiers when, as a result of development, the VSC figure falls below 27 and is less than 0.8 times its former value. Further information on the quality of daylighting is provided by the Daylight Distribution (No Sky Line) contour drawings and calculations which show the area of the room with sky visibility at working plane height.
- 8.65 With regard to sunlight, the BRE guide states that sunlight availability would be adversely affected if the centre of a window receives less than 25% of annual probable sunlight hours or less than 5% between 21 September and 21 March and receives less than 0.8 times its former sunlight hours during either period and has a reduction in sunlight over the whole year of over 4%. For overshadowing, the BRE guide recommends that at least 50% of the area of each amenity space should receive at least two hours of sunlight on 21st March with ratio of 0.8 times the former value being noticeably adverse.
- 8.66 The applicant has submitted a Daylight & Sunlight report as part of the Environmental Statement. The report has been reviewed by an independent consultant appointed by the Council.

8.67 The Council's consultant confirmed that the scheme would result in a negligible impact on the following properties:

1-9 Chandlers Mews
25 Westferry Road
27-29 Westferry Road
The Waterman Building
4 Manila Street
Quayside
Berkeley Tower & Hanover House
40 Marsh Wall

8.68 The following properties would be affected to a minor adverse extent:

Anchorage Point
Cascades
22-28 Marsh Wall Block 1
22-28 Marsh Wall Block 2
22-28 Marsh Wall Block 3
6 Manila Street

8.69 The proposals massing and height is reduced in comparison to the maximum parameters allowed by the outline planning permission, meaning that the proposal would pose less of an obstruction to daylight and cause less overshadowing. The number of windows and rooms seeing noticeable effects in daylight has significantly reduced with effects remaining either negligible or of minor significance.

8.70 Additionally, the Council's consultant advised that that where rooms do experience a minor adverse impact, in general most of those rooms meet the standard for daylight distribution and would therefore have a good perception of sky visibility from within the rooms themselves.

8.71 The cumulative impacts would range from negligible to major adverse, however, in the consultant's view, given the fact that the development is located a considerable distance from the residential receptors and when assessed in isolation gives rise to effects of only minor to negligible significance suggests that the cumulative effects are primarily driven by other consented schemes and not the proposed development.

8.72 The outline planning permission for the site has been taken into account in establishing the appropriate daylighting to the nearby residential schemes which are currently under construction. As such, given the minor increase in bulk and a reduced height, daylighting impacts to Newfoundland, City Pride and Arrowhead Quay sites would be limited.

8.73 Given the location of the site to the north-west, north or north-east of the neighbouring residential properties, the proposal would not result in any significant sunlighting impacts.

8.74 A shadow analysis has been undertaken to West India Middle Dock, the canal to the east of the development and the amenity space around the proposed development. For the neighbouring amenity areas of West India Middle Dock and the canal, more than 50% of these amenity areas will receive direct sunlight for at least 2 hours on 21 March and the required standard is met. The impact is therefore considered to be negligible. For the amenity space within the development, 49% of the area will receive 2 hours of direct sunlight on 21 March. As this is only just below the

recommended level of 50%, this is not a significant failure of the planning requirement.

- 8.75 A solar glare analysis has been undertaken assessing the glare at 4 key view-points around the development. The proposal would have a negligible impact on glare at one view point and a minor adverse impact on glare at three viewpoints. The minor adverse impacts are the result of relatively brief periods of glare and are considered to be acceptable.
- 8.76 The independent lighting consultant appointed by the Council has concluded that *“On balance, the overall impacts are at a level that is reasonably good for a development in this dense urban location where so many other schemes are also being planned or under development.”* Officers agree with this conclusion and consider that, on balance, the isolated minor adverse impacts are acceptable given the public benefits of the development.

Outlook & Sense of Enclosure, Overlooking & Privacy

- 8.77 Given the substantial separation distances from the nearest residential properties, the proposal would not result in any material impacts on outlook, sense of enclosure, overlooking or privacy. The impact of the proposal would also be comparable to that of the outline planning permission scheme.

Microclimate

- 8.78 A Wind Microclimate Assessment has been submitted as part of the Environmental Statement including wind tunnel results of the proposed scheme in the context of existing surrounding environment and a cumulative scenario. To ensure robustness, all tests have been carried out with the proposed mitigation measures in place. The results are presented in terms of the Lawson Comfort Criteria which identifies comfort categories suitable for different activities, as well as in terms of the likely occurrence of strong gusts of wind which could be a threat to safety.
- 8.79 The wind tunnel test results confirm that wind conditions would not pose a threat to public safety in all tested scenarios. In terms of comfort levels, following mitigation, all of the locations tested would provide comfort levels appropriate to the intended use of the relevant areas. The wind conditions would generally improve in the cumulative scenario, once 1 Bank Street and other nearby schemes are completed.
- 8.80 The dockside promenade would be suitable for short standing and sitting during the worst seasonal conditions with many areas suitable for long term sitting during the summer months.
- 8.81 Overall, the microclimate impact of the proposal would be acceptable with the resultant wind conditions suitable for everyday use and enjoyment of the public realm. Given how advanced the construction of 1 Bank Street is, it can be reasonably assumed that appropriate conditions would be achieved to create suitable conditions for outdoor sitting along the dockside.

Air Quality

- 8.82 The submitted Air Quality Assessment, part of the Environmental Statement, has been reviewed by the Council's Air Quality Officer and confirmed as acceptable. The document demonstrates that there would be no significant air quality impacts and that

Air Quality Neutral requirements would be met. The details of the specification and maintenance of the heating system would be secured by condition.

Noise

- 8.83 Background noise surveys have been submitted as part of the Environmental Statement. Noise standards for plant and for any extract systems associated with the retail units would be set by condition to minimise any amenity impact on adjoining occupiers, although given the large separation distance to the nearest residential properties, it is unlikely that disturbance would occur.

Construction Impacts

- 8.84 The temporary noise, vibration and air quality impacts during the course of the construction works would be mitigated through submission of a Construction Management Plan and the Construction Logistics Plan. A condition would limit the construction hours to the Council's standard construction hours of 8am – 6pm Monday to Friday, 8am – 1pm on Saturdays, with no works on Sundays and Bank Holidays. Compliance with the Considerate Constructors Scheme and the Council's Code of Construction Practice would be secured as a planning obligation.

Conclusion

- 8.85 Overall, the proposal would give rise to no unacceptable impacts on the amenity of the adjoining building occupiers. Appropriate conditions have been included to mitigate any adverse impacts.

Highways, transportation and servicing

- 8.86 The NPPF emphasizes the role transport policies have to play in achieving sustainable development and stipulates that people should have real choice in how they travel. The London Plan seeks to shape the pattern of development by influencing the location, scale, density, design and mix of land uses such that it helps to reduce the need to travel.
- 8.87 Policy 6.3 of the London Plan and SP09 of the Core Strategy aim to ensure that development has no unacceptable impact on the safety and capacity of the transport network. This is supported by policy DM20 of the Managing Development Document.
- 8.88 Policies 6.3 of the London Plan and DM22 of the Managing Development Document set standards for bicycle parking for staff and visitors while policies SP05 of the Core Strategy and DM14 of the Managing Development require provision of adequate waste and recycling storage facilities.
- 8.89 The application is accompanied by a Transport Assessment which has been reviewed by TfL and the Council's Highways & Transportation Officers.
- 8.90 The Council's Highways & Transportation Officer raised no objection to the scheme but made the following detailed comments:
- a) Access to the site for vehicles, cyclists and pedestrians remains unchanged from the previously consented scheme.
 - b) The approved scheme provided for a maximum of 107 car parking spaces – the current proposal is for 25 car parking spaces and 37 motorcycle spaces.

This reduction in car parking is welcome. 4 spaces are to be designated for disabled users (16% of the total) with the demand monitored through the Travel Plan and provision increased up to a maximum of 10 spaces based on the needs of the tenants. A parking management plan should be secured by condition. Electric charging points would be provided in line with London Plan requirements.

- c) It is proposed to provide 1,430 cycle parking spaces (670 two tier racks and 45 Sheffield stands) within the basement and 12 cycle parking spaces (6 Sheffield stands) at ground level. This should be secured by condition.
- d) The servicing and waste strategy remains unchanged. There are some concerns about the service yard functioning as a termination point for the service vehicles as well as for cars and cycles entering the parking areas however this remains unchanged from the previous application.
- e) Cycle and Pedestrian Environment Review System reports were submitted recommending improvements to surrounding road network, however, the applicant has not suggested to fund any of these – this should be secured through a S106 agreement or CIL.
- f) Draft Travel Plan, Servicing Management Plan and Construction Logistics Plan were submitted – final versions should be secured by condition.

8.91 Bank Street is a private road forming part of the Canary Wharf Estate. The nearest adopted highways are Westferry Road and Marsh Wall. The site benefits from excellent access to public transport with the highest PTAL rating of 6b. The area is served by a number of bus routes, a number of DLR stations (the closest being the Heron Quays Station) and the Canary Wharf Jubilee Line Station. The Elisabeth Line (formerly known as Crossrail) is due to commence operation in December 2018. There is a number of Cycle Hire stations in the vicinity, the closest located adjacent to 20 Bank Street.

8.92 Neither TfL nor LBTH Highways & Transportation object to the principle of the proposed development in this highly sustainable location.

Car parking and access

8.93 The principle of vehicle access remains unchanged from the approved scheme. This would be via shared access with the adjacent 1 Bank Street development. Vehicles would access a ground floor servicing bay served by two car lifts leading to basement parking at Basement Level 2.

8.94 A taxi pick-up/drop-off layby with capacity for 3 vehicles would be provided on Bank Street, in front of the main entrance to the building.

8.95 The approved scheme provided for a maximum of 107 car parking spaces – the current proposal is for 25 car parking spaces and 37 motorcycle spaces. This reduction in car parking is welcome. 4 spaces are to be designated for disabled users (16% of the total) with the demand monitored through the Travel Plan and provision increased up to a maximum of 10 spaces based on the needs of the tenants.

8.96 Auto-tracking diagrams have been provided to demonstrate that the required movements can be carried out safely. Conditions have been attached to require

submission of a Car Parking Management Plan as well as provision of the blue-badge car parking spaces and electric vehicle charging points.

Servicing and deliveries

- 8.97 Servicing of the proposal would take from ground floor loading bays. A condition is recommended to request submission of a Delivery and Servicing Management Plan.
- 8.98 Auto-tracking diagrams have been provided to demonstrate that the required movements can be carried out safely.

Cycle parking

- 8.99 It is proposed to provide 1,430 cycle parking spaces (670 two tier racks and 45 Sheffield stands) within the basement and 12 cycle parking spaces (6 Sheffield stands) at ground level. A condition has been included to ensure this policy compliant provision. No unacceptable conflicts would occur with servicing vehicles. Safety measures to do with the management of the servicing area are to be secured through the Delivery & Servicing Management Plan.

Walking

- 8.100 The proposed public realm works would improve the quality of the pedestrian environment adjoining the application site. The new dockside promenade would provide a more leisurely connection along the northern side of South Dock with the main

Waste storage

- 8.101 The proposal includes waste storage facilities for 126 cubic metres of waste. This would be in standard Eurobins and in waste compactors. As sufficient storage has been provided for 2 days, the proposal complies with policy.

Traffic generation

- 8.102 A Transport Assessment has been submitted as part of the application. The assessment has been reviewed by both TfL and the Council's Highways & Transportation officers who raised no objections to the proposal.
- 8.103 Given the reduction in office and retail floorspace as well as in car parking provision in comparison to the previous development proposals approved by the Council, the highways and transportation impacts of the proposal are likely to be lower than previously approved and do not raise concerns.
- 8.104 A condition has been included to require submission of a Demolition and Construction Logistics Plan including a construction works Travel Plan, assessment of feasibility of utilising water borne transport during the course of the works and measures to safeguard the DLR viaduct over the South Dock from any freight movements using the dock. This condition would also aim to minimise any temporary disruptions to the operation of the local highway network.
- 8.105 An end-user phase Travel Plan has been included in the Heads of Terms to promote the use of sustainable modes of transport by future workers.

Infrastructure Funding

- 8.106 A number of financial contributions have been requested by TfL but have not been included in the S106 Heads of Terms:
- £120,000 towards delivery of a 36 space cycle docking station
 - £250,000 for DLR improvements at Heron Quays Station
- 8.107 The Council's Infrastructure Delivery Team confirmed that cycle docking stations and DLR improvements constitute strategic transport infrastructure and, as such, are dealt with by the Community Infrastructure Levy rather than by S106 planning obligations. It would be against CIL regulations to fund strategic transport infrastructure through S106 planning obligations.
- 8.108 The Council's Highways Officer suggested that the improvements recommended within the submitted Cycle and Pedestrian Environment Review System reports should be secured through a S106 agreement or CIL. Given that these relate to existing areas of highway some distance from the application site, are not directly necessitated by the proposal and would serve the wider area, Infrastructure Delivery Team confirmed that the improvements constitute strategic infrastructure which cannot be funded through the S106. There is potential for the improvements to be funded through CIL but this cannot be secured or specified through the planning process – the Council has separate procedures to do with allocating CIL funds to infrastructure projects.

Conclusion

- 8.109 Overall, subject to conditions and the planning obligations, the proposal would not give rise to any unacceptable highway, transportation or servicing impacts. Neither the Council's Highways & Transportation Officer nor TfL raise an objection to the proposal. Given the reduced area of total floorspace and car parking spaces than as approved under the outline planning permission, the proposal's highways and transportation impacts would likely be lower than as previously approved by the Council.

Sustainability and Energy Efficiency

- 8.110 At a national level, the National Planning Policy Framework sets out that planning plays a key role in delivering reductions to greenhouse gas emissions, minimising vulnerability and providing resilience to climate change. The climate change policies as set out in Chapter 5 of the London Plan, policy SP11 of the Core Strategy and the Managing Development Document policy DM29 collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.111 The submitted Energy Strategy demonstrated that the proposals follow the energy hierarchy of be lean, be clean & be green and seek to minimise CO₂ emissions through the implementation of energy efficiency measures and use of a centralised energy system. The CO₂ emission reductions are anticipated to be at 33.5% against the Building Regulations 2013, short of the 45% policy target. In accordance with policy requirements, the applicant has agreed to the full financial contribution of £489,420 to the Council's carbon off-setting programme to achieve a total reduction of 45%.

- 8.112 The applicant has also submitted a Sustainability Strategy which includes a BREEAM Assessment demonstrating that the scheme is designed to achieve a BREEAM 'Excellent' rating with a score of 78.3%.
- 8.113 The feasibility of connecting the development to the Barkentine district heating network has been investigated; however, it would not be possible in the near future. The design of the energy system to provide for a future connection to a district network would be secured by condition.
- 8.114 Conditions have been included to ensure compliance with the proposed energy efficiency and sustainability strategies, including achievement of an 'Excellent' BREEAM rating.
- 8.115 Overall, subject to conditions and the carbon off-setting planning obligation, the proposal would accord with the relevant policies and guidance.

Biodiversity

- 8.116 Policies 7.19 of the London Plan, SP04 of the Core Strategy and DM11 of the Managing Development Document seek to protect and enhance biodiversity value in order to achieve an overall increase in biodiversity.
- 8.117 The South Dock, as a Site of Importance for Nature Conservation (SINC), is of local ecological value but according to surveys no notable aquatic flora or fauna are present within the dock and the aquatic biology of the docks is considered to be of low conservation value.
- 8.118 The areas of the site not covered by water have been cleared of all vegetation pursuant to the enabling works permissions (ref PA/14/01373 for the construction of a secant piled wall and ref PA/14/01372 for construction of a cofferdam) and are currently used to facilitate construction of the 1 Bank Street scheme.
- 8.119 The consented scheme (ref PA/13/01150 & PA/14/01664) and the associated enabling works permissions allowed for construction of a basement, reducing the area of the dock by 2,414sqm. The current proposal would broadly maintain the previously approved displacement of water, increasing this by only approximately 14sqm to account for structural piles needed to support the building above. Nonetheless, the additional area covered by decking would measure approximately 238sqm (a further extension of 3m across the southern edge of the site in comparison to the approved maximum parameters of the outline scheme). In comparison to the reserved matters scheme, the increase in decking area would be approximately 318sqm (a further extension of 4m). While the loss of 14sqm of water area would be minor, the additional decking would completely cover that section of the dock reducing the dock's ecological value.
- 8.120 The following ecological mitigation is proposed, in comparison to that previously approved. Additional mitigation has been proposed to take account of the additional water displacement and coverage.

Previous (Consented Scheme)	Proposed Development
Planters with trees (lime <i>Tilia cordata</i>) on southern edge of the site.	Two Magnolia trees on northern boundary. No trees on southern boundary due to space constraints.
Green wall with fern species on western elevation.	Not possible to include due to the 1 Bank Street scheme

Herbaceous planters with grasses, non-native and native flowering and nectar producing plants. Total area 84sqm.	Herbaceous planters with grasses, non-native and native flowering and nectar producing plants. Slightly greater diversity of species. Reduced in size compared to consented scheme. Total area 46sqm.
Sedum green roof with sedum and grasses. Total area 433sqm.	Biodiverse roof with wildflower species and features of benefit to birds and insects. Increased in size and much higher in quality compared to consented scheme. Total area 471sqm.
Ecologically beneficial wall within the dock to provide a habitat and food source for aquatic flora and fauna. 6m long by 2m deep.	Ecologically beneficial wall within the dock to provide a habitat and food source for aquatic flora and fauna. 144m long by 2m deep.
No hanging fish refuges.	Hanging fish refuges incorporated, attached to the ecologically beneficial wall and designed to imitate overhanging bank vegetation or clumps of floating vegetation to provide shelter for fish.
Bird boxes suitable for local priority species.	Bird boxes suitable for local priority species but also including boxes for black redstarts on the biodiverse roof.

- 8.121 The impact of water displacement and overshadowing would be on a small proportion of the total area of the SINC and, following mitigation, due to the increased value of habitat for fish and invertebrates provided by the ecologically beneficial wall, the long term impact of the development on the SINC would be of negligible significance.
- 8.122 The Council's Biodiversity Officer confirmed that the improved mitigation proposed by the applicant is sufficient to offset the additional loss of open water. With the inclusion of all biodiversity measures secured by condition, overall the proposal would result in a long-term beneficial effect of minor significance.
- 8.123 Conditions have been attached to require submission of full details of the biodiversity mitigation & improvement measures as well as to require submission of details of lighting to reduce light spill onto the dock. The adverse impacts resulting from construction works would be mitigated through the Construction Environmental Management Plan secured by condition.

Other

Flood Risk and Drainage

- 8.124 The NPPF, policy 5.12 of the London Plan, and policy SP04 of Core Strategy require consideration of flood risk in the planning process. Policy 5.13 of the London Plan seeks the appropriate mitigation of surface water run-off.
- 8.125 The site is located within Flood Zone 3 which is protected by the Thames Tidal flood defences from a 1 in 1000 (0.1%) chance of flood even in any year. The site would be at risk if there was to be a breach in the defences or if they were to be overtopped.
- 8.126 A general sequential test for the borough has been carried out in 2009 as part of the evidence base for the Core Strategy. The Council has also carried out a Strategic

Flood Risk Assessments in 2012. The sequential test concluded that there are no sequentially preferable alternative sites available at a lower risk of flooding if the borough is to deliver an adequate quantum of residential and commercial floorspace. As discussed below, the development itself would not be at an unacceptable risk of flooding and it would not increase the risk of flooding elsewhere.

- 8.127 A site specific Flood Risk Assessment has been submitted with the application. The proposed development is classified as 'less vulnerable' and classed as 'appropriate development' under the sequential test.
- 8.128 The Environment Agency confirmed that they do not have an objection to the development but recommended that the adequacy of evacuation arrangements is confirmed and that the finished floor levels are set above the 2100 breach level which is 4.137 AOD.
- 8.129 In accordance with Environment Agency's response, the proposed finished floor level would be no less than 6m AOD and adequate refuges and escape routes would be provided. The finished floor level would also be above the 5.7m AOD required for the period of 2065 to 2100 as a result of climate change.
- 8.130 The submitted Flood Risk Assessment confirms that flood storage compensation would not be required as the basement of the previously approved scheme has already been considered by the Environment Agency.
- 8.131 With regard to drainage, the site is in an area of a low risk of surface water flooding and is not in a Critical Drainage Area. The majority of surface water would be discharged into the dock, being the most sustainable solution for the site. The principle is accepted by both the Environment Agency and the Canal & River Trust but full details are to be reserved by condition.

Aviation

- 8.132 An Aviation Assessment has been submitted as part of the application. The assessment confirms that the proposal would not result in any adverse impacts. NATS Safeguarding and London City Airport have been consulted with neither of the consultees objecting to the proposal, although London City Airport requested that the operation of cranes is dealt with by condition. The requested condition has been included. As such, subject to condition, the proposal would not result in any unacceptable aviation impacts.

Land contamination

- 8.133 A Ground Conditions report has been submitted as part of the Environmental Statement. While the risk of land contamination at the site is low, at the request of the Environmental Health Contaminated Land Officer, a condition has been included to appropriately deal with any potential land contamination, to minimise risks to health and ecology.

Impact on Thames Water infrastructure

- 8.134 Thames Water infrastructure would be safeguarded by the recommended conditions, in line with the consultee's request.

Environmental Impact Assessment

- 8.135 The Town and Country Planning (Environmental Impact Assessment) Regulations require that an Environmental Impact Assessment is undertaken to provide information about the likely effects of the proposal on the environment, to inform the decision making process. The environmental information must be taken into account prior to planning permission being granted.
- 8.136 As required by the EIA regulations, the application is accompanied by an Environmental Statement. The submitted statement has been confirmed as robust by the independent consultants appointed by the Council.
- 8.137 The environmental information has been taken into account in consideration of the application and informed each sub-section of the Material Planning Considerations section of this report. This included matters such as demolition and construction impacts, waste and recycling, socio-economics, transportation and access, air quality, noise and vibration, wind microclimate, daylighting, sunlight, overshadowing & solar glare, archaeology, ground conditions, water resources, drainage and flood risk, TV and radio reception as well as effect interactions, and residual & cumulative effects.
- 8.138 Conditions and planning obligations have been included to secure the implementation of all of the relevant mitigation measures suggested within the Environmental Statement. Where mitigation is not secured through a planning obligation or condition, the Council's Community Infrastructure Levy provides the most appropriate method of delivery.

Planning Obligations

- 8.139 Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's Planning Obligations SPD (2016) sets out in more detail how these impacts can be assessed and what the appropriate mitigation could be. The Council adopted a Borough-level Community Infrastructure Levy on April 1st 2015. Consequently, planning obligations are much more limited than they were prior to this date, with the CIL levy used to fund new education, healthcare and community facilities to meet the additional demand on infrastructure created by new residents.
- 8.140 The NPPF requires that planning obligations must be:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and,
 - Fairly and reasonably related in scale and kind to the development.
- 8.141 Regulation 122 of the CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests. CIL Regulation 123 prohibits the funding of CIL infrastructure through the S106 mechanism.
- 8.142 The applicant has agreed to meet the entire financial obligation requirements calculated in accordance with LBTH and GLA funding guidance. These are:
- a) £500,108 towards construction phase employment skills and training
 - b) £3,131,400 towards end-user phase employment skills and training

- c) £489,420 towards carbon off-setting
- d) £19,358,968 Crossrail CIL top-up contribution (on the basis of estimated CIL liability of £4,375,945)
- e) £3,000 monitoring fee (£500 per each substantial Head of Terms)

Total financial contributions: £23,482,896

8.143 The non-financial obligations include:

- f) Access to employment
 - 20% local procurement
 - 20% local labour in construction and end-user phases
 - 21 construction apprenticeships
 - 31 end-user apprenticeships
- g) Travel plan for end-user phase
- h) TV reception mitigation
- i) Public access to public realm areas including dockside promenade
- j) Compliance with Considerate Constructors Scheme & LBTH Code of Construction Practice

8.144 All of the above obligations are considered to be in compliance with aforementioned policies, the NPPF and CIL Regulations tests.

8.145 A number of financial contributions have been requested by the TfL and/or the GLA but have not been included in the Head of Terms listed above:

- £120,000 towards delivery of a 36 space cycle docking station
- £250,000 for DLR improvements at Heron Quays Station

8.146 The Council's Infrastructure Delivery Team confirmed that cycle docking stations and DLR improvements constitute strategic transport infrastructure and, as such, are dealt with by the Community Infrastructure Levy rather than by S106 planning obligations as has been the case before 1st April 2015. Inclusion of those contributions in the S106 would lead to duplication with CIL contrary to the provisions of the Regulation 123.

Financial Considerations

8.147 Section 70(2) of the Town and Country Planning Act 1990 (as amended) requires that the authority shall have regard to:

- The provisions of the development plan, so far as material to the application;
- Any local finance considerations, so far as material to the application; and,
- Any other material consideration.

8.148 Section 70(4) defines "local finance consideration" as:

- A grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown; or
- Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

- 8.149 The London Mayor's Community Infrastructure Levy charge is estimated at £4,375,945. This would be supplemented by the Crossrail top-up S106 contribution as set out above.
- 8.150 In accordance with the Council's Community Infrastructure Levy Charging Schedule, Tower Hamlets CIL would be payable only for the retail element of the proposal with a nil rate applied to the office component. The estimated LBTH CIL liability would be £20,510.
- 8.151 These financial benefits are material considerations of some weight in favour of the application.

Health Considerations

- 8.152 Policy 3.2 of the London Plan seeks to improve health and address health inequalities having regard to the health impacts of development proposals while the Council's policy SP03 of the Core Strategy seeks to deliver healthy and liveable neighbourhoods that promote active and healthy lifestyles, and enhance people's wider health and well-being.
- 8.153 The proposal raises no particular health implications and would not prejudice the opportunity of the future occupiers, neighbours or members of the public to benefits from appropriate living conditions or to lead healthy and active lifestyles.

Human Rights Considerations

- 8.154 Section 6 of the Human Rights Act 1998 prohibits authorities from acting in a way which is incompatible with the European Convention on Human Rights. The relevant rights include:
- Entitlement to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law in the determination of a person's civil and political rights (Convention Article 6). This includes property rights and can include opportunities to be heard in the consultation process;
 - Rights to respect for private and family life and home. Such rights may be restricted if the infringement is legitimate and fair and proportionate in the public interest (Convention Article 8); and
 - Peaceful enjoyment of possessions (including property). This does not impair the right to enforce such laws as the State deems necessary to control the use of property in accordance with the general interest (First Protocol, Article 1). The European Court has recognised that "regard must be had to the fair balance that has to be struck between the competing interests of the individual and of the community as a whole".
- 8.155 Members need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified. Both public and private interests are to be taken into account in the exercise of the local planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate. Members must carefully consider the balance to be struck between individual rights and the wider public interest.

8.156 This report has outlined the consultation that has been undertaken on the planning application and the opportunities for people to make representations to the Council as a local planning authority.

8.157 The proposal raises no particular human rights implications.

Equalities Act Considerations

8.158 The Equality Act 2010 provides protection from discrimination in respect of certain protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion or beliefs, gender and sexual orientation. It places the Council under a legal duty to have due regard to the advancement of equality in the exercise of its powers. Officers have taken this into account in the assessment of the application and the Committee must be mindful of this duty *inter alia* when determining all planning applications. In particular, the Committee must pay due regard to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act;
- advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
- foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.159 The proposal raises no particular Equalities Act implications.

10.0 CONCLUSION

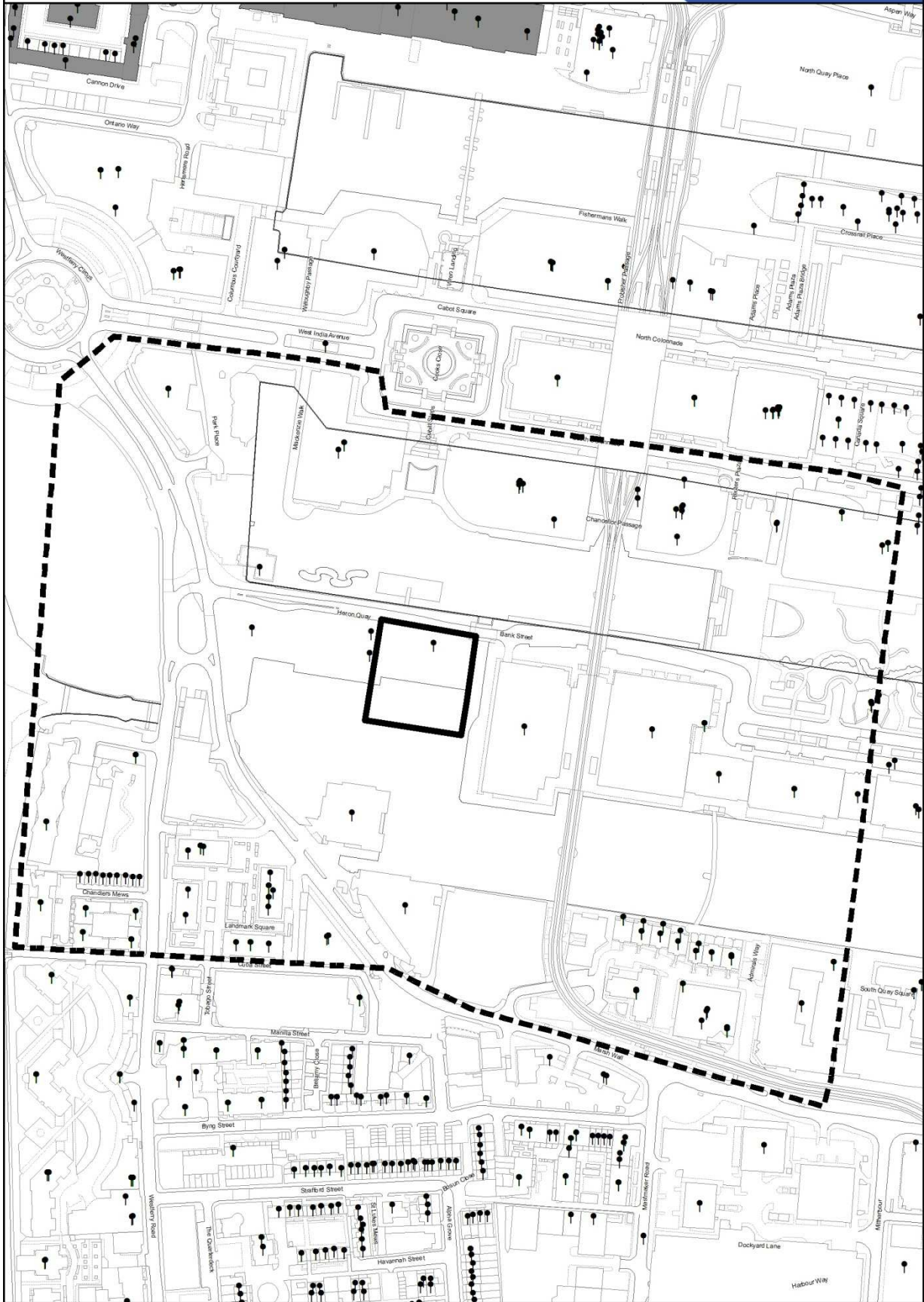
10.1 All other relevant policies and considerations have been taken into account. It is recommended that full planning permission should be GRANTED.

11.0 SITE MAP

11.1 Please refer to the next page of this report.

Planning Application Site Map

PA/16/02956



	Planning Application Site Boundary		Locally Listed Buildings		Land Parcel Address	
	Consultation Area		Statutory Listed Buildings	0 40 m		

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process.
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