



## DEVELOPMENT COMMITTEE

3 October 2024

Report of the Corporate Director of  
Housing and Regeneration

Classification: Unrestricted

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### Application for Planning Permission

[click here for case file](#)

<b>Reference</b>	PA/24/00894
<b>Site</b>	Montgomery Square, Montgomery Street & Water Street, London
<b>Ward</b>	Canary Wharf
<b>Proposal</b>	Removal of existing permanent structures. Alterations to existing landscaping and provision of hard and soft landscaping, public realm improvements, a flexible event space, retail pavilion (use class E) and all associated works and structures. Provision of road amendments to Upper Bank Street and Montgomery Street and pedestrian friendly public realm and layout enhancements to Water Street
<b>Summary Recommendation</b>	Grant planning permission with conditions and planning obligations
<b>Applicant</b>	Canary Wharf Contractors Limited
<b>Architect/agent</b>	Agent: DP9 Architect: HTA Design
<b>Case Officer</b>	Nicholas Jehan
<b>Key dates</b>	- Application registered as valid on 17 June 2024 - Public consultation finished on 16 August 2024

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### EXECUTIVE SUMMARY

The proposals relate to the relandscaping of two areas of public realm within the Canary Wharf and Wood Wharf estates. The proposals are to be delivered in two phases.

The first is a wide-ranging landscaping scheme within Montgomery Square which will provide significant additional greening of the square as well as a new retail pavilion building which will provide a restaurant use to replace an existing semi-permanent structure providing a bar/coffee shop offering. The event space at the centre of the square will be retained and will provide events year-round to attract members of the public. The proposed landscaping provides significant opportunities for members of the public to dwell and enjoy the space.

The second element of the proposals is for the closure of Water Street, a primary access route into and out of Wood Wharf, to public vehicular traffic but maintaining access for emergency services and other servicing vehicles. The closure of the road to public vehicles allows for the

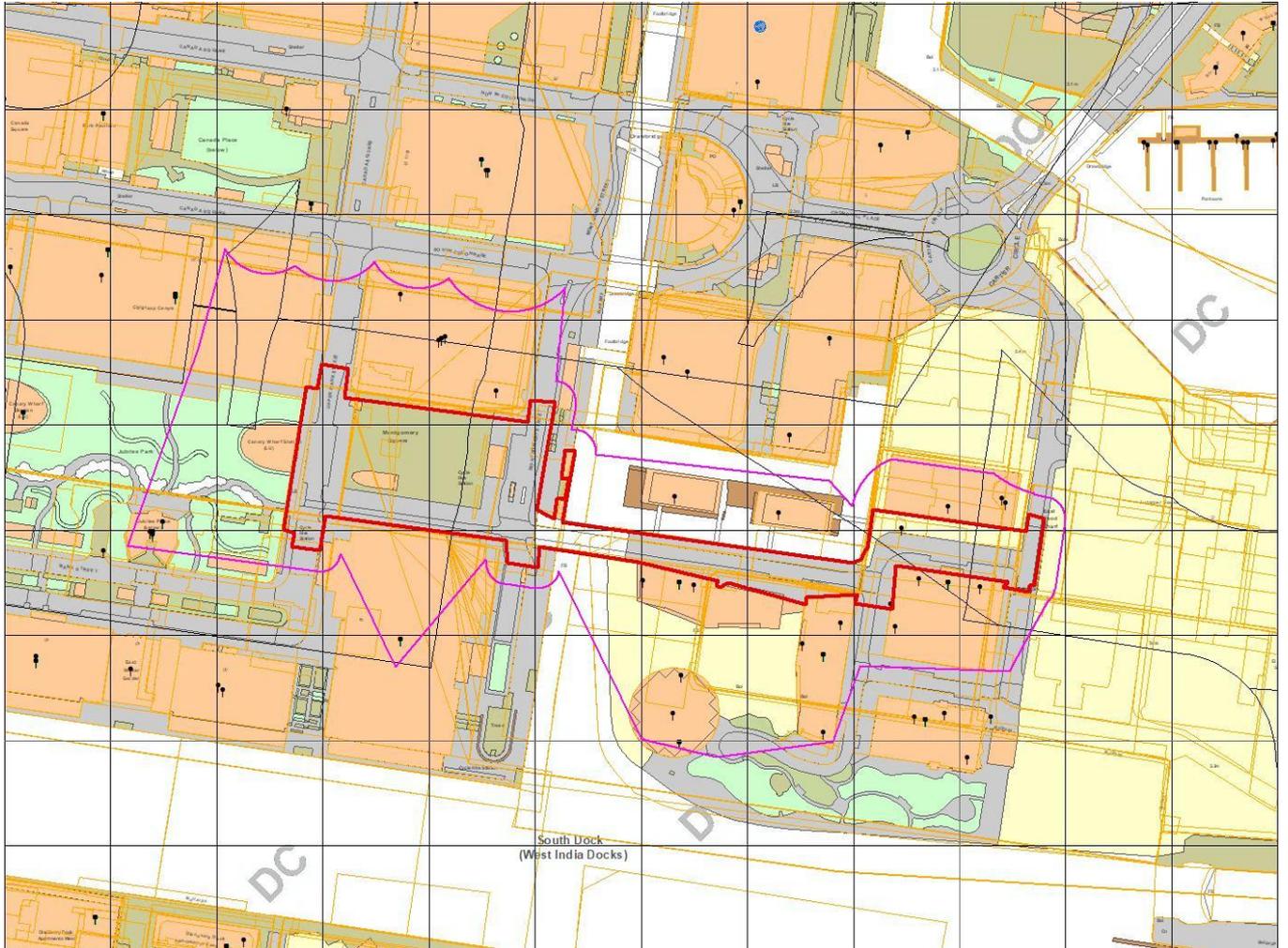
introduction of pocket parks, additional greening and outdoor seating areas to be introduced whilst also delivering improvements to the pedestrian experience.

Improved road layouts are also proposed to Montgomery Street to further improve pedestrian safety and legibility.

The proposals include the removal of some existing trees to allow for improved legibility and placemaking, appropriate mitigation for which will be secured via planning conditions and obligations.

Overall the proposals deliver significant additional greening to an area of the borough where there is a deficiency of green spaces and general greenery and will provide relief from the significant hard landscaping in the wider area, forming the next stage of the wider strategy to improve ecology and introduce a "Green Axis" across the entire Canary Wharf Estate.

Officers recommend the proposed development be granted planning permission, subject to conditions, financial and non-financial obligations.



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	Planning Application Site Boundary
	Other Planning Applications
	Consultation Area
	Land Parcel Address Point
	Locally Listed Buildings
	Statutory Listed Buildings

## Planning Applications Site Map PA/24/00894

This site map displays the Planning Application Site Boundary and the extent of the area within which neighbouring occupiers / owners were consulted as part of the Planning Application Process



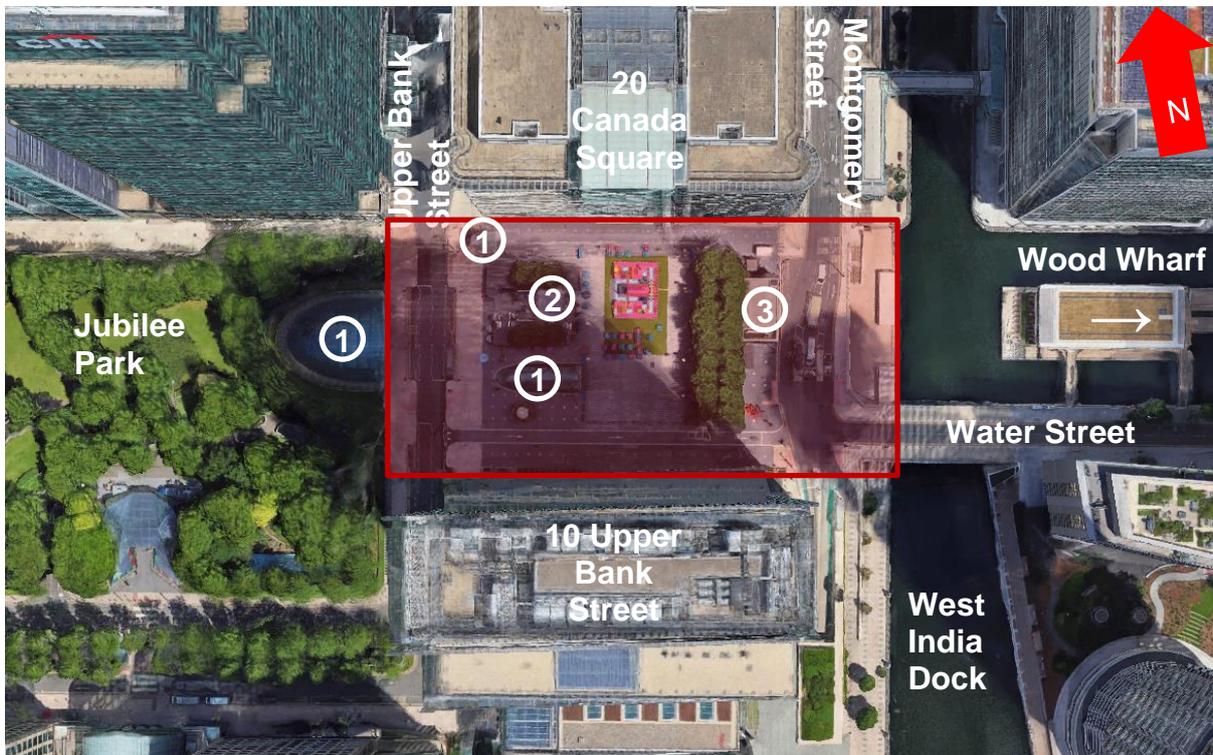
**London Borough  
of Tower Hamlets**

Scale : 50m grid squares

Date: 25 September 2024

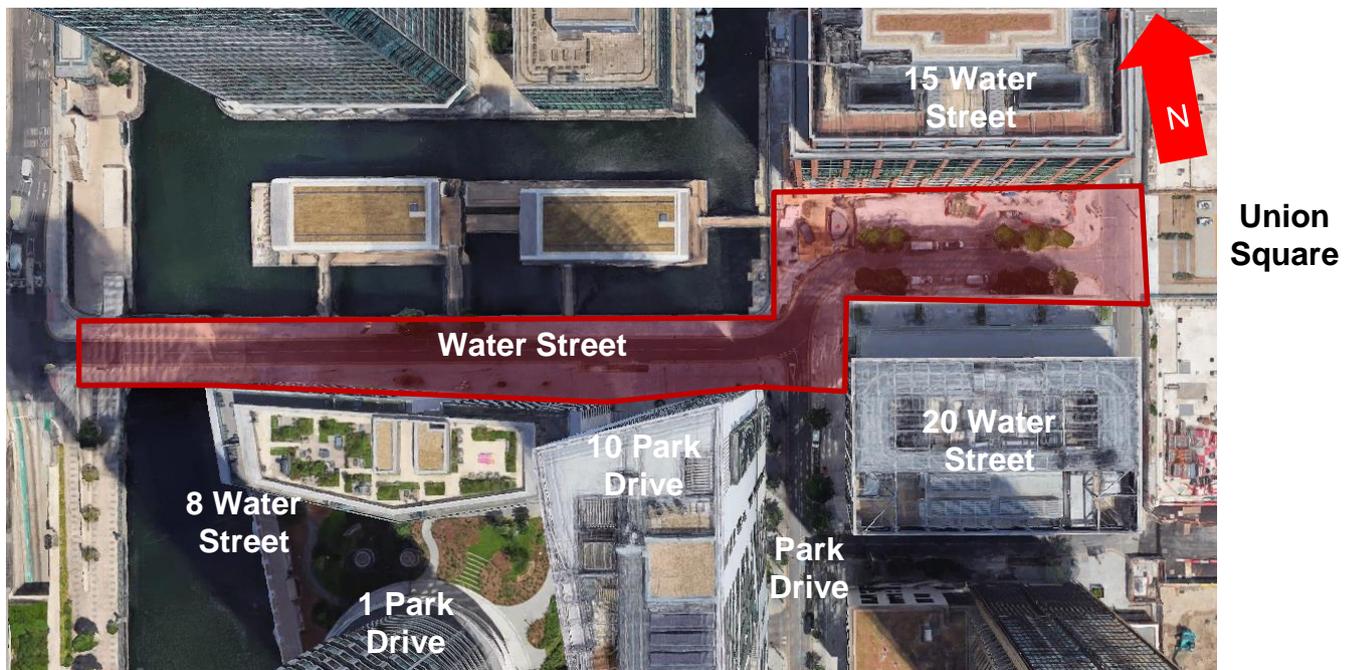
## 1. SITE AND SURROUNDINGS

- 1.1 The site comprises two distinct areas, Montgomery Square and Water Street.
- 1.2 Montgomery Square is a square located at the south eastern edge of the Canary Wharf Estate. Historically, the square represented the very edge of the Estate. The square is bounded on the north and south sides by very large office buildings, 20 Canada Square to the north and 10 Upper Bank Street to the south. To the west of the site is Jubilee Park, a green park filled with trees, which sits atop the Jubilee Shopping Centre. One of the two large exits from the London Underground Canary Wharf Jubilee Line station sits at the very eastern edge of that park, on the opposite side of Upper Bank Street to Montgomery Square. To the west of Montgomery Square and across West India Dock is Wood Wharf, a large and partially built-out mixed-use development forming part of the wider Canary Wharf Group estate which includes large office buildings and c.3,300 residential homes. The site connects to Wood Wharf via the bridge and link road known as Water Street.



**Figure 1: Aerial image of Montgomery Square (highlighted in red) and showing location of (1) TFL infrastructure/underground entrances, (2) 640 East café/bar and (3) temporary Wood Wharf marketing suite.**

- 1.3 Montgomery Square itself is currently a predominantly hard-landscaped area of publicly accessible open space, as designated within the Local Plan. A large event space forms the centre and focus of the square with simple timber benches surrounding that space. The south-western corner of the square is occupied by an entrance/exit to the Jubilee Line station below. There is also a lift to the station in the north-western corner of the square.
- 1.4 There are two buildings within the square. One is a single storey building on the western side of the square comprising a number of shipping containers and other structures which operates as a café/bar known as 640 East. The second is a small two storey building on the very eastern edge of the square which operates as the marketing suite for the Wood Wharf development.
- 1.5 There are 31 existing trees within the site. There is limited other greenery.
- 1.6 There is a one-way access road which is open to the public which runs from west to east along the southern edge of the square.



**Figure 2: Water Street from above**

- 1.7 Water Street is the main east-west connection between the Wood Wharf and Canary Wharf estates. It is currently a two-way road with access to all vehicles. Floating pavilion buildings sit to the north of Water Street with residential buildings to the south. The westernmost end of Water Street is a openable bridge across the dock. Generous footways run along the each side of the road. The road joins onto Park Drive at its eastern end. Park Drive then continues south down to South Dock park and further east to Union Square.
- 1.8 Both sites are within the Canary Wharf Metropolitan Centre, Preferred Office Location and Flood Zone 3.
- 1.9 Both sites contain sections of the Grade I Listed historic dock walls and are also within the Isle of Dogs Archaeological Priority Area. None of the site is within a conservation area.
- 1.10 Water Street is also part of the Wood Wharf Site Allocation and was delivered as part of the Wood Wharf Masterplan permitted in outline by planning application PA/13/02966. As part of the section 106 agreement entered into as part of that outline permission, Montgomery Square was secured as publicly accessible open space for the purposes of the Tower Hamlets Local Plan and the Water Street section of the proposals were secured as public realm.

## **2. PROPOSAL**

- 2.1 The proposals seek a phased delivery of works to each of the two sites. The first of those two phases will be the introduction new landscaping within Montgomery Square. The landscaping will include the introduction of planters containing a variety of plants and shrubs, new trees, new seating and improved legibility through the square. The event space in the centre of the square will be retained. As a result of the proposals the road running west-east on the southern side of the square will be removed and the square will be completely closed to vehicles except for emergency and servicing vehicles. Some of the existing trees will be removed to improve visibility through the site in long range views to allow for a new green axis to be introduced running the entire breadth of the Canary and Wood Wharf estates.
- 2.2 New road layouts to both Upper Bank Street and Montgomery Street will be introduced to improve pedestrian safety and legibility of the square, opening up the exit from the existing London Underground exit within Jubilee Park and removing obstructions to allow for improved pedestrian movement. The existing security building within Montgomery Street will be removed, allowing the size of the square to increase and improve the legibility of this junction, whilst also retaining access to the basement car park from this location.
- 2.3 A three storey pavilion building will be introduced, largely on the same footprint as the 640 East structure which will provide a Class E use which is intended to be used to provide a new

restaurant offer. It will include some spill out seating into the square but will also include seating on terraces at first and second floor levels. The existing Marketing Suite building will be retained until such time as it's temporary permission expires, at which point the rest of the landscaping works will be completed.

- 2.4 The second phase of the proposals relate to Water Street, as well as a section of Park Drive leading to Union Square. It is proposed to close Water Street to public vehicular traffic from its junction with Montgomery Street down to the junction with Park Drive. Access will be retained for emergency and servicing vehicles only. This will create a new area of semi-pedestrianised public realm in which new seating and planting will be installed. Water Street will receive a different surface treatment to demarcate it as semi-pedestrianised.

### **3. RELEVANT PLANNING HISTORY**

#### Wood Wharf Masterplan

- 3.1 The Wood Wharf site which comprises some of the application site is subject to an overarching masterplan which was established by an outline planning permission. This permission has been amended on several occasions and also has a large number of reserved matters applications and approvals of details associated with it. The below is just a summary of the more pertinent applications to the current application.

#### *Outline Permission*

- 3.2 PA/13/02966 - Outline application (all matters reserved) for mixed-use redevelopment of the site known as "Wood Wharf" comprising:

- Demolition of existing buildings and structures, including dwellings at Lovegrove Walk;
- The erection of buildings, including tall buildings and basements, comprising:
  - Residential units ( Use Class C3);
  - Hotel (C1);
  - Business floorspace (B1);
  - Retail (A1-A5);
  - Community and Leisure (D1 and D2); and,
  - Sui Generis uses.
- Associated infrastructure, including the creation of structures in Blackwall Basin, Graving Dock, and South Dock;
- Streets, open spaces, landscaping and public realm;
- Bridge links;
- Car, motorcycle and bicycle parking spaces and servicing spaces;
- Utilities including energy centres and electricity substation(s); and,
- Other works incidental to the proposed development.

Permitted 19 December 2014

#### *Water Street*

- 3.3 PA/16/00113 - Non-material amendment to Outline Planning Permission dated 24/12/2014, ref: PA/13/02966. Amendment: To allow for flexibility in the location of Bridge Structures located in Development Zone K.

Permitted 19 April 2016.

- 3.4 PA/21/02662 - Application for Non-Material amendment to planning permission ref: PA/13/02966, Dated 24/12/2014. Non Material amendment(s) Sought: Amendment of 'Access and Circulation Routes' Parameter Plan (ref. WWMP-PP 004 Rev D) and 'New Land/Structures into dock' Parameter Plan (ref. WWMP-PP 011)

Permitted 23 March 2022

- 3.5 PA/16/01848 - Details of all reserved matters (Access, Appearance, Landscaping, Layout and Scale) pursuant to outline planning permission ref PA/13/02966 dated 24/12/2014 relating to the following areas of the Wood Wharf Masterplan: i. Ground and above ground infrastructure, streets, open spaces, landscaping, public realm, parking, servicing and utilities within Part of Development Zones A, K and P; and ii. Below ground infrastructure, servicing and utilities within Part of Development Zone A. Comprising a bridge link (Montgomery Bridge) to Montgomery Square with ancillary infrastructure, streets, open spaces, landscaping, public realm, parking, servicing and utilities.

Permitted 05 October 2016

- 3.6 PA/18/00811 - Details of all reserved matters (Access, Appearance, Landscaping, Layout and Scale) pursuant to outline planning permission ref PA/13/02966 dated 24/12/2014 relating to the following areas of the Wood Wharf Masterplan. i. Part of Development Zone K; and ii. Ground and above ground infrastructure and related works outside Development Zones but linked to i. above. Comprising two permanent floating retail pavilions (Use Class A1-A5), associated infrastructure, public realm, servicing and utilities and other associated works.

Permitted 23 August 2018

- 3.7 PA/20/00568 - Application for Non-Material amendment to planning permission ref: PA/18/00811, Dated 23/08/2018. Non Material amendment(s) Sought: Amendments to bridge widths and locations; K2 hull dimensions altered to match K1; K1 hull amended to add buoyancy; Pavilions widened at water and dock level; Extent of green roof laid out following LBTH comments; Life rings and information points added; Barriers and gates added following recommendation by ROSPA; Glazing on western elevations extended to full height; and Windows and doors added to elevations to assist the natural ventilation of restaurant spaces.

Permitted 20 April 2020

*Montgomery Square*

- 3.8 PA/18/03477 - Details of all reserved matters (Access, Appearance, Landscaping, Layout, and Scale) pursuant to outline planning permission ref PA/13/02966 dated 24/12/2014 relating to the following areas of the Wood Wharf Masterplan: i. Ground and below ground infrastructure, streets, open spaces, landscaping, public realm, parking, servicing and utilities within Development Zone P and part of Development Zone K.

Permitted 03 May 2018

- 3.9 PA/19/01733 - Non-material amendment to reserved matters consent ref: PA/18/03477, dated 03/05/2019. Omission of one-way street along the northern edge of Montgomery Square with associated alterations to pedestrian crossings and landscaping.

Permitted 15 October 2019

- 3.10 PA/20/00741 - Application for Non-Material amendment to planning permission ref: PA/18/03477, Dated 03/05/2019. Non Material amendment(s) Sought: This non-material amendment application seeks to replace the following approved drawings subject of the Schedule referred to in Condition 1 of the approved Reserved Matters 13 Application (Ref. PA/18/03477) as amended by (PA/19/01733).

Permitted 06 May 2020

*Other plots surrounding Water Street and Park Drive*

- 3.11 PA/16/00772 – Reserved Matters Application for Development Plots A1, A4 and B3 as amended by NMA01 (approved ref. PA/17/02386); and NMA02 (submitted ref. PA/19/01735).

Permitted 16 June 2016

3.12 PA/15/00668 Reserved Matters Application for Development Plots D1/D2, as amended by NMA01 (approved ref. PA/18/00129).

Permitted 28 July 2016

3.13 PA/18/01101/S Reserved Matters Application for Development Plot B3, as amended by NMA01 (submitted ref. PA/20/01053); and NMA02 ref. PA/21/02738/NC).

Permitted 23 August 2018

*Wider Wood Wharf*

3.14 Union Square & Timber Quay

Other Planning History

*Montgomery Square*

3.15 PA/16/00142 - Installation of three 20 feet metal shipping containers, the installation will consist of one bar unit and 2 seated booths covered by a marquee structure, change of use to an A4 Bar.

Permitted 07 April 2016

3.16 PA/16/00950 - Retrospective application for change of use of kiosk to hot food takeaway (Use Class A5).

Permitted 07 September 2016

3.17 PA/17/02126 - Erection of a temporary two storey pavilion for use as a sales and marketing suite (Sui Generis) with ancillary storage space, access and landscaping.

Permitted 13 October 2017

3.18 PA/22/01597 - Continued use of a temporary two storey marketing suite (Sui Generis) with associated storage space, access and landscaping.

Permitted 22 November 2022

*Water Street*

3.19 PA/22/02433 - Erection of a pergola structure with retractable cover to create external dining terrace, external alterations including installation of awning associated with the restaurant premises

Permitted 30 January 2023

3.20 PA/22/01672 - Erection of a pergola structure with retractable cover to create external dining terrace, external alterations including installation of awning associated with the restaurant premises and associated signage.

Appeal dismissed 25 April 2024

3.21 PA/22/00573 - Temporary planning permission for a period of up to five years for the installation of a temporary services enclosure, and other associated works located at the western end of the Wood Wharf Site.

Permitted 19 May 2022.

3.22 PA/23/01169 - Installation of outdoor seating area comprising outdoor tables, chairs, 3 x parasols with ground fixings, 2 x waiter stations and wooden planters with integral screens (partially retrospective).

Permitted 1 September 2023

#### **4. PUBLICITY AND ENGAGEMENT**

4.1 The applicant undertook pre-application consultation with the local community including 7000 local residents and businesses with 457 responses received through an online survey. The proposals at the time of the consultation undertaken by the applicant included two new pavilion buildings within Montgomery Square, however during pre-application discussions with officers this was reduced to one pavilion building for submission of the application.

4.2 The LPA undertook its own public consultation on the submitted proposals which included the sending of 1179 letters to nearby residents, businesses and landowners. Site notices were erected on 17 July 2024 in both Montgomery Square and on Water Street and a press notice was also published on 4 July 2024.

4.3 In total, 195 representations were received, 193 of which were in objection to the scheme and 1 of which were in support of the scheme. There was also one neutral letter. The vast majority of the objections were received from customers and employees of the business operating from the existing retail unit within Montgomery Square however there were also some objections received from residents of Wood Wharf and the surrounding area as well as people working in the area.

4.4 A summary of the issues raised by the objections is presented below:

- The removal of the existing pavilion puts 640 East as a business in jeopardy as they are unable to take up the new pavilion building.
- Removing the smaller pavilion from proposals shown during public consultation puts local jobs at risk and threatening livelihoods.
- 640 East is seen as a valuable asset to the local community and should continue to be part of the future of the square.
- Removal of the 640 East building will take away a friendly hang out in a location that already lacks vibrancy and diversity, impact on mental health.
- Removal of 640 East will be detrimental to the character of Canary Wharf as it offers a different kinds of experience and character to the rest of the estate.
- 640 East is the only above ground coffee shop with outdoor space in the area and is well used in the summer months.
- Local independent businesses should be protected rather than creating spaces for chains.
- Loss of revenue to suppliers of 640 East.
- 640 East has contributed to various charities and has set up community led, inclusive events which will be lost and cause a loss in diverse footfall to the area.
- The proposals are unnecessary and there is no need to perform more construction on a functional space which has hosted beach volleyball, padel, and other community focused events.
- The smaller pavilion should be reinstated to allow 640 East to continue trading in the square and as without sufficient retail pavilions to actually draw people to the area, it will just become an empty, windy space.

- Tree planting proposed is overly dense and the layout of species is haphazard, lacking thought to the visual aesthetics and practical growth of the trees. No evergreen trees are proposed meaning a lack of winter vegetation cover increasing noise pollution and lowering air quality.
- The planting strategy for ground level planting lacks any information to assess the merit and suitability of planting for the locations proposed and whether this meets the biodiversity needs of local wildlife.
- The design of the new pavilion seems to have been designed in isolation similar to other structures seen around Canary Wharf and bears no relationship to its environment.
- The proposed development will reduce outdoor/green space for residents in the area.
- Proposals will add to noise and light pollution.
- Hard landscaping increases the impacts of noise pollution.
- The proposed changes to the road layouts will increase risk to pedestrians and other road users.
- The proposals do not consider the types of vehicles that use the roads.
- Proposed road layout changes will increase congestion.
- Residents should be able to access their properties from both directions.
- The alternative route will add to pollution.
- The alternative routes via Prestons Road are not adequate.
- The application fails to consider the need of access for residents to residential properties in Wood Wharf. In particular the needs of residents with carers are not considered.
- The application doesn't consider access for servicing and deliveries for both residents and commercial properties.
- There will be impacts on access for emergency services.
- Not everybody can walk, cycle or use public transport and their needs are therefore compromised.
- Car parking and service charges have not been considered.
- The new route would also reroute traffic to the only other route available to enter our home causing congestion, increased pollution and danger to children who use the new school, nursery and GP surgery in the new district.
- Water Street is currently used as a primary access for residents and to drop-off customers to local businesses by taxis.
- Water Street is already able to accommodate restaurant terraces and outdoor seating without restricting access.
- The junction from Montgomery Street to Water Street is not confusing as stated.
- The proposals seek to commercialise Water Street to the detriment of essential vehicle access in particular for local residents.
- Noise from events needs to be minimised and carefully controlled.

4.5 A summary of the issues raised in support of the application is presented below:

- Water Street is insufficiently busy to warrant two-way traffic;

- Support of proposals to pedestrianise and increase greenery and seating.

4.6 The neutral representation highlighted the following matters:

- Access for emergency vehicles should be maintained and ensured via Water Street without delay.
- Concerns as to the number of fire response vehicles that are usually required in the event of any call out and the lack of a fire strategy relating to the Water Street section of the proposals.
- Customers arriving at the restaurant in 5 Park Drive use Water Street as a drop-off location and thought needs to be given as to how they will now arrive at the building without using the turning circle on park drive.
- Work should not commence on the pedestrianisation of Water Street prior to the opening of two-way vehicular access to Park Drive from Cartier Circle.

## 5. CONSULTATION RESPONSES

5.1 The application was submitted to the following consultees for comment and comments received are summarised below.

### **Canal and River Trust**

#### Landscaping

While the Trust would not generally encourage the removal of good quality trees, we consider that the proposals are a betterment to this area of public realm and improve connectivity from the wider square area to the water. The design of the pavilions is a welcome break from the standard built form of the area and more appropriate to the human scale required for this space to meet its intentions.

The proposed tree strategy and species are appropriate. However, we note that the Design & Access Statement proposes the use of ornamental trees, while the Ecology Report recommends that they use native species such as bird cherry, rowan or crab apple, which we would recommend. We would suggest that the specification for the tree pits be conditioned to ensure that the scheme can be delivered to the high standard required for its successful establishment. The remaining indicative planting species are also appropriate.

Should these change during the detailed design process, species which provide a good range of habitats, preferably those on the RHS “Plants for Pollinators” list should be used.

The quality of the specifications and proposed maintenance will be important and it would be beneficial for these elements to be conditioned to allow further comment as the proposals develop.

#### Lighting

The strip lighting along the bridge appears to be pointed inwards, but we would request for information of the lux measurements of the strip lighting, and clarification of whether it would be pointed towards the canal along the bridge. We agree with the submitted PEA that a sensitive lighting scheme should be implemented during the construction phase of the development.

#### Operation of Montgomery Bridge

Canary Wharf Group own and operate the Montgomery bridge, Water Street, which lifts on a regular basis to allow boat traffic through the Bellmouth Passage canal. We suggest that Canary Wharf Group should ensure that the proposals cause no encroachment in the operation of the bridge, and that the dwell spaces do not cause any additional safety risks for people on foot during its operation.

## Drainage

Should any drainage to the dock be proposed, this will require further assessment and agreement with the Trust.

## Conditions

Conditions are requested to provide final details of lighting and landscaping.

## **Environment Agency**

No objection.

## **London Underground**

No comments to make.

## **Metropolitan Police**

No response.

## **Natural England**

No response.

## **NHS North East London**

No response.

## **Port of London Authority**

Welcomed that within the submitted Travel Plan for the development, Travel Information Packs will be provided to the retail operator which will include information including maps and timetables on nearby public transport services, including riverbus services from Canary Wharf. This requirement should be included as part of any associated condition on the Travel Plan requirement as part of any forthcoming planning permission.

## **Thames Water**

No comments to make.

## **Transport for London**

No objection.

## **LBTH Health Impact Assessment Officer**

It is recommended that a certain number of events in the event space are targeted at young children, particularly during school holidays and weekends and particularly towards disadvantaged children in the area. It is appreciated that a dedicated play space should not be provided as there is no housing proposed. However, the route connects the underground station to Wood Wharf and a range of play spaces as mentioned in the HIA. Play elements along Water Street and within Montgomery Square should be considered to support movement along this route by children and young families and provide informal play opportunities. Local children may be consulted on such proposals to ensure they meet their needs. Other recommendations from the Making London Child-Friendly guidance document (Mayor of London, Good Growth by Design) should be incorporated into this new route and demonstrated within the HIA.

## **LBTH Environmental Health**

### **Air Quality**

No objection subject to securing conditions related dust management and construction machinery.

## **Noise**

Initial concerns were raised with the levels of noise arising from high impact acoustic events. Conditions to be secured to address this including a noise management plan and restricting the number of high impact acoustic events.

## **LBTH Senior Arboricultural Officer**

Objection on arboricultural grounds to the number of existing Category B trees that are to be removed as the proposed planting will not adequately mitigate the amenity loss as a result of the removal of those trees.

## **LBTH Transportation & Highways**

No objection as no public highway will be impacted.

## **6. RELEVANT PLANNING POLICIES AND DOCUMENTS**

6.1 Legislation requires that decisions on planning applications must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise.

6.2 In this case the Development Plan comprises:

- The London Plan 2021 (LP)
- Tower Hamlets Local Plan 2031

6.3 The key development plan policies relevant to the proposal are:

*Land Use (employment, retail, restaurant, cultural)*

- London Plan policies: SD4, SD5, SD6, SD7, SD8, E9, S1, S4, S5, HC5, HC6, G1, G4
- Local Plan policies: S.EMP1, D.EMP4, S.TC1, D.TC5, D.OWS1, D.OWS3

*Design and Heritage (layout, townscape, massing, height, appearance, materials, heritage,)*

- London Plan policies: D1, D3, D4, D5, D8, D11, D12, HC1, SI16
- Local Plan policies: S.DH1, D.DH2, S.DH3, D.DH4, D.DH9, D.DH10, S.OWS1, D.OWS3

*Amenity (air quality noise, construction impacts)*

- London Plan policies: D3, D13, D14, SI1
- Local Plan policies: D.DH8, D.ES2, D.ES9

*Transport (sustainable transport, highway safety, car and cycle parking, servicing)*

- London Plan policies: T2, T4, T5, T6, T6.1, T6.2, T6.3, T6.5, T7, D12
- Local Plan policies: S.TR1, D.TR2, D.TR3, D.TR4

*Environment (air quality, biodiversity, contaminated land, flooding and drainage, energy efficiency, waste)*

- London Plan policies: G1, G4, G5, G6, G7, SI1, SI2, SI5, SI7, SI8, SI12, SI13, SI16, SI17
- Local Plan policies: S.ES1, D.ES2, D.ES3, D.ES4, D.ES5, D.ES6, D.ES7, D.ES8, D.MW3, S.OWS1, S.OWS2, D.OWS3, D.OWS4

6.4 Other policy and guidance documents relevant to the proposal are:

### *National*

- National Planning Policy Framework (2023)
- Planning Practice Guidance (as updated from time to time)
- National Design Guide (2021)
- National Model Design Code

### *Greater London Authority*

- Fire Safety LPG (Draft)
- Air Quality Positive LPG (2023)
- Air Quality Neutral LPG (2023)
- Characterisation and Growth Strategy LPG (2023)
- Optimising Site Capacity: A Design-led Approach LPG (2023)
- Urban Greening Factor LPG (2023)
- Circular Economy Statements LPG (2022)
- Sustainable Transport, Walking and Cycling LPG (2022)
- Whole Life Carbon LPG (2022)
- Be Seen Energy Monitoring LPG (2021)
- Public London Charter LPG (2021)
- Social Infrastructure SPG (2015)
- Accessible London: Achieving an Inclusive Environment SPG (2014)
- The Control of Dust Emissions during Construction and Demolition SPG (2014)
- All London Green Grid SPG (2012)
- Planning for Equality and Diversity in London SPG (2007)
- Accessible London SPG

#### *Tower Hamlets*

- Planning Obligations SPD(2021)
- Reuse, Recycling and Waste SPD (2021)
- LBTH Community Infrastructure Levy (CIL) Charging Schedule (2020)
- Tower Hamlets Biodiversity Action Plan 2019-2024
- Parks and Open Spaces An open space strategy for the London Borough of Tower Hamlets 2017-2027

## **7. PLANNING ASSESSMENT**

7.1 The key issues raised by the proposed development are:

- i. Land Use
- ii. Design & Heritage
- iii. Neighbour Amenity
- iv. Transport
- v. Environment
- vi. Infrastructure
- vii. Local Finance Considerations
- viii. Equalities and Human Rights

### **Land Use**

#### Development of Publicly Accessible Open Space

7.2 Both Montgomery Square and Water Street are secured as “Public Realm” for the purposes of the section 106 planning obligations agreement which was entered into as part of the Wood Wharf Outline Planning Permission and originally dated 24 December 2014. That s.106 agreement sets out various requirements as to the delivery, requirements of and public access to all areas of Public Realm as part of that masterplan development.

7.3 For the purposes of the Local Plan, Montgomery Square is considered to be “open space” which is defined in the Glossary of the Local Plan as:

*“All land that offers opportunity for play, recreation and sport or is of amenity value, whether in public or private ownership, where public access is unrestricted, partially-restricted or restricted. This includes all open areas consisting of: major parks (e.g. Victoria Park and Mile End Park), local parks, gardens, local parks, squares, playgrounds, ecological spaces, housing amenity land, playing fields (including playing pitches), allotments and burial grounds, whether or not they are accessible to the public. This definition does not include water bodies.”*

7.4 As public access to Montgomery square is also secured via the s106 agreement referred to above, it also falls within the definition of “Publicly Accessible Open Space” (PAOS) which is defined as:

*“Open space will be considered to be publicly accessible, where access for the public is secured by virtue of legal agreements and formal arrangement; whether it is in public or private ownership. Publicly accessible open space will not include areas of water such as rivers, canals, lakes, docks or incidental spaces.”*

7.5 The Water Street element of the development site on the other hand is considered to be a mix of highway and “Public Realm” for the purposes of the Local Plan which is defined as:

*“The space between and surrounding buildings and open spaces that are accessible to the public and include streets, pedestrianised areas, squares, river frontages.”*

7.6 The above definitions are important to establish and consider as part of the proposed development of each of the two areas of the development site as different levels of protection are afforded to each in Local and London Plan policies.

7.7 In particular, Local Plan Policy S.OWS1 requires that:

*“proposals provide or contribute to the delivery of an improved accessible, well-connected and sustainable network of open spaces through:*

*(a) Protecting all existing open space to ensure that there is no net loss (except where it meets the criteria set out in Policy D.OWS3).*

*(b) ...*

*(c) Improving the quality, value and accessibility of existing publicly accessible open space across the borough and neighbouring boroughs, in line with the Green Grid Strategy, Open Space Strategy, Local Biodiversity Action Plan and Sport England’s Active Design Guidance*

*(d) Delivering an improved network of green grid links...*

*(e) Maximising the opportunities to create/increase publicly accessible open space...with a range of sizes and for a range of users, particularly in the following locations...Canary Wharf.”*

7.8 Local Plan Policy D.OWS3 then provides further detail on the expectation for development on areas of open space. Part 1 of the policy states:

*“Development on areas of open space (excluding Metropolitan Open Land) will only be supported in exceptional circumstances where:*

*(a) It provides essential facilities that enhance the function, use and enjoyment of the open space (e.g. ancillary sport facilities to the playing field use), or*

*(b) As part of a wider development proposal, both an increase of open space and a higher quality of open space can be achieved, and*

*(c) In any of the circumstances described in Parts 1(a) and (b), it is demonstrated that it will not result in any adverse impacts on the existing ecological, heritage or recreational value of the open space and the flood risk levels within and beyond the boundaries of the site, and*

*(d) It is an outdoor sport and recreational space or facility, the sporting and recreational benefits of which would outweigh the harm resulting from its loss.”*

7.9 Part 4 of that policy then elaborates on PAOS by stating:

*“Development should not adversely impact on the public enjoyment, openness, ecological and heritage value of the borough’s publicly accessible open spaces.”*

- 7.10 Finally, Part 5 of that policy supports development in close proximity to the green grid provided it is demonstrated that it will not “have adverse impacts on the access, design, usability, biodiversity and recreational value of the green grid network” and where it contributes to the “expansion and enhancement of green grid links to connect communities to publicly accessible open spaces...as well as other main destination points such as town centres, schools, health facilities and transport hubs”.
- 7.11 In summary, and in respect of Montgomery Square the starting point is that there should be no net loss of open space but the impetus of the above policies is to seek improvements to open spaces, in particular PAOS, with Canary Wharf being identified as an area for particular improvements.

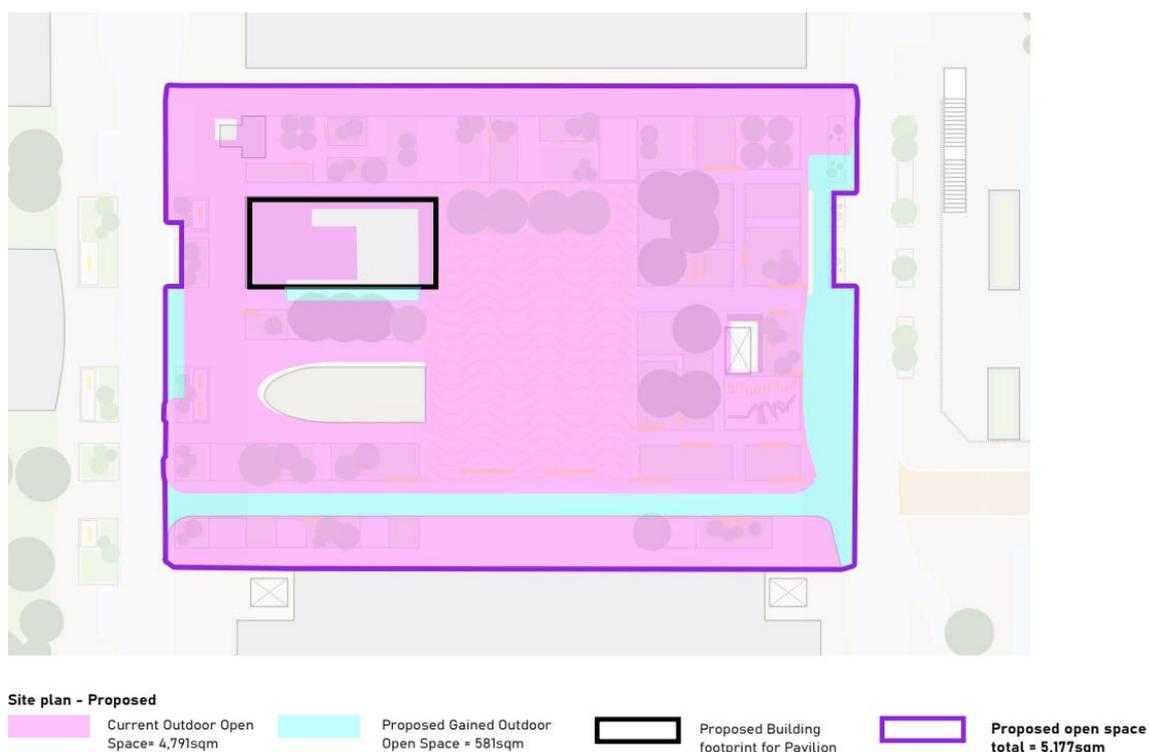


**Figure 3: Montgomery Square public space**

- 7.12 Aside from TFL entrances and other infrastructure connected with the underground station beneath the square, there are two structures within the square. The first is the 640 East structure which comprises several shipping containers and other structures taking up approximately 424 sqm of the square. The structure received retrospective permanent consent in 2016 (PA/16/00142) albeit a number of additions appear to have been added to the structure since then without formal consent and so the current structure is significantly larger and more permanent in design than originally consented. There is therefore precedent for a permanent structure to be built in this area of the square without there being a further net loss of open space.
- 7.13 The second structure is the marketing suite on the eastern edge of the square. This building has only a temporary consent which requires removal of the structure upon the earlier of 2 months following cessation of the approved sales and marketing suite use or 22 November 2027. The decision notice for that permission (ref: PA/22/01597) explicitly states in an informative that

*“The applicant is advised that a further temporary permission has only been granted given the exceptional circumstances, and no further temporary consent will be permitted following the lapse of the consent permitted by this application.”*

- 7.14 The delegated report for that application, and the original application for the suite (ref: PA/17/02126) also makes it clear that the acceptability of the continued placement of the building on PAOS relied on very specific exceptional circumstances linked directly to the temporary nature of the building and the benefits that were delivered with it in assisting the delivery of the Wood Wharf Masterplan development. Therefore it is clear that any permanent structure in this location would be required to meet the requirements set out in Local Plan Policies S.OWS1 and D.OWS3.
- 7.15 It is for that reason that officers, during pre-application discussions, negotiated the removal of a second smaller pavilion in this location as it was considered to not comply with the requirements of either of those policies as outlined above. However, as the proposed pavilion is located in the same part of the square as the existing 640 East structure, a pavilion in this location could possibly be explored provided it meets the criteria of the relevant policies.
- 7.16 The proposed pavilion is a more rational shape, the ground floor of which will cover approximately 312sqm (GEA) of floorspace, a reduction in the amount of floorspace covered by the existing structures. There will therefore be an increase in the amount of open space simply by the rationalisation of that structure. However, it is noted that the building will extend to three storeys providing approximately 545 sqm of floorspace overall as well as external terraces at different levels. This has been achieved without increasing the overall footprint of the building and without unduly impacting on the openness and usability of the square. The building is designed in such a way that its impact on that openness is mitigated as far as possible. This is described further within the design section of this report.
- 7.17 The proposals also result in an overall increase in open space of 386sqm across the entire square, once the slightly increased footprint of the pavilion is taken into account, through road layout changes and the decrease in the overall footprint of the pavilion structure as compared to the 640 East structure. As part of the proposals there will be improvements to the ecological and recreational value of the square and opportunities for increase public enjoyment through the introduction of significant greenery, trees and permanent public seating. Whilst it is noted that there is a removal of a number of existing trees within the proposals, appropriate mitigation would be secured via planning obligations and the proposed landscaping scheme and additional planting. This is also to be weighed against the overall impacts on the additional public enjoyment of the square. The principal of the proposal to build the pavilion in the proposed location is therefore acceptable on balance in application of Local Plan Policies S.OWS1 and D.OWS3.



**Figure 4: indicative image showing areas of proposed open space gains.**

### Proposed use of the pavilion building

- 7.18 The pavilion building is proposed to be used as a restaurant however the application seeks a general Class E use which covers a broader range of commercial uses. The restaurant use would be supported both by virtue of the site's location within the Canary Wharf Metropolitan Centre, the need to provide a facility which enhances the function, use and enjoyment of the square in line with Local Plan Policy D.OWS3 and the fact that the existing use is as a bar/café which sets a precedent for a town-centre type use. However, to ensure that the use of the building remains appropriate for a building of this type within a POAS, a condition will be secured to restrict it to certain uses with Class E that will ensure that the use of the building remains within a Town Centre use.
- 7.19 The proposed restaurant use will enhance the overall vitality and viability of the Canary Wharf Metropolitan Centre by providing a well designed, rationalised and high-quality restaurant building, with terraces and spill-out seating which will continue to ensure that the square provides a high quality amenity to the general public.
- 7.20 It is noted that significant objection has been received in relation to the loss of the existing business, 640 East. Whilst the final occupiers of a particular unit are not within the remit of planning regulations, officers are cognisant that the existing business's operating model and size may not be entirely appropriate for a unit the size of the pavilion, however there is no obvious pure planning reason why the business would not be able to operate from the new pavilion building, save for a slight amendment to the use class. Officers did enquire as to whether the pavilion building could be separated at ground floor so as to provide a smaller space for a smaller business to operate, however this was not possible due to the relatively small size of the pavilion and the need to accommodate relevant back of house services such as extraction, kitchens and the like.



**Figure 5: Image of 640 East structure looking east towards Montgomery Square.**

- 7.21 In light of the objections, officers have sought additional information from the applicant as to their attempts to ensure that the business can be relocated elsewhere within the estate.
- 7.22 This requirement is established in Local Plan Policy D.EMP4 which ordinarily only applies to office and industrial type uses and not traditional town centre uses, which is the intent of the policy. It is useful, however to establish the sort of planning consideration which may be made towards re-accommodating the business.
- 7.23 Part 6 of that policy states that:

*“Development which is likely to adversely impact or displace an existing business must find a suitable replacement accommodation within the borough unless it can be shown that the needs of the business are better met elsewhere”*

7.24 The supporting text to this policy elaborates on this and states that this policy should be applied flexibly but is applicable to all types of application that may result in business displacement and not exclusively within designated employment locations. Officers have therefore requested similar relevant information from the applicant in relation to this, which can be summarised as follows:

- a. 640 East occupy a unit within 10 Water Street of comparable size to the location within Montgomery Square. They have occupied the unit since 23 October 2023 and have a 15 year lease.
- b. 640 East occupied that unit as part of early discussions about the upcoming proposals and the fact that they may not be able to be accommodated within the square.
- c. The proposals include provision for parasols and seating immediately outside this unit for use in connection with that unit.
- d. The potential for re-accommodating the business within a smaller pavilion was explored as part of the pre-application discussions however a second pavilion was considered unacceptable within the square. There was no formal agreement in place that 640 East would occupy that pavilion should permission for it have been granted.
- e. The proposed pavilion building is roughly 10 times the size of 640 East’s current unit and it is not possible to sub-divide the building into smaller units as the space is not large enough and lacks sufficient back of house facilities as it is not possible to include a basement.

7.25 Of particular note to officers is that the business has occupied a unit in close proximity to its current location and within the redline of the site as part of preparations for this proposal. From online searches the business operates a similar business model from this unit – i.e. serving coffees during the day and becoming more of a bar in the evenings. This space will benefit from designated outdoor seating as part of the proposals as well as regularising the introduction of large parasols to provide protection from the elements. Officers are therefore satisfied from a purely planning perspective that the business has been accommodated in line with relevant policies.

7.26 Finally, officers would also note that there is a large vacant commercial unit within the ground floor of 20 Canada Square which open out onto Montgomery Square which could also potentially be converted to accommodate the business if it was to not relocate from the square. Officers are therefore satisfied that there are no material planning considerations relevant to the loss of the existing business which would warrant refusal of the application.



**Figure 6: 10 Water Street unit with parasols**

#### Retention of event space

- 7.27 The square is currently home to a large event space at its centre. The proposals seek to retain this space, although it will be slightly reduced in size as compared to existing to accommodate new large stock trees. There will be no impact on the size and types of event that can be held within the square and, in pure land use terms, the proposals retain the existing event space in line with Local Plan Policy D.CF2 and London Plan Policies D8 and HC5.

#### **Design & Heritage**

- 7.28 Development Plan policies require high-quality designed schemes that reflect local context and character and provide attractive, safe and accessible places that safeguard and, where possible, enhance the setting of heritage assets.
- 7.29 London Plan policy D3 promotes the design-led approach to optimise site capacity and determine the most appropriate form of development that responds to the site's context and capacity for growth. The policy requires high density development to be located in locations well connected to jobs, services, infrastructures and amenities, in accordance with London Plan D2 which requires density of developments to be proportionate to the site's connectivity and accessibility.
- 7.30 Local Plan policy S.DH1 outlines the key elements of high-quality design so that proposed developments are sustainable, accessible, attractive, durable and well-integrated into their surroundings. Complementary to this strategic policy, Local Plan policy D.DH2 seeks to deliver an attractive, accessible and well-designed network of streets and spaces across the borough and to create active, well design and high quality public spaces.

#### Townscape, Massing and Heights

- 7.31 The proposed pavilion building would be 3 storeys in height at its tallest point and would step up in massing from ground floor. This would offer a human scale building within the square which is considerably smaller than the surrounding buildings and would be considered an acceptable scale here.
- 7.32 The building steps back at various points which both has the effect of reducing its massing and impact on the openness of the square itself, in particular when one approaches heading south down Upper Bank Street as well as looking east-west across the square.



**Figure 7: CGI of proposed pavilion building demonstrating set-back terraces**

Appearance & Materials

- 7.33 Much of the elevations would be glazed with a grid frame, this results in a building which will have considerable active frontage ensuring activity is brought to the square throughout the day. The front of house and entrance would be legible on the south façade fronting a main pedestrian route through the square.



**Figure 8: CGI of pavilion building from within the square**

- 7.34 The materiality of the pavilion would be timber frame with curtain walling with green aluminium fenestration, fascia, and balustrades. There would be vertical timber detailing to the top of the windows. These materials would relate well to the timber public realm being delivered within the square, as well as across the wider estate ensuring a cohesive and legible public realm whilst also providing relief from the harder elements of the landscaping and surrounding context and bringing some more natural tone into the public realm.
- 7.35 The rear/north elevation of the building, which is where most of the back of house areas are located will be enclosed with more solid infills. This elevation of the building will be closer to extensive tree planting and so will be more disguised. Seating has also been arranged so that it does not face onto this elevation and away from fumes produced by any extraction.



South Elevation

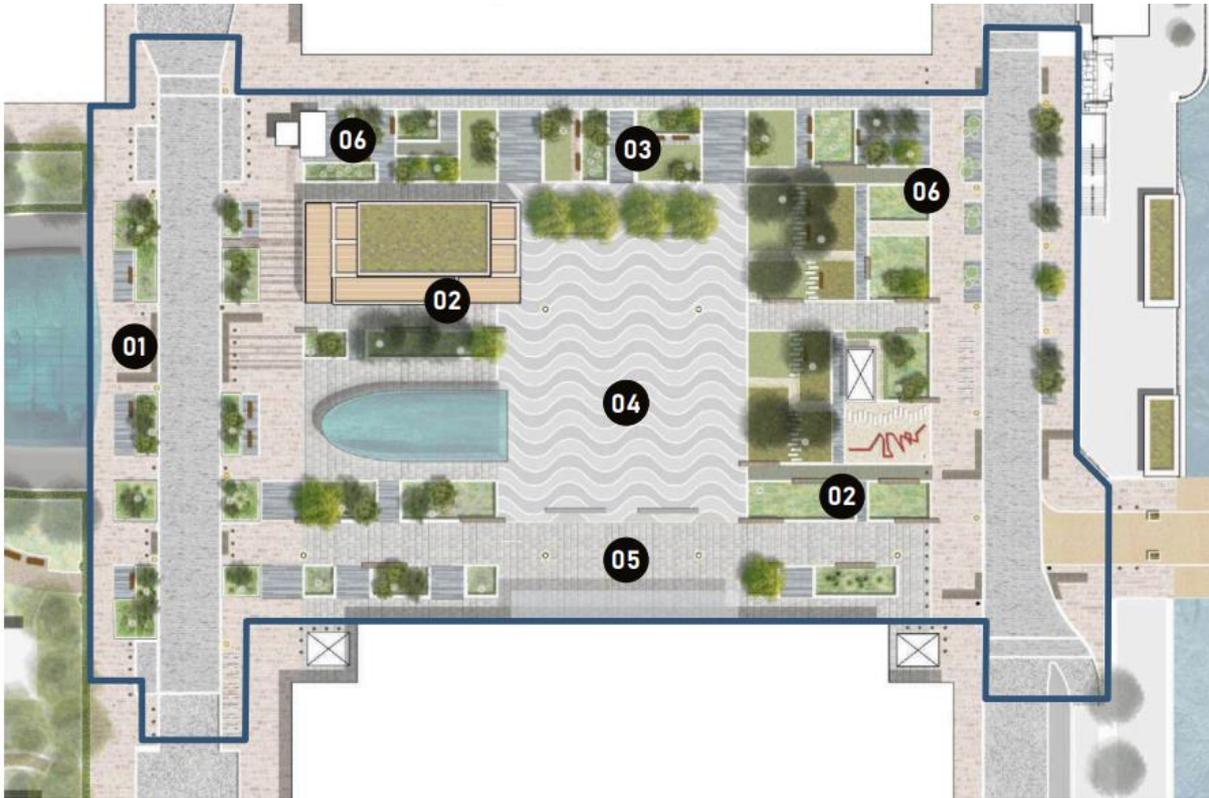


North Elevation

**Figure 9: Rendered elevations demonstrating different materials and infilled panels.**

Landscaping & Public Realm

- 7.36 Three different character areas of the square have been identified – the central events space, the garden on the northern side of the square, and the boulevard along the southern side of the square.
- 7.37 The central space is an appropriate scale for events and the existing granite surface would be retained which is welcome from a sustainability perspective. The garden spaces to the north and east of the square will allow for more greenery to be introduced into the square which is welcome. It will also allow for more seating in the square and places for people to dwell. The boulevard is currently a road which will be pedestrianised, which is a positive move. Existing granite will be reused here, and road markings will be removed. New planters will be introduced to integrate with other green interventions within the square. Planting within the ground, including a number of street trees, has been secured where possible in line with the constraints of the site and the requirement to not impact on the underground station box below and other existing infrastructure. Where it is not possible, planters have been proposed the full details of which will be secured via planning condition.



**Figure 10: Proposed landscaping of Montgomery Square. 1 represents the improved exit from the Jubilee Line station, 2 is the new pavilion, 3 is the location of the garden spaces, 4 is the event space, 5 is the new promenade and 6 is where improvements have been made to pedestrian legibility.**

- 7.38 The proposals for Water Street include the addition of trees, seating and a new surface treatment to the carriageway to create a more pedestrian friendly environment. The additional trees and seating are welcome. Stone benches have been proposed which would be in keeping with the character of the area and the broader landscaping scheme. The surface materials will be predominantly granite.
- 7.39 New outdoor seating areas are proposed outside commercial units which will help provide activation to the public realm and the units behind. Some of the spaces exist informally already and will therefore be formalised by the present application for the purposes of the s.106 agreement relating to the Wood Wharf Masterplan. A condition will be imposed to ensure that the terraces retain appropriate access across all footways for all members of the public, including those with disabilities including 2m clear access between the edge of the seating and any obstruction or the edge of the footway.



**Figure 11: Proposed landscaping of Water Street. 1 demonstrates the different surface treatment of the carriageway, 2 and 3 show pocket parks and planting, 4 shows an**

**example of existing outdoor seating and 5 shows the proposed pedestrian crossing into Union Square.**

- 7.40 There is significant planting proposed the detail of which would be considered at condition stage. The extent of planting is welcome, a SUDS strategy would be secured by condition.
- 7.41 The permeability of the public realm will be significantly enhanced with new road layouts and crossings introduced in line with pedestrian desire lines and to guide the public through the square and along Water Street. The removal of barriers immediately in front of the exit to the Jubilee Line Station is a significant improvement on the current situation and will reduce pedestrian congestion outside this busy station.
- 7.42 Officers did not consider it appropriate to explore further play-on-the-way measures along Water Street in line with the HIA's officer's comments as access is still required to be maintained for servicing and emergency vehicles and the footways need to accommodate persons with accessibility issues.
- 7.43 Officers are satisfied that the proposals represent a high quality design and introduce significant improvements in terms of greening to the landscaping of both Montgomery Square and Water Street in line with strategic visions for the Canary and Wood Wharf estates.

Fire Safety

- 7.44 The application is accompanied by a Fire Statement in Line with London Plan Policy D12 which relates to the proposed restaurant use only. The statement includes a declaration of compliance with that policy and covers all of the issues required by that policy. Officers are satisfied that the proposed restaurant building has been designed with fire safety as a key concern and relevant measures have been introduced to secure a suitably safe building. Elements of fire safety relating to the public realm proposals are dealt with within the Transport and Highways section of this report.

Heritage and Archaeology

- 7.45 The site is located within an archaeological priority area. However, below ground interventions are expected to be kept to a minimum as the majority of interventions will either be by way of introducing above ground planters or via relatively shallow tree pits planting areas. Additionally, the proposals are located on areas of land which would relatively recently have been excavated as part of the Canary and Wood Wharf developments. Montgomery Square is also located above the TFL station box for the Jubilee Line station and so archaeological remains are significantly less likely. Officers are therefore satisfied that there would be no archaeological impacts of the proposals.
- 7.46 A small section of the site contains part of the Grade I Listed dock wall, however this is below ground and will be unaffected by the proposals due to the shallow nature of any planting and planters being placed at ground level in locations above the listed wall. Officers are therefore satisfied that the proposals will not have any impact on the Grade I Listed dock wall.

**Neighbour Amenity**

- 7.47 Development Plan policies seek to protect neighbour amenity safeguarding privacy, not creating allowing unacceptable levels of noise and ensuring acceptable daylight and sunlight conditions.

Noise & Vibration

- 7.48 The proposals include further details of the use of the event space within Montgomery Square, which is currently already used for various events without specific noise mitigation. The application has been submitted with a noise impact assessment which has been reviewed by the LPA's Environmental Health team. Initial concerns were raised regarding the noise levels generated from high impact events. However it is noted that the greatest impacts and those which would exceed recommended levels relate to the office buildings closest to the event space. Whilst the occupiers of those buildings still need to be considered, they are less likely to be within the building at the time of the highest impact events and will also only be in the

building for short periods. The nearest residential receptors are some distance away from the event space and so the noise would be less than reported.

- 7.49 That said, noise officers have requested conditions limiting the number of high impact events within the space as well as other noise limiting measures and a noise management plan which would provide robust recourse for any complaints about noise emanating from the square. As events are already held within the square, this is an acceptable approach to ensuring that any intensification of use of the square is appropriately mitigated.
- 7.50 As the proposals to Water Street, smaller pocket parks are proposed as well as small outdoor terraces. A condition limiting the use of outdoor seating areas, which are linked directly to commercial units rather than seating in the general public realm, to specific times is proposed to ensure that disturbance to residents is minimised. The pocket parks are not expected to lead to any particular increase in noise disturbance by virtue of their size and likely use.

#### Air Quality

- 7.51 The vast majority of the proposed works will have no unacceptable impact on the quality of air in the surrounding area, however the use of the retail pavilion building may create odour nuisance to users of the square, in particular the areas of planting and seating to the north of the building, closest to where the kitchens would be located. To ensure that this is appropriately managed, a condition will be secured requiring details of the kitchen extraction systems, including details of filters and cleaning regimes to ensure that odours are kept to a minimum.

#### Construction Impacts

- 7.52 Construction impacts will be covered by planning conditions relating to noise levels and a construction management plan. These will largely be focused on Montgomery Squares as the works to Water Street primarily relate to fixing items in the public realm and resurfacing of the road.

#### Conclusion

- 7.53 There therefore are no unacceptable impacts on neighbouring amenity.

#### **Transport**

- 7.54 Development Plan policies promote sustainable modes of travel and limit car parking to essential user needs. They also seek to secure safe and appropriate servicing.

#### Vehicular, pedestrian and cycle access

- 7.55 The proposals include three key highways interventions. The first and main intervention is to close Water Street to through-traffic, only allowing service, delivery and emergency vehicles, as well as relevant blue-badge holders accessing the disabled bay and taxis, to travel along it from west to east, removing the two direction traffic from the highway. Access along Water Street will therefore be retained for persons with specific disabilities and for residential and commercial servicing.
- 7.56 Secondly there are interventions on Montgomery Street to remove the security kiosk and simplify the junction with Water Street. The amendment to the road layout in this location provides additional public realm and open space whilst also allowing for a safer cross onto Water Street from Montgomery Square.
- 7.57 Finally the west-east access from Upper Bank Street to Montgomery Street across the southern edge of Montgomery Square will be removed and pedestrianised with access also allowed to cycles. Planting is arranged such that access will still be possible for emergency vehicles and any vehicles required for the running of events whilst removing general through-traffic through the square.
- 7.58 There are also associated improvements to pedestrian movement throughout the scheme including new crossings located appropriately to allow for enhanced pedestrian flow and

removal of barriers to pedestrian movement such as the railings outside of the Jubilee Line Station on the western side of Upper Bank Street.

7.59 The closure of Water Street means that residents will need to take a slightly longer route to access the Park Drive car park as demonstrated on figure 12 below. This route will only add a small period of time to journeys. Additionally, an obligation will be secured to ensure that the closure of Water Street only takes place once the access route through Cartier Circus is open to two way traffic which means that the increase on the route required to be taken by residents is minimised.

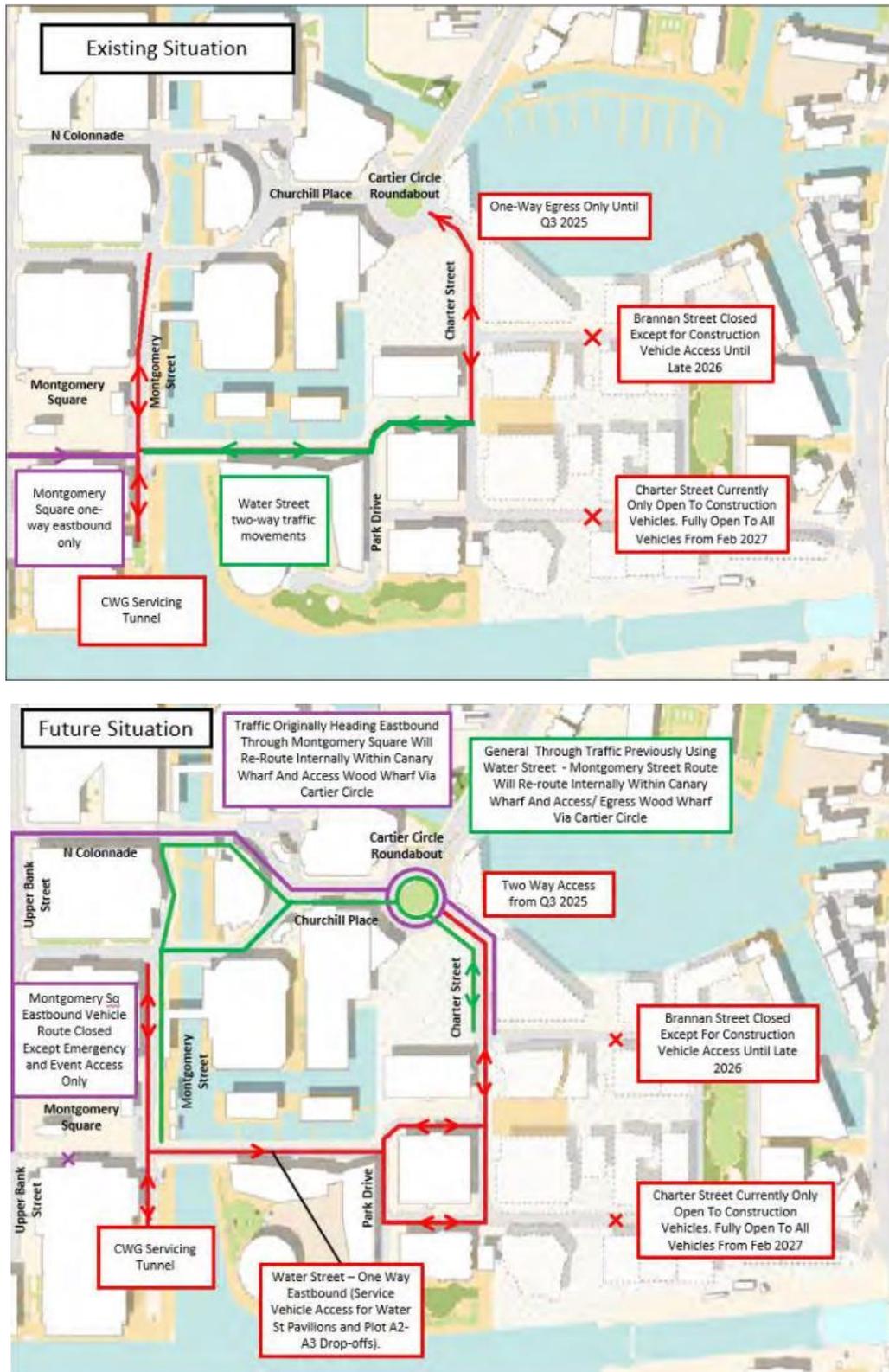


Figure 12: existing and proposed highways access routes

- 7.60 Officers note that the s.106 agreement relating to the Wood Wharf Masterplan currently contains a restriction on the developer closing roads to public motor vehicles. Whilst this does not prevent the granting of consent for the current proposals, a deed of variation to that s.106 agreement will be needed in due course in order to enable the developer to close Water Street to public vehicles. This will be secured to be entered into prior to closure of Water Street.
- 7.61 The masterplan also required full access through Water Street for commuter cyclists which is embedded within the design of the interventions which retain a wide space for cyclists through the road.
- 7.62 The proposals raise no concerns as to impacts on the public highway.

#### Emergencies, Deliveries & Servicing

- 7.63 Servicing vehicles will still be permitted to access Water Street's commercial premises. However private deliveries for residents will need to use the route via Cartier Circle. This is not expected to have an impact in terms of congestion on the wider transport network. The route for resident deliveries is .
- 7.64 Servicing for Montgomery Square will be via a servicing bays on the western side of the square. This will also provide for taxi pick-up and drop-off. A full deliveries and servicing management plan will be secured by condition to ensure that servicing of the new pavilion building is appropriately managed.
- 7.65 Emergency vehicles will still retain access through Water Street to access all properties within Wood Wharf as shown on vehicle tracking drawings in the Transport Statement. The only difference is that they will need to exit the estate via Cartier Circle or other egress point and not westwards via Water Street. This will divert large fire-fighting vehicles away from the narrower roads of Canary Wharf and directly onto arterial roads which will speed up their egress.

#### Car Parking

- 7.66 Accessible parking for the retail pavilion will be provided on the west side of Upper Bank Street in line with local plan policies for a unit of this size and type. There are no other changes to car parking.

#### Cycle Parking and Facilities

- 7.67 Policy compliant levels of cycle parking for both short term and long term parking are proposed, including 32 new public spaces within the public realm, 10% of which are for enlarged/adapted cycles. Details of long-stay cycle parking within the building itself for staff will be secured by condition.

#### Travel Planning

- 7.68 A full travel plan will be secured by planning condition to include details requested by the Port of London Authority.

### **Environment**

#### Energy & Environmental Sustainability

- 7.69 Energy and Sustainability statements were submitted with the application which provide details of how the proposals will meet targets to achieve net zero carbon emissions in line with Policy.ES7 which requires a minimum of 45% reduction in regulated carbon dioxide with the remainder to be offset with cash payment in lieu. The proposals only achieve a reduction of 15.8% against the baseline. However, it is noted that the assessment can only take account of the performance of the proposed pavilion building which, of itself, would not ordinarily be required to meet the same stringent targets and only does so by virtue of the overall size of the application site. It does not take into account additional carbon reduction measures provided by the significant levels of planting proposed.

- 7.70 The applicant has explored all possible reduction measures in line with the GLA's energy assessment guidance and an offset contribution for the remaining, totalling £13,718, will be secured by legal agreement. Officers are therefore satisfied that the carbon saving measures for the building have been maximised and a BREEAM excellent rating will be secured by condition to ensure that this is achieved.

#### Air Quality

- 7.71 No objections to the scheme were raised by Air Quality officers provided certain conditions are secured.

#### Waste

- 7.72 The proposed waste storage for the retail pavilion will be provided inside the building and collected every two days by Canary Wharf's own contractor. Sufficient storage space is identified to accommodate the waste bins and a full waste strategy will be secured by condition.

#### Biodiversity

- 7.73 The proposals seek to introduce significant amounts of greenery to an otherwise hard-landscaped area. The proposals achieve a net gain of 549.71% in terms of statutory biodiversity net gain, far in excess of the 10% requirement, and an urban greening factor of 0.3 in line with London Plan Policy requirements. The preliminary ecology appraisal contains certain recommendations for biodiversity enhancements including bird boxes, species varieties and initial details of the green roof of the pavilion building. All of these will be secured via planning condition, including a full species list within the landscaping scheme which will not permit invasive species.
- 7.74 17 trees in total will be retained on the site with 40 new trees to be planted of varying sizes ranging from semi-mature to standard planting sizes across 14 different species.
- 7.75 14 Category B trees are proposed to be removed, include 3 Lime and 11 Elm. The 3 Lime Trees to be removed are currently within the curtilage of 640 East and the 11 Elm are along the eastern edge of Montgomery Square. The Elm are proposed to be removed to open up views through the site and down into Wood Wharf, removing historic references to the boundaries of the Canary Wharf Estate. The removal of some of the trees is also likely to result in the remaining trees to become healthier.
- 7.76 The borough's tree officer has reviewed the proposals and is satisfied with the proposed species of trees however he is not satisfied that the proposed mitigation planting is sufficient to offset the loss of the trees proposed to be removed, given that they are category B trees and there are limited arboricultural reasons for their removal. The applicant has however maximised the level of tree planting within Montgomery Square whilst also dealing with the constraints of the site, namely the station box beneath and other existing infrastructure.
- 7.77 In order to address these concerns, the applicant has agreed to a legal obligation to plant additional trees elsewhere across the Canary Wharf estate, with locations, stock sizes and species to be agreed with the tree officer prior to planting. This will ensure that there is no net-loss in tree numbers, amenity and canopy cover as a result of the proposals whilst also ensuring that the aspirational and place-shaping reasons for the removal of the trees of delivering a legible green axis across the estate can be achieved.

#### Flood Risk & Drainage

- 7.78 The proposals have been reviewed by the Environment Agency who have raised no objection to the proposals on flood risk grounds.
- 7.79 The surface water drainage strategy for the Water Street proposals follows that of the approved strategy for the Wood Wharf Masterplan and there will be no changes to the current strategy. For Montgomery Square the strategy will align with the principles which were accepted as part of the Wood Wharf Masterplan. A full SUDS Strategy will be secured by condition.

## Infrastructure Impact

- 7.80 The proposed development will be liable for CIL to be calculated on the basis of the new floorspace provided by the retail pavilion.
- 7.81 Alongside CIL, Development Plan policies seek financial contributions to be secured by way of planning obligations to offset the likely impacts of the proposed development on local services and infrastructure.
- 7.82 The applicant has agreed to meet all of the financial contributions that are sought by the Council's Planning Obligations SPD, as follows:
- £13,718 carbon offset contribution;
  - £545 development co-ordination contribution; and
  - £713.15 Monitoring fee.

## Human Rights & Equalities

- 7.83 The proposal does not raise any unique human rights or equalities implications. The balance between individual rights and the wider public interest has been carefully considered and officers consider it to be acceptable.
- 7.84 Access to the square and pavilion will be entirely step free and the level of the road in Water Street will be raised to improve accessibility for all persons. Tactile paving will also be introduced at all junctions.
- 7.85 The proposed development would not result in adverse impacts upon equality or social cohesion.

## 8. RECOMMENDATION

- 8.1 That subject to any direction by the Mayor of London, **conditional planning permission is GRANTED** subject to the prior completion of a legal agreement to secure the following planning obligations:

### 8.2 Financial obligations

- £13,718 carbon offset contribution;
- £545 development co-ordination contribution; and
- £713.15 Monitoring fee.

Total financial contributions: £14,976.15

### 8.3 Non-financial obligations:

- a. Public access to Montgomery Square to account for new PAOS
  - b. Off-site tree planting
  - c. Closure of Water Street only after full opening of Cartier Circle
  - d. Monitoring of BNG
- 8.4 That the Corporate Director of Place is delegated the power to negotiate the legal agreement. If within three months of the resolution the legal agreement has not been completed, the Corporate Director for Place is delegated power to refuse planning permission.
- 8.5 That the Corporate Director of Place is delegated the power to impose conditions and informatives to address the following matters:

### 8.6 Planning Conditions

#### Compliance

1. Time limited for commencement

2. Development in accordance with approved plans
3. Non-Road Mobile Machinery must comply with Control of Dust and Emissions During Construction and Demolition SPD
4. S61 construction consents and limiting of construction hours
5. Control of noise from plant
6. Noise limitation on events
7. Limit on the hours of use of outdoor seating terraces
8. Potential land contamination
9. Cycle parking in public realm
10. Sustainability measures
11. Restriction on use classes
12. Layout of outdoor terraces to retain appropriate access

#### Pre-Commencement

13. Construction management plan for each phase of the development
14. Biodiversity Net Gain

#### Pre-relevant works

15. Details and samples of materials of pavilion building
16. Details of landscaping prior to landscaping works of any phase
17. Biodiversity details prior to landscaping works of any phase
18. Submission of SUD Scheme prior to landscaping works of any phase
19. Tree Protection for trees to be retained
20. Details of tree planting prior to commencement of a phase

#### Pre-superstructure

21. Details of green roof on Pavilion Building

#### Pre-Occupation/Commencement of use

22. Submission of Noise Management Plan prior to any events taking place
23. Details of the kitchen extraction equipment
24. Operational Waste Management Plan
25. Details of long-stay cycle storage
26. Travel Plan
27. Deliveries and Servicing Management Plan

### **8.7 Informatives**

Deed of variation required to s.106 for Wood Wharf

## APPENDIX 1

### LIST OF APPLICATION PLANS AND DRAWINGS FOR APPROVAL

CWG-MSQ-HTA-L-1100 Rev 02 – Location Plan  
CWG-MSQ-HTA-L-1101 Rev 01 – Existing Condition Plan Montgomery Square  
CWG-MSQ-HTA-L-1102 Rev 01 – Existing Condition Plan Water Street 1 of 2  
CWG-MSQ-HTA-L-1103 Rev 01 – Existing Condition Plan Water Street 2 of 2

HTA-A-\_\_XX\_x\_DR\_0520 – Existing Site Plan – General Arrangement  
HTA-A-\_\_XX\_x\_DR\_0510 – Existing Structure – 640 East General Arrangement  
HTA-A-\_\_XX\_x\_DR\_0500 – Existing Marketing Suite – General Arrangement

HTA-A\_BA\_ZZ\_DR\_2000 – Pavilion Plans – General Arrangement  
HTA-A\_BA\_ZZ\_DR\_2200 – Pavilion Sections – General Arrangement  
HTA-A\_BA\_E\_DR\_2100 – Pavilion Elevations - General Arrangement

CWG-MSQ-HTA-L-1001 Rev 11 – Landscape GA Plan Montgomery Square  
CWG-MSQ-HTA-L-1002 Rev 09 – Landscape GA Plan Water Street 1 of 2  
CWG-MSQ-HTA-L-1003 Rev 09 – Landscape GA Plan Water Street 2 of 2  
CWG-MSQ-HTA-L-1004 Rev 03 – Landscape GA Plan – Phase 1 Montgomery Square  
CWG-MSQ-HTA-L-1005 Rev 01 – Landscape GA Plan – Phase 2 Montgomery Square  
CWG-MSQ-HTA-L-1201 Rev 01 – Levels & Drainage Strategy Montgomery Square  
CWG-MSQ-HTA-L-1202 Rev 01 – Levels & Drainage Strategy Water Street 1 of 2  
CWG-MSQ-HTA-L-1203 Rev 01 – Levels & Drainage Strategy Water Street 2 of 2  
CWG-MSQ-HTA-L-1301 Rev 00 – Public Realm Details Location Plan Montgomery Square  
CWG-MSQ-HTA-L-1302 Rev 01 – Public Realm Details Location Plan Water Street 1 of 2  
CWG-MSQ-HTA-L-1303 Rev 00 – Public Realm Details Location Plan Water Street 2 of 2  
CWG-MSQ-HTA-L-1401 Rev 00 – Planting Strategy Plan Montgomery Square  
CWG-MSQ-HTA-L-1402 Rev 00 – Planting Strategy Plan Water Street 1 of 2  
CWG-MSQ-HTA-L-1403 Rev 00 – Planting Strategy Plan Water Street 2 of 2  
CWG-MSQ-HTA-L-2200 Rev 01 – Illustrative Sections 1 of 3 Montgomery Square  
CWG-MSQ-HTA-L-2201 Rev 01 – Illustrative Sections 2 of 3 Montgomery Square  
CWG-MSQ-HTA-L-2202 Rev 01 – Illustrative Sections 3 of 3 Montgomery Square  
CWG-MSQ-HTA-L-2203 Rev 00 – Illustrative Sections 1 of 2 Water Street  
CWG-MSQ-HTA-L-2204 Rev 00 – Illustrative Sections 2 of 2 Water Street  
CWG-MSQ-HTA-L-8900 Rev 00 – Public Realm Details Paving & Surfaces 1 of 2  
CWG-MSQ-HTA-L-8901 Rev 00 – Public Realm Details Paving & Surfaces 2 of 2  
CWG-MSQ-HTA-L-8902 Rev 00 – Public Realm Details Edging  
CWG-MSQ-HTA-L-8903 Rev 00 – Public Realm Details Street Furniture 1 of 3  
CWG-MSQ-HTA-L-8904 Rev 00 – Public Realm Details Street Furniture 2 of 3  
CWG-MSQ-HTA-L-8905 Rev 00 – Public Realm Details Street Furniture 3 of 3  
CWG-MSQ-HTA-L-8906 Rev 00 – Public Realm Details Planters 1 of 2  
CWG-MSQ-HTA-L-8907 Rev 00 – Public Realm Details Planters 2 of 2  
CWG-MSQ-HTA-L-8920 Rev 00 – Public Realm Details Soft Landscape & Trees 1 of 3  
CWG-MSQ-HTA-L-8921 Rev 00 – Public Realm Details Soft Landscape & Trees 2 of 3  
CWG-MSQ-HTA-L-8922 Rev 00 – Public Realm Details Soft Landscape & Trees 3 of 3  
CWG-MSQ-HTA-L-8930 Rev 00 – Public Realm Details Lighting

240435/TCP – Tree Constraints Plan

#### Other application documents

- Application Forms and accompanying Ownership Notices, prepared by DP9 Ltd;
- Community Infrastructure Levy Form 1, prepared by DP9 Ltd;
- Planning Statement, prepared by DP9 Ltd;
- Landscape Management and Maintenance Plan, prepared by HTA;
- Design and Access/Landscape Statement, prepared by HTA;
- Preliminary Ecological Assessment, prepared by Greengage;
- BNG Assessment, prepared by Greengage;

- Arboricultural Report (incl. tree survey), prepared by Writtle Forest Consultancy;
- Access Statement, prepared by David Bonnet Associates;
- Noise Impact Assessment, prepared by Sandy Brown;
- Air Quality Assessment, prepared by Quantum Acoustics;
- Transport Statement (including waste), prepared by Steer;
- Travel Plan, prepared by Steer;
- Lighting Strategy, prepared by Studio Fractal;
- Flood Risk and Drainage Assessment, prepared by Arup;
- Statement of Community Involvement, prepared by Elly Tabberer;
- Contaminated Land Assessment, prepared by Elly Tabberer;
- Fire Statement, prepared by BB7;
- Phase 1 Land Contamination Report, prepared by Arup;
- Energy and Sustainability Statement (including BREEAM), prepared by MTT Limited;
- Whole Life Carbon Assessment, prepared by MTT Limited;
- Circular Economy Assessment, prepared by MTT Limited;
- Draft Construction Management Plan, prepared by CWG Contractors; and
- Rapid Health Impact Assessment, prepared by Quod.

## **APPENDIX 2**

### **SELECTION OF APPLICATION PLANS AND IMAGES**

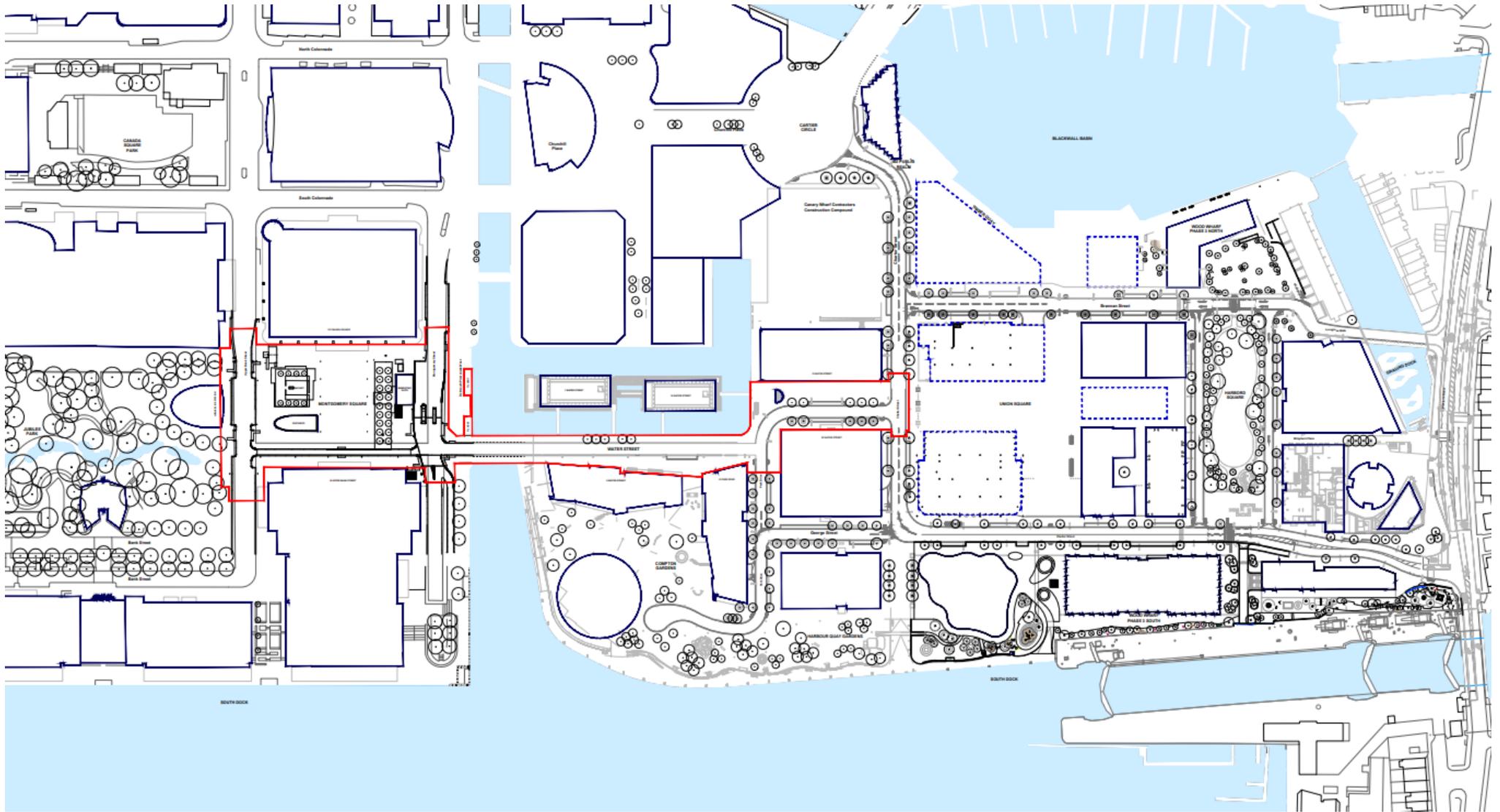


Image 1 – Location Plan

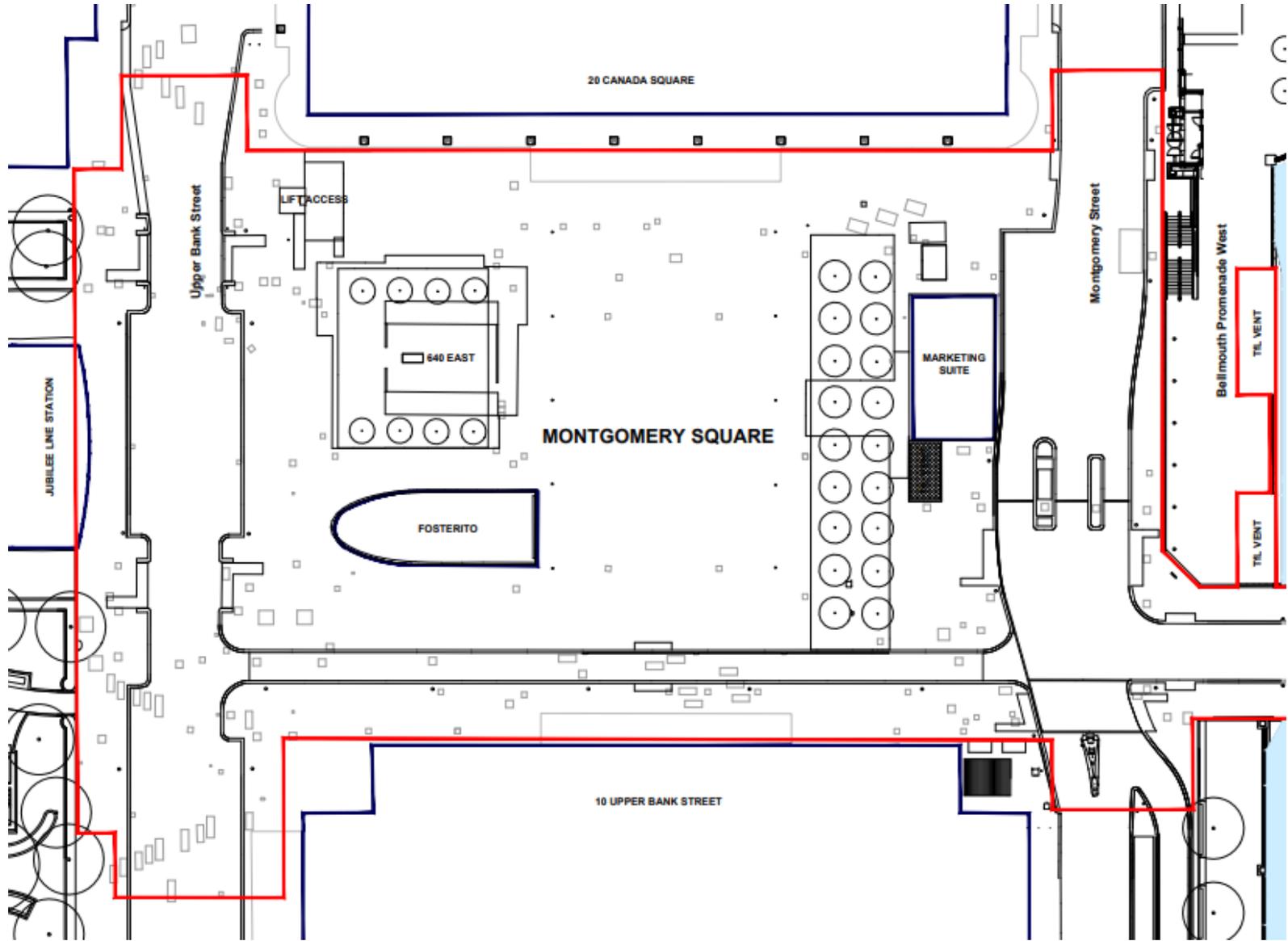


Image 2 – Montgomery Square Existing Plan



Image 3 – Montgomery Square Proposed Plan

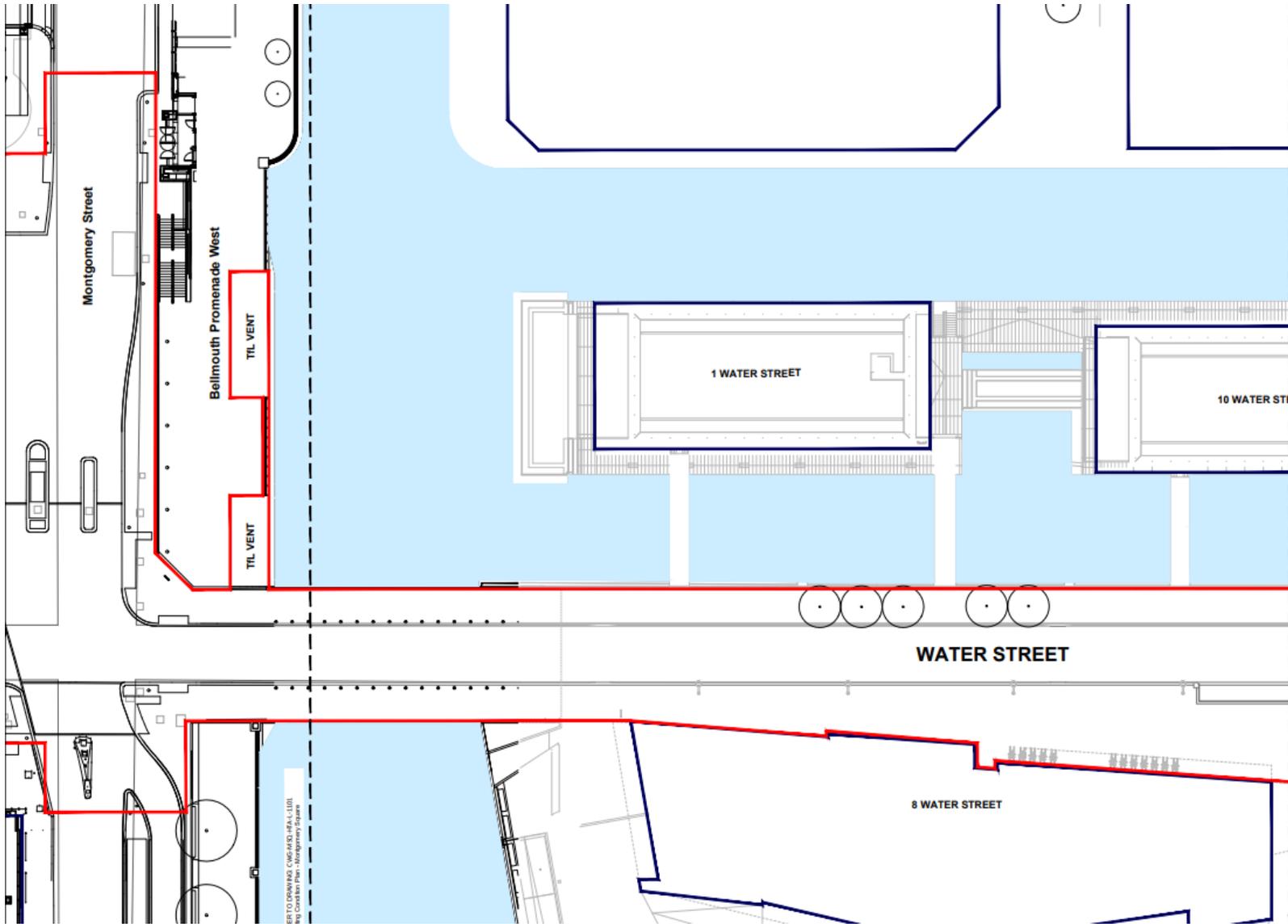


Image 4 – Water Street 1 of 2 Existing



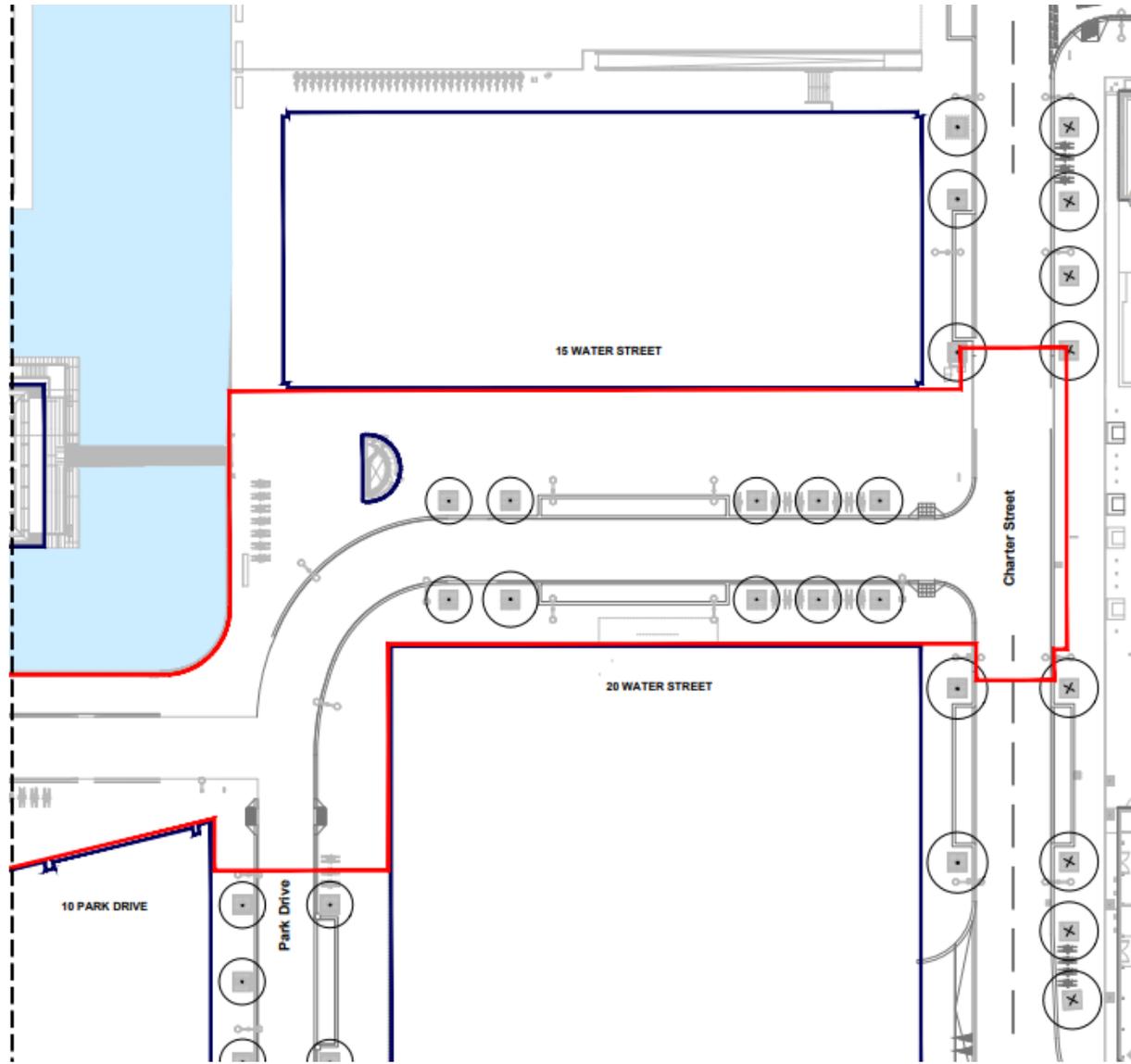


Image 6 - Water Street 2 of 2 Existing

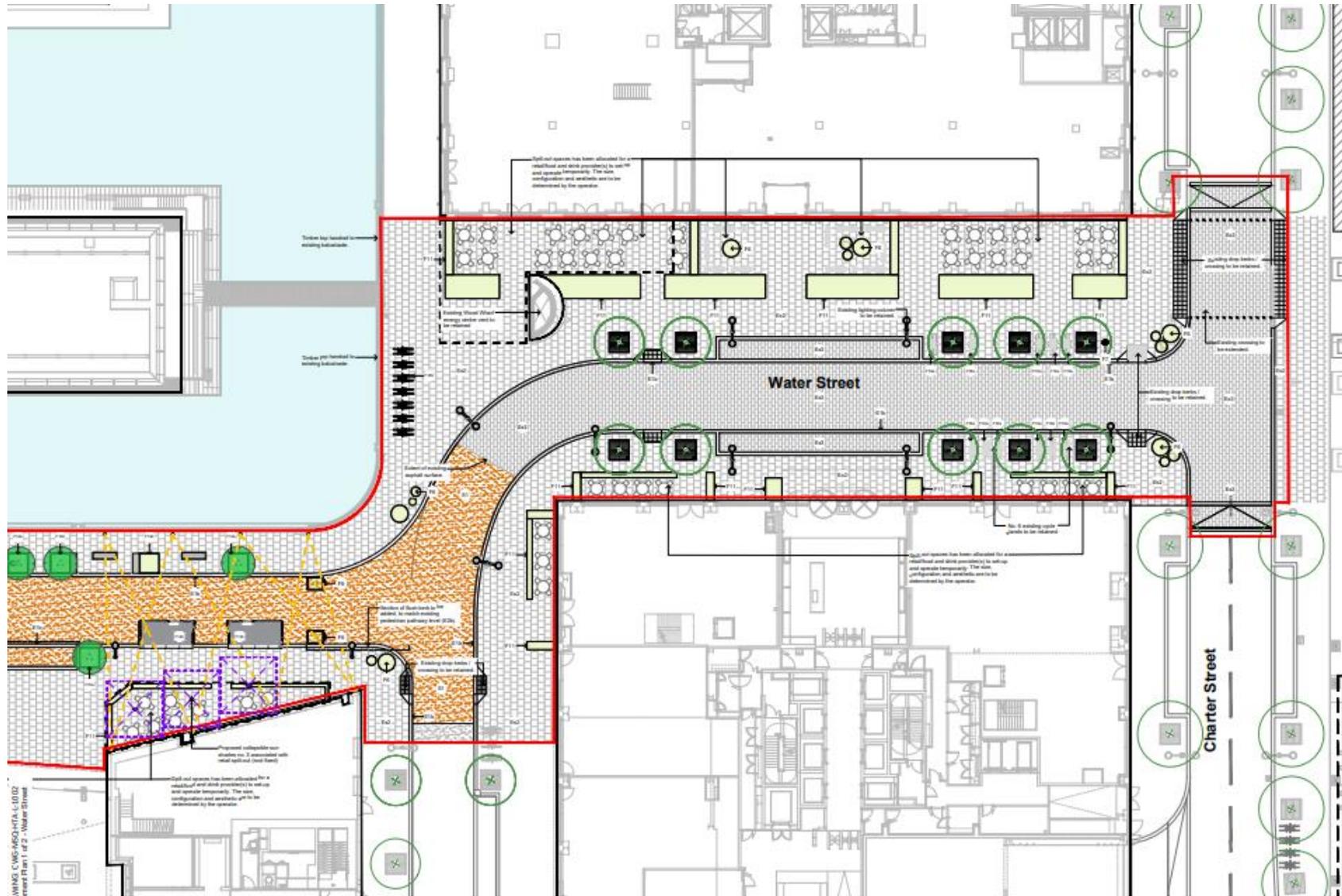
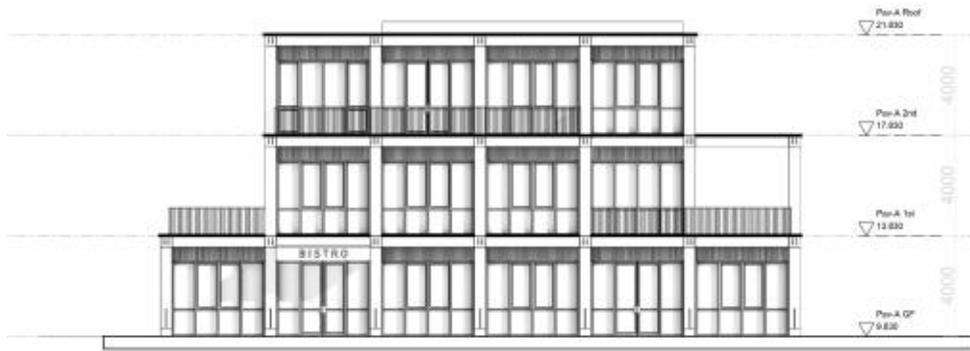


Image 7 - Water Street 2 of 2 Proposed



Elevation 1 (E1)



Elevation 2 (E2)

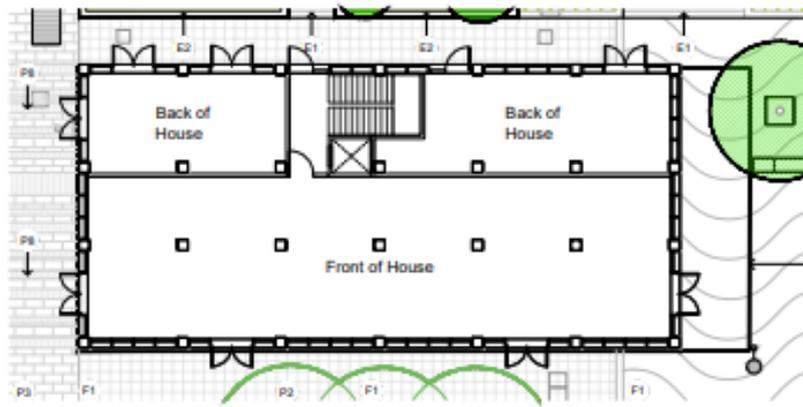


Elevation 3 (E3)

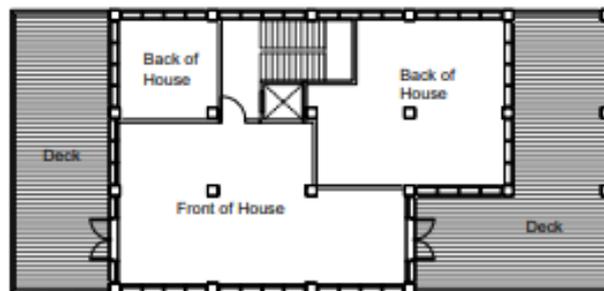


Elevation 4 (E4)

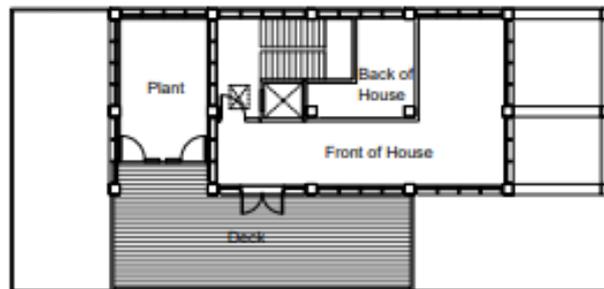
Image 8 – Retail Pavilion Elevations



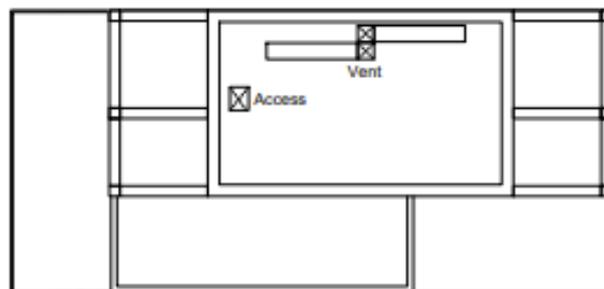
Plan - Ground Floor



Plan - First Floor



Plan - Second Floor



Plan - Roof

Image 9 – Retail Pavilion Floor Plans



**Image10 – CGI of Retail Pavilion and Montgomery Square**



**Image 11 – CGI of Montgomery Square from west side of Upper Bank Street looking towards Wood Wharf**



**Image 12 – CGI of Junction of Water Street and Park Drive**

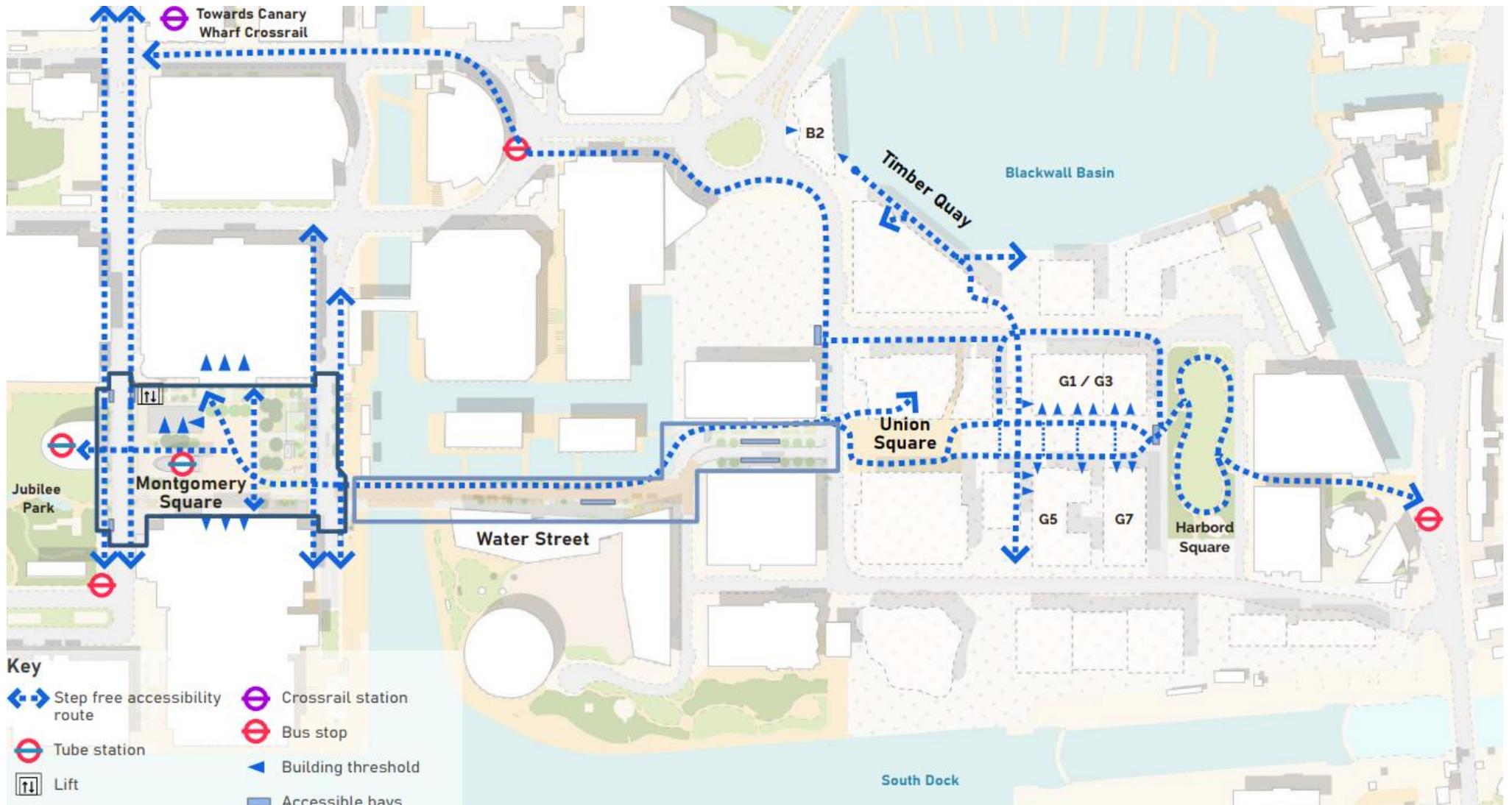


Image 13 – Proposed Pedestrian Circulation

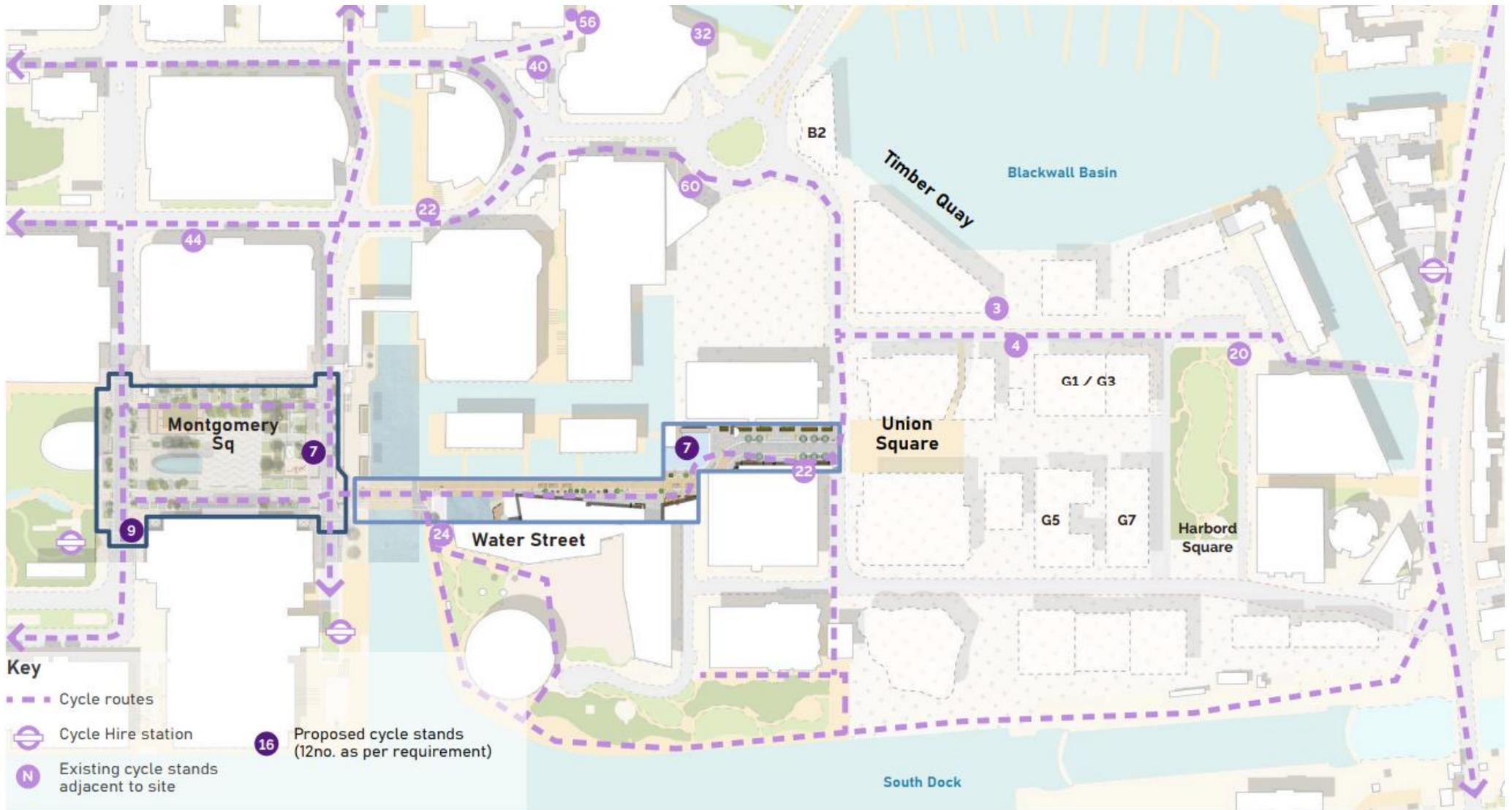


Image 14 – Proposed Cycle access and parking

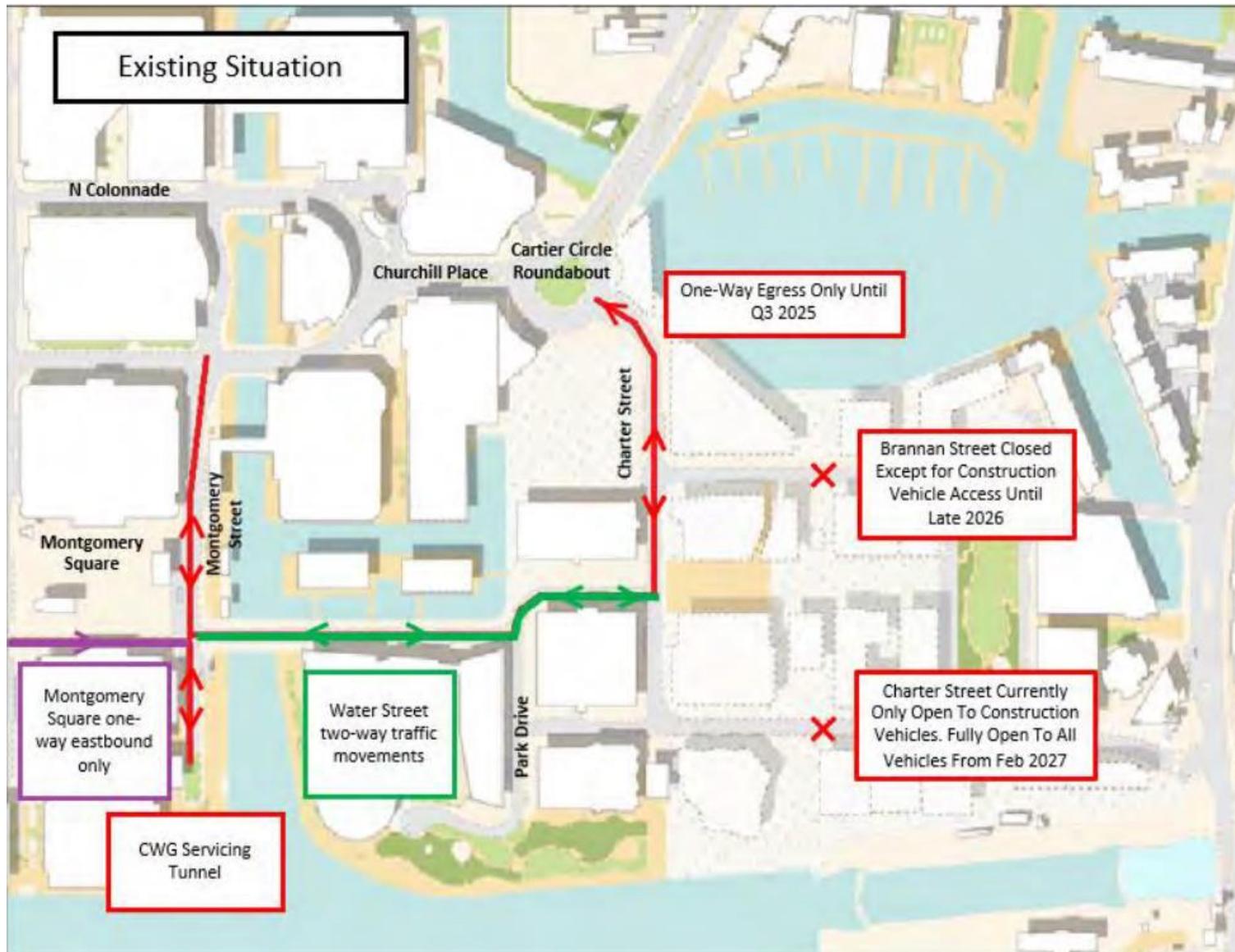


Image 15 – Existing Vehicular access arrangements

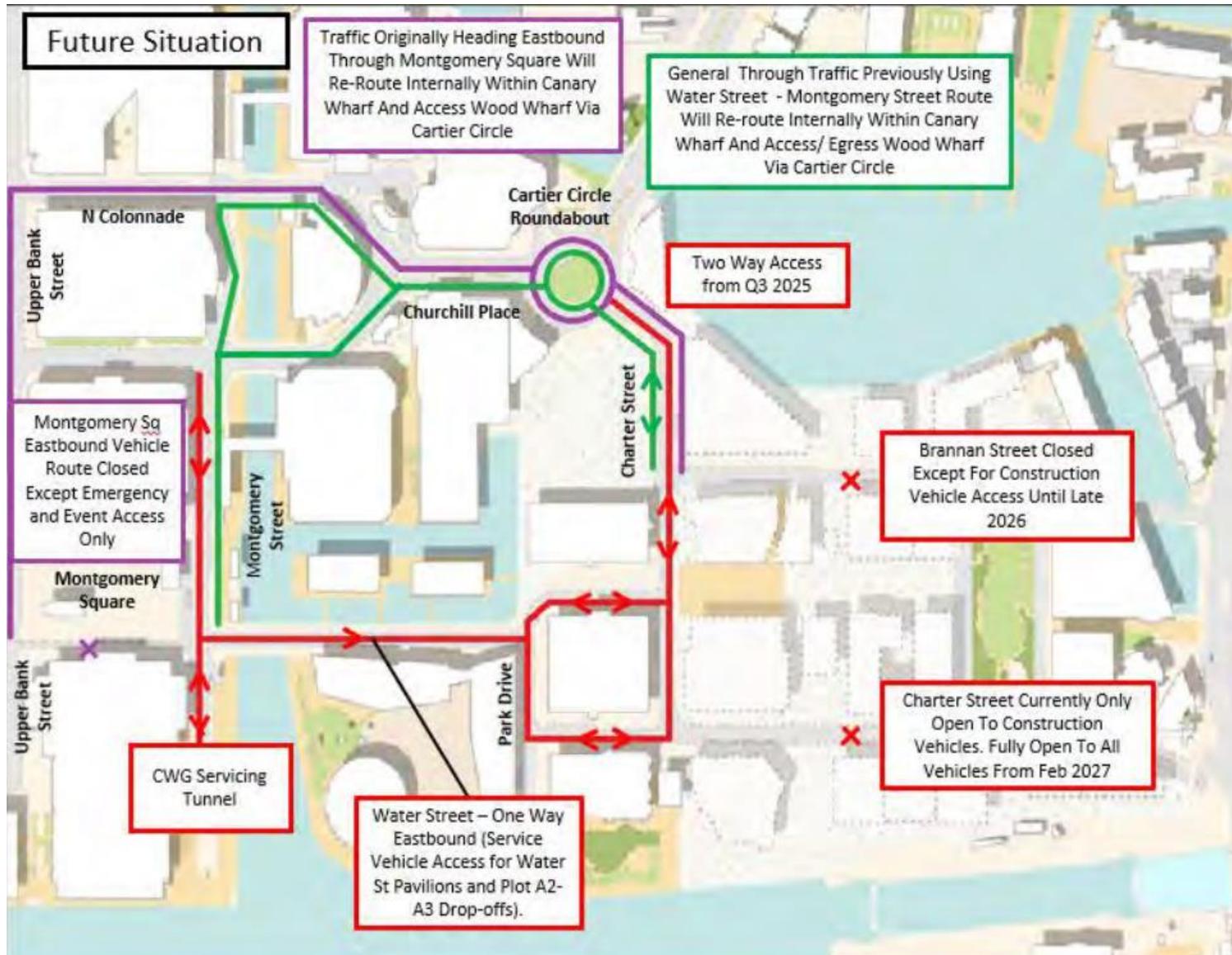


Image 16 – Proposed Vehicular access arrangements