

<b>Committee:</b> Strategic	<b>Date:</b> 20 April 2014	<b>Classification:</b> Unrestricted	<b>Agenda Item Number:</b>
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<b>Report of:</b> Director of Development and Renewal	<b>Title:</b> Applications for Planning Permission
<b>Case Officer:</b> Katie Cooke	<b>Ref No:</b> PA/13/3159(Outline Planning Application)
	<b>Ward:</b> Millwall

## 1. APPLICATION DETAILS

**Location:** Heron Quays West, Heron Quay, London, E14

**Existing Use:** B1 Office and temporary landscaping

**Proposal:** Outline planning application (all matters reserved) for the 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.

**Drawing and documents:** Control Documents:

- Parameter plans: SK-001 REV02, SK-002 REV02, SK-003 REV02, SK-004 REV02, SK-005 REV02, SK-006 REV02, SK-007 REV02, SK-008 REV02, SK-009 REV 02, SK-010 REV02
- HQW2 – P.a. Application Forms
- HQW2 – P.b. Site Location Plan and Parameter Plans
- HQW2 – P.c. Design Guidelines, prepared by Adamson Associates, dated December 2013.
- HQW2 – P.d. Development Specification – prepared by Adamson Associates.

Documents:

- HQW2 – P.01. Planning Statement, prepared by DP9, dated December 2013.
- HQW2 – P.02. Design & Access Statement, prepared by Adamson Associated, dated December 2013.
- HQW2 – P.07 – Environmental Statement – Non Technical Summary
- HQW2 – P.10. Energy Strategy REV1.5,

prepared by Hilson Moran, dated December 2013.

- HQW2 – P.11. Sustainability Strategy REV2.1, prepared by Hilson Moran, dated December 2013.
- HQW2 – P.12. BREEAM 2011 Prediction Summary REV2.2, prepared by Hilson Moran, dated December 2013.
- HQW2 – P.08. Transport Assessment, prepared by Steer Davies Gleave, dated December 2013.
- HQW2 – P.09. Framework Travel Plan, prepared by Steer Davies Gleave, dated December 2013.
- HQW2 – P.13. Aviation Assessment, prepared by Eddowes Aviation Safety, dated December 2013.
- HQW2– P.14. Radio and Television Signal Interference – Assessment, prepared by Hoare Lea Communications, dated December 2013.
- Heron Quay West 2, Flood Risk Assessment Issue 3, prepared by ARUP, dated 13 February 2014.
- HQW2 – Revised Design Guidelines Extracted Pages, prepared by Adamson Associates, dated March 2014

Environmental Statement prepared by Waterman, dated May 2013:

- HQW2 – Environmental Statement Volume 1, reference: EED14113\_R\_1.2.1.
- HQW2 – Environmental Statement Volume 2: Figures, reference EED14113-1\_R\_1.1.1
- HQW2 P.05 – Environmental Statement Volume 3: Townscape Visual & Built Heritage Assessment.
- HQW2 – Environmental Statement Volume 4 – Appendices. reference: EED14113\_R\_1.2.1

<b>Applicant:</b>	South Quay Properties Ltd.
<b>Ownership:</b>	South Quay Properties Ltd. The following parties also have an interest in the land: Canal and River Trust, Canary Wharf Investments, Armoric Investments Limited, London Power Networks PLC, Canary Wharf Contractors Limited, Heron Quays Properties Limited, Heron Quays (HQ1) T1 Limited and HQCB Investments Limited.
<b>Historic Building:</b>	Grade 1 Listed Dock Wall
<b>Conservation Area:</b>	The site is not located within a conservation area.

## 2. EXECUTIVE SUMMARY

- 2.1. Officers have considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets adopted Core Strategy (2010), Managing Development Document (2013) as amended, the London Plan (2011) and the National Planning Policy Framework (2012), and have found that:
- 2.2. Given the office-based nature of the proposal, it is considered that it is in keeping with the character and function of the area which is predominantly commercial. Furthermore, there is no net loss of office floor space which accords with policy. Finally, the site is not suitable for housing and an affordable housing contribution is not required, in accordance with policy.
- 2.3. The principle of a tall building is considered acceptable in this location given the site's location within an established tall building cluster and the principle of a tall building has been established by the extant permission for tall buildings on the site. With regard to the proposed layout of the site it is considered acceptable and in keeping with site layouts adjacent. The retention of public access around the building especially allowing views of the dock is supported. The development would also provide definition of Bank Street and the South Dock. Finally, the townscape conclusions of the submitted Environmental Statement suggest that the proposed development would be visible but there would be no significant impact on the setting of the view or the Outstanding Universal Value of the Greenwich World Heritage Site.
- 2.4. It is not considered that altering the Bank Street Road level would have an adverse impact on the setting of the Grade I Listed Banana Dock Wall which is a designated heritage asset. Furthermore, it is not considered the proposed development would have an adverse impact on the character and appearance of adjacent conservation areas.
- 2.5. The principles of the development are supported by both TfL and the borough highway officer. It is acknowledged that the development would have an impact on the local transport network, however this impact would be mitigated through financial contributions, secured to enhance the public transport network and improve highway safety. Furthermore, conditions to secure a construction logistics plan, a delivery and service management plan and a travel plan would further lessen the impact of the development. In conclusion, on balance the proposed development subject to mitigation would not have an undue detrimental impact on the safety and capacity of the surrounding highway and public transport network.
- 2.6. With regard to amenity, given the nearest residential properties are approximately 115 metres away there would not be a detrimental impact on amenity with regard to overlooking, loss of privacy, outlook and sense of enclosure. On balance, taking account of building design and distance from the application site it is not considered that there would be an undue detrimental impact on daylight and sunlight of existing residents near to the site. It is acknowledged that there are isolated rooms that would experience a change in daylighting levels. However, it is not considered that these isolated instances

would merit refusal of planning permission. With regard to noise and vibration any impacts would be controlled via condition.

- 2.7. Through the use of conditions and financial mitigation the energy and sustainability strategies have demonstrated compliance with the energy hierarchy. As such, the proposals are considered acceptable.
- 2.8. In light of the extant planning permission, subject to conditions to secure biodiversity enhancements and given the economic benefits of the scheme, the partial infilling of South Dock would be acceptable in this instance. Officers agree with the GLA and do not consider that this unique case establishes a precedent for future proposals to infill the Docks.
- 2.9. Contributions have been secured and negotiated in line with the S106 Supplementary Planning Document and officers consider that the package of contributions being secured is appropriate, relevant to the development being considered and in accordance with the relevant statutory tests.

### 3. RECOMMENDATION

- 3.1. That the Committee resolve to GRANT planning permission subject to:
- 3.2. Any direction by The Mayor.
- 3.3. The prior completion of a **legal agreement** to secure the following planning obligations:
  - a) A contribution of between **£1,146,302** and **£1,880,584** towards employment, skills, training and enterprise.
  - b) A contribution of between **£142,979** and **£234,822** towards Idea Stores, Libraries and Archives.
  - c) A contribution of between **£517,594** and **£839,584** towards Leisure Facilities.
  - d) A contribution of between **£97,935** and **£160,256** towards Sustainable Transport.
  - e) A contribution of **£707,250** towards Environmental Sustainability.
  - f) A contribution of between **£910,572** and **£1,495,482** towards Public Realm.
  - g) A contribution of between **£70,000** towards TfL Cycle Hire Scheme.
  - h) A contribution of between **£250,000** towards TfL DLR improvements at Heron Quay West Station.
  - i) A contribution of between **£270,000** towards TfL Bus services within the area.
  - A contribution of between **£15,204,750** (£12,403,875 – figure with CIL credit)\* and **£24,767,815** (£20,195,345 – figure with CIL credit)\* towards Crossrail.
  - A contribution of 2% of the total financial contributions would be secured towards monitoring. The amount would be between £372,202 (to be reduced by 2% of whatever is paid by CIL. i.e. £316,185 – figure with CIL credit applied to Crossrail contribution)\*\* and £613,515 (£601,245 – figure with CIL credit applied to Crossrail contribution)\*\*

\*It is noted that the CIL payment has been estimated at between £2,800,875 and £4,572,470. The CIL figure will be treated as a credit towards the Crossrail payment required through s106 in accordance with the Crossrail SPG. The figures in brackets above reflect what the Crossrail figure would be with the CIL credit applied for clarity.

\*\* The monitoring fee calculation has been based on the total financial contributions and takes into consideration the estimated CIL credit towards the Crossrail figure.

Non-financial contributions

- a) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
- b) Commitment to use reasonable endeavours to relocate the East London Business Place and UCATT within a 1km radius of Canary Wharf Jubilee Line Station.
- c) Commitment to use reasonable endeavours to relocate them with Skillsmatch(whose relocation is covered in the Legal Agreements which sit outside of the planning process).
- d) Travel Plan
- e) Code of Construction Practice
- f) Walkways - Maintenance of new walkways within the development together with unrestricted public access
- g) Install real time public transport screens within the ground floor of the building.
- h) 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 normal delegated authority.

3.5. That the Corporate Director Development & Renewal is delegated authority to recommend the following conditions and informatives in relation to the following matters:

**3.6. Conditions**

Compliance:

- Time limit – three years.
- Time limit for submission of reserved matters.
- Compliance with parameter plans.
- Compliance with maximum parameters – depth, width, height.
- Compliance with total quantum of built floor space.
- Energy – compliance with energy strategy (Requested by LBTH Energy Team).
- Car parking maximum ratio – one space per 250 sqm of B1 floor space plus one accessible space for use of the retail uses (Requested by TfL and LBTH Highways).
- 10% accessible parking spaces (Requested by TfL and LBTH Highways).
- Electric charging points – 20% provision and a further 10% to be easily adaptable (Requested by TfL).

- Cycle parking should be provided at a minimum of (Requested by TfL and LBTH Highways):
  - 1 per 120 square metres of B1 office floor space.
  - 1 per 125 square metres of A1 and A2 floor space.
  - 1 per 20 seats for staff and 1 per 20 seats for visitors for A3 floor space
  - 1 per 100 square metres for A4 floor space.
  - 1 per 50 square metres for A5 floor space.
- Development carried out in accordance with FRA and finished floor levels set no lower than 6.00 AOD and (Requested by Environment Agency).
- Building Works to be carried out between 8:00 and 18:00 Monday to Friday, 08:00 and 13:00 on Saturdays only and no work on Sundays or Bank Holidays.
- Hammer piling to be carried out between 10:00 and 16:00 Monday to Friday only.
- Piling or any foundation designs using penetrative methods shall be not permitted other than with express from LPA (Requested by EA)
- Compliance with FRA (Requested by EA)

Reserved Matters:

- Reserved matters submission for access, appearance, landscaping, layout and scale.

Prior to commencement of any works

- Construction Management Plan (Requested by TfL and LBTH Highways).
- Feasibility study to assess potential for moving freight by water during the construction phase and following construction (Requested by Canal and River Trust and Port of London Authority).
- Piling and foundation designs method statement (Requested by Environment Agency and Thames Water).
- Risk assessment and method statement for works to be carried out adjacent to the water (Requested by Canal and River Trust).
- Submission of detailed design drawings provided to meet DEFRA guidance for Kitchen Extract System for the A3, A4, A5. (Requested by Noise EHO).
- Stabilisation study of the Grade I listed Banana Dock Wall to establish if any mitigation is required during construction works and as a result of the proposed building (Requested by Conservation and Design).
- Applicant to submit a report setting out a strategy to maximise use of river during construction, with the details to be implemented as approved. (Port of London).
- Submission of drainage strategy (Thames Water)
- Impact Studies (Thames Water)

Prior to commencement of any works (except demolition)

- Contamination – soil investigations (Requested by LBTH Environmental Health and Environment Agency).
- Air Quality assessment of energy centre (Requested by LBTH Environmental Health).
- Micro climate – wind tunnel testing to determine location of building entrances (Requested by LBTH Environmental Health).
- Water supply impact studies (must also demonstrate sufficient water for Fire Fighting) (Requested by Thames Water and London Fire Brigade).

- Biodiversity enhancements (Requested by LBTH Biodiversity).
- Lighting and CCTV scheme (Requested by Canal and River Trust).
- Historic building recording (Requested by English Heritage Archaeology).
- Archaeological watching brief (English Heritage).
- Telecommunications Interference Assessment.

Prior to commencement of the use

- Contamination – verification report (Requested by LBTH Environmental Health and the Environment Agency).
- BREAAAM – excellent (Requested by LBTH Energy).
- Delivery and Service Management Plan (Requested by TfL and LBTH Highways).

**3.7. Informatives**

- Discharge of surface water into the waterways requires the written permission of the Canal and River Trust
- Applicant to refer to the current “Code of Practice for Works affecting the Canal and River Trust”
- LUL should be contacted in advance of preparation of final design and associated method statements.
- Thames Water will not allow any building within 5 metres of the large water mains adjacent to the proposed development.

**4. PROPOSAL AND LOCATION DETAILS**

**Proposal**

- 4.1. The proposal is for outline planning permission with all matters associated with details of access, appearance, landscaping, layout and scale reserved for future determination.
  - 4.2. The proposal is for the demolition of the existing buildings and structures on site and the erection of a new tall building to provide office floor space (Use Class B1).
  - 4.3. The new office building would have a maximum height of 191.5 metres AOD and would provide a maximum of 129,857 square metres gross internal area (GIA) of office floor space (Use Class B1) and a maximum of 785 square metres GIA of flexible floors space – Use Class A1, A2, A3, A4 and A5.
  - 4.4. The proposal also includes a decked promenade to the south dock, access and highway works, landscaping and other associated works.
- Application Documents:*
- 4.5. With regard to the outline nature of this planning application, the applicant has submitted three control documents, together with a number of supporting documents containing information, analysis and evidence to support the proposal.
  - 4.6. The proposal will be controlled through the use of the three control documents, as follows:

- Parameter Plans – these define the maximum and minimum volume of the proposed development, including the maximum depth, width and height of the proposed tall building.
- The Development Specification – this document sets out a written account of the parameter plans and details the description of the proposed development and the quantity of development that could arrive within each development parcel
- The Design Guidelines – this document provides a further level of detail beyond the parameter plans such as architectural detail and key design objectives and standards. Any future reserved matters applications for the development of the tall building are defined in the parameter plans will need to comply with the design guidelines if they are to be considered acceptable.

### **Site and Surroundings**

- 4.7. The application site known as Heron Quay West occupies an area of approximately 1.044 hectares (ha) and currently comprises two office units and temporary landscaping.
- 4.8. The site is located in the northern part of the Isle of Dogs, on the Canary Wharf Estate, on land to the west of 20 Bank Street. The site is bounded by West India Dock South to the south and Heron Quays Road to the north, connecting to Bank Street on the north-eastern boundary of the site. A canal is located at the eastern end of the site, linking West India Middle Dock and West India South Dock. These docks have mooring facilities and as such the canal is in occasional use.
- 4.9. The site was previously occupied by 11 buildings ranging from 3-4 storeys which were erected in 1987 (known as the 'red sheds'). However, 9 of the 11 buildings were demolished in order to clear the site in preparation for the implementation of the 2008 planning permission on the site which is referred to in full within the planning history section of this report.
- 4.10. The remaining buildings on the site comprise office accommodation including services/facilities provided by Skillsmatch, East London Business Place and UCATT (or the George Buswell Learning Centre).
- 4.11. Being located on the western edge of the Canary Wharf estate in the northern part of the Isle of Dogs, the application site is predominantly surrounded by office buildings. 20 Bank Street is located immediately to the east of the Site on the opposite side of the eastern canal. This is a 14 storey rectangular building, with main facades which take the form of strongly expressed regular grid. The Heron Quays Docklands Light Railway (DLR) Station is immediately east of this. Further large scale and tall commercial buildings are located to the east along Bank Street, including 25 Bank Street, 40 Bank Street and 10 Upper Bank Street, all of which are over 30 storeys tall.
- 4.12. There are also a number of redevelopment sites within the vicinity providing a mix of uses, primarily residential, commercial and retail. Approximately 200m to the west, beyond the Heron Quays roundabout, lays the Riverside South site, currently being redeveloped to provide commercial and retail space within two towers of 241m and 191m in height with a lower rise central link building. Also 190m to the south lies the Landmark Building, a residential development recently



completed, comprising two towers of 137m and 95m, with retail and food and drink uses at ground and first floor level.

- 4.13. The site has good access to public transport, with a Public Transport Access Level (PTAL) of 5 (very good). The underground Jubilee Line tunnel runs east-west 30 metres to the north of the application site, with Canary Wharf Station 250m to the east. Heron Quays DLR station is located approximately 100m to the east.
- 4.14. In terms of built heritage, the site does not fall within a conservation area, but nearby conservation areas include Narrow Street to the northwest, West India Dock, St Mathias Church, Poplar and All Saints Church to the north, Coldharbour to the east and Chapel House and Island Gardens to the south.
- 4.15. The Dock Walls within and surrounding the site include both Grade I and Grade II listed structures, as well as sections of unlisted walls. The Dock wall of the former West India Export Dock is Grade I listed, and the South Dock former entrance to the lock linkage to the River Thames located to the south west of the site is Grade II listed.
- 4.16. The site is not within any strategic viewing corridors, lateral assessment areas or background assessment areas of St Paul's Cathedral as identified within the London View Management Framework.

#### **Relevant Planning History**

- 4.17. Planning permission has been granted for the redevelopment of the application site including land to the west of the site, details of which are listed below. The applicant now intends to secure an outline planning consent for the application site (the eastern part of the site) and at a later stage secure planning permission for the redevelopment of the western part of the site.
- 4.18. **TP/92/0010 & 0011** – In January 1992 a planning application was submitted for the redevelopment of the site (referred to as the Tarmac site) together with part of the South Dock comprising 134,075 square metres of gross floorspace, consisting of offices (121,789 square metres), retail (5,989 square metres), public uses (6,641sq.m.) and a public park (1,000sq.m.). In addition a new road was proposed through the site connecting Heron Quays roundabout to the rest of Heron Quays together with underground car parking and a pedestrian route around the perimeter of the site. The application proposed a large single block located on the southern side of Heron Quays and extending into South Dock by approximately 32m from the quay edge. The building was between 71m above ordnance datum (AOD) and 130 metres AOD in height. Planning permission was granted on 24<sup>th</sup> April 1992 and listed building consent (ref. T/92/0011) for works of stabilisation, refurbishment and reinstatement of the listed banana dock wall was later granted on 7<sup>th</sup> May 1992.
- 4.19. **T/97/0076 & 0085** – Applications for planning permission and listed building consent were submitted for the renewal of the 1992 consents in February 1997. Planning permission (ref. T/97/0076) was granted for the redevelopment of 134,705 square metres of gross floorspace, consisting of offices (121,789 square metres), retail (5,989 square metres), public uses (6,641 square metres) and a public park (1,000 square metres) on the 3<sup>rd</sup> December 1997 for a further five years. The associated renewal of the listed building consent (T/97/0085) was

approved on 27 November 1997. Planning permission ref. T/97/0076 was implemented in 2002 with the construction of Heron Quays Road between Bank Street and the Heron Quays roundabout. These works also included the associated footway, dock edge balustrade and landscaping.

- 4.20. **PA/02/01734** - The listed building consent for the stabilisation, refurbishment and reinstatement of the Grade I listed wall was further renewed on 13 March 2003 to amend condition 1 of listed building consent ref. T/97/0085.
- 4.21. **PA/07/03088, 3089 and 3090** – In November 2007 a planning application was submitted for the redevelopment of the Heron Quay West site including infilling part of the South Dock. The application was for the following:

*“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.”*

- 4.22. Planning permission was granted on 17 December 2008. This planning permission remains extant because it was granted with a five year time limit.
- 4.23. **PA/07/03089 and 3090** – The associated listed building consents for work to the Grade I listed Banana Dock Wall and Grade II listed South Dock Wall were granted on the 17 December 2012 and also remain extant because of a five year time limit.
- 4.24. **PA/11/03796** – Temporary planning permission was granted on 7 March 2012 for a temporary landscaping scheme on the site and has been implemented. The purpose of this scheme was to provide an attractive environment in the short term following the demolition of 11 of the 13 buildings that once occupied the site. This temporary consent expires on 16 December 2013.
- 4.25. **PA/13/1150** – Outline consent was granted for Heron Quays West 1 on 06/11/13 for Outline planning application (all matters reserved) for the 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.

## 5. POLICY FRAMEWORK

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

5.2. **Government Planning Policy Guidance/Statements**

National Planning Policy Framework (March 2012) (NPPF)

Technical Guidance to the National Planning Policy Framework (March 2012)

(TG)

5.3. **Spatial Development Strategy for Greater London - London Plan 2011 (LP)**

- 2.10 Central Activities Zone – strategic priorities
- 2.11 Central Activities Zone – strategic functions
- 2.12 Central Activities Zone – predominantly local activities
- 2.13 Opportunity areas and intensification areas
- 2.15 Town centres
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 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
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 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
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.1 Strategic approach
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London’s transport connectivity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Building London’s neighbourhoods and communities
- 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
- 7.9 Heritage led regeneration
- 7.10 World heritage sites
- 7.11 London view management framework
- 7.12 Implementing the 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 local open space and addressing local deficiency
- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodland
- 7.24 Blue Ribbon Network (BLR)
- 7.25 Increasing the use of the BRN for passengers and tourism
- 7.26 Increasing the use of the BRN for freight transport
- 7.27 BRN supporting infrastructure and recreational use
- 7.28 Restoration of the BRN
- 7.30 London's canals and other river and waterspaces
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy (CIL)

**5.4. Tower Hamlets Core Strategy (adopted September 2010) (CS)**

- SP01 Refocusing on our town centres
- SP03 Creating a green and blue grid
- SP04 Creating a Green and Blue Grid
- SP05 Dealing with waste
- SP06 Delivering successful employment hubs
- SP08 Making connected Places
- 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 (adopted April 2013) (MDD)**

- DM1 Development within the town centre hierarchy
- DM2 Local shops
- DM8 Community infrastructure
- DM9 Improving air quality
- DM10 Delivering open space
- DM11 Living buildings and biodiversity
- DM12 Water spaces
- DM13 Sustainable drainage
- DM14 Managing Waste
- DM15 Local job creation and investment
- 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 environments
- DM28 World heritage sites
- DM29 Achieving a zero-carbon borough and addressing climate change
- DM30 Contaminated Land

## 5.6. **Supplementary Planning Documents**

Supplementary Planning Guidance (SPG) – Use of planning obligations in the funding of Crossrail – Mayor of London - July 2010  
 London View Management Framework SPG – Mayor of London - March 2012  
 Planning Obligations SPD – LBTH – January 2012

## 5.7. **Tower Hamlets Community Plan**

The following Community Plan objectives relate to the application:

- A Great Place to Live
- A Prosperous Community
- A Safe and Supportive Community
- A Healthy Community

## 6. **CONSULTATION RESPONSE**

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

6.2. The following were consulted regarding the application:

### **Canal and River Trust**

6.3. The proposed development envelope would not encroach into the dock any further than the previously approved scheme, and they would therefore have no objection to its extent.

6.4. They are supportive of a quayside walkway concept that will enable people to interact with the waterspace. However, they request the opportunity to comment on the detailed proposals for this once a future reserved matters application is made in this regard.

6.5. **[Officer Comment:** The Canal and River Trust will be consulted with on the relevant reserved matters applications.]

6.6. They support the fact the proposal retains navigable access to the Middle Branch Dock.

6.7. They noted that the energy statement and water resources document suggest ground source heat pumps using boreholes. There is the potential for using the dock water for both heating and cooling, but modelling would need to be undertaken to make sure that this was a viable option. The applicant is advised to contact the Utilities Team who would be happy to offer further advice on this.

6.8. **[Officer Comment:** The applicant has confirmed that the Energy Strategy notes that the use of dock water for heating and cooling is unlikely to be viable. It is noted that the comments do not require a condition but request contact with

Canal and River Trust to discuss further. Given, the option is not viable no further action is required at the moment.]

- 6.9. It is requested that the following conditions and informatives be attached should planning permission be granted:

Conditions:

- Risk assessment and method statement for works to be carried out adjacent to the water
- Feasibility study to assess potential for moving freight by water during the construction phase and following construction
- Landscaping scheme
- Lighting and CCTV scheme

Informatives:

- Discharge of surface water into the waterways requires the written permission of the Canal and River Trust
- Applicant to refer to the current “Code of Practice for Works affecting the Canal and River Trust”

- 6.10. [**Officer Comment:** The requested conditions and informatives would be attached to the decision notice should planning permission be granted. It is noted that landscaping would be dealt with by the landscaping reserved matter.]

#### **City of London Corporation**

- 6.11. To date no comments have been received.

#### **Design Council**

- 6.12. To date no comments have been received.

#### **Dockland Light Railway (DLR)**

- 6.13. To date no comments have been received.

#### **EDF Energy Networks**

- 6.14. To date no comments have been received.

#### **English Heritage**

- 6.15. English Heritage note that the proposed tall building is located in close proximity to a number of designated historic environment assets including several of exceptional interest such as the Grade I listed *Warehouse and General Offices at Western End of North Quay* (List Entry Number: 1242440). Although the visualisations have demonstrated that the development would be visible in views from many of these designated heritage assets, they recognise that the surrounding existing tall buildings already command a significant built presence within the area. The visualisations also illustrate consented developments that have not yet been built, and this demonstrates that the current proposal would form a coherent part of this building cluster. Therefore, they do not consider that the setting of these historic assets within the Docklands area would be further impacted, to any significant extent by this proposed development.

- 6.16. They also note that within Viewpoint 3 of the Environmental Statement (ES) Vol: 3 the development would be clearly visible in views from Maritime Greenwich World Heritage Site. Although a building of this scale would be clearly noticeable from views within the World Heritage Site, they note that the London View Management Framework (LVMF) guidance indicates that views from Greenwich Park towards Docklands would benefit from further, incremental consolidation of the cluster of tall buildings (para. 136). Therefore, they have no significant comments to make over this or any other aspect of the proposal.
- 6.17. They recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice. They note it is not necessary to be consulted again.

### **English Heritage Archaeology**

- 6.18. English Heritage Archaeology note that the application site lies within an area of archaeological potential connected with the deeply buried prehistoric landscape of East London which lies beneath several metres of nineteenth and twentieth century made ground and earlier alluvium. As well as the potential for human activity and environmental evidence from the Mesolithic to the Bronze Age to be preserved at the site, there is also the heritage value of the quayside itself and any remnants of the nineteenth century dock wall and associated features.
- 6.19. The submitted archaeological study unfortunately provides little further information to advance understanding of these key aspects. As a next step it would be appropriate to carry out geo-archaeological modelling and a photographic survey of the site to allow greater certainty in targeting more intensive fieldwork.
- 6.20. Concern is raised about the possible impact on the setting of the listed South Dock Entrance lock by the proposed encroachment of the application scheme out over the dock.
- 6.21. **[Officer Comment:** From a review of the information for the Grade II listed South Dock and a review of its location on maps it is evident that the structure is located to the south west of the site. The dock is directly adjacent to the River Thames. As such, the proposed building would not directly overhang this grade II listed structure.]
- 6.22. They also draw the LPA's attention to the NPPF's position on development impact to the settings of non-designated heritage assets. These would include the South Dock itself and the issue the desirability of retaining its readability of this heritage asset as a former dock.
- 6.23. Although previous planning guidance focused on settings impact to designated heritage, the NPPF details consideration of the impact on unlisted structures alongside listed ones. The impact on the understanding of the dock's role in Britain's economic development would be further obscured and advise that comment on this issue be sought from the Borough Conservation Officer as the compounded impact may helpfully inform his views on the listed heritage aspects.
- 6.24. **[Officer Comment:** Officers sought the professional advice of the Borough Conservation Officer. At the narrow canal junction between the docks, the

building line is set back so that it does not overhang the dock and views of the dock wall at this point are still visible.]

- 6.25. Should consent be granted for this application, then archaeological impacts could likely be covered by a condition, to include recording of the dock itself as well as a staged programme of investigation into buried deposits.
- 6.26. [**Officer Comment:** Should planning permission be granted the condition as requested would be attached.]

#### **Environment Agency (EA)**

- 6.27. In a letter dated the 7 February 2014 the EA issued a holding response to the proposed development in the absence of details of compensation storage for the site.
- 6.28. [**Officer Comment:**The applicant liaised with the EA and submitted the requested information.]
- 6.29. In a letter dated the 18 March 2014 the EA formally responded stating that they have received the additional information regarding the compensatory flood storage and amended FRA dated February 2014. Further to the information provided by Arup in the FRA and in particular Appendix A6, 'Technical note', and that the proposals would comply with NPPF so long as the works are carried out in accordance with the documents noted.
- 6.30. They have recommended conditions relating to flood risk as well as groundwater protection due to the historical contamination activities and potential for contamination of groundwater.
- 6.31. [**Officer Comment:**The revised FRA now forms part of the application documents and the conditions as requested would be attached should planning permission be granted.]

#### **Georgian Group**

- 6.32. To date no comments have been received.

#### **Greater London Authority (GLA)**

- 6.33. The application is broadly consistent with the London Plan; however, there are some outstanding issues that need to be resolved as set out below.
- 6.34. They stated that the applicant should consider modifying the maximum building envelope in relation to the consented HQW1 scheme, including the effect on LVMF views, reconsider the approach to the wedge shaped open space to the west of the building in order to secure a successful design, and increase the minimum amount of retail space to be included in the scheme.
- 6.35. [**Officer Comment:** Design Guideline 15 has been amended in response to GLAs comments about the lack of guideline to ensure that the SW corner of the site does not become a leftover and underused space. The Design Guideline now states the following: *'Consideration should be given to setting back the southwest corner of the Building at lower levels to allow an enhanced pedestrian*



environment and view to South Dock. At a minimum this will either a) an 8m set back at ground floor level in the south-western corner if a colonnade is introduced; or b) a 6m set back building comes straight to ground without a colonnade. (New wording)

- 6.36. Design Guideline 17 has been subdivided and 17 (b) has been inserted. This is in response to the GLAs comment raised in paragraph 36 of the Stage 1 report. 17b states that the building for HQW2 must be different to HQW1 in terms of building height to ensure that the taller element of whichever building is read separately to the taller building of the other building when viewed from Greenwich Park (LVMF5A.1).
- 6.37. In addition to the above, Guideline 22 has been amended to include reference that the landscaping materials should be of a high quality as noted in the GLA's Stage 1 response.
- 6.38. Transport for London (TfL) are satisfied that the proposed development could be considered to be in general accordance with the transport policies of the London Plan, subject to conditions and Section 106 contributions. raised the following matters, which should be addressed prior to determination of the proposals to be considered compliant with transport policies of the London Plan.
- 6.39. Necessary planning conditions should ensure the provision of blue-badge parking bays and electric charging points. A Travel Plan, Delivery Service Plan and Construction Logistics Plan should all be secured.
- 6.40. **[Officer Comment:** Should planning permission be granted the above conditions would be attached.]
- 6.41. Contributions are requested to mitigate the impact of the development on the bus and DLR networks.
- 6.42. A contribution towards the Cycle Hire scheme is requested.
- 6.43. A Crossrail contribution is required.
- 6.44. The Mayor's Community Infrastructure Levy should be paid.
- 6.45. **[Officer Comment:** Following negotiation between the applicant and TfL the financial heads of terms were agreed as set out within paragraph 3.3 of this report.]

#### **Inland Waterways Association**

- 6.46. To date no comments have been received.

#### **Royal borough of Greenwich**

- 6.47. They raise no objections.

#### **London Borough of Hackney**

- 6.48. To date no comments have been received.

#### **London Borough of Newham**

6.49. To date no comments have been received.

#### **London Borough of Southwark**

6.50. To date no comments have been received.

#### **London Bus Services**

6.51. To date no comments have been received.

#### **London City Airport**

6.52. To date no comments have been received.

#### **London Fire and Emergency Planning**

6.53. The brigade is conditionally satisfied with the proposals subject to the comments below:

6.54. The fire officer noted that unless brigade access and water supplies are considered at an early stage, it can make for serious problems at the latter stages of the development. This being the case, the Fire Authority strongly recommends that the said information is made available to the Fire Authority at the earliest opportunity.

6.55. **[Officer Comment:** It was agreed with the Fire Authority that this detail would be provided at the Reserved Matters stage.]

#### **London Legacy Development Corporation**

6.56. They have no comments regarding the proposals.

#### **London Underground Limited (LUL)**

6.57. They have no objection in principle to the planning application.

#### **London Wildlife Trust**

6.58. To date no comments have been received.

#### **Maritime Greenwich Heritage Site**

6.59. To date no comments have been received.

#### **National Grid**

6.60. National Grid has identified that they have apparatus in the vicinity of the application site which may be affected by the proposals. The applicant should be advised to contact National Grid to discuss. The letter contains standing advice regarding the developer's responsibilities.

- 6.61. **[Officer Comment:** The applicant has been advised of this advice and confirmed they note the contents of the letter.]
- 6.62. National Grid note that “low or medium pressure (below 2 bar) gas pipes and associated equipment” are located within the vicinity of the site. They note that the Health and Safety Executive (HSE) provide defined distances to advise on the acceptability of new developments next to hazardous installations and are controlled through the HSE’s Planning Advice for Developments near Hazardous Installations (PADHI) process.
- 6.63. **[Officer Comment:** The application site is not located within the vicinity of any hazardous installations according to council records. It is noted that there are gas pipes across the borough most of which are not classified as hazardous installations by merit of the amount of gas they carry. Given, that our records do not indicate the presence of any hazardous installations within the vicinity of the site the PADHI process has not been followed in this instance.]

#### **National Air Traffic Services (NATS)**

- 6.64. The proposed development has been examined from a technical safeguarding aspect and does not conflict with their safeguarding criteria. Accordingly, NATS has no safeguarding objections to this proposal.

#### **Natural England**

- 6.65. To date no comments have been received.

#### **Port of London Authority (PLA)**

- 6.66. The PLA has no objection to the proposed development.
- 6.67. It is noted that the site is 700 metres from Canary Wharf Pier and the transport assessment advises that the development is not forecast to generate a significant number of river based trips. Consideration should be given to measures that could be implemented to encourage river transport given that the River Action Plan sets a target to increase passenger journeys on the Thames to 12 million a year by 2020 and maximise its potential for river travel.
- 6.68. **[Officer Comment:** This matter would be secured through the Travel Plan which is being secured through the S106.]
- 6.69. The PLA welcomes the comments in the application that where feasible as much material as possible would be moved by barge. A condition should be imposed on any grant of planning permission requiring the applicant to submit a report setting out a strategy to maximise use of river during construction, with the details to be implemented as approved.
- 6.70. **[Officer Comment:** This matter would be controlled via condition should planning permission be granted.]

#### **Thames Water**

#### *Waste Comments*

- 6.71. TW stated that the information provided has not allowed TW to determine the waste water infrastructure needs of this application. Should the Local Planning Authority look to approve the application ahead of further information being provided, we request that the following 'Grampian Style' condition be applied - "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community
- 6.72. **[Officer Comment:** The condition will be attached to the decision should planning approval be granted.]
- 6.73. **Thames Water**  
*Surface Water Drainage*
- 6.74. The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommends a condition be imposed requiring Impact studies of the existing water supply infrastructure. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point. Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.
- 6.75. **[Officer Comment:** Should planning permission be granted the above condition would be attached as requested. Furthermore, the Environmental Statement contains details of discussions with Thames Water agreeing the cost of works required to ensure water infrastructure would be sufficient.]
- 6.76. A piling method statement should be secured via condition.
- 6.77. **[Officer Comment:** Should planning permission be granted this matter would be controlled via condition.]

**The Greenwich Society**

- 6.78. To date no comments have been received.

**The Victorian Society**

- 6.79. To date no comments have been received.

**Transport for London (TfL)**

- 6.80. **[Officer Comment:** TfL comments are formally received from the GLA and have been summarised as part of the GLA response. Please refer to paragraphs 6.33 and 6.44.]

**20<sup>th</sup> Century Society**

- 6.81. To date no comments have been received.

## **LBTH Biodiversity**

- 6.82. The proposal could lead to the permanent loss of up to 2300 square metres (0.23 hectares) of open water habitat within a Site of Borough Grade 2 Importance for Nature Conservation. At best, this area of water will be covered by a deck, at worst it will be displaced by the basement of the building. While this is only a small fraction (less than 1%) of the total area of the Site of Importance for Nature Conservation (SINC), it is further piecemeal erosion of the open water of the docks, following on from the loss of 1.28 hectares between 2001 and 2005. This loss of SINC and water space is contrary to policies DM11 and DM12, unless the development can be shown to improve the water body and provide significant biodiversity enhancements.
- 6.83. The Environmental Statement (ES) refers to this in paragraph 13.101, yet identifies only a temporary, short-term adverse impact on the SINC and on standing water habitat, which seems incompatible with a permanent loss of habitat. Indeed, in paragraph 13.101, it suggests that fish and other mobile aquatic biota will recolonise the site after construction is completed. It is hard to see how this would be possible if the basement of the new building displaces 2550 square metres of the dock.
- 6.84. Biodiversity enhancements are proposed in the ES. These proposed measures would indeed enhance biodiversity if implemented, but it is not clear whether they would compensate for the loss of open water habitat. In particular, the proposed "ecologically beneficial wall" would have to be extremely beneficial to ensure an overall improvement within the SINC. It is recommended that consideration be given to introducing marginal aquatic vegetation, either in coir rolls or gabion baskets attached to this new wall, or on floating rafts, as well as installing nesting rafts suitable for common terns in Middle and/or South Dock.
- 6.85. If the development is to have a net benefit for biodiversity, biodiverse living roofs over a large proportion of the total roof area of the building will be essential.
- 6.86. Nest boxes and native species in the landscaping will also help, but in a much smaller way than enhancements to the dock and green roofs.
- 6.87. If planning permission is granted, a condition should be imposed to secure full details of biodiversity enhancements,
- 6.88. [**Officer Comment:** During the assessment of the ES by the Council appointed consultants clarification was sought as to how the assessment of the permanent loss of water was assessed. The applicant has confirmed that the construction phase would result in a temporary loss of water however the completed development would result in a permanent loss of water. The ES proposed a range of biodiverse enhancement measures to mitigate the impact of this loss. It has subsequently been confirmed that a full range of biodiversity enhancements in accordance with the Biodiversity Officers requirements would be provided. These would be secured via condition should planning permission be granted and would seek to ensure that the final mitigation measures will result in overall biodiversity enhancement.]

## **LBTH Communities Localities and Culture (CLC)**

- 6.89. CLC requested financial contributions in line with the S106 SPD.
- 6.90. **[Officer Comment:** Clarification was sought from the officer to confirm that the heads of terms, the amounts sought and the approach been taken. The case officer confirmed that the approach taken and amounts sought is correct as set out in paragraph 3.33 and paragraph 8.254 and of this report.]

#### **LBTH Corporate Access Officer**

- 6.91. No objection

#### **LBTH Crime Prevention Officer**

- 6.92. The CPO initially requested details of the subterranean pedestrian.
- 6.93. **[Officer Comment:**In relation to the subterranean link, the previous 2008 permission for the overall Heron Quays West site included the construction of a subterranean pedestrian link to the Jubilee Place Retail Mall and the Jubilee Line Station.
- 6.94. Whilst proposals for a subterranean link similar to this are not included within the current application proposals for HQW1 or 2, the design of any basement submitted under a Reserved Matters scheme could future proof for the inclusion of this should this come forward as a proposal in the future. This would be located at the northern end of the basement, beneath Bank Street. The CPR will be informed of any such plans.]

#### **LBTH Design and Conservation**

- 6.95. They have reviewed the application and gone through the various planning documents. From an urban design perspective, they have no objections to raise.
- 6.96. In terms of the general conservation implications of the proposals they concur with views expressed by English Heritage. With specific reference to archaeological comments received, they comment that the proposals have deliberately been set back from the dock edge and corner, allowing the line of the dock wall to be read running beneath the new building. There is an extant planning permission which involves the same infilling approach and these proposals are therefore considered to be acceptable.
- 6.97. Protection of the grade I listed banana wall and its immediate setting needs to be ensured by careful condition.
- 6.98. **[Officer Comment:** Conditions to protect the Grade I listed banana dock wall and its immediate setting would be attached should planning permission be granted.]

#### **LBTH Education**

- 6.99. To date no comments have been received.
- 6.100. **[Officer Comment:**For major commercial development financial contributions towards education are not required in line with the S106 SPD.]

### **LBTH Environmental Impact Assessment (EIA)**

- 6.101. The Council has an appointed environmental consultant - Land Use Consultants (LUC) in association with Cascade Consulting - to examine the applicant's Environmental Statement (ES) and to confirm whether it satisfies the requirements of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (herein referred to as the 'EIA Regulations'). This is supported by reviews by LBTH's internal environmental specialists and environmental impact assessment (EIA) Officer. Following that exercise, LUC confirmed that whilst further information under Regulation 22 of the EIA Regulations was not required, clarifications were sought in respect of a number of items.
- 6.102. [**Officer Comment:** The applicant has responded to the clarifications sought.]

### **LBTH Enterprise and Employment**

- 6.103. Contributions have been requested in line with the S106 SPD.
- 6.104. [**Officer Comment:** Contributions have been secured as requested.]

### **LBTH Environmental Health Air Quality**

- 6.105. Environmental Health Air Quality have no objection to application with respect to Air Quality, apart from the further assessment on the energy centre that needs to be submitted at reserved matters stage.
- 6.106. [**Officer Comment:** Should planning permission be granted this matter would be controlled via condition.]

### **LBTH Environmental Health Contaminated Land**

- 6.107. The Council's Environmental Health Officer has reviewed the documentation, and has requested that supplementary soil investigation be carried out.
- 6.108. [**Officer Comment:** The above matters would be controlled via condition should planning permission be granted.]

### **LBTH Environmental Health Noise and Vibration**

- 6.109. Construction Noise should meet COCP of 75dB(A) 10hrs from 08:00 to 18:00hrs (Monday to Friday) and Saturday 08:00 to 13:00hrs. No work Sundays and Bank Holidays.
- 6.110. Considering the information provided, Environmental Health are happy for planning permission to be considered.
- 6.111. [**Officer Comment:** The above matters would be controlled via condition should planning permission be granted.]

### **LBTH Environmental Health Microclimate**

- 6.112. Since the location of entrances is unknown at this outline stage, a further Wind Tunnel Assessment will be needed so as to ascertain impact correctly when

locations are known. The Wind Conditions and possible mitigation methods of Screens/Landscape planting have been mentioned, however, further wind testing will be required at reserved matters stage to ensure pedestrian comfort for its intended use.

6.113. Environmental Health are supportive of planning permission being considered subject to a condition to secure further testing.

6.114. **[Officer Comment:** The above matters would be controlled via condition should planning permission be granted.]

6.115. The EHO stated that because there was no detailed design drawings provided to meet DEFRA guidance for Kitchen Extract System for the A3, A4, A5 uses, this would need to be conditioned.

6.116. **[Officer Comment:** The above matters would be controlled via condition should planning permission be granted].

### **LBTH Building Control**

6.117. To date no comments have been received.

### **LBTH Planning Policy**

6.118. The proposed office use and supporting retail elements are appropriate for a Preferred Office Location and Major Town Centre.

6.119. The proposed maximum building extent generally accords with Spatial Policy 10 and policy DM26 although full accord can only be demonstrated following the delivery of detailed building design.

6.120. The proposed development generally accords with Local Plan policies. Further consideration should be given to the built form following the provision of detailed design through subsequent reserved matters applications.

### **LBTH Landscape**

6.121. To date no comments have been received.

### **LBTH Sustainability Officer**

6.122. 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 NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) and the LBTH 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



- 6.123. The proposals for Heron Quays West 2 have followed the energy hierarchy and sought to minimise CO2 emission through energy efficiency and a PV array (44kWp / 18m<sup>2</sup>) to reduce CO2 emissions by 30% (742 tonnes) from a building regulation 2010 baseline.
- 6.124. This is supported and follows the London Plan sets out the Mayor's energy hierarchy which is for development to be designed to:
- Use Less Energy (Be Lean);
  - Supply Energy Efficiently (Be Clean); and
  - Use Renewable Energy (Be Green)
- 6.125. As noted, the overall CO2 emission reductions considered achievable for the development are 30%. The Managing Development Document Policy DM29 includes the requirement to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.
- 6.126. The current proposal therefore fall short of this policy requirements by 20% which equates to 512.5 tonnes of CO2 of regulated CO2.
- 6.127. The Planning Obligations SPD includes the mechanism for any shortfall in CO2 to be met through a cash in lieu contribution for sustainability projects. This policy is in accordance with Policy 5.2 (E) of the London Plan 2011 which states:
- ‘...carbon dioxide reduction targets should be met on-site. Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere.*
- 6.128. It is proposed the shortfall in CO2 emission reductions will be offset through cash in lieu payment. The current identified cost for a tonne of CO2 is £1,380 per tonne of CO2. This figure is recommended by the GLA (GLA Sustainable Design and Construction SPG 2013 and the GLA Planning Energy Assessment Guidance) and is also based on the London Legacy Development Corporation's figure for carbon offsetting.
- 6.129. For the proposed scheme it is recommended that a figure of **£707,250** is sought for carbon offset projects in the vicinity of the proposed development. It is advised that this money is ring fenced for energy and sustainability measures to local school in the vicinity or other projects to be agreed with the applicant. The calculation for this figure is as follows:
- Building Regulation 2010 Baseline is 2,509 tonnes/CO2  
Proposed development is at 1,767 tonnes/CO2  
50% DM29 reduction would therefore be 1,254.5 tonnes/CO2.
- 6.130. Shortfall to meet DM29 requirements = 512.5 tonnes/CO2 x £1,380 = **£707,250** offset payment to meet current policy requirements.
- 6.131. Policy DM 29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation

measures. At present the current interpretation of this policy is to require all non-residential developments to achieve a BREEAM excellent rating.

- 6.132. In relation to the Sustainability Statement and anticipation of achieving an Excellent rating with a score of greater than 70, we would want to secure the achievement of BREEAM through an appropriate Condition for the submission of the final BREEAM certificates within 6 months of occupation.
- 6.133. **[Officer Comment:** The applicant has agreed to the financial contribution. The relevant condition would also be attached should planning permission be granted.]

### **LBTH Transportation and Highways**

- 6.134. The principle of the development proposal, that is a large employment site at a location well served by public transport, is supported.
- 6.135. The Highways officer raised a number of comments regarding the proposed development, to which Steer Davies Gleave provided a response on 5/03/14.
- 6.136. The Highways officer stated that they do not agree with the proposed level of car parking. However having reviewed the details for HQW1, a the proposals for HQW2 are the same, the proposals are accepted.
- 6.137. **[Officer Comment:** The maximum level of car parking proposed at the site complies with car parking standards provided in the London Plan and LBTH's MDDPD, April 2013.]
- 6.138. The accessible spaces are all placed in the lower basement and are not very well located for the lifts. It would be better is the parking was redesigned to put the accessible parking in the upper basement closer to the lifts.
- 6.139. **[Officer Comment:** The car park layout is indicative at this stage and will be refined at the Reserved Matters stage. The applicant has confirmed that the car parking layout will be designed in accordance with the Institution of Structural Engineers Design Recommendations for Multi-Storey and Underground Car Parks. Disabled car parking bays will be provided as close to the lift cores as possible.]
- 6.140. In terms of cycle parking, the Highways officer would seek a segregated cycle entrance / access to the cycle storage. The numbers of cycle parking spaces proposed is acceptable and the split between 50% 'Sheffield' type stands and 50% stacking stands is acceptable and the 50% 'Sheffield' provision should be seen as a minimum not to be reduced.
- 6.141. **[OfficerComment:** The three layouts provided within the planning application make provision for segregated cycle access and storage and this will be further investigated at the reserved matters stage when the detailed building and basement layout is known.]

- 6.142. The development proposals mirror those previously agreed for the adjoining site Herons Quay West 1 in terms of transport. The documentation outlines a number of indicative schemes regarding access arrangements between the two sites and at the pre application meeting a preference was shown by LBTH and the applicant for one shared access off Bank Street / Herons Quay Road to serve both areas. Notwithstanding this the applicant has included drawings for three possible access scenarios off Bank Street / Heron's Quay Road and one off of Marsh Wall. All of these are shown to work with regards servicing but there is concern about how the mix of servicing, car park lifts and cycle access would work together and the TA doesn't really explore this. Further work is required showing the possible conflict points between the different modes and the mitigation being proposed to prevent this.
- 6.143. **[Officer Comment:** The interaction of the various users will be given detailed consideration at the Reserved Matters stage. Safety will be a primary consideration.
- 6.144. The applicant has noted the comment regarding the need to enter into a S278 agreement with the Highway Authority if the access from Marsh Wall is progressed.
- 6.145. With regard to trip generation The background pedestrian flows are based on surveys which are now 6 years old (2008). It is considered that this information is too outdated and newer surveys should have been undertaken. Pedestrian survey's along Marsh Wall should also have been considered.
- 6.146. **[Officer Comment:** The Heron Quays/Bank Street and West India Avenue pedestrian surveys that were undertaken in 2008 were provided for information purposes only. The flows were not used for assessment purposes and therefore the applicant saw no need to update the surveys. Notwithstanding the above, the surveys show that pedestrian flows along Bank Street are currently low. The footway along the northern side of Bank Street is 4m wide, while the footway along the southern side of the road is 3.5m wide. The footways are well lit and in a good state of repair. The existing footway network is thus sufficient to accommodate the forecast level of trips on foot to the proposed development. The Highways Officer has since agreed with this approach.]
- 6.147. It is accepted that the TA is looking at a 'worst case' scenario within the site being built out to its maximum levels.
- 6.148. Although the matter of public transport is one that will be dealt with in the main by TfL there are a couple of points which need to be raised. The figures provided for the 2018 Jubilee Line assessment forecasts that with this proposal the Jubilee Line will be, in the AM peak, significantly over capacity both on the Planning Standard AND the Crush Standing standards. Table 7.8 shows that these standards will be exceeded even without this proposal but this will make the overcrowding substantially worse. Tables 7.20 and 7.21 which show 'Cumulative Additional Bus Demand' also show significant increases in bus capacity demand.

- 6.149. Support is given to any reasonable requirements by Transport for London for mitigation towards public transport capacity impacts.
- 6.150. **[Officer Comment:** Financial contributions have been secured towards Buses, DLR and Crossrail as requested by TfL to mitigate against the impact of the development
- 6.151. A Construction Management Plan should also be agreed and the planning case officer is best placed to determine whether this should be secured by condition or via the Section 106 process given the scale and duration of the construction.
- 6.152. **[Officer Comment:** A Construction Management Plan would be secured via condition should planning permission be granted.]
- 6.153. Officers have considered the information provided and have taken the view that a contribution towards highways improvements along Marsh Wall would not be justified as evidenced by the Transport Assessment the proposed development would not have an impact. Furthermore, the link between the proposal and the project to the south is not strong enough in terms of the CIL tests to secure. As the project is commercial, and not residential, linked trips are more unlikely, and the contributions secured towards public transport remain the most important and logical for this proposal.]
- 6.154. Support is given to any reasonable requirements by Transport for London for mitigation towards public transport capacity impacts.
- 6.155. **[Officer Comment:** Financial contributions have been secured towards Buses, DLR and Crossrail as requested by TfL to mitigate against the impact of the development.]
- 6.156. Transportation and Highways seek planning conditions and obligations in keeping with a large development and in keeping with the current planning framework, specifically the Planning Obligations SPD 2012. These include contributions towards Sustainable Transport and the Public Realm. Additionally, the Framework Travel Plan and Delivery and Servicing Plan should be secured via the Section 106 process.
- 6.157. **[Officer Comment:** Relevant conditions would be attached as requested should planning permission be granted. With regard to obligations, contributions towards Sustainable Transport have been agreed. However as discussed above a contribution towards Public Realm improvements of the carriageway and footwall along Marsh Wall have not been agreed. A Delivery and Servicing Plan would be secured, however, via condition given this would be more appropriate.]
- 6.158. Subject to the above comments, Transportation and Highways support the proposals.

### **LBTH Waste Policy and Development**

- 6.159. As there are no residential properties within this development and considering that it will be erected on private land, there are no comments from the waste management team. All necessary legislation and LBTH policy on waste management needs to be adhered to when planning for waste storage and collections.

6.160. [**Officer Comment:** The applicant will be advised via an informative should planning permission be granted.]

## 7. LOCAL REPRESENTATION

7.1. A total of 1496 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site and in the local press. The number of representations received from neighbours and local groups in response to notification and publicity of the application to date are as follows:

No of individual responses	3	Objecting:	3	Supporting:	0
No of petitions received:	0				

7.2. The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report. For completeness, all issues raised are summarised. The full representations are available to view on the case file.

7.3. Loss of public open space and the fact the new development doesn't propose any open space.

7.4. [**Officer Comment:** The application site is a development site and benefits from two extant permissions for the erection of office blocks one of which has been implemented. The details of these applications are set out in detail at paragraphs 4.17 and 4.24 of this report.

7.5. The current layout of the site as a temporary park benefits from a temporary planning permission for landscaping which expires in December 2013. The purpose of the application was to provide an attractive environment in the short term following the demolition of 11 of the 13 buildings that once occupied the site.

7.6. Officers are aware of the issues with regard to the provision of publically accessible open space within the borough and policies within the Local Plan seek to protect existing publically accessible open space and seek new provision where feasible or seek financial mitigation. However, given this is a development site and not publically accessible open space it is not possible to retain the temporary landscaping scheme in perpetuity.

7.7. The landscape and biodiversity sections of this report set out how mitigation and improvements would be secured. Furthermore, a contribution towards public open space in the area has been secured to mitigate the impacts of the development.]

7.8. Impact of another tall building and overpopulation of the Canary Wharf Skyline.

7.9. Design of the building lacks imagination. The layout results in the building being directly adjacent to other buildings.

- 7.10. **[Officer Comment:** This is an outline application with all matters reserved and through the reserved matters applications details such as materials would be secured. The site falls within the Canary Wharf Cluster, which is designated within the Local Plan as being an area suitable for tall buildings. A full discussion of these issues is at paragraphs 8.29 and 8.61 of this report.]
- 7.11. Concern about filling up the dock.
- 7.12. **[Officer Comment:** It is noted that the element of dock to be lost is of a more recent construction and does not form part of the Grade I listed historic dock wall which surrounds the middle dock. Furthermore, the loss of part of the dock wall facing onto the South Dock has been established by the extant permissions on the site as has the infilling of the dock. A full discussion of these issues is at paragraphs 8.62 – 8.74 of this report.]
- 7.13. Loss of biodiversity (including impact on flora, fauna, fish and birds).
- 7.14. **[Officer Comment:** Please refer to paragraphs 8.181 – 8.196 of this report which consider biodiversity impacts in detail.]
- 7.15. Transport impacts given narrow road adjacent to the development.
- 7.16. **[Officer Comment:**The existing road adjacent to the development measures approximately between 6.5 metres and 8 metres in width. A full assessment of the transport impacts have been carried out and are presented with the Transport Assessment which accompanied the application. This was reviewed by the LBTH Highway Officer and concern about the width of the road adjacent to the site has not been raised. Finally, it is noted that this road was built and implemented as part of the 1992 consent for the redevelopment of the site. ]
- 7.17. Concern about cumulative impact of development coming forward with regard to light, wind and noise pollution.
- 7.18. **[Officer Comment:** The impact of this development and the cumulative impact as a result of other development were fully considered as part of the submitted ES. This is discussed in full at paragraphs 8.197 – 8.207 of this report.]
- 7.19. Concern about impact on the health and wellbeing of local residents.
- 7.20. **[Officer Comment:** The application has been supported by an ES which has chapters which assess the impact of the development with regards to air quality, noise and vibration, ground conditions and contamination, daylight, sunlight, overshadowing and light pollution and cumulative impacts. Through the use of conditions to secure mitigation and financial contributions the impact of the development has been limited as much as possible. As such, it is not considered that the proposed development would have an unduly detrimental impact on the health and wellbeing of local residents.

## 8. MATERIAL PLANNING CONSIDERATIONS

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

- Land Use
- Urban Design
- Heritage Assets
- Transport, Connectivity and Accessibility
- Amenity
- Energy and Sustainability
- Biodiversity
- Environmental Considerations (Air Quality, Microclimate, Contaminated Land, Flood Risk and Water Supply)
- Environmental Statement
- Planning Contributions and Community Infrastructure Levy
- Local Finance Considerations
- Human Rights
- Equalities

## **Land Use**

### Policy Context

- 8.2. The site is located within the Isle of Dogs Opportunity Area (IoDOA) as designated by the London Plan which seeks indicative employment capacity of an additional 110,000 jobs and 10,000 homes over the plan period. The site is not located within the Central Activities Zone (CAZ), however, because it is recognised as a strategically significant part of London's world city offer for financial media and business services the CAZ policy objectives apply.
- 8.3. The application site is located within the Canary Wharf Major Town Centre and a Preferred Office Location (POL) as designated by the Local Plan (Core Strategy (2010) and Managing Development Document (2013)).
- 8.4. Policy 2.10 and 2.11 of the London Plan set out the strategic priorities and function for the CAZ. Policy seeks to sustain and enhance the Isle of Dogs (although formally outside the CAZ) as a strategically important, globally orientated financial and business services centre. It is noted that strategic policy SP01 of the Core Strategy (2010) (CS) advises that with regard to the CAZ, London Plan policy would be applied.
- 8.5. Policy 2.13 of the London Plan sets out the policy context for the support of opportunity areas and intensification areas which applies in this instance given the site forms part of the IoDOA.
- 8.6. Policy 4.2 of the London Plan seeks to support the management and mixed use development and redevelopment of office provision to improve London's competitiveness amongst other aims. Whilst, strategic policy SP06 of the CS seeks to deliver successful employment hubs. Part 2, of the policy seeks to focus larger floor plate offices and intensify floor space in POL including Canary Wharf. Finally, Policy DM16 of the Managing Development Document (2013) (MDD), does not support the net loss of office floor space in POLs.
- 8.7. With regard to the designation of Canary Wharf as a Major Centre part (c) of strategic policy SP01 of the CS 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.

#### Principle of Office Use:

- 8.8. The proposal is for the creation of between 80,025 and 129,857 square metres of office floor space (Use Class B1) with up to 785 square metres of flexible floor space in Use Class A1, A2, A3, A4 or A5. There are currently three buildings on site which provide 1,676 square metres of office floor space (Use Class B1).
- 8.9. Given the office-based nature of the proposal, it is considered that it is in keeping with the character and function of the area which is predominantly commercial. The application therefore accords with policies 2.10 and 2.11 of the London Plan and strategic policy SP06 of the CS which seek to develop the CAZ, POL and the IoDOA, in order to foster London's regional, national and international role, and promotes high-density office-based employment uses in this location. Furthermore, the principle of an office use on this site has been established under previous permissions.
- 8.10. Furthermore, with reference to volume one, chapter seven of the socioeconomic chapter of the submitted Environmental Statement, it is evident that the proposed office floor space would bring significant economic benefits and would complement existing office provision in the surrounding area. The proposed development would have a capacity to accommodate between 5,565 and 9,130 net additional full-time equivalent jobs, which would make a significant contribution to the jobs targets for the IoDOA as well as providing opportunities for spin off employment.

#### Loss of existing office floor space:

- 8.11. There is no net loss of office floor space which accords with strategic policy SP06 of the CS and DM16 of the MDD.
- 8.12. The existing floor space is currently occupied by Skillsmatch, East London Business Place and Union of Construction Allied Trades and Technicians (UCATT) (or the George Brunwell Learning Centre).
- 8.13. East London Business Place is a partnership of private and public sector organisations led by Canary Wharf Group with support from the East London Business Alliance. They provide free face-to-face procurement support service for buyers and suppliers in East London in order to maximise business opportunities for local companies. They work with micro and small to medium sized enterprises and buyers across all industry sectors to source and match local suppliers to their purchasing needs.
- 8.14. The George Brunwell Learning Centre is also a partnership between Canary Wharf Group and UCATT which was launched in November 2002. The centre was supplied and funded by Canary Wharf Group. The centre provides innovative and flexible learning in computer skills and the internet to meet the needs of local construction workers and is a Prometric Test Centre for the Construction Skills Certificate Scheme.
- 8.15. The applicant has confirmed they are committed to working with these current on-site occupiers in order to find alternative locations within Canary Wharf. This would be secured as part of the section 106 agreement.



- 8.16. Skillsmatch are a job brokerage service for the London Borough of Tower Hamlets and provide an Employment and Skills Centre at 8 Heron Quays West.
- 8.17. Employment and Enterprise Officers have been working with the applicant in order to ensure the continued provision of this key service. Skillsmatch's current lease is due to expire in June 2019. There is an Agreement for Lease between Canary Wharf Group and The London Borough of Tower Hamlets negotiated by colleagues within Employment and Enterprise and signed on 11 June 2008. This agreement secures the temporary relocation of Skillsmatch and the permanent relocation of Skillsmatch within a new Training and Development Centre. The agreement also secured some funding for running of a new Training and Development Centre. This agreement still stands and ensures the retention of Skillsmatch within the area.
- 8.18. In conclusion, there is no net loss of office floor space which accords with policy. Furthermore, the relocation of Skillsmatch has been secured through a separate agreement and the applicant has also committed to the relocation of the other two organisations which they are directly linked to. The proposed office-led scheme is therefore considered acceptable.

Housing Provision:

- 8.19. Policy 2.11 of the London Plan sets out the strategic functions for the CAZ and part (a) of the policy 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. Policy 3.4 seeks to optimise housing potential taking into account local context and character, design principles, public transport capacity within the relevant density range shown in table 3.2 within the London Plan. Furthermore, 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.*"
- 8.21. Strategic policy SP02 (2a), states that the POL which includes Canary Wharf "*are not appropriate locations for housing*".
- 8.22. It is noted that the GLA in their stage one letter have requested a contribution to affordable housing and they requested a discussion with the applicant and LBTH regarding the scope for a contribution to be included with the overall section 106 package. They have since confirmed that they accept the applicants and the planning officers position that such a contribution is not required.
- 8.23. Firstly, it is noted that the site is considered desirable for commercial uses given the site context within Canary Wharf Major Centre and Preferred Office Location (POL). Furthermore, whilst the site is not located within the CAZ, the policy objections of the London Plan for the CAZ apply. The introduction of residential uses would not be appropriate and would compromise the role of Canary Wharf as an economic centre. This is in accordance with strategic policy SP02 (2a) of the CS. With regard to London Plan Policy, it is considered that the provision of housing would conflict with the central aim of their policies which is to encourage

developments that meet office demand and rejuvenate office based activities in the CAZ

- 8.24. Furthermore, according to the definition for CAZ within the London Plan, these areas are to promote finance, specialist retail, tourist and cultural uses and activities. This report identifies that the site is appropriate for commercial development, and with the proposed development providing between approximately 5,565 and 9,130 jobs, this is considered a significant contribution towards the target of 100,000 new jobs by 2016 within Isle of Dogs as set out in 2.13 of the London Plan
- 8.25. Secondly, the Council's adopted S106 SPD does not require the provision of affordable housing for commercial developments.
- 8.26. Furthermore, the consented and implemented office development was not required to provide a contribution towards off-site affordable housing, and given that the aforementioned consent has been implemented, a considerable commercial development could be constructed on site.
- 8.27. To conclude, this site is not suitable for housing and an affordable housing contribution is not required by Local Plan policy.

Conclusions:

- 8.28. Given the office-based nature of the proposal, it is considered that it is in keeping with the character and function of the area which is predominantly commercial. Furthermore, there is no net loss of office floor space which accords with policy. Finally, the site is not suitable for housing and an affordable housing contribution is not required in accordance with policy.

**Urban Design**

Policy Context:

- 8.29. The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 8.30. Chapter 7 of the London Plan places an emphasis on robust design in new development. Policy 7.4 specifically seeks high quality urban design having regard to the pattern and grain of the existing spaces and streets. Policy 7.6 seeks highest architectural quality, enhanced public realm, materials that complement the local character, quality adaptable space and optimisation of the potential of the site.
- 8.31. Policy SP10 of the CS and DM23 and DM24 of the MDD, seek to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds.
- 8.32. Specific guidance is given within policy 7.7 in the London Plan and policy DM26 in the MDD in relation to tall buildings. The relevant criteria set out by both documents can be summarised as follows:

- Be limited to areas in the CAZ, opportunity areas, intensification areas and within access to good public transport.
- Be of a height and scale that is proportionate to its location within the town centre hierarchy.
- Only be considered in areas whose character would not be affected adversely by the scale, mass, or bulk of a tall building.
- Achieve high architectural quality and innovation in the design of the building including a demonstrated consideration of its scale, form, massing, footprint, proportion and silhouette, facing materials, relationship to other buildings and structures, the street network, public and private open spaces, watercourses and waterbodies, or townscape elements.
- Individually or as a group improve the legibility of an area making a positive contribution to the skyline when perceived from all angles during both the day and night. Developments should also assist in consolidating existing clusters.
- Should not adversely impact upon heritage assets or strategic and local views.
- Present a human scale at street level including ground floor activities that provide a positive relationship to the street and enhance permeability of the site where possible.
- Make a significant contribution to local regeneration.
- Provide public access to the upper floors where possible.
- Not adversely affect biodiversity, microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunications.

Proposal:

- 8.33. The development would include the demolition of all existing buildings and structures on site and the construction of a tall building fronting Bank Street. The development would provide predominantly office use with the potential to provide some retail use. A ground level deck structure extending across the east, west and south sides of the building, including south into West India South Dock, would also be provided. Associated works to Bank Street which include changing the level would also be undertaken to enable access to the development.
- 8.34. The maximum height for the proposed building is set at 191.50 metres above ordnance datum (AOD).
- 8.35. The development would have a defined ground floor level and includes the potential for a canopy or similar structures to be provided on the Bank Street frontage, which would have a maximum height of 23.70 metres AOD. The potential canopy or structures would also have a minimum height of 5.10 metres AOD above the finished footway level.
- 8.36. The deck structure would be set at ground floor level, maintained at the finished footway level on Bank Street with may vary between 6.00 metres and 7.00 metres AOD.
- 8.37. The Design Guidelines includes a number of guidelines which are for approval as part of the outline planning application and form non-spatial parameters. A number of the most relevant are noted below:
- A minimum pedestrian route of 4 metres in width on the south, west and east promenades will be provided (Guidelines 13, 14 and 16).

- Frontages should be active up to at least 3.5 metres about ground level; and the north, south and west frontages should have 60% minimum active frontages and the east elevation a minimum of 30% active frontages (Guidelines 19 and 20).
  - The building should use an established palette of materials of the existing Canary Wharf Estate (Guideline 21) and the north west corner and western façade should be treated as a special architectural feature, making it a gateway to Canary Wharf (Guideline 22).
  - The roof design should hide plant, maintenance equipment and building maintenance unit cradles etc. to achieve an organised roof top elevation (Guideline 24).
  - The quality of material and design of the landscaping should match that of the existing Canary Wharf Estate.
- 8.38. Since the original submission, the applicant has since submitted amendments to the original Design Guidelines. These are discussed below.
- 8.39. Design Guideline 15 has been amended in response to GLAs comments about the lack of guideline to ensure that the SW corner of the site does not become a leftover and underused space. The Design Guideline now states the following: *'Consideration should be given to setting back the southwest corner of the Building at lower levels to allow an enhanced pedestrian environment and view to South Dock. At a minimum this will either a) an 8m set back at ground floor level in the south-western corner if a colonnade is introduced; or b) a 6m set back building comes straight to ground without a colonnade. (New wording).'*
- 8.40. Design Guideline 17 has been subdivided and 17 (b) has been inserted. This is in response to the GLAs comment raised in paragraph 36 of the Stage 1 report. 17b states that the building for HQW2 must be different to HQW1 in terms of building height to ensure that the taller element of whichever building is read separately to the taller building of the other building when viewed from Greenwich Park (LVMF5A.1).
- 8.41. In addition to the above, Guideline 22 has been amended to include reference that the landscaping materials should be of a high quality as noted in the GLA's Stage 1 response.

Principle of a tall building:

- 8.42. Given the application is in outline with matters of appearance reserved the detailed design of the building would be controlled through the reserved matters applications and conditions. As such, the assessment of this outline application needs to consider the principle of a tall building in this location and ensure that the control documents (Development Specification, Parameter Plans and Design Guidelines) offer sufficient control to ensure a high quality design is secured through the reserved matters applications.
- 8.43. Having regard to the tall building policies it is considered the proposals accord with these policies because:
- 8.44. The site is located in the CAZ, the IoDOA and within access to good public transport which are areas where tall buildings are considered acceptable.

- 8.45. The height and scale is proportionate to the location of the site within the CAZ and Canary Wharf Major Town Centre which is an established tall building cluster.
- 8.46. The character of the area would not be affected adversely by the scale, mass, or bulk of a tall building given it would be in keeping with the character of the area which is a tall building cluster.
- 8.47. The Design Guidelines sets out the rules, requirements and guidelines that any future reserved matters applications for the development of the building defined in the parameter plans would need to comply with. The Design Guidelines contain 35 guidelines which will ensure a high quality architectural building will be delivered at reserved matters stage. The guidelines provide a control framework within which the final building must comply. Guideline 21 states that "*The building should use the established palette of materials of the existing Canary Wharf Estate.*" This will ensure that the building will be in keeping with the existing buildings within the Canary Wharf Estate which has an established palette of materials which includes natural stone, architectural metal and glass. Finally, it is noted that this document has been reviewed by the Urban Design Officer as part of the assessment of the planning application and during the pre-application discussions and they have not raised any objections.
- 8.48. English Heritage have stated that "*the London View Management Framework supplementary guidance (July 2010) indicates that views from Greenwich Park towards Docklands would benefit further, incremental consolidation of this cluster of tall buildings*". It is considered that the proposed building would contribute to the consolidation of the existing tall building cluster. In fact Guideline 1 within the Design Guidelines states that "*The building will be a coherent addition to the existing tall commercial buildings at Canary Wharf in respect of its form and appearance, and it will match the high standards of architectural detail and external materials of those existing buildings*". To conclude, it is considered that the building would make a positive contribution to the skyline when perceived from all angles during both the day and night and would assist in consolidating existing clusters.
- 8.49. It is not considered that the proposed building would adversely impact upon heritage assets or strategic and local views. This is further discussed at paragraph 8.69 and 8.74 with regard to heritage assets and paragraphs 8.59 and 8.63 with regard to views.
- 8.50. There are several guidelines dealing with canopies, shop fronts and promenade width which will ensure active frontages at ground floor level. Guideline 20 specifically states that "*the north, south and west frontages should have 60% minimum active frontages and the east elevation a minimum of 30% active frontages.*" This would ensure the building would present a human scale at street level including ground floor activities that provide a positive relationship to the street.
- 8.51. As discussed within the land use section of this report the proposed development would result in the creation of between 5,565 and 9,130 net additional full-time equivalent jobs, which would make a significant contribution to the jobs targets for the IoDOA as well as providing opportunities for spin off employment.

- 8.52. It is not considered that the building would adversely affect biodiversity, microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunications and these topics are discussed in detail within the relevant sections of this report.
- 8.53. Through the reserved matters applications and conditions full details of the bulk, scale, massing and appearance of the building would be controlled.
- 8.54. In conclusion, the principle of a tall building is considered acceptable in this location given the sites location within an established tall building cluster and the principle of a tall building has been established by the extant permissions for tall buildings on the site. Finally, the proposal accords with the relevant tall building policies listed above.

Layout:

- 8.55. As with the implemented planning permission (T/97/0076), and the extant planning permission (PA/07/03088) the proposed main building footprint will extend into the South Dock. The principle of this has been established by the previous consents.
- 8.56. At ground floor level the footprint envelope of the building allows for public access on all four sides of the building which is welcomed, in particular along the Dockside.
- 8.57. The layout of the site would not preclude the redevelopment of the eastern part of the Heron Quays West site in the future. Block layouts submitted show how a future relationship could work.
- 8.58. To conclude the proposed layout of the site is considered acceptable and in keeping with site layouts adjacent. The retention of public access around the building especially allowing views of the dock is supported. Finally, the development would provide definition of Bank Street and the South Dock.

Strategic views:

- 8.59. In March 2012 the Mayor of London published the 'London View Management Framework Supplementary Planning Guidance' (LVMF) which is designed to provide further clarity and guidance on London Plan's policies for the management of these views. The LVMF views 1A.1 from Alexandra Palace; 2A.1 from Parliament Hill; 4A.1 from Primrose Hill; 5A.1 from Greenwich; 6A.1 from Blackheath; and 11B.1 and 11B/2 from London Bridge are potentially relevant to consideration of development on the site and have been included in the views assessment.
- 8.60. Assessment point 5A.1 of the LVMF is the most relevant to the application (relating to the view from the General Wolfe Statue in Greenwich Park overlooking Maritime Greenwich World Heritage Site). The LVMF suggests that this view would benefit from "*further, incremental consolidation of the cluster of tall buildings on the Isle of Dogs ... However any consolidation of clustering of taller buildings on the Isle of Dogs needs to consider how the significance of the axis view from the Royal Observatory towards Queen Mary's House could be appreciated.*"

- 8.61. The townscape and visual assessment which form part of the Environmental Assessment demonstrates how this development would assist with the consolidation of the cluster in the context of the existing buildings with planning consent on the Isle of Dogs. The development would appear as a coherent part of the existing Canary Wharf cluster in the background of the view. The apparent height of the development in this view would be lower than One Canada Square and the HSBC and Citigroup buildings which flank it. Overall, the height, scale and form of the development would fit comfortably within the cluster.
- 8.62. The townscape assessment also produces a number of views from strategic locations round London, including from Waterloo Bridge, Stave Hill (Southwalk), Mudchute Park and the O2 Exhibition Centre Riverside Walkway.
- 8.63. The townscape conclusions suggest that the proposed development would be visible but there would be no significant impact on the setting of the view or the Outstanding Universal Value of the World Heritage Site. The GLA, English Heritage and the Councils Design and Conservation Team do not raise any objections in this respect.

### **Heritage Assets**

#### Policy Context:

- 8.64. Section 12 of the NPPF provides specific guidance on ‘Conserving and Enhancing the Historic Environment’. Para. 131 specifically requires that in determining planning applications, local planning authorities should take account of:
- *“desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation,*
  - *the positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and*
  - *the desirability of new development making a positive contribution to local character and distinctiveness.”*
- 8.65. Guidance at paragraph 132 states that any consideration of the harm or loss requires clear and convincing justification as well as an assessment of the impact of the proposal on the significance of the designated heritage asset and establish if it would lead to substantial harm or loss (advice at paragraph 133) or less than substantial harm (advice at paragraph 134).
- 8.66. PPS5 Practice Guide also provides guidance and clarification to the principles of assessing the impact of the development proposals on heritage assets.
- 8.67. Parts 1-3 of strategic policy SP10 of the CS provide guidance regarding the historic environment and states at part 2 of the policy that the borough will protect and enhance heritage assets and their setting. Policy requires that proposals protect or enhance the boroughs heritage assets, their setting and their significance.
- 8.68. Policy DM27 part 2 of the MDD provides criteria for the assessment of applications which affect heritage assets. Firstly, applications should seek to ensure they do not result in an adverse impact on the character, fabric or identity

of the heritage asset or its setting. Part (c) also applies given it seeks to enhance or better reveals the significance of the asset or its setting.

Impact on heritage assets:

- 8.69. The quay walls, copings and buttresses to the Import Dock and Export Dock now known as West India Middle Dock, to the north of the site, are listed as Grade I. Part of the listed structure lies within the northern boundary of the site along the Middle Dock. The listing description describes the quay walls as being of sophisticated brickwork “...*having a profile and counterfort buttresses, on a gravel bed.*” There are ashlar granite copings which have been largely renewed or covered by jetties. The Dock wall runs east-west along the northern site boundary, to the north of Bank Street. A pedestrian path is located on a concrete slab set about part of the depth of the brick wall of the Dock (the southern part closest to Bank Street). Coping stones are located above the northern part of the brick wall facing the Dock, flush with the pedestrian path. In views towards the part of the Dock wall within the site, the pedestrian path along Bank Street is therefore seen to be set-back from the coping stones, the top and face of which are visible.
- 8.70. No works are proposed to the Dock Wall as part of this application.
- 8.71. As requested by the Conservation Officer, conditions would be attached should planning permission be granted to ensure the protection of the listed banana wall during any construction works.
- 8.72. The dock wall along the southern boundary of the site facing onto the South Dock is not listed nor is it located within a conservation area. Nevertheless, English Heritage Archaeology have discussed the need to consider the desirability of retaining the readability of this heritage asset as a former dock. They have advised that comment is sought from the Borough Conservation Officer. Following further discussions with the Borough Conservation Officer, the loss of part of the South Dock Wall was considered acceptable in this instance. This is because the principle of the loss of part of this dock wall has already been established through the implemented and extant scheme. Furthermore, through detailed discussions at pre-application stage the view of the entrance to South Dock has been protected by ensuring the building line does not overhang the canal. It is considered that the most important elements of the dock wall are being preserved which would ensure the readability of the dock as an industrial heritage asset.
- 8.73. The application site is not located within a conservation area. West India Dock Conservation Area is approximately 450 metres away; Narrow Street Conservation Area is 550 metres away; and Coldharbour Conservation Area is approximately 800 metres away. It is not considered the proposed development would adversely affect the character and appearance of these conservation areas largely because of the distance limits the indivisibility with the site from these conservation areas.
- 8.74. In conclusion, it is not considered the proposed development would have an unduly detrimental adverse impact on the character and appearance of adjacent conservation areas.

**Transport, Connectivity and Accessibility**



#### Policy Context:

- 8.75. The NPPF and Policy 6.1 of the London Plan 2011 seek to promote sustainable modes of transport and accessibility, and reduce the need to travel by car. Policy 6.3 also requires transport demand generated by new development to be within the relative capacity of the existing highway network.
- 8.76. Core Strategy policies SP08 and SP09, together with policy DM20 of the MDD seek to deliver an accessible, efficient and sustainable transport network, ensuring new development has no adverse impact on safety and road network capacity, requires the assessment of traffic generation impacts and also seeks to prioritise and encourage improvements to the pedestrian environment.
- 8.77. Policies 6.13 of the London Plan, spatial policy SP09 of the CS and Policy DM22 of the MDD seek to encourage sustainable non-car modes of transport and to limit car use by restricting car parking provision.

#### Site context and proposal:

- 8.78. The site has a good public transport accessibility level (PTAL) of 5 (1 being poor and 6 being excellent). Heron Quay DLR station is approximately 200 metres east of the development and the Jubilee Line Station is located within five minutes walking distance of the site. The nearest bus stops to the proposed development site are situated on Bank Street, Marsh Wall, Westferry Road, West India Avenue and Westferry Circus upper level roundabout. There are a total of six bus routes that serve bus stops within 400 metres of the site (equating to a walk time of less than five minutes), the 135, 277, D3, D7, D8 and N550 (night bus).
- 8.79. It is noted that access is a reserved matter. However, an illustrative scheme has been prepared for the maximum floor area proposed in order to demonstrate how these elements could be accommodated on site.
- 8.80. The illustrative design includes three basement levels. Car and cycle parking would be provided in basement one and car parking provided in basement two. Indicative ground floor and basement plans have been provided.

#### Car Parking and Access:

- 8.81. A total of 107 car parking spaces have been included in the design which is in line with DM22 Parking and the parking standards table within the MDD. However, this would only apply should the maximum floorspace be delivered. In accordance with comments from TfL the car parking standards would be controlled via condition. Car parking for the B1 floor space would be provided at one space per 250 square metres plus one disabled space for the retail uses. The applicant has agreed to this condition.
- 8.82. The borough highway officer has noted that the proposed 107 spaces should be reduced at the reserved matters stage. Notwithstanding, the development would comply with borough parking standards.
- 8.83. A minimum of 10% of the total number of car parking spaces would be accessible and this would be controlled via condition.

- 8.84. A minimum of 20% of the car parking spaces would also be designed with charging points for electric vehicles with a further 10% of spaces easily convertible to provide charging points in the future. This would be controlled via condition.
- 8.85. The submitted Transport Assessment demonstrates that the development would result in 53 additional car trips in the am peak and 40 in the pm peak. The majority of additional trips would be generated either to the DLR or to the Jubilee Line or would be carried out on foot. The existing highway network in the vicinity of the site operates within capacity and this assessment shows that the development proposals can be accommodated on the surrounding highway network, which has been accepted by both TfL and LBH Highways.
- 8.86. Based on the illustrative plans vehicular access to the basement car park (including servicing) would be from Bank Street. A taxi drop-off/pick-up lay-by facility may be provided outside the building.
- 8.87. The borough highway officer considers that the assessment of the need for the taxi drop-off/pick-up lay-by should be assessed as part of the reserved matters application for access. At this point it would be possible to establish if one is required. Initially, the TfL highway officer was requesting that this be dealt with now, however, they have agreed with the approach of the borough highway officer.

#### Cycle Parking:

- 8.88. Cycle access to the development would be provided from Bank Street. Secure and accessible cycle parking facilities would be provided for employees and visitors to the building in line with council cycle parking standards. And a minimum level of cycle parking would be controlled via condition, based on the final floorspace delivered.
- 8.89. Based on the maximum GIA, a minimum of 1,123 cycle parking spaces would be provided within the illustrative scheme for the office use. Additional cycle spaces for the retail uses would also be provided in accordance with standards when its land use is determined. This would be controlled via condition.

#### 8.90. Servicing and Deliveries:

- 8.91. All servicing for the development would take place off the highway in a dedicated service area at ground floor level with service vehicle access provided directly from Bank Street or Marsh Wall. Both TfL and the borough transport officer support this. The reserved matters application for access would finalise the details of how servicing would take place.
- 8.92. A Delivery and Servicing plan and a Construction Logistics Plan would be secured via condition.
- 8.93. Transportation and Highways support the principles of a large development providing employment at this location.

#### Traffic and Highway Assessment:

- 8.94. The Transport Assessment employs a robust approach in considering the outline development proposals and it is appreciated that the Transport Assessment broadly considers “worst case scenarios.”
- 8.95. Referring to paragraphs 6.134 and 6.158 of this report which discuss in detail the Borough Highway Officer Comments.
- 8.96. A contribution towards Public Realm Improvements was not sought in this instance. The applicant through the Transport Assessment demonstrated that there would not be an impact on this section of highway. As such, contribution would not be justified and would not be in line with the CIL regulations.
- 8.97. Travel Planning and encouraging the use of modes of transport other than private car use is welcome and would off-set the impact of the development. Furthermore, reducing the maximum parking levels at the reserved matters stage would further reduce the level of impact.
- 8.98. A Travel Plan would be secured via condition as requested by TfL and the borough highway officer.

#### Public Transport Improvements

##### *Bus Network*

- 8.99. As demonstrated by the applicants Transport Assessment the development is likely to generate additional demand on the bus network in peak hours, particularly along the Wesferry Road corridor, which currently operates in excess of its planned capacity. Without appropriate mitigation, capacity constraints on this key corridor are expected to increase in the context of the cumulative impact of future development of the Isle of Dogs. In line with London Plan policy 6.1 appropriate financial mitigation has been agreed at £270,000 towards enhancing bus capacity in the local area and this would be secured via the section 106 agreement.

##### *Docklands Light Railway (DLR)*

- 8.100. To accommodate the cumulative increase in trips arising from the proposed development alongside others in the vicinity, and to improve accessibility, TfL have secured financial contributions towards upgrading Heron Quay West Station. A contribution of £250,000 would be secured via the section 106 agreement.

##### *Cycle Hire*

- 8.101. The area is well served by Cycle Hire docking stations, including those at Heron Quays station, Jubilee Place and Upper Bank Street. These are currently operating close to capacity. Office workers account for a large proportion of the scheme’s users, and the proposed development is likely to bring a high number of potential users to the area. TfL continues to develop the network where possible, and considers that there is a need for a new 24-point docking station in the vicinity of the site. The applicant has agreed to a financial contribution of £70,000 towards a new cycle hire docking station within the vicinity of the site. This would be secured via the section 106 agreement.
- 8.102. TfL have also sought the installation of real-time public transport information screens in the communal areas of the development. This would be secured via the section 106 agreement.

### *Crossrail*

- 8.103. In line with London Plan Policy 6.5 and the Crossrail SPG the development would be required to make a contribution of between £15,204,750 (£12,403,875 – figure with CIL credit) and £24,767,815 (£20,195,345 – figure with CIL credit) towards Crossrail. The final contribution required will be determined by the total scale of development approved at the reserved matters stage. The section 106 agreement would be drafted to reflect the requirement for Crossrail contribution to be paid, on commencement of development based on the methodology outlined in the SPG.
- 8.104. In accordance with London Plan policy 8.3, the London Mayor has introduced a London-wide Community Infrastructure Levy (CIL) that is paid on the commencement of most new development in London. The Mayor's CIL will contribute towards the funding of Crossrail. It is noted that the CIL payment has been estimated at between £2,800,875 and £4,572,470 for this development.
- 8.105. The required CIL should be confirmed by the applicant and Tower Hamlets Council once the components of the development have been finalised. The CIL payment would be treated as a credit towards the final figure required through the section 106 under the Crossrail SPG. The section 106 agreement would be drafted to reflect the credit towards the final Crossrail figure.

### Conclusion:

- 8.106. The principles of the development are supported by both TfL and the borough highway officer. It is acknowledged that the development would have an impact on the local transport network. The impact of the proposed development would be mitigated through the financial contributions secured to enhance the public transport network. Furthermore, conditions to secure a construction logistics plan, a delivery and service management plan and a travel plan would further lessen the impact of the development. In conclusion, the proposed development subject to mitigation would not have an unduly detrimental impact on the safety and capacity of the surrounding highway and public transport network.

### **Amenity**

- 8.107. Part 4 a and b of policy SP10 of the CS, and policy DM25 of the MDD seek to protect the residential amenity of the residents of the borough. These policies seek to ensure that existing residents adjacent to the site are not detrimentally affected by loss of privacy or overlooking of adjoining habitable rooms or have a material deterioration of daylight and sunlight conditions.
- 8.108. The application site is located in a commercial area and the nearest residential properties are approximately 105 metres away.

### Daylight, Sunlight and Overshadowing:

- 8.109. Guidance relating to daylight and sunlight is contained in the Building Research Establishment (BRE) handbook 'Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice - Second Edition' (2011).
- 8.110. In respect of daylight, there are three methods of calculating the level of daylight received known as Vertical Sky Component (VSC), No Sky Line (NSL) and

Average Daylight Factor (ADF). BRE guidance sets out that the first test applied should be VSC and if this fails consideration of the NSL test may also be taken into account.

- 8.111. BRE guidance in relation to VSC requires an assessment of the amount of daylight striking the face of a window. The VSC should be at least 27%, or should not be reduced by more than 20% of the former value, to ensure sufficient light is still reaching windows. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value.
- 8.112. In respect of sunlight, BRE guidance states that a window facing within 90 degrees of due south receives adequate sunlight if it receives 25% of annual probable sunlight hours including at least 5% of annual probable hours during the winter months.
- 8.113. In terms of permanent overshadowing, the BRE guidance in relation to new gardens and amenity areas states that *“it is recommended that for it to appear adequately sunlit throughout the year, at least half of a garden or amenity space should receive at least 2 hours of sunlight on 21st March”*.
- 8.114. A Daylight and Sunlight Report has been submitted as part of the application documents and this is contained within Volume One of the Environmental Statement (ES) – Chapter 16. The Daylight and Sunlight Chapter of the ES has been independently reviewed for the Council.
- 8.115. The following properties were tested and comply with BRE Guidelines:
- 22/28 Marshwall - Block 3
  - 25 Westferry Road
  - Waterman Building
  - Jefferson Building
- 8.116. The following properties were also tested and are discussed in more detail below:
- Anchorage Point
  - 1-9 Chandlers Mews
  - Cascades
  - 22-28 Marsh Wall – Block 1
  - 22-28 Marsh Wall – Block 2
  - 4 Manilla Street
  - 6 Manilla Street
  - Quayside
  - Berkeley Tower and Hanover House

*Anchorage Point*

- 8.117. Anchorage Point is a residential apartment block that sits approximately 218 metres to the south west of the application site. The submitted daylight and sunlight report shows that a number of windows will experience a reduction in VSC of more than 20% from existing. The worst case is a reduction of 48% from existing.
- 8.118. However, moving to the NSL test all of the windows except one accord with BRE guidelines. This does mean that whilst the daylight will be reduced, the perceived

outlook from a person seated within the room will not appear to be so materially affected as to warrant a refusal of permission. The rooms that fail the VSC standard also have low levels of ADF at present, and these would be reduced further. Therefore the rooms tested in this property will not have good levels of daylight.

- 8.119. With the cumulative analysis, the impact on Anchorage Point is more significant with the percentage reduction in VSC being greater, with a reduction in the worst case of 81% from existing and 21 windows experiencing a reduction of more than 50% existing.
- 8.120. Whilst some rooms do not meet the VSC standards, the NSL results are sufficiently good that, considering the distance of the development site from Anchorage Wharf (approximately 260 metres), it is not considered the development would cause an unduly detrimental impact on balance. Consideration also needs to be given to the impact of the design of the building which has deep recessed balconies which cause a significant level of self-obstruction.
- 8.121. To conclude, with the cumulative analysis, the impact on Anchorage Point is far more significant with the percentage reductions in VSC being greater, with a reduction in the worst case of 81% from existing and 21 windows experiencing a reduction of more than 50% from existing. In addition, there are 20 rooms which do not meet the NSC standard, although from interpretation of the results, this is likely to be the impact of other developments and not the HQW2 development. Therefore officers are of the view that the cumulative impact of the HQW2 development on top of the other cumulative are likely to be minimal.

*1-9 Chandlers Mews:*

- 8.122. This residential development lies 173m from the proposed HQW2 site. The Waterman results show that two windows on this terrace, one each to 4 and 5 Chandlers Mews on the ground floor experience a reduction in VSC of more than 20% from existing. However, the reductions are between 20% and 21% reduction and in these rooms, there is no change in the NSC and the ADF results are easily compliant.
- 8.123. With the cumulative assessment, 18 windows will experience a reduction of VSC of more than 20% from existing and 15 of those are reduction of more than 50%, so the impact will be very marked. However, it is likely that the cumulative impact of the HQW2 development itself will be minor and that the primary cumulative effect is the result of other developments. As such, it is likely that the impact will have a negligible to minor adverse impact.

*Cascades:*

- 8.124. Cascades is a residential apartment block that sits approximately 148 metres to the south west of the application site.
- 8.125. The Waterman report shows that 102 rooms will not meet the VSC standard, although all of these will experience a reduction of between 20% and 35% from existing. In addition, 31 rooms do not meet the NSC standard, with 28 of these experiencing a reduction of between 20% & 35%. The ADF results show that there are a significant number of rooms with very low levels of ADF which will be reduced further, although on the whole the reductions in ADF are not by large percentages.

- 8.126. The cumulative impact results in 500 rooms failing the VSC standards over the long term, and 216 fail the NSC standards. The Heron Quay West development will have a material impact on that cumulative assessment, although as viewed from Cascades, it is located alongside and therefore effectively partly within the backdrop of the other Heron Quay scheme proposal.
- 8.127. On balance, it can be accepted that the impact of this development alone could be considered to be of minor significance and is not considered to be unduly detrimental in this instance.

*Marsh Wall – Block 1:*

- 8.128. The Waterman report identifies that 93 windows will experience a reduction in VSC of more than 20% from existing, although the reduction is between 20% and 35% in each case. The daylight sunlight report states, the primary cause of these levels of reduction is the fact that windows have balconies overhead, which do restrict sky visibility particularly where tall buildings are planned nearby. All rooms meet the required NSC standard and all but one meets the ADF standard, and therefore the rooms will be left with sufficient luminance and a largely unaffected perception of outlook from within the rooms. On balance therefore, it is considered that the impact will be minor adverse significance, although one that could be considered to be acceptable in any event.
- 8.129. The cumulative impact is that 185 rooms will fail the VSC standard with 133 experiencing a reduction of more than 50% from existing. there will also be 103 rooms failing the NSC standard, with 89 experiencing a reduction of more than 50% from existing. Therefore, the cumulative impact on this building will be very significant in comparison with existing amenity. This development will have a material contribution to that, but the principal cause of the reduction of light to Block 1 will be the City Pride development. As a cumulative assessment, it must be considered to be of moderate significance.

*Marsh Wall - Block 2*

- 8.130. The Waterman report identifies that 72 rooms in this building will experience a reduction in VSC of more than 20% from existing and fail the standard, and that 58 of these will experience a reduction of more than 35% from existing. However, all rooms pass the NSC standard and only three would fail the ADF standard. Therefore, as with Block 1, the rooms will be left with adequate illuminance and the perception of outlook from inside the rooms will not be adversely affected, even though the daylight to the face of the window clearly will be.
- 8.131. On balance this is considered as being a minor adverse impact.
- 8.132. On the cumulative assessment, 158 rooms will fail the VSC standard with 72% experience a reduction of more than 50% from existing and 17 will fail the NSC standard. It is considered that the Heron Quay West 2 development will have a material effect on the cumulative impact, and therefore as a cumulative assessment, it must be considered to be a moderate adverse significance.

*4 Manilla Street:*

- 8.133. 4 Manilla Street is located to the south of the development. The submitted daylight and sunlight report shows that all windows in 4 Manilla Street pass the VSC standard, although three fail the NSC standard. The two rooms which fail

the NSC standard only experience a reduction of just under 23% from existing and so on balance, I agree with Waterman that this is of minor significance.

- 8.134. With the cumulative assessment, 32 rooms will fail the VSC standard and 29 fail the NSC standard. The Heron Quay West development will have a material contributing factor to this, along with the City Pride and Heron Quay West I developments. Furthermore, it is noted that this property is approximately 270 metres from the development site.

*6 Manilla Street:*

- 8.135. 6 Manilla Street is located directly to the west of 4 Manilla Street. The submitted report shows that only one window will experience a reduction in VSC of more than 20% from existing, and this is only marginally over, and that all windows pass the VSC standard. Officers agree with Watermans that the impact is of minor significance.
- 8.136. With the cumulative assessment, 32 rooms will fail the VSC standard and 15 fail the NSC standard. The Heron Quay West development will have a material contributing factor to this, along with the City Pride and Heron Quay West I developments. This is of moderate significance.

*Quayside*

- 8.137. The results show that 5 windows fail the VSC and two fail the NSC standard. Officers agree with the Waterman analysis of the impact on this building, and that it is of minor significance.
- 8.138. The cumulative results show that 37 windows will fail the VSC standard, with 31 of these experiencing a reduction of more than 50% from existing and that 16 will fail the NSC standard. However, the principal effect on daylight to this property is the Riverside South development, together with Newfoundland, with the Heron Quay West development contributing to that. On balance, however, officers do not believe it is a material cumulative contributor and is of minor significance.

*Berkeley Tower and Hanover House:*

- 8.139. Berkeley Tower and Hanover House are located to the north-west of the site adjacent to Westferry Circus. The results show that 4 windows in these properties will not meet the VSC criteria, but all pass the NSC standards. The results to this property are of minor significance.
- 8.140. The cumulative analysis shows that 42 windows will ultimately fail the VSC standard, and 5 fail the NSC standard. In this case, the principal impact is the Riverside South, Park Place and Newfoundland developments and officers do not believe that Heron Quay West 2 is a material contributor to the cumulative impact. Therefore the cumulative impact is of minor significance.
- 8.141. On balance the proposed development would not have an unduly detrimental impact on the daylight levels of these properties.

Sunlight:

- 8.142. The Waterman Report states that the sunlight standards are met for all the buildings tested. With regard to sunlight there would not be an unduly detrimental impact and the tested windows accord with BRE guidelines.



#### Shadow Analysis:

- 8.143. The submitted daylight and sunlight report shows that this development will leave more than 50% of the West India Middle Docks seeing two hours of direct sunlight on 21st March and the required standard will therefore be met.
- 8.144. On the cumulative analysis, only 21% of the Dock would see 2 hours of sunlight on 21st March. This development will have a material contribution to that, being located immediately to the south of the western end of the dock, and will shadow that end of the docks, substantially from 10am to 2pm, with shadow that would not otherwise be caused by other neighbouring buildings. The total cumulative impact is that the dock would in fact be substantially in shadow for most of the day on 21st March.
- 8.145. Officers note that this is the worst case scenario showing HQW1 and HQW2 as oversized and full height (as per the parameters). Should consent be approved for both buildings there will be a gap between them allowing additional light penetration thus increasing the sunlight amenity to this area.
- 8.146. On balance, officers do not consider this to be a reason for refusal given the planning permission for Riverside South to the north, City Pride to the east and the Landmark scheme to the south.

#### External Lighting:

- 8.147. The Waterman report explains that there is currently no proposed external lighting scheme and that they have assessed a notional lighting design. I see no reason to dispute their conclusions that it would be possible to design an external lighting scheme that would cause an effect of negligible significance.

#### Conclusions:

- 8.148. The submitted daylight and sunlight report identifies the key neighbouring residential properties around the site likely to be affected by the development. Many of these are a considerable distance away from the site, but it is correct that they have been assessed in order to take account of the scale of Heron Quay West outline massing.
- 8.149. For the most part where VSC results fail, these are mitigated by good levels of NSL as identified above. Where there are instances that windows fail both the VSC and NSL test it is not considered that this would merit refusal of the scheme. On balance, the level of impact with regard to daylight is considered to be acceptable and would not result in unduly detrimental impacts.
- 8.150. With regard to sunlight there would not be an unduly detrimental impact and the tested windows accord with BRE guidelines.
- 8.151. It is important to note the surrounding extant planning consents which include Riverside South to the west of the site and City Pride to the south-west. City Pride will have a greater impact on the existing residential units than HQW2 given the proposed height in contrast to the proposed 191m AOD proposed for this application.

#### Overlooking, loss of privacy, sense of enclosure:

8.152. The nearest residential property to the development would be the Landmark residential towers which are approximately 105 metres to the south west of the application site. It is not considered that there would be a detrimentally impact with regard to overlooking, loss of privacy and sense of enclosure given the separation distance of 105 metres which exceeds the minimum recommended separation distance of 18 metres outlined in policy DM25 of the MDD.

#### Noise and Vibration:

8.153. Chapter 10, Volume one of the ES contains an assessment of the impact of the proposed development with regard to noise and vibration. This has been reviewed by the relevant Environmental Health Officer who has raised no objection subject to relevant conditions.

8.154. With regard to plant, this would need to be designed to meet L90- 10 dB(A) of BS4142 and this would be controlled via condition.

8.155. During the Construction Phase, accordance with the Code of Construction Practice would be required. This would be secured as part of the section 106 agreement.

8.156. Should planning permission be granted there would also be conditions controlling the hours of operation (Monday – Friday 08:00 – 06:00, Saturdays 08:00 – 13:00 and no work on Sundays and Bank Holidays).

8.157. It is noted that residents are concerned about the impacts during the construction phase. Through Environmental Health legislation which the applicant is required to comply with the level of impact during construction would be managed.

#### Conclusion:

8.158. With regard to amenity, given the nearest residential properties are approximately 115 metres away there would not be a detrimental impact on amenity with regard to overlooking, loss of privacy, outlook and sense of enclosure. On balance, taking account of building design and distance from the application site it is not considered that there would be an unduly detrimental impact on daylight and sunlight of existing residents adjacent to the site. It is acknowledged that there are isolated rooms that would experience a change in daylighting levels. However, it is not considered that these isolated instances would merit refusal of planning permission. With regard to noise and vibration any impacts would be controlled via condition.

### **Energy and Sustainability**

#### Policy Context:

8.159. 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 NPPF also notes that planning supports the delivery of renewable and low carbon energy and associated infrastructure.

- 8.160. At a strategic level, the climate change policies as set out in Chapter 5 of the London Plan 2011, London Borough of Tower Hamlets Core Strategy (SO24 and SP11) 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.
- 8.161. The London Plan sets out the Mayor's energy hierarchy for development to be designed to:
- Use Less Energy (Be Lean);
  - Supply Energy Efficiently (Be Clean); and
  - Use Renewable Energy (Be Green).
- 8.162. In addition to this, development proposals must ensure compliance with Policy 5.6 of the London Plan and install an energy systems in accordance with the following hierarchy:
- 1) Connect to existing heating or cooling networks.
  - 2) Site wide CHP
  - 3) Communal heating and cooling.
- 8.163. Climate change policies are set out in Chapter 5 of the London Plan, strategic policy SP11 of the Core Strategy and policy DM29 of the MDD. These collectively require developments to make the fullest contribution to the mitigation and adaptation to climate change and to minimise carbon dioxide emissions.
- 8.164. Managing Development Document Policy DM29 includes carbon emissions reduction targets, to be achieved through the cumulative steps of the energy hierarchy (as set out in the London Plan). The current requirement is for developments to achieve a 50% reduction in carbon emissions from a Building Regulations 2010 baseline.
- 8.165. The 50 per cent carbon reduction target beyond Part L of the Building Regulations 2010 as set out in Managing Development Document Policy DM29 will be applied to all applications determined on or after October 1 2013.
- 8.166. Where the carbon reduction requirements of policy DM29 cannot be met on site, the Planning Obligations SPD includes the mechanism for any shortfall to be met through a cash in lieu contribution for sustainability projects. This policy is in accordance with Policy 5.2 (E) of the London Plan 2011 which states:

‘...carbon dioxide reduction targets should be met on-site. Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere.’

Energy:

- 8.167. The proposals for Heron Quays West have followed the energy hierarchy and sought to minimise CO2 emission through energy efficiency and energy supply to achieve at least a 28% reduction in CO2. The proposals also include the installation of 315m<sup>2</sup> (44kWp) of Photo Voltaic (PV) array to further reduce CO2 emissions by 1%.

- 8.168. The overall CO2 emission reductions considered achievable for the development are 30%. It is recommended that a condition be attached to the permission to ensure 30% CO2 reductions would be achieved. As the application is in outline there is the potential that at the reserved matters stage further CO2 savings may be incorporated into the design of the scheme. As such, it is considered that in this instance energy would be assessed at the point of assessment of the main application. Any further reduction in CO2 emissions attained at reserved matters stage would be welcome and would result in the applicant exceeding the CO2 target set by the compliance condition.
- 8.169. The Managing Development Document Policy DM29 includes the requirement to achieve a minimum 50% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy.
- 8.170. The current proposal fall short of these policy requirements by 20% and this equates to 512.5 tonnes of regulated CO2.
- 8.171. The Planning Obligations SPD includes the mechanism for any shortfall in CO2 to be met through cash in lieu contribution for sustainability projects. This policy is in accordance with Policy 5.2 (E) of the London Plan 2011 which states:  
*“...carbon dioxide reduction targets should be met on-site. Where it is clearly demonstrated that the specific targets cannot be fully achieved on-site, any shortfall may be provided off-site or through a cash in lieu contribution to the relevant borough to be ring fenced to secure delivery of carbon dioxide savings elsewhere.”*
- 8.172. It is proposed the shortfall in CO2 emission reductions will be offset through a cash in lieu payment. The current identified cost for a tonne of CO2 is £1,380 per tonne of CO2. This figure is recommended by the GLA (GLA Sustainable Design and Construction SPG 2013 and the GLA Planning Energy Assessment Guidance) and is also based on the London Legacy Development Corporation’s figure for carbonoffsetting.
- 8.173. Whilst we have a financial figure to meet the carbon emission shortfall and could simply use this within the S106, the policy aim is to reduce carbon emissions and it is therefore appropriate to allow the applicants to use ‘allowable solutions’ where available and the projects meet the LBTH requirements for offering additionality. At present the LBTH Sustainable Development Team are developing a set of criteria for ‘allowable solutions’ for developers. The criteria will then be used to demonstrate how the project can be considered to be offering additionality i.e. offering savings that would not otherwise have occurred. The applicant/developer would need to meet the LBTH additionality criteria in order for the carbon offset projects to be acceptable, and where the projects are not considered acceptable the applicant/developer will be required to pay a cash payment.
- 8.174. For the proposed scheme it is recommended that a figure of £707,250 is sought for carbon offset projects in the vicinity of the proposed development. The calculation for this figure is as follows:
- Building Regulation 2010 Baseline is 2,509 tonnes/CO2  
Proposed development is at 1,767 tonnes/CO2  
50% DM29 reduction would therefore be 1,254.5 tonnes/CO2.

Shortfall to meet DM29 requirements = 512.5 tonnes/CO<sub>2</sub> x £1,380 = **£707,250**  
offset payment to meet current policy requirements

- 8.175. A condition would be attached to the permission to ensure 30% CO<sub>2</sub> reductions would be achieved.
- 8.176. The application is in outline and at the reserved matters stage further CO<sub>2</sub> savings may be incorporated into the design of the scheme. As such, it is considered that in this instance energy would be assessed at the point of assessment of the main application. Any further reduction in CO<sub>2</sub> emissions attained at reserved matters stage would be welcome and would result in the applicant exceeding the CO<sub>2</sub> target set by the compliance condition

#### Sustainability:

- 8.177. Policy DM29 also requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require all residential development to achieve Code for Sustainable Homes Level 4 rating and all non-residential developments to achieve a BREEAM excellent rating.
- 8.178. Also, Policy SO3 of the Core Strategy (2010) seeks to incorporate the principle of sustainable development, including limiting carbon emissions from development, delivering decentralised energy and renewable energy technologies and minimising the use of natural resources. The London Borough of Tower Hamlets Core Strategy Policy SP11 requires all new developments to provide a reduction of carbon dioxide emissions through on-site renewable energy generating technologies.
- 8.179. Policy DM29 of the MDD requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require non-residential schemes to achieve a BREEAM Excellent rating. The proposals have been designed to achieve this rating and are therefore supported by the sustainable development team. An appropriately worded condition should be applied to secure the submission of the BREEAM certificates post occupation of the building.

#### Conclusions:

- 8.180. Through the use of conditions and financial mitigation the energy and sustainability strategies have demonstrated compliance with the energy hierarchy. As such, the proposals are considered acceptable.

#### **Biodiversity**

##### Policy Context:

- 8.181. In terms of policy designations within the CS and MDD, the docks form part of a the blue grid and the docks are designated as a Site of Importance for Nature Conservation (SINC). The site also forms part of the Blue Ribbon Network as designated by the London Plan.

- 8.182. Chapter 13 (Ecology) Volume One of the submitted ES, presents an assessment of the likely significant effects of the development on the ecological and nature conservation resources on and in proximity of the site.
- 8.183. The London Biodiversity Action Plan (2008), policy 7.19 of the London Plan, strategic policy SP04 of the CS and DM11 of the MDD seek to wherever possible ensure that development, makes a positive contribution to the protection, enhancement, creation and management of biodiversity. Where sites have biodiversity value this should be protected and development which would cause damage to SINCs or harm to protected species will not be supported unless the social or economic benefits of the development clearly outweigh the loss of biodiversity.
- 8.184. Strategic policy SP04 also 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.
- 8.185. Policy 7.24 of the London Plan sets out the strategic vision of the Blue Ribbon Network which should contribute to the overall quality and sustainability of London by prioritising the use of waterspace and land alongside it safely for water related purposes. Policy 7.27 seeks to support infrastructure and recreation use by amongst other aims protecting existing access points and enhancing where possible, 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.*"
- 8.186. 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.
- 8.187. Paragraph 7.84 notes that "*The Blue Ribbon Network should not be used as an extension of the developable land in London ...*"
- 8.188. Policy DM12 of the MDD 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.

Principle of infilling South Dock:

- 8.189. The proposed development involves the partial infilling of South Dock and as such raises potential conflicts with a number of London Plan policies relating to the Blue Ribbon Network and Council policy regarding the blue grid. There is however an extant planning permission which includes the same infilling approach which is material in the consideration of this case. Furthermore, the development would provide a significant (financial) contribution to maintaining and enhancing Canary Wharf's role as a leading centre of international finance and commerce and in turn London's world city status.

8.190. The effect of infilling South Dock would also have an impact on biodiversity within the area given water would be permanently displaced.

8.191. In order to mitigate against the impact of the loss of water and habitat as a result of partially infilling South Dock, a range of biodiversity enhancement measures have been proposed. The Biodiversity Officer has noted that these enhancements would need to improve the water body and provide significant biodiversity enhancements in order to accord with policies DM11 and DM12.

8.192. The following biodiversity enhancements would be required:

- Enhancements to habitats within the Docks
- Biodiverse green roofs (designed in accordance with Buglife's best practice guidance)
- Nest boxes for swifts and other birds within the new building
- Use of native plants and other plants beneficial to wildlife in the landscaping scheme
- Marginal aquatic vegetation either in coir rolls or gabion baskets attached to the new wall or on floating rafts
- Nesting rafts suitable for common terns in Middle and/or South Dock

8.193. The above enhancements would be secured via condition should planning permission be granted. This approach is supported by the Borough Biodiversity Officer.

8.194. The GLA have stated that "*it would not be reasonable, nor would it be in the interest of good strategic planning, to object to the current scheme on the basis of the infilling of the dock. However great care should be exercised...*"

8.195. In conclusion, in light of the extant planning permission, subject to conditions to secure biodiversity enhancements and given the economic benefits of the scheme the partial infilling of South Dock would be acceptable in this instance. Officers agree with the GLA and do not consider that this unique case establishes a precedent for future proposals to infill the Docks.

#### Landscaping:

8.196. In light of the biodiversity enhancements required, the hard and soft landscaping scheme for the development which would be controlled via condition would need to focus on ensuring biodiversity enhancements as part of the development.

### **Environmental Considerations**

#### Air quality:

8.197. Policy SP03 of the Core Strategy suggests air quality improvements will be addressed by continuing to promote the use of public transport and reduce reliance on private motor vehicles and introducing a 'clear zone' in the borough. Policy DM9 also seeks to improve air quality within the Borough, and outlines that a number of measures which would contribute to this such as reducing vehicles traffic levels, controlling how construction is carried out, reducing carbon emissions and greening the public realm.

- 8.198. Chapter 9, Volume one of the submitted ES presents an assessment of the likely significant air quality effects of the development. In particular, consideration is given in the assessment to the demolition and construction works as well as air quality effects arising from operational traffic on local road network as a result of the development.
- 8.199. A qualitative assessment of the construction phase effects have been undertaken following guidance published by the Institute of Air Quality Management. The main effect on local air quality during demolition and construction relates to dust, which is more likely to be generated from demolition activities and earthworks. A range of measures to minimise or prevent dust would be implemented through the adoption of the Construction Logistics Management Plan.
- 8.200. Computer modelling was carried out to predict the impact of future traffic related emissions and the likely changes in local air quality following the completion of the development. Given that the assessment of operational road traffic effects from the development was found to be insignificant, no mitigation measures are required.
- 8.201. The development is proposing an energy centre and plant the final details of which are not known given the application is in outline. At reserved matters stage details of the energy centre and plant location would be finalised and further air quality would need to be undertaken at reserved matters stage as requested by the Environmental Health Air Quality Officer.
- 8.202. In conclusion, the ES identifies that there will be a negligible effect on air quality resulting from this development.

Microclimate:

- 8.203. Tall buildings can have an impact upon the microclimate, particularly in relation to wind. Where strong winds occur as a result of a tall building it can have detrimental impacts upon the comfort and safety of pedestrians and cyclists. It can also render landscaped areas unsuitable for their intended purpose.
- 8.204. Chapter 15, Volume One of the submitted ES assess the likely significant effects of the development on the local wind microclimate within and around the development. In particular, it considers the likely significant effects of wind upon pedestrian comfort and safety and summarises the findings of a full wind tunnel testing exercise undertaken in accordance with the widely accepted Lawson Comfort Criteria. The criteria reflects the fact that sedentary activities such as sitting requires a low wind speed for a reasonably level of comfort whereas for more transient activities such as walking pedestrians can tolerate stronger winds.
- 8.205. In the absence of any mitigation, the development would give rise to a full range of wind effects. Depending on the location within and surrounding the site, the season and the type of pedestrian activity taking place, wind conditions were found to be both suitable for the intended pedestrian use in some locations and windier than desired in others.
- 8.206. Further detailed design of the building (to include building form and articulation and entrance locations) at reserved matters stage would allow an opportunity to improve the wind conditions where required. This could include detailed



landscape planting within the site and the implementation of possible wind screens.

- 8.207. Furthermore, the Environmental Health Officer has requested that further wind modelling be carried out at reserved matters stage. This would ensure that building entrances are located in the most suitable locations and minimise the impacts of the development to ensure pedestrian comfort. These measures can be secured by condition in the event that planning permission is granted.

Contaminated Land:

- 8.208. In accordance with the requirements of the NPPF and policy DM30 of the MDD, the application has been accompanied by an Environmental Statement which assesses the likely contamination of the site within Chapter 11 (Ground Conditions and Contamination), Volume One.
- 8.209. The Council's Environmental Health Officer has reviewed the documentation, and has requested that supplementary soil investigation be carried out. The submission of these details would be secured via condition should planning permission be granted.

Flood Risk and Water Supply:

- 8.210. The NPPF, policy 5.12 of the London Plan, and policy SP04 of CS relate to the need to consider flood risk at all stages in the planning process.
- 8.211. The development falls within Flood Risk Zone 3. Chapter 12 (Water Resources and Flood Risk), Volume One of the submitted ES, presents an assessment of the likely significant effects of the development on surface water drainage, ground water levels and flows and flood risk. The chapter also consider the likely significant effects on capacity of foul and surface water discharge and potable water supply infrastructure. The chapter is supported by a Flood Risk Assessment (FRA).

*Flood Risk:*

- 8.212. The Application Site lies within Flood Zone 3 as shown on the Environment Agency (EA) Flood Map.
- 8.213. The proposed development has a flood vulnerability classification of 'less vulnerable' and is appropriate development under the sequential test carried out by officers in line with the NPPF.
- 8.214. The ES and Flood Risk Assessment set out mitigation required. During the demolition and construction phase, the relocation of the West India Dock South wall in order to construct the basement results in the requirement for temporary flood defences in the form of a cofferdam which would be installed to maintain the integrity of the flood defences. This is shown on the parameter plans.
- 8.215. Due to the proposals encroachment into the existing dock, a degree of flood storage would be lost within the wider dock system. However, the overall net effect compared with the consented scheme is a slight gain in flood storage.
- 8.216. Groundwater levels should not impact or be significantly impacted on by the proposed development.

- 8.217. Surface and foul water would be conveyed away from the site in an appropriate manner. The majority of surface water would be discharged to the docks, as occurs at the existing site which is the most sustainable solution for the site.
- 8.218. It is noted that the site is also protected by raised flood defences along the River Thames and the Thames Barrier.
- 8.219. Flood risk has been assessed by the Environment Agency (EA).
- 8.220. Following the submission of supplementary information which forms part of the FRA the EA have removed their holding response.
- 8.221. The updated FRA (Issue 3) provides more information on the flood storage calculation across the 2 schemes (HQW1 and HQW2) within Appendix A6 and corrects the calculation so both FRAs are now consistent.
- 8.222. As part of the application process, changes have been made to the flood storage. Although flood storage compensation for HQW1 in isolation (and therefore wasn't included), the combined loss of flood storage associated with the maximum basement encroachment for HQW1 and HQW2 does require compensation. It is not possible to put the entire flood storage reservoir in the basement of HQW2 and, as such, the flood storage reservoir will be located in the basement of HQW1.
- 8.223. An amended FRA for HQW1 has been submitted as a s.96a (ref: PA/14/614). Arup and EA have been in consultation as this idea has development. However the EA have been formally consulted on this.
- 8.224. The flood storage reservoir will be provided in HQW1 regardless of which building is developed first.
- 8.225. The EA have recommended conditions relating to compliance with the FRA, ground water protection due to the historical contamination activities, potential for ground water contamination and restricting piling or other foundation designs to non-penetrative methods. Should planning permission be granted these conditions would be attached to the planning permission.
- 8.226. Subject to the inclusion of conditions as per the recommendation of the Environment Agency, it is considered that the proposed development by virtue of the proposed flood mitigation strategy accords with the NPPF, Policy 5.12 of the London Plan and Policy SP04 of the CS.

*Water Supply:*

- 8.227. Thames Water have raised concerns regarding the cumulative flows for both HQW1 and HQW2. As the developments were received at different dates for consultation they were assessed separately. Information provided to date is of concern due to the cumulative flows for similar applications. Due to the risk of flooding from the existing sewers, TW sought to place a Grampian condition on only one site.
- 8.228. In line with these comments, Thames Water have requested a condition to require the submission of water impact studies. Through the use of appropriate

conditions it would ensure there would be no impact on water supply within the area.

### **Environmental Impact Assessment**

- 8.229. The proposed development falls within the category of developments referred to in paragraph 10(b) of Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
- 8.230. As the proposal is likely to have significant effects on the environment, it is required to be subject to environmental impact assessment (EIA) before planning permission is granted. Regulation 3 of the EIA Regulations precludes the grant of planning permission unless prior to doing so, the Council has taken the 'environmental information' into account. The environmental information comprises the applicant's Environmental Statement (ES), any further information submitted following request under Regulation 22 of the EIA Regulations, any other substantive information relating to the ES and provided by the applicant and any representations received from consultation bodies or duly made by any person about the environmental effects of the development.
- 8.231. The Council has an appointed environmental consultant - Land Use Consultants (LUC) in association with Cascade Consulting - to examine the applicant's ES and to confirm whether it satisfies the requirements of the EIA Regulations. This is supported by reviews by LBTH's internal environmental specialists and EIA Officer. Following that exercise, LUC confirmed their view that whilst a Regulation 22 request was not required, further clarifications were sought in respect of a number of issues
- 8.232. This additional information will provide further clarity on the EIA, however even without it the ES is considered to provide a comprehensive assessment of the environmental impacts of the proposed development.
- 8.233. As the application is in outline, for the purposes of the assessment of environmental effects and to comply with the requirements of the EIA Regulations, the applicant has submitted parameter plans and other information to prescribe key aspects of the development. These include, for example, quantum of floorspace and heights, widths and lengths of building to create 'building envelopes'. Should the scheme be approved, the parameters will be fixed in order to keep the development within those assessed in the ES and ensure that the scheme does not give rise to additional significant environmental effects and/ or change the finding of the ES. Should the applicant then bring forward proposals which alter the parameters identified and assessed in the ES, they may need to be reassessed and/ or a new planning application submitted.
- 8.234. The ES assesses the potential impacts from a proposed development, the likely significant effects and any required mitigation to reduce adverse effects and enhancement measures to maximise the benefits. The various environmental effects are dealt with in relevant sections of this report with conclusions given, proposals for mitigation by way of conditions, and/ or planning obligations as appropriate.
- 8.235. In summary, having regard to the ES and other environmental information in relation to the development, officers are satisfied that the environmental effects

are acceptable in the context of the overall scheme, subject to conditions/obligations providing for appropriate mitigation measures.

### **Planning Contributions and Community Infrastructure Levy**

8.236. Regulation 122 of CIL Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they meet the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Are fairly and reasonably related in scale and kind to the development.

8.237. This is further supported by policy SP13 of the CS which seek to negotiate planning obligations through their deliverance in kind or through financial contributions to mitigate the impacts of a development.

8.238. The Council's Supplementary Planning Document on Planning Obligations was adopted in January 2012. This SPD provides the Council's guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy.

8.239. The document also set out the Borough's key priorities being:

- Affordable Housing
- Employment, skills, training and enterprise
- Community facilities
- Education

8.240. The Borough's other priorities include:

- Health
- Sustainable Transport
- Environmental Sustainability
- Public Realm

8.241. The general purpose of S106 contributions is to ensure that development is appropriately mitigated in terms of impacts on existing social infrastructure such as health, community facilities and open space and that appropriate infrastructure to facilitate the development i.e. public realm improvements, are secured.

8.242. The application is in outline and the minimum and maximum commercial floor space proposed ranges from 78,349 square metres to 128,966 square metres. Given, the level of floor space is not fixed at this stage it is not possible to confirm the final level of financial contributions in lines with the SPD.

8.243. In considering how to deal with the section 106, in light of the fact this is an outline scheme and the scale of development is not fixed at this stage, Officers have calculated the level of contributions taking account of the minimum and maximum level of commercial floor space provision. The minimum and maximum range of planning contributions required to mitigate the impact of development dependent on the final level of commercial floor space provided are listed below.

8.244. The section 106 agreement would include the formulas contained within the section 106 SPD and the final level of the contribution would be agreed as part of

the reserved matters applications once the fixed amount of commercial floor space is agreed.

- 8.245. This approach ensures that the level of financial mitigation is proportion to the scale of development and accords with the CIL regulations. Officers presented this approach to the Planning Contributions Overview Panel (PCOP) who agreed with the approach. This is also the approach suggested by the GLA with regard to the Crossrail contribution.
- 8.246. The applicant has agreed to provide the full amount of financial contributions requested in line with the SPD.
- 8.247. As discussed at paragraph 8.19 – 8.27, an affordable housing contribution is not required for this application. Furthermore, health and education contributions are not required for commercial development in line with the section 106 SPD and have not been secured in this instance.
- 8.248. As discussed at paragraph 3.3 of this report, in line with London Plan Policy 6.5 and the Crossrail SPG the development would be required to make a contribution of between £15,204,750 (£12,403,875 – figure with CIL credit) and £24,767,815 (£20,195,345 – figure with CIL credit) towards Crossrail. The final contribution required will be determined by the total scale of development approved at the reserved matters stage similar to LBTH financial contributions as requested by the GLA and TfL.
- 8.249. In accordance with London Plan policy 8.3, the London Mayor has introduced a London-wide Community Infrastructure Levy (CIL) that is paid on the commencement of most new development in London. The Mayor's CIL will contribute towards the funding of Crossrail. It is noted that the CIL payment has been estimated at between £2,800,875 and £4,572,470.
- 8.250. The required CIL should be confirmed by the applicant and Tower Hamlets Council once the components of the development have been finalised. The CIL payment would be treated as a credit towards the final figure required through the section 106 under the Crossrail SPG. The section 106 agreement would be drafted to reflect the credit towards the final Crossrail figure.
- 8.251. TfL have also requested contributions towards bus improvements, improvements at Heron Quay West DLR station and a contribution towards a new cycle hire docking station. Following negotiations between the applicant and TfL the financial contributions were agreed as fixed amounts regardless of the scale of development which would be built. This was because, the amount agreed does not reflect the upper amount requested by TfL to mitigate the impacts of the development.
- 8.252. Finally, the monitoring fee has been agreed at 2% in this instance in line with the S106 SPD.
- 8.253. To mitigate for the impact of this development on local infrastructure and community facilities the following contributions accord with the Regulations and have been agreed. The total financial contribution would be between £18,982,334 (£16,417,738 with CIL Credit) and £31,289,308 (£27,094,801 with CIL Credit).
- 8.254. The proposed heads of terms are:

### Financial Obligations:

- j) A contribution of between **£1,146,302** and **£1,880,584** towards employment, skills, training and enterprise.
- k) A contribution of between **£142,979** and **£234,822** towards Idea Stores, Libraries and Archives.
- l) A contribution of between **£517,594** and **£839,584** towards Leisure Facilities.
- m) A contribution of between **£97,935** and **£160,256** towards Sustainable Transport.
- n) A contribution of **£707,250** towards Environmental Sustainability.
- o) A contribution of between **£910,572** and **£1,495,482** towards Public Realm.
- p) A contribution of between **£70,000** towards TfL Cycle Hire Scheme.
- q) A contribution of between **£250,000** towards TfL DLR improvements at Heron Quay West Station.
- r) A contribution of between **£270,000** towards TfL Bus services within the area.
- s) A contribution of between **£15,204,750** (£12,403,875 – figure with CIL credit)\* and **£24,767,815** (£20,195,345 – figure with CIL credit)\* towards Crossrail.
- t) A contribution of 2% of the total financial contributions would be secured towards monitoring. The amount would be between £372,202 (to be reduced by 2% of whatever is paid by CIL. i.e. £316,185 – figure with CIL credit applied to Crossrail contribution)\*\* and £613,515 (£601,245 – figure with CIL credit applied to Crossrail contribution)\*\*

\*It is noted that the CIL payment has been estimated at between £2,800,875 and £4,572,470. The CIL figure will be treated as a credit towards the Crossrail payment required through s106 in accordance with the Crossrail SPG. The figures in brackets above reflect what the Crossrail figure would be with the CIL credit applied for clarity.

\*\* The monitoring fee calculation has been based on the total financial contributions and takes into consideration the estimated CIL credit towards the Crossrail figure.

### Non-financial contributions

- Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
- Commitment to use reasonable endeavours to relocate the East London Business Place and UCATT within a 1km radius of Canary Wharf Jubilee Line Station.
- Commitment to use reasonable endeavours to relocate them with Skillsmatch(whose relocation is covered in the Legal Agreements which sit outside of the planning process).
- Travel Plan
- Code of Construction Practice
- Walkways - Maintenance of new walkways within the development together with unrestricted public access
- Install real time public transport screens within the ground floor of the building.

- Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

8.255. The above contribution have been secured and negotiated in line with the S106 SPD and officers consider that for the reasons identified above that the package of contributions being secured is appropriate, relevant to the development being considered and in accordance with the relevant statutory tests.

### **Local Finance Considerations**

8.256. Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides:

8.257. In dealing with such an application the authority shall have regard to:

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

8.258. Section 70(4) defines “*local finance consideration*” as:

- a) 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
- b) Sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy.

8.259. In this context “grants” might include the Government’s “New Homes Bonus” - a grant paid by central government to local councils for increasing the number of homes and their use.

8.260. These issues are material planning considerations when determining planning applications or planning appeals.

8.261. Officers are satisfied that the current report to Committee has had regard to the provision of the development plan. The proposed S.106 package has been detailed in full which complies with the relevant statutory tests, adequately mitigates the impact of the development and provides necessary infrastructure improvements.

8.262. As regards Community Infrastructure Levy considerations, following the publication of the Inspector’s Report into the Examination in Public in respect of the London Mayor’s Community Infrastructure Levy, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and will be payable on this scheme. The likely CIL payment associated with this development would be in the region £2,800,875 and £4,572,470.

### **Human Rights**

8.263. Planning decisions can have Human Rights Act 1998 implications and in terms of relevant provisions of the Human Rights Act 1998, the following are particularly highlighted to Members:-

8.264. Section 6 of the Human Rights Act 1998 prohibits authorities (including the Council as local planning authority) from acting in a way which is incompatible

with the European Convention on Human Rights. "Convention" here means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998. Various Convention rights are likely to be relevant, including:-

- 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".

8.265. 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 local planning authority.

8.266. Members need to satisfy themselves that the measures which are proposed to be taken to minimise, inter alia, the adverse effects of increased traffic generation on the highway and any noise associated with the use are acceptable and that any potential interference with Article 8 rights would be legitimate and justified.

8.267. Both public and private interests are to be taken into account in the exercise of the Council's planning authority's powers and duties. Any interference with a Convention right must be necessary and proportionate.

8.268. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.

8.269. As set out above, it is necessary, having regard to the Human Rights Act 1998, to take into account any interference with private property rights protected by the European Convention on Human Rights and ensure that the interference is proportionate and in the public interest.

8.270. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered. Officers consider that any interference with Convention rights is justified. Officers have also taken into account the mitigation measures governed by planning conditions and obligations to be entered into.

### **Equalities**

8.271. The Equality Act 2010 provides that in exercising its functions (which includes the functions exercised by the Council as Local Planning Authority), that the Council as a public authority shall amongst other duties have due regard to the need to-



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

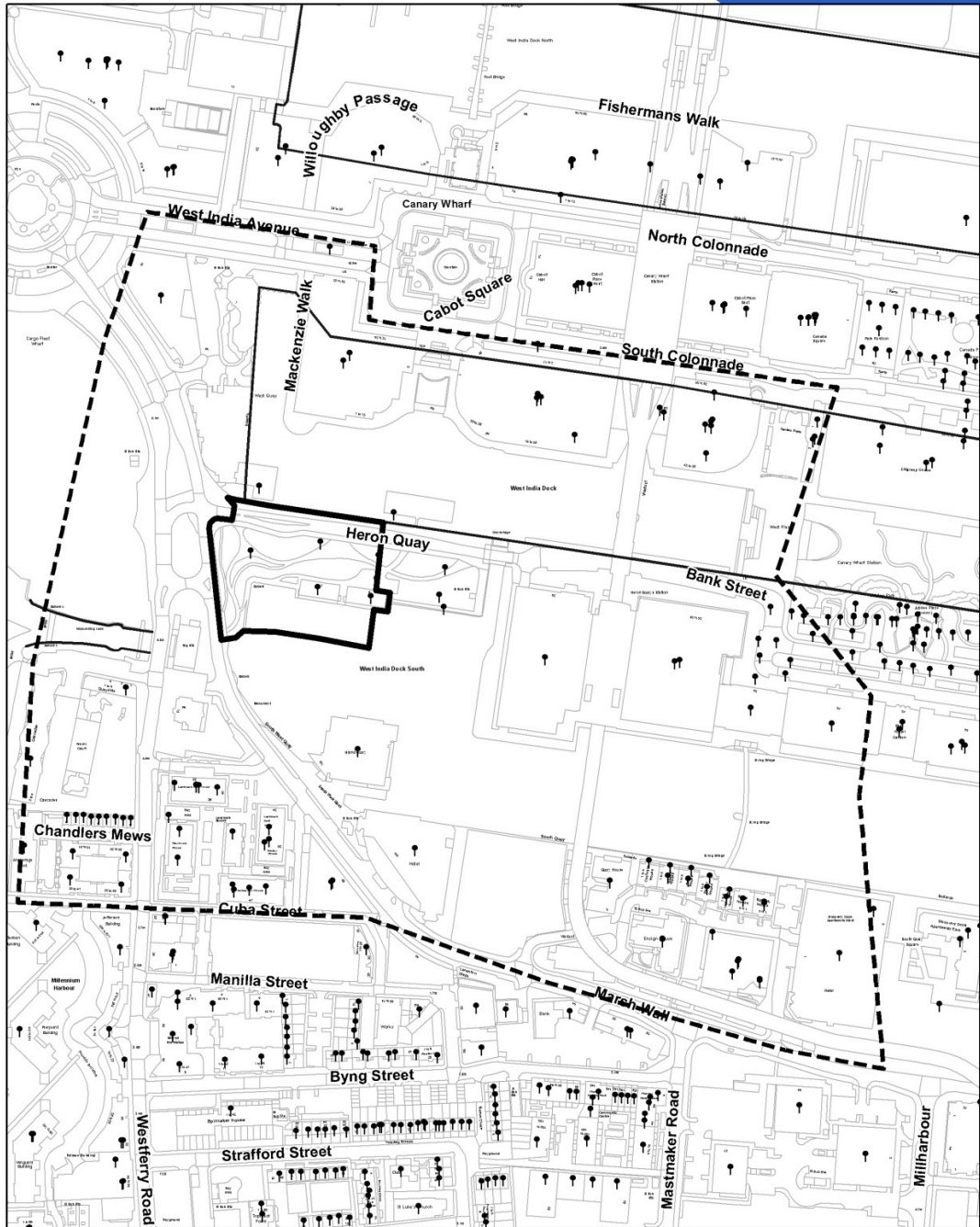
8.272. The protected characteristics set out in the Equality Act are: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation. The Equality Act acknowledges that compliance with the duties set out may involve treating some persons more favourably than others, but that this does not permit conduct that would otherwise be prohibited under the Act.

8.273. With regard to age, disability, gender reassignment, pregnancy and maternity, race religion or belief, sex and sexual orientation there are no identified equality considerations.

## **9. CONCLUSION**

9.1. All other relevant policies and considerations have been taken into account. Planning permission should be supported for the reasons set out in RECOMMENDATION section of this report.

**Planning Application Site Map**  
**PA/13/03159**



- Planning Application Site Boundary
- Consultation Area
- Locally Listed Buildings
- Statutory Listed Buildings
- Land Parcel Address
- OSLine

0 20 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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