

Committee: Strategic	Date: 25 th September 2014	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Kirsty Flevill	Ref No: PA/13/02344 (Outline Planning Application) and PA/13/02366 (Listed Building Consent)
	Ward: Canary Wharf

1. APPLICATION DETAILS

Location: 1 Park Place, Canary Wharf, London

Existing Use: Vacant (extant permissions for B1)

Proposal: PA/13/02344: Outline application for the demolition of any existing structures, and construction of a building of up to 102,102 sq.m (GIA) comprising office use (use class B1) along with a decked terrace to the Middle Dock, access and highways works, provision for flood storage, landscaping, pedestrian link and other works incidental to the application (all matters reserved).

PA/13/02366: Listed Building Consent for the alterations to grade I listed Quay Wall in connection with the redevelopment of the site under associated outline planning application PA/13/02344.

Drawing and documents: Outline Application

- Parameter plans: P_00_C645_030 Rev D, P_00_C645_031 Rev D, P_00_C645_032 Rev E, P_00_C645_033 Rev D, P_00_C645_035 Rev D, P_B_C645_036 Rev D, P_LG_C645_037 Rev D, P_00_C645_038 Rev D, P_00_C645_039 Rev D, E_N_C645_040 Rev D, E_N_C645_041 Rev D, E_E_C645_042 Rev D, E_W_C645_43 Rev D, E_E_C645_044 Rev D.
- PP-OPA.03. Development Specification – prepared by Squire and Partners (dated September 2013)
- PP-OPA.04 Design Guidelines –prepared by Squire and Partners (dated September 2013)
- PP-OPA.05 Design and Access Statement prepared by Squire and Partners (dated September 2013)

- PP-OPA.06a Environmental Statement Volume 1 and PP-OPA.06b Environmental Statement Volume 2 prepared by BDP (dated September 2013)
- PP-OPA.07 ES Non-Technical Summary prepared by BDP
- PP-OPA.08 Planning Statement prepared by DP9 (dated September 2013)
- PP-OPA.09 Statement of Community Involvement prepared by Canary Wharf Group (dated September 2013)
- PP-OPA.10 Energy and Sustainability Strategy prepared by Hoare Lee (dated September 2013)
- PP-OPA.11 Heritage Assessment prepared by CGMS (dated September 2013)
- PP-OPA.12 Flood Risk Assessment prepared by Arup (dated September 2013)
- PP-OPA.13 Radio and Television Signal Interference Assessment prepared by Hoare Lee (dated September 2013)
- PP-OPA.14 Aviation Assessment prepared by Eddowes Aviation (dated September 2013)
- PP-OPA.15 Transport Assessment prepared by Steer Davies Gleave (dated September 2013)
- PP-OPA.16 Travel Plan prepared by Steer Davies Gleave (dated September 2013)
- PP-OPA.17 Waste Strategy prepared by Steer Davies Gleave (dated September 2013)
- SK_201 Proposed Accessible shower and ambulant wc lower ground floor
- P_22-29_C645_001 Rev B Typical floor plan level 22-29
- Energy and sustainability – response to planning comments from LBTH dated July 2014 (rev C)
- Energy and sustainability –response to planning comments from Canal and River Trust dated July 2014 (rev C)
- Energy and sustainability – response to planning comments from GLA dated July 201 (rev C)
- Ecology Response SINC Issues dated 18th December 2013

Listed building application

- P_AL_JA12_003 Rev A site location plan
- P_B1_C645_003 Demolition drawing basement level -1
- S_DD_C645_003 Demolition drawing section through dock extent of dock wall demolition
- Annotated Dock wall photograph

- Photographs of site and surrounds
- Quay wall assessment of significance prepared by Laurie Handcock of CgMs
- Written Scheme for investigation prepared by CgMs dated August 2011
- Quay Wall review document prepared by CgMs dated July 2014

Applicant: Canary Wharf Investments Ltd.

Ownership: South Quay Properties Ltd.
The following parties have an interest in the land:
South Quay Properties, Canary Wharf Limited, Canary Wharf Properties Limited, National Grid Gas. CWCB Investments (WF9), Morgan Stanley UK Group and Tube Lines Limited.

Historic Building: Grade 1 Listed Dock Wall

Conservation Area: 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), the National Planning Policy Framework (2012), and the National Planning Practice Guidance (2014) and have found that:
- 2.2. The site is located within a Preferred Office Location and 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 principal of a tall building is considered acceptable in this location given the sites location adjacent to 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 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. The principle of some losses of the dock wall has been granted through previous consents. The principle of the loss of a 28.5 metre section of dock wall under consideration as part of this outline and listed building consent to the northern section of the site would cause less than substantial harm to the listed wall or the setting of the listed wall. 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. In addition, inclusive access for all around the development, pedestrian link across the dock and open space provision to the north of the Newfoundland development will be secured through the s106 agreement to enhance the public realm. 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. 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 existing residential properties are approximately 310 metres away there would not be a detrimental impact on amenity with regard to overlooking, loss of privacy, outlook and sense of enclosure. It is noted that when the Newfoundland development comes forward, the VSC of some of the windows in the consented Newfoundland development will fall below the BRE criteria; however, the ADF levels in the affected rooms will exceed the minimum requirements. 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 the residential amenity of the surrounding developments.
- 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 site constraints and previous extant permissions combined with the biodiversity enhancements, public realm improvements (to be secured through the section 106) and the economic benefits of the scheme, the partial infilling of South Dock would be acceptable in this instance. Officers agree with the overall opinion of the GLA and do not consider that this unique case establishes a precedent for future proposals to infill the Docks. Each application going forwards will need to be judged on its own merits in line with the council's own policies and the wider implications on the dockspace and waterspace.
- 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 of London.
- 3.3. The prior completion of a **legal agreement** to secure the following planning obligations:

Financial Obligations:

- a) A contribution of between **£478,800** and **£1,222,160.94** towards skills and training for the end user phase

- b) A contribution of between **£104,200** and **£265,975.71** towards skills and training for the construction phase.
- c) A contribution of between **£121,866.82** and **£186,352.94** towards Idea Stores, Libraries and Archives.
- d) A contribution of between **£454,329** and **£682,668** towards Leisure Facilities.
- e) A contribution of **£864,540** towards Carbon off-setting
- f) A contribution of between **£464,880.24** and **£1,186,630.06** towards Public Open Space.
- g) A contribution of between **£70,000** towards TfL Cycle Hire Scheme.
- h) A contribution of **£200,000** towards TfL Bus services within the area.
- i) A contribution of between **£7,600,000** (£6,200,000 – figure with CIL credit)* and **£19,399,388** (£15,825,810 figure with CIL credit)* towards Crossrail.
- j) A contribution of 2% of the total financial contributions would be secured towards monitoring. The amount would be between **£53,420** and **£91,814**.

* It is noted that the CIL payment has been estimated at between £1,400,000 and £3,573,570. 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.

Non-financial contributions

- k) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
- l) Travel Plan
- m) Code of Construction Practice
- n) Pedestrian link between Park Place and McKenzie Walk - Maintenance of new pedestrian link together with maintenance of public access
- o) Inclusive access for all – providing access for all around the dock edges and over the waterspace in addition to access along the western side of the building from West India Avenue to the dock edges
- p) Publicly accessible open space – open space to be provided to the north of the Newfoundland development (adjacent development site under the same ownership) should the Park Place development come forward first
- q) Install real time public transport screens within the ground floor of the building.
- r) 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
- Car parking levels
- Accessible parking
- Electric charging points
- Cycle parking should be provided for staff and visitors in line with London Plan standards/Managing Development Document standards
- Development carried out in accordance with FRA and finished floor levels set no lower than 7.00 AOD
- 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.

Reserved Matters:

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

Prior to commencement of any works

- Construction Logistics Plan and Construction Management Plan.
- Feasibility study to assess potential for moving freight by water during the construction phase and following construction.
- Piling and foundation designs method statement.
- Risk assessment and method statement for works to be carried out adjacent to the water.
- Surface water drainage scheme
- Detailed design and method statements for all foundations, basement and ground floor structures
- 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
- Survey for Jersey Cudweed
- Contaminated land
- Access strategy
- Wayfinding strategy
- Water supply impact studies (must also demonstrate sufficient water for Fire Fighting)
- Biodiversity enhancements including vertical aquatic zone, permanent berm/cage structure and 15% of scheme structure with gabion cages
- Lighting and CCTV scheme
- Archaeological recording

Prior to commencement of the use

- Contamination – verification report
- BREEAM – excellent
- Delivery and Service Management Plan

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.

CONDITIONS & INFORMATIVES on LISTED BUILDING CONSENT

- 1) Time limit
 - 2) Compliance with the plans
 - 3) Watching brief
 - 4) Nothing to be fixed to the dock wall
 - 5) All new work to match the existing historic wall.
- 3.8. Any other informative(s) considered necessary by the Corporate Director Development & Renewal
- 3.9. That, if within 3 months of the date of this committee the legal agreement has not been completed, the Corporate Director Development & Renewal is delegated power to refuse planning permission.

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1. The proposal is 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 173.2 metres AOD (which is equivalent to a 33 storey building) and would provide a maximum of 102,102 square metres gross internal area (GIA) of office floor space (Use Class B1).
- 4.4. The proposal would have stepped back elements at 69.4m and 93.4m AOD. A portion of the building would be cantilevered over the dock and would be required to start from a minimum of 16.9m AOD. This cut back is included within the maximum development parameters.
- 4.5. A deck is also proposed on top of the flood storage area which would be a pedestrian zone to allow access to the dock edge. The maximum area allowed for a deck is 594sqm.
- 4.6. A bridge linking Park Place to McKenzie Walk is also proposed in addition to other public realm and open space enhancements.

Application Documents:

- 4.7. 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.
- 4.8. 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

- 4.9. The application site is known as 1 Park Place and occupies an area of approximately 0.6 hectares. The site consists of the footprint of a previously demolished building, part of the grade I listed dock wall at the northern extent of the middle dock.
- 4.10. In terms of policy designations the site is located within a preferred office location and within the Canary Wharf Major Centre. It is also in a flood zone 3. The dock which forms part of the development zone is a Site for Importance for Nature Conservation (SINC) and is part of the Blue Ribbon Network. The site is not within a conservation area but part of the grade I listed dock wall runs through the centre of the site.
- 4.11. The site is located in the northern part of the Isle of Dogs, on the Canary Wharf Estate, on land between 15 Westferry Road and 25 Cabot Square. To the north the site is bounded by West India Avenue and Cooks Close which runs beneath West India Avenue. To the south of the site is a development site known as Newfoundland.
- 4.12. The site was previously occupied by a 5-6 storey building constructed in the 1980's. This has since been demolished and only the ground floor slab remains on site.
- 4.13. There are also a number of redevelopment sites within the vicinity providing a mix of uses, primarily residential, commercial and retail. Approximately 160m to the south is the recently consented City Pride site which comprises a residential tower 239m AOD containing 822 residential units and 164 serviced apartments.
- 4.14. 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 south of the application site, with Canary Wharf DLR Station 270m to the east and the Jubilee line station being 420m from the site. The site is also served by bus routes 135, 277, D3, D7, D8, N550.
- 4.15. The site falls within the view from General Wolfe Statute in Greenwich which forms part of the strategic view from Greenwich as identified within the London View Management Framework.

Relevant Planning History

- 4.16. There are a number of relevant planning applications for this site:

- 4.17. ID/97/00084 - Outline planning permission in respect of redevelopment by the erection of building(s) comprising 26,165 sqm offices or 23,665 sqm offices with 2500 sq m retail. Approved 4/12/1997.
- 4.18. PA/00/1355 Erection of new building providing basement, lower ground, ground plus 10 storeys of offices comprising 25,000sq. metres of floorspace, associated pedestrian and vehicular access improvements. Introduction of pedestrian walkway and landscaping to dockside. Double storey height arcade along West India Avenue (Revised scheme). Approved 10/10/2002.
- 4.19. PA/00/1356 – Listed building consent for complete demolition of the existing building and basement. Reduction in height of existing sub ground listed dock wall at extended basement slab to match existing lowered dock wall under existing basement slab, Erection of new building providing basement, Lower Ground Floor plus 10 storeys of offices. Associated pedestrian and vehicular access improvements. Introduction of pedestrian walkway and landscaping to dockside. Approved 4/5/01.
- 4.20. PA/07/1322 - Erection of new building providing basement, lower ground, ground plus 10 storeys of offices comprising 25,643sq. metres of floorspace, associated landscaping, car parking, servicing and plant. Approved 20/06/08.
- 4.21. PA/07/1323 (listed building consent) Works to Grade I Listed dock walls consisting of the partial removal to create a basement and the erection of piles in connection with the erection of new building on site. Approved 6/7/07.
- 4.22. PA/08/601 - Demolition of the existing building and structures on the site and erection of a new building (196.67m high) providing 122,615 sq.m of floorspace (office & retail), underground parking, services and plant and provision of a new publicly accessible walkway to dockside. Approved 28/11/08.
- 4.23. PA/08/602 – Listed building consent for alterations to the dock wall. Approved 22/05/08.
- 4.24. PA/11/559 – Listed building consent for Works to Grade I Listed dock walls consisting of the partial removal to create a basement and erection of piles in connection with the erection of a new building on site. Approved 6/5/11. The partial removal of the wall relates to a 9m section of wall at the northern end of the site.
- 4.25. PA/11/618 - Alterations to Grade I listed dock wall, consisting of:
- Removal of surviving granite coping stones to be preserved and set aside for refixing;
 - Dismantling a section of the original wall, 9 m long, to facilitate the construction of piles and foundations to accommodate a structural node on the new elevation;
 - Restoration of missing granite copings for the entire length of the visible wall;
 - Comprehensive repair of the entire length of the original dock wall within the site boundaries; and
 - Removal of small part of the wall at the extreme north in conjunction with the Limehouse Lock area, presently reconstructed in concrete, and within the

foundation area of the previously consented scheme. Granite copings relayed/restored on this area

(Approved 6/5/2011.)

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 Practice Guidance (March 2014) (NPPG)
National Planning Policy Framework (March 2012) (NPPF)

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 (BRN)
 - 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)**
- DM0 Delivering sustainable development
 - DM1 Development within the town centre hierarchy
 - 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 waterspace within West Quay, off Middle Branch Dock, is not owned or controlled by the Canal & River Trust. However, we are concerned at the principle of the loss of more waterspace as part of this proposal, which we would generally resist, and the loss of more of the listed dock wall.

(OFFICER COMMENT: as detailed in the 'principle of infilling west India Middle Dock' section below, the Park Place proposal constitutes a small percentage of the overall waterspace which is to be lost and given the benefits of the public realm enhancements over the dock, the economic benefits of the proposal and the ecology enhancements to a part of the SINC, it is considered on balance that the infilling of the dock and loss of the waterspace are acceptable, On balance, and would not lead to a significant detrimental loss of the waterspace. Further detail on this is provided in the 'principle of infilling west India Middle Dock' section of this report.

In terms of the loss of more of the listed wall, the applicant has also sought to fully justify the loss of additional dock wall above the previously consented applications by providing further supporting documentation which demonstrates that further loss would cause less than substantial harm. Further detail is provided in the 'heritage' section as to how officers have formed this opinion)

6.4. The waterspace here is not well used, and we would like to see some animation and improvements to it. There will be opportunities to improve the water quality and add some interest to the dock space by including some aquatic habitats within the red line boundary. This should aid biodiversity.

(OFFICER COMMENT: the applicant has provided further detail in a document titled 'Energy and Sustainability – response to planning comments from Canal and River Trust Rev C' dated July 2014. The response notes that the existing ecological value of the site is of low ecological value. The proposals include improvements to the waterspace and its surroundings in terms of biodiversity, amenities and dock edge animation. The reserved matters application will also provide an ecological zone along the flood storage tank. In order to provide some additional comfort to the Canal and River Trust, a condition will be attached to the decision notice in relation to a large range of biodiversity enhancements which have been agreed with the biodiversity officer).

- 6.5. Consideration should be given to using dock water to cool the building.

(OFFICER COMMENT: the applicant has provided further detail in a document titled 'Energy and Sustainability – response to planning comments from Canal and River Trust Rev C' dated July 2014. The applicant confirms that dock water cooling has not been taken in to account as there would be limited available cooling capacity once planned schemes are considered. Therefore this option would not offer significant carbon savings. The alternative proposal is high efficiency chillers with cooling towers. Canal and River Trust have raised no further comments on this matter.)

- 6.6. A condition relating to details of drainage water into the dock is requested.

(OFFICER COMMENT: noted and an appropriately worded condition has been included with Section 3 of this report)

- 6.7. A condition relating to full details of the proposed landscaping including aquatic planting is requested.

(OFFICER COMMENT: Outline details of the ecological enhancement have been provided. It is noted that landscaping would be dealt with by the landscaping reserved matter which would be discharged in consultation with the Canal and River's Trust.)

- 6.8. A condition is requested relating to carrying out a feasibility study to assess the potential for moving freight by water during the construction cycle.

(OFFICER COMMENT: The requested condition has been included within section 3 of this report)

- 6.9. A condition is requested relating to details of the surface water drainage scheme.

(OFFICER COMMENT: The requested condition has been included within section 3 of this report)

- 6.10. In addition, the Canal and River trust has requested informatives should be attached to the decision notice should planning permission be granted.

(OFFICER COMMENT: The requested informatives have been included within section 3 of this report)

Dockland Light Railway (DLR)

- 6.11. To date no comments have been received.

English Heritage (EH)

- 6.12. English Heritage requested further information from the applicant in relation to the Grade I listed wall. This information was supplied by the applicant and provided these documents are included in the approved list of documents, EH had no further comments to make.
- 6.13. EH also recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of specialist conservation advice.

(OFFICER COMMENT: The requested documents have been included in the document list detailed above. Full consideration of the loss of the dock wall is provided in the heritage chapter of this report)

English Heritage Archaeology

- 6.14. Historic buildings recording of the visible listed dock wall in advance of any consented change is advisable. In view of this, a condition including details of a site investigation and post investigation assessment has been requested. Also provision for analysis, publication and dissemination of results and archive deposition should be made through condition.

(OFFICER COMMENT: noted and an appropriately worded condition has been included with Section 3 of this report).

Environment Agency (EA)

- 6.15. Landscaping features that enhance the dock together with the sunken garden, green walls and terraces incorporated into this development is welcomed. All planting should to be of naturally occurring native species and this is encouraged.
- 6.16. The provision of compensatory flood storage for the proposed maximum basement encroachment, marine piles and flood storage structure are requested by condition.

(Officer comment: this is noted and corresponds with the biodiversity officer's comments and the comments raised by the Canal and River Trust. The requested conditions (including features to enhance the dock) are included in section 3 of this report)

Greater London Authority (GLA)

- 6.17. London Plan policies support office floorspace within the CAZ; however, the 2012 London Office Policy Review Report identifies that there could be a potential oversupply of office floorspace within the pipeline for central London as a whole. Despite this, it is noted that schemes within the pipeline is not guaranteed and does not always equate to actual supply. The GLA is of the opinion that the proposal could deliver high quality, flexible workspace that supports London's function as one of the most attractive and competitive business locations. The principle of a tall building for office use on the Isle of Dogs Opportunity Area and within the CAZ is in accordance with strategic and local objectives and is supported.

(OFFICER COMMENT: Noted)

- 6.18. In terms of urban design, given the outline nature of the proposals, the proposal is to be delivered in line with the parameter plans, description of development and design

principles. The impact on strategic views (in particular from assessment points 5A.1 and 5A.2 from the General Wolfe Statue in Greenwich Park) is acceptable.

(OFFICER COMMENT: Noted)

- 6.19. The impact on the World Heritage site does not cause concerns at a strategic level. It is noted that the proposal includes the loss of the Grade I listed quay wall. Whilst the loss of this wall is regrettable and somewhat contrary to policy, full justification through a Heritage Statement is required. The loss of the dock wall is likely to be acceptable providing adequate provisions are made to preserve the remaining area and subject to comments from English Heritage.

(OFFICER COMMENT: The applicant has supplied further supporting information including a Quay Wall document, assessment of significance document and annotated photograph to fully justify the loss of the dock wall. English Heritage has raised no comment on the application. Given the benefits of the increased interaction and connectivity with the better quality southern section of the wall, the loss of the northern section of the wall is considered to cause less than substantial harm, The documents submitted in relation to the loss of the dock wall have been included in the document list to provide comfort to English Heritage).

- 6.20. The inclusive design provisions are welcomed and should be secured by condition.

(OFFICER COMMENT: noted and an appropriately worded condition is included in section 3 of the report)

- 6.21. In terms of the Blue Ribbon Network the proposal does not comply with policy relating to the loss of the dock, but may be acceptable provided the biodiversity and infrastructure provisions (including the pedestrian walkway) are secured by condition. The applicant should commit to using the waterway for the sustainable transportation of demolition and construction materials and should be secured through the construction logistics plan.

(OFFICER COMMENT: the biodiversity provision and construction logistics plan would be secured by planning condition as detailed in section 3 of the report. A condition relating to the moving of construction materials via the waterway would also be secured by planning condition as detailed in section 3 above. The pedestrian walkway will be secured by the s106 agreement as detailed above. In addition, further public realm enhancements will be provided including open space to the north of Newfoundland should Park Place come forwards first and inclusive access for all around the dock space and connections from West India Avenue to the dockspace)

- 6.22. In terms of climate change, the applicant has broadly followed the energy hierarchy to achieve carbon dioxide emission of 26%. Sufficient information has been provided to understand the proposals as a whole; however, further information is required in relation to the CHP and the energy centre. It is noted that no CHP will be proposed and in this instance, has been accepted. The wider sustainability measures should be secured by way of a condition.

(OFFICER COMMENT: subsequent to the comments received from the GLA, the applicant has demonstrated that a 31.3% CO2 reduction can be achieved and has agreed to a 50% CO2 reduction and the agreed carbon offsetting obligation has been secured through the section 106).

- 6.23. In terms of transport, the parking restraint is supported given the office is in a highly accessible location. The provision of an electric vehicle charging point is also supported. The level of cycle parking is in line with the London Plan standards and is acceptable.

(OFFICER COMMENT: The cycle parking and electric vehicle charging point are included in section 3 as compliance conditions)

- 6.24. The GLA agrees that pedestrian realm upgrades would not be justified; however, a lack of signage has been identified and TfL encourages some of the s106 streetscene contribution is allocated to wayfinding.

- 6.25. Contributions to bus infrastructure and cycle hire should be secured. Crossrail contributions should be sought in line with the Crossrail SPG

(OFFICER COMMENT: bus infrastructure, cycle hire and Crossrail contributions have been included in the S106 as detailed above. A condition will be attached in relation to wayfinding and this is detailed in section 3 above).

Transport for London

- 6.26. The site has very good access to public transport and this will be improved from 2018 with the introduction of Crossrail services.

- 6.27. It is noted that 4 car parking spaces are proposed at basement level, two of which will be wheelchair accessible. It is also noted that one of the spaces will be equipped with an electric vehicles charging point and this is welcomed. The restrained approach to parking is supported.

- 6.28. A minimum of 850 cycle spaces (including visitor spaces) are proposed which is in line with the Revised Early Minor Alterations to the London Plan. Cyclist access to the site from Park Place is also welcomed.

(OFFICER COMMENT: The above matters are noted. In addition, the cycle parking and car parking will be secured as a compliance condition)

- 6.29. In terms of mode share and trip generation, TfL notes that the use of data from the latest Isle of Dogs Cordon Survey and Canary Wharf Employee Survey to derive trip rates is accepted in principle. However, TfL queries why 2012 data has not been used. Despite this, the use of census and TRAVL data to derive modal split is welcomed.

(OFFICER COMMENT: the applicant has supplied a further memo to TfL dated 8th January 2014 which states that 2011 datasets have been used from the Isle of Dogs Cordon Survey and the 2011 Canary Wharf Employee Survey data for consistency purposes as opposed to using datasets from two different time periods. This approach is considered appropriate. In addition, given that the application is a further 6 months down the line from receiving these comments, TfL has confirmed that the trip generation exercise carried out is still acceptable for the purposes of this application)

- 6.30. In terms of employee density, TfL notes that an employee density of 1 person per 20 square metres has been applied to forecast total employee numbers. TfL has queried why a more robust assessment with a density of 1 person to 16 square metres has not been adopted, given the more efficient use of modern office developments.

Should the latter figure be applied, 6681 employees would be forecast as opposed to 5,345 set out in the assessment. Clarification is required on this matter.

(OFFICER COMMENT: the applicant has supplied a further memo to TfL dated 8th January 2014 which states that the density of 1 person per 20sqm has been based on the 2011 Canary Wharf Employee Survey data. The London Plan refers to a density of 12sqm of Net Internal Floor Area (NIA) per employee. If this figure was applied to the Park Place proposal the forecast employees would be 4,926 employees. The ratio adopted is therefore considered to be robust).

- 6.31. An updated pedestrian (PERS) audit has been submitted which identifies that the only pedestrian links which score poorly are not expected to be well use in connection with this development and therefore TfL agrees that upgrades would not be justified. The PERS audit does however identify a lack of signage in the area and therefore TfL encourages the Council to allocated monies from any s106 towards wayfinding, particularly in relation to the Canary Wharf pier approximately 250m to the west.

(OFFICER COMMENT: The streetscene contribution would be secured through the s106 as detailed above. As the application is in Outline and the exact level of streetscene contribution has not been determined due to the minimum and maximum parameters of the proposal. The exact figure allocated to TfL will be determined at reserved matters stage. A condition is included in section three of the report in relation to a wayfinding strategy)

- 6.32. TfL welcomes the provision of a pedestrian link between Park Place and McKenzie Walk.

(OFFICER COMMENT: noted and the introduction of the pedestrian walkway will be secured by the section 106 agreement. Subsequent to the above comments being provided it should be noted that further public realm enhancements will be secured by the section 106 agreement including providing open space to the north of Newfoundland development site in the event that Park Place comes forward first and inclusive access for all around the dock space and connections from West India Avenue to the dockspace)

- 6.33. The Westferry Road bus corridor currently operates at capacity and the Railplan modelling of public transport in London predicts a further increase in demand due to planned growth. The Transport Assessment (TA) predicts 75 in bound bus trips in the morning peak which equates to a full double decker bus. As the bus system within the Westferry Road corridor is already operating at capacity it is suggested that £200,000 in total (£40k a year for 5 years) as a contribution towards improved bus capacity.

(OFFICER COMMENT: the applicant has agreed to the bus contributions and this has been secured through the s106 as detailed above. It should be noted that the applicant has agreed with TfL that the contribution of £200,000 will be provided over a three year period)

- 6.34. The Transport Assessment refers to the nearest bus stops on West India Avenue; however, there is no indication as to whether the bus stops would be affected during or post construction. TfL would resist the closure of West India Avenue for a prolonged period of time and measures should be included in the Construction Logistics Plan to safeguard the continued operation of the local bus network.

(OFFICER COMMENT: The Construction Logistics Plan will be secured through condition as detailed in section 3 of the report. The matters requested by TfL can therefore be addressed via a submission of details application)

- 6.35. In order to accommodate the expected demand from this development, an additional cycle docking station should be provided within the site or in the local vicinity. An uninterrupted area, 25 metres long, would be required per docking station; however, there are options available in relation to splitting docking stations or arranging docking stations back to back. The requested contribution for this is estimated at £187,000 (by TfL).

(OFFICER COMMENT: further dialogue has been held between the applicant and TfL. TfL has agreed to a contribution of £70,000 towards cycle hire enhancement given that the development will not require the provision of a new docking station (given its proximity to riverbus services and the provision of cycle spaces on site) and the level of contribution has been established at other sites within close proximity to Park Place. Therefore the contribution will go towards the expansion of existing facilities as appropriate. The cycle hire contribution would be secured through the section 106 as detailed above).

- 6.36. Percentage targets for the DLR needs robust assessment as the TA uses DLR passenger data from 2011 and factors this up to 2013 baseline conditions using a 1% increase per annum. Evidence suggests that the percentage rise in DLR patronage has increased by approximately 8% between 2011 and 2013.

(OFFICER COMMENT: the applicant has confirmed that the 2011 datasets have been used from the Isle of Dogs Cordon Survey and the 2011 Canary Wharf Employee Survey data which specifically capture the local area rather than using the DLR wide passenger data. The datasets used are considered to be appropriate in terms of reflecting the existing local baseline conditions. More recently, TfL has also commented that they are satisfied with the datasets that have been adopted in the TA are appropriate for this application)

- 6.37. TfL requests the installation of real-time departure screens in communal areas to enable occupiers to accurately time their walk to the station.

(OFFICER COMMENT: noted and the installation of real-time departure screens will be secured by the section 106 agreement)

- 6.38. Conditions are suggested in order to protect the London Underground Tunnels from being damaged during construction. An informative is also requested in relation to protecting the London underground infrastructure.

(OFFICER COMMENT: noted and appropriately worded condition and informative has been included in section 3 above)

- 6.39. TfL expects a Framework Travel Plan, a Delivery and Service Plan and a Construction Logistics Plan to be secured by condition.

(OFFICER COMMENT: as detailed in section three above, appropriately worded conditions will be attached to the decision notice)

- 6.40. The development would be subject to the Crossrail SPG tariff which is charged at £190 per sqm. If built to the maximum parameters the Crossrail contribution is

£19,399,380. The Mayoral CIL charge would count as a credit towards this contribution.

(OFFICER COMMENT: the applicant has agreed to the Crossrail contribution and this will be secured via the s106 agreement as detailed above).

Inland Waterways Association

6.41. To date no comments have been received.

Royal borough of Greenwich

6.42. They raise no objections.

London Borough of Hackney

6.43. They raise no objections.

City of London

6.44. Do not wish to make any comments

London Borough of Southwark

6.45. To date no comments have been received.

London City Airport

6.46. The proposed development has been examined from an aerodrome safeguarding aspect. From the information provided, London City Airport has no safeguarding objection; however, the response applies to the completed structures as specified in the planning application at a maximum height of 173.20m AOD. In the event that during construction, cranes or scaffolding is required at a higher elevation than that of the planned development, then their use must be subject to further separate consultation.

6.47. Any changes to the height or exact location of the development must be re-submitted to London City Airport for re-assessment given the proximity to the airfield.

(OFFICER COMMENT: noted and an appropriately worded condition has been included with Section 3 of this report).

London Fire and Emergency Planning

6.48. The brigade is satisfied with the proposals.

(OFFICER COMMENT: Noted)

London Legacy Development Corporation

6.49. They have no comments regarding the proposals.

London Underground Limited (LUL)

- 6.50. No objections have been raised in principle to the planning application; however, there are a number of potential constraints on the redevelopment of the site which is situated close to underground tunnels and infrastructure. In particular the proposals include for puncture of the dock bed with piled foundations and it must be demonstrated to the satisfaction of LUL engineers that:
- the flood risk to the London Underground Network is mitigated and controlled
 - the development will not have any detrimental effect on our tunnels and structures either in the short or long term
 - the design must be such that the loading imposed on our tunnels or structures is not increased or removed
 - they offer no right of support to the development or land
- 6.51. Should planning permission be granted it is requested that conditions to secure the submission of detailed design and method statements for all foundations, basement and ground floor structures.
- 6.52. LUL also request an informative to advise the applicant that LUL should be contacted in advance of preparation of final design and associated method statements.

(OFFICER COMMENT: The requested condition and informative would be attached should planning permission be granted as detailed in section 3 of this report).

Maritime Greenwich Heritage Site

- 6.53. To date no comments have been received.

National Air Traffic Services (NATS)

- 6.54. 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.

(OFFICER COMMENT: Noted)

Natural England

- 6.55. The development should be considered in light of the standing advice issued by Natural England.

(OFFICER COMMENT: Natural England provided standing advice which framed the context of the guidance and this has been passed onto the applicant who has noted its contents. Biodiversity enhancements will be secured via condition as detailed in section 3 of this report).

Port of London Authority (PLA)

- 6.56. The PLA has raised no objection to the proposed development.
- 6.57. It is noted that the construction logistics plan makes reference to where feasible, as much material as possible being moved by river barge. Such an approach would accord with London Plan policy which seeks for construction and waste materials to be transported by water where practical. It is recommended that a condition placed on the grant of any planning permission requiring the submission and approval of a

report which seeks to maximise the transport of materials to and from the site by water in accordance with the approved report.

(OFFICER COMMENT: An appropriately worded condition is included within section three of this report)

- 6.58. Consideration is given by the applicant to the existing river boat service and targets are set for river use and a target for River Boat use. PLA considers the targets initially set to not be robust given that the 'other' mode share targets (which includes riverbus) only indicate an increase from 0.9% as the proposed mode split rising to 1.1% in year 5. The River Action Plan seeks to increase passenger journeys on the Thames to 12 million a year by 2020 and to maximise its potential for river travel. The proposed targets are not considered to be robust enough given the above.

(OFFICER COMMENT: through further discussion with the applicant these targets have been increased in line with the growth rate anticipated to meet the River Action Plan Target. The 5th year target has been increased to 1.4%. In addition, further measures will be incorporated in the Travel Plan in order to support these targets. The Travel Plan will be a live document and will be reviewed and updated. The PLA has confirmed that they are satisfied with the information provided. The Travel Plan will be secured through the S106 and can therefore be further updated and agreed at submission of details stage).

Thames Water

Waste Comments

- 6.59. Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application and as such a condition is recommended for details of drainage works to be submitted for consideration.
- 6.60. A condition regarding impact piling should be included on any approval.
- 6.61. An informative in relation to not building within 5 metres of large water mains has also been requested.

(OFFICER COMMENT: The requested conditions and informative are included within section 3 of this report).

The Greenwich Society

- 6.62. To date no comments have been received.

LBTH Biodiversity

- 6.63. The proposal leads to the permanent loss of part of the SINC. The maximum area which could be lost is not stated in the ecology chapter.

(OFFICER COMMENT: the applicant has clarified in the Ecology Response SINC Issues dated 18th December 2013 that the size of the dock space that will be lost as part of the proposal is 660sqm which is a total of 0.2% of the SINC)

- 6.64. In the case of the Milwall and West India Docks, there are several developments which have taken small parts of this SINC and several current proposals (including this one) which could potentially take more. A thorough assessment needs to be

undertaken of the loss before the combination of impacts could be dismissed as negligible.

(OFFICER COMMENT: this matter will be further discussed in the biodiversity section of the report. This section of the report discusses the cumulative impacts of the various proposals in terms of the loss of the waterspace and the small proportion which will be lost by the subject proposal. In addition, the applicant has provided further information which has been reviewed by the biodiversity officer. The biodiversity officer has commented that the proposed habitat enhancements should provide sufficient mitigation to offset the loss of part of the dock which is satisfactory. The proposed habitat enhancements (vertical beach/false façade, berm or cage on dock bottom, and at least 15% of the frontage with reeds in gabion baskets) will be secured by condition. These matters are secured by condition as detailed in section 3 of this report.)

- 6.65. There does not appear to be anywhere suitable for bat roosts on the site, but there is a potential feeding area over the dock.

(OFFICER COMMENT: the applicant has confirmed that the site has no roosting potential for bats and no significant potential use for foraging or as a commercial route).

- 6.66. It is not clear whether Jersey Cudweed (which is a protected plant) is present within the site and this should be clarified. Conditions are recommended relating to the need to survey the site for Jersey Cudweed and for a suitable scheme of biodiversity enhancement to be agreed.

(OFFICER COMMENT: the applicant has clarified that Jersey Cudweed was not present at the site; however, as noted in the ES there is potential for this species to spread from other spaces within the dock. The applicant has stated that as per the ES, an updated survey is conducted prior to the development works commencing on site and if found at that point, a Natural England licence would need to be sought. These matters have been discussed and agreed with the applicant and will be requested by condition as detailed in section 3 above).

LBTH Communities Localities and Culture (CLC)

- 6.67. CLC requested financial contributions in line with the S106 SPD.

(OFFICER COMMENT: These will be secured through the s106 agreement)

LBTH Corporate Access Officer

- 6.68. Consideration should be given to replacing some of the standard cycle stands with adapted cycle parking stands.

(OFFICER COMMENT: The applicant has confirmed that some of the cycle spaces can be adapted cycle parking stands if required)

- 6.69. The accessible changing facilities appear to be small and the door should open outwards. A detailed drawing is requested to ensure it complies with Part M standards.

(OFFICER COMMENT: the applicant has supplied an additional drawing which demonstrates that the doors will open outwards and the detail as requested by the access officer)

- 6.70. Consideration should be given to automatic entrance doors rather than revolving doors and pass doors as this is more inclusive.

(OFFICER COMMENT: The applicant has given regard to the access officer's comments and the applicant notes that the pass doors will be automatic. It is not the intention that the automatic opening doors will solely be used by wheelchair users and the proposal is rather seeking to provide options to those accessing the building).

- 6.71. An accessible turnstile within the building will be required

(OFFICER COMMENT: The applicant has confirmed that accessible turnstiles have been provided and will be set out in the detailed design phase)

- 6.72. The accessible changing facilities and ambulant toilets will need to comply with part M of Building Regulations.

(OFFICER COMMENT: The applicant has confirmed that the changing facilities comply with Part M as detailed above. In addition, the applicant has demonstrated that the ambulant WCs have a width of 900mm and clear space beyond the door of 1060mm which is considered acceptable)

- 6.73. Accessible toilets with alternate transfer spaces should be included on each floor, rather than one on each floor.

(OFFICER COMMENT: the applicant has confirmed that they will be providing 2 alternate handed accessible toilets per floor rather than one on each floor).

LBTH Crime Prevention Officer

- 6.74. No comments received.

LBTH Design and Conservation

- 6.75. From an urban design perspective, no objections have been raised.

- 6.76. Paragraph 134 of the NPPF states that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'

- 6.77. The applicants have provided additional material to enable Tower Hamlets and English Heritage to assess the overall impact of the proposal with regard to the grade I listed West India Dock wall.

- 6.78. The application includes restoration works to retained sections of the wall. Whilst the overall area of wall to be removed is greater than with regard to previously consented proposals, the sections to be removed have been subject to more recent alterations.

- 6.79. Protection of the grade I listed banana wall and its immediate setting needs to be ensured by careful condition.

(OFFICER COMMENT: Conditions to protect the Grade I listed banana dock wall and its immediate setting are included in section 3 of this report)

LBTH Environmental Impact Assessment (EIA)

- 6.80. The Council has an appointed environmental consultant - Land Use Consultants (LUC) - to examine the applicant's Environmental Statement (ES) and to confirm whether it satisfies the requirements of the EIA Regulations. This is supported by reviews by LBTH's internal environmental specialists. 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.

(OFFICER COMMENT: The applicant has responded to the clarifications sought)

LBTH Enterprise and Employment

- 6.81. Contributions have been requested in line with the S106 SPD.

(OFFICER COMMENT: These will be secured through the s106 agreement)

LBTH Environmental Health Air Quality

- 6.82. No comments received

(OFFICER COMMENT: air quality is discussed further in the 'air quality' section of the report).

LBTH Environmental Health Contaminated Land

- 6.83. No comments received

(OFFICER COMMENT: contaminated land is discussed further in the 'contaminated land' section of the report.)

LBTH Environmental Health Noise and Vibration

- 6.84. No comments received

(OFFICER COMMENT: noise is discussed further in the 'noise' section of the report).

LBTH Building Control

- 6.85. To date no comments have been received.

LBTH Planning Policy

- 6.86. The proposal accords with the vision for Canary Wharf to retain and enhance its global role as a competitive financial district. Consideration should be given to whether the proposal meets Priority number 5 and Principle number 1 in relation to the improving connections to the docksides given the loss of dock space.

(OFFICER COMMENT: the above point is addressed in the 'biodiversity' section of the report.)

- 6.87. The proposed office use is appropriate for a Preferred Office Location and Major Town Centre and accords with Spatial Policies 01, 06 and policies DM1 and DM16.

(OFFICER COMMENT: Noted)

- 6.88. The proposal results in the loss of a portion of a Site of Importance for Nature Conservation. To ensure compliance with Spatial Policy 04(3) and policy DM11(2)(3), detailed commentary should be sought from the Borough's Biodiversity Officer.

OFFICER COMMENT: comments have been received from the Biodiversity officer and this point has been addressed in the 'biodiversity' section of the report)

- 6.89. The proposed built form generally accords with Spatial Policy 10 and policy DM26, however detailed commentary should be sought from the Borough's Urban Design Officer.

(OFFICER COMMENT: Noted)

- 6.90. The proposed development generally accords with Local Plan policies. Further consideration should be given to whether the proposal successfully addresses the impact of the loss of dock space in relation to biodiversity.

(OFFICER COMMENT: as detailed in the 'principle of infilling west India Middle Dock' section below, the subject proposal only constitutes a small percentage of the overall waterspace which is to be lost in comparison to the various consented schemes. In addition, given the benefits of the public realm enhancements over the dock, the economic benefits of the proposal and the ecology enhancements to a part of the SINC, which has been demonstrated through the ES to have little biodiversity value, it is considered on balance that the infilling of the dock and loss of the waterspace are acceptable and would not lead to a significant detrimental loss of the waterspace. Further detail on this is provided in the 'principle of infilling west India Middle Dock' section of this report)

LBTH Sustainability Officer

- 6.91. The proposal have followed the energy hierarchy and sought to minimise CO2 emission through energy efficiency and energy supply to achieve a >31.3% reduction in CO2. The proposals also include the installation of 200m² (44kWp) PV array to further reduce CO2 emissions by <1%. This is supported and follows the London Plan sets out the Mayor's energy hierarchy.

- 6.92. The overall CO2 emission reductions considered achievable for the development are 31.3%.

- 6.93. 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.

- 6.94. The current proposal fall short of these policy requirements by 18.7% and this equates to 480.3 tonnes of CO2 of regulated CO2.

- 6.95. 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.”

- 6.96. It is advised that the shortfall in CO2 emission reductions on this project is offset through cash in lieu payment. The GLA published updated guidance in April 2014 which included a higher carbon offset figure. The new cost per a tonne of CO2 is £1,800. This figure is set out in the GLA Sustainable Design and Construction SPG 2014 and the GLA Planning Energy Assessment Guidance April 2014. The figure has been increased based on central government (zero carbon hub) analysis on the cost of delivering carbon offset projects.
- 6.97. For the proposed scheme it is recommended that a figure of £864,540 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 schools in the vicinity or other projects to be agreed with the applicant.
- 6.98. 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 developments to achieve a minimum 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.

(OFFICER COMMENT: the applicant has agreed to the carbon offsetting financial contribution and this will be secured through the section 106 agreement. In addition, a condition has been included in section 3 in relation to providing BREEAM certificates)

LBTH Transportation and Highways

- 6.99. The site already benefits from planning permission for commercial use, of a slightly larger floor area than that currently proposed. The Transport Statement provides a 'worst case assessment' because certain elements of the scheme would be delivered proportionally related to the floor area, in accordance with relevant policy standards. I accept this, with the reservation that leaving the detail of cycle parking until post-permission can be problematic when the storage space is found to be too small to properly accommodate stands and manoeuvring space.

(OFFICER COMMENT: As indicated on the parameter plans, there is space allocated within the parameter plans for cycle storage at both basement and lower ground floor level which is sufficient to accommodate the maximum amount of cycle parking required.)

- 6.100. A new pedestrian connection will be provided across Middle Dock, which will connect the development with Mackenzie Walk. Both places are privately maintained: the nearest public highway is Westferry Road. Only emergency vehicles will access the site off the latter road, and no alterations to the present access are required. If they were, that would require a s278 agreement.

(OFFICER COMMENT: No works are proposed to the Westferry Road as part of the subject proposal and therefore a s278 agreement will not be required.)

6.101. Basement levels one and two accommodate cycle, car parking, servicing plant, and are accessed off Cook's Way, the private service road for Canary Wharf Estate that runs underneath West India Avenue. The quantity and design of the on-site servicing (three bays) is welcomed and the means of access is acceptable; I don't consider there will be impacts on the public highway. Visitor cycle parking is provided in the Council's preferred design, Sheffield stands, and 50% of the staff cycle parking is accessible without lifting.

(OFFICER COMMENT: Noted.)

6.102. Four car parking spaces are proposed, of which two are disabled access design, and one is fitted with an electric vehicle charging point. While the need for two regular spaces is not fully supported, as it has not been justified, two spaces for a development of this size, which is not accessed off the public highway, would be acceptable in this instance.

(OFFICER COMMENT: Noted.)

6.103. Framework plans for a Construction and Logistics Plan and a Travel Plan are given. It is requested that conditions are attached to the decision notice requiring the retention and maintenance of the cycle storage areas as approved for the lifetime of the development and a condition requesting a Construction & Logistics Plan (same as a CMP) is provided.

(OFFICER COMMENT: noted and the requested conditions are included within section 3 of the report)

LBTH Waste Policy and Development

6.104. As this development is entirely for commercial use, a private contract will be in place for collection of waste. As a local authority, there are no objections to the location and collection arrangements for the building.

(OFFICER COMMENT: Noted)

7. LOCAL REPRESENTATION

7.1. A total of 22 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. No representations have been received.

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

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, as it is recognised as a strategically significant part of London's world city offer for financial media and business services, it is considered that the CAZ policy objectives would apply in this instance.
- 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 the 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 a minimum of 40,000sqm and a maximum of 102,102 square metres of office floor space (Use Class B1) in a building reaching up to 173.2m AOD maximum in height.
- 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 consents.

- 8.10. Further to the above, 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 1,550 and 4,925 net additional full-time equivalent jobs. This would make a significant contribution to the jobs targets for the IoDOA as well as providing opportunities for spin off employment. The construction phase of the development is also likely to generate between 108 and 216 full time equivalent jobs which will also bring about further socio-economic benefits.

Housing Provision:

- 8.11. 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).”*
- 8.12. 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.”*
- 8.13. Strategic policy SP02 (2a), states that the POL which includes Canary Wharf *“are not appropriate locations for housing”*. For the reasons set out below it is not considered that housing, or a contribution towards affordable housing would be appropriate in this instance. In addition, the Council's adopted S106 SPD does not require the provision of affordable housing for commercial developments.
- 8.14. It is noted that the site is considered desirable for commercial uses given the site's context within the Canary Wharf Major Centre and Preferred Office Location (POL).
- 8.15. As detailed above, whilst the site is not located within the CAZ, the policy objectives of the London Plan for the CAZ apply. The definition of the CAZ within the London Plan states 'these areas are to promote finance, specialist retail, tourist and cultural uses and activities'. 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.
- 8.16. With regard to the London Plan Policies, it is considered that the provision of housing would conflict with the central aim of these policies which is to encourage developments that meet office demand and rejuvenate office based activities in the CAZ.
- 8.17. This report has identified that the site is appropriate for commercial development, and with the proposed development providing between approximately 1,550 and 4,925 additional 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.

- 8.18. It is noted that the GLA in their stage one letter have stated that in the past, practice within the Canary Wharf estate has seen a co-ordinated implementation of London Place mixed-use policy with contributions to mixed use developments being accrued and developed across a range of sites. The GLA are satisfied that the application will contribute towards sustaining an important cluster of business activity in the Isle of Dogs opportunity area and provided the contributions towards infrastructure improvements are secured in this instance, an absence of housing at this site is accepted.
- 8.19. 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.

Conclusions:

- 8.20. Given the office-based nature of the proposal and the site's policy designations, 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.
- 8.21. Whilst this may conflict with the recently approved residential development at Newfoundland, this site was the subject of an independently assessed report which concluded that the supply of office development within Tower Hamlets generally is significantly outstripping demand, between 2011 and 2031 it is anticipated that the demand for office supply within the borough will be 440,123sqm but there is almost 2million sqm in the pipeline (1,959,312sqm). Within the docklands specifically there is 21.5million sqft of office space in the pipeline but only 1.7million sqft of demand. Office. However, office floor space being provided at 1 Park Place was included in the pipeline calculation as it had already benefited from an extant consent.

Urban Design

Policy Context:

- 8.22. The NPPF promotes high quality and inclusive design for all development, optimising the potential of sites to accommodate development, whilst responding to local character.
- 8.23. 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.
- 8.24. 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.

8.25. 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:

- 8.26. The development would include the demolition of any remaining structures on site and the construction of a tall building fronting West India Avenue. The development will provide office use.
- 8.27. The application proposes a maximum of approximately 102,102 square metres gross internal area (GIA) of office floor space (Use Class B1) in a single building.
- 8.28. The maximum height for the proposed building is set at 173.20 metres above ordnance datum (AOD). This height is the equivalent of a 33 storey building.
- 8.29. As indicated on the parameter plans, set back levels are included at 69.5m AOD and 93.5m AOD.
- 8.30. At ground floor level the building seeks to address both West India Avenue to the north and Park Place to the south, due to the level change entrances are to be provided at different floor levels. Design Guideline 14 will ensure both these frontages are active.
- 8.31. A pedestrian link across the dock to the south of the development is proposed which would link Park Place to McKenzie Walk and the rest of the Canary Wharf to the east. This pedestrian link would also serve the proposed Newfoundland residential development which is a recently consented application for the site to the south of 1 Park Place.

- 8.32. In addition, further public realm enhancements including inclusive access routes around the site and open space to the north of Newfoundland. This will provide a more active use of the dock space and improve interaction with the waterspace. This will aid accessibility and connectivity in and around the site.
- 8.33. There is also the potential to accommodate two basements levels of cycle parking / car parking and plant within the development zone below ground level, at -6.600m AOD. The depths of the basement levels have been defined in consideration of the maximum number of car and cycling facilities required. A maximum of 4 car parking spaces will be provided and a maximum of 850 cycle spaces will be provided. Vehicular access to the lower ground level will be provided by a new access off Cook's Close.
- 8.34. In order to ensure that the public amenity of the Middle Dock is enhanced, a cut back of a minimum 5 metres above ground level (+16.960 m AOD) will be provided along the south elevation of the Building to ensure that a view of the surface water of the dock would be afforded.
- 8.35. A flood water storage tank is required as the building will displace water within the dock. Part of the southern extent of the site will have decking sitting over the dock. The deck area over the dock will provide inclusive access for all and will therefore provide outdoor amenity space. As part of this application, the opportunity has been taken to improve biodiversity measures within this area of the waterspace which had little biodiversity value previously. It would also animate the dock which is a benefit of the scheme. The size of the terrace area would depend on the size of the building footprint.
- 8.36. The development would have a defined ground floor level and includes a canopy structure to be provided to the north of the site on the West India Avenue frontage. The canopy would have a maximum height of 23.70 metres AOD and a minimum height of 4.50 metres AOD above the finished footway level which will be a maximum of 4.00 metres in width.
- 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:
- The building should use an established palette of materials of the existing Canary Wharf Estate and the quality of material and design of the landscaping should match that of the existing Canary Wharf Estate (Guidelines 5 and 26)
 - Frontages should be active up to at least 5.0 metres about ground level; and the north and south frontages should have a minimum of 75% minimum active frontage area. The east elevation should have a minimum of 50% active frontage area and the west elevation should have a minimum of 35% active frontage area (Guidelines 13, 14 and 15).
 - The roof design should hide plant, maintenance equipment and building maintenance unit cradles etc. to achieve an organised roof top elevation (Guideline 18).
 - The existing ventilation is to be maintained to adjacent building 15 Westferry Circus (Guideline 12).
 - The Design Guidelines further state that "*The new footway and balustrade should not add excessive additional loading to the listed banana wall structure*" (Guideline 31); and "*The top and face of the existing dock wall coping will always remain visible*" (Guideline 32).

- With regard to the pedestrian link, Guideline 33 states that “a *Pedestrian Link should be provided across West India Middle Dock to allow pedestrian access from the site to the existing promenade along the water frontage*” and Guideline 36 states that “*pedestrian circulation around the building must be provided to make the site publicly accessible. The pedestrian circulation should be part of the landscape design and incorporate the level change between West India Avenue and Middle Dock*”.

Principle of a tall building:

- 8.38. 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.
- 8.39. Having regard to the tall building policies it is considered the proposals accord with these policies because:
- 8.40. 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.
- 8.41. 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.
- 8.42. 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.
- 8.43. 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 38 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 5 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.
- 8.44. It is noted that the London View Management Framework supplementary guidance (July 2010) states that the composition of the view from Greenwich Park would benefit from further, incremental consolidation of the clusters of taller buildings on the Isle of Dogs and the City of London.”. Whilst the proposal is located adjacent to the existing cluster, it is considered that the proposed building would contribute and add emphasis 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 cluster of tall commercial buildings at Canary Wharf in respect of its form and appearance, it will be a single building and it will match the high standard of architectural detail and external materials of those existing buildings.

- 8.45. 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.
- 8.46. 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 in the heritage section of this report.
- 8.47. There are several guidelines dealing with canopies, entrances and building lines which will ensure active frontages at ground floor level. Guidelines 14 and 15 specifically states that the north and south facades will be a minimum of 75% active frontage, the eastern façade will be a minimum of 50% active frontage and the western façade would provide a 35% minimum active frontage. 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.
- 8.48. As discussed within the land use section of this report the proposed development would result in the creation of between 1,550 and 4,925 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.
- 8.49. 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.
- 8.50. It is noted that the GLA support the principle of a tall building and have stated that *"The guidelines are supported and reflect the aspirations of the London Plan to design high quality buildings."*
- 8.51. Through the reserved matters applications and conditions full details of the bulk, scale, massing and appearance of the building would be controlled.
- 8.52. 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 polices listed above.

Layout:

- 8.53. As with the previous consents at the site (most recently under PA/08/601), the proposed main building footprint will extend into the West India Middle Dock. The principle of the loss of the dock is included in the 'Infilling of West India Middle Dock' section of the report.
- 8.54. 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 and the building will include active frontages which is supported. The proposal will also include connectivity with adjacent sites through the provision of the public walkway and provision of public realm including inclusive access for all over the dock space.
- 8.55. To conclude the proposed layout of the site is considered acceptable and in keeping with site layouts adjacent. Inclusive access around the building especially allowing views of the dock is supported.

Strategic views:

- 8.56. 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.
- 8.57. The LVMF views 5A.1 and 5A.2 from Greenwich to central London; 15B Waterloo Bridge downstream and 24.A Island Gardens, Isle of Dogs to Royal Naval College are potentially relevant to consideration of development on the site and have been included in the views assessment.
- 8.58. Assessment point 5A.1 and 5A.2 of the LVMF is the most relevant to the application relating to the view from the General Wolfe Statue in Greenwich Park overlooking the Maritime Greenwich World Heritage Site. The proposal would sit between the twin towers component of the Old Royal Navy College when viewed from this point. 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.*"
- 8.59. 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 be located adjacent to 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, the HSBC, Citigroup and recently consented Newfoundland buildings which will be located. Overall, the height, scale and form of the development would fit comfortably within the adjoining cluster.
- 8.60. The townscape assessment also produces a number of views from strategic locations round London, including from Waterloo Bridge.
- 8.61. The townscape conclusions suggest that the proposed development would be visible but there would be no significant impact on the setting of the view. The GLA, English Heritage and the Councils Design and Conservation Team do not raise any objections in this respect.

Heritage Assets

Policy Context:

- 8.62. 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.*"

- 8.63. 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).
- 8.64. Paragraph 137 advises Local Planning Authorities to seek opportunities for new development within the setting of heritage assets to enhance or better reveal their significance.
- 8.65. 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.
- 8.66. 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.
- 8.67. Further to the above, Section 66 (2) of Planning (Listed Building and Conservation Areas) Act 1990 places a statutory duty on the Local Planning Authority when making a determination on a Listed Building Consent application to “have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.”

Impact on heritage assets:

- 8.68. The quay walls, copings and buttresses to the Import Dock and Export Dock now known as West India Middle Dock, to the south of the site, are listed as Grade I. Part of the listed structure lies within the northern boundary of the site which runs on a north-south axis.
- 8.69. The listing description describes the quay walls as being of “*sophisticated brickwork having a profile and counterfort buttresses, on a gravel bed. The ashlar granite copings have been largely renewed or covered by jetties*”. Despite various interventions to the Grade I listed dock wall, it is clearly recognised as having historic significance and retaining some of its historic form and shape.
- 8.70. The Listed Building Consent application provides various drawings and documents including an Assessment of Significance and further detailed annotated drawings (for further information see Listed building documents section of this report) for the loss of 28.5 metres of dock wall. It is noted that there has been previous consents for some losses of the dock wall (referenced above in the planning history section of the report); however, there has not been a specific consent for the loss of a continuous section of dock wall up to the current 28.5metres proposed.
- 8.71. It is apparent from the information submitted that the edges of the docks demonstrate physical evidence of much contact with passing boats. Some of the dock wall has been subject to various re-building using more modern methods that are out of kilter with the original dock wall and gives the northern section, in particular, a mis-match of traditional and more recent additions.

- 8.72. Chapter 12 of the NPPF provides further guidance, in particular Paragraphs 133 and 134, which set out “public benefit” tests to judge whether these are appropriate reasons for approving Listed Building Consent or planning applications where substantial harm or less than substantial harm to the significance of designated heritage assets has been identified.
- 8.73. In relation to the impact on West India Middle Dock and its setting, it is noted that the broad form and alignment of the feature is generally retained. As noted above, the actual physical fabric proposed to be removed has been heavily altered and makes a limited contribution to the significance and special interest of the heritage asset. Whilst demolition is proposed to the northern most section of the wall, the southern section of the wall will be retained. It is therefore considered that these works would not cause anything approaching the complete loss of significance of the heritage asset. Consequently, the development would cause less than substantial harm.
- 8.74. Whilst the detailed design and appearance of the new development is subject to reserved matters applications, it is clear that the Design Guidelines will secure significantly higher quality architecture and landscape than currently exists.
- 8.75. Moreover, the proposal would increase permeability and access to the dock edge and across the water body through providing inclusive access from West India Avenue to the dockspace and introduction of a pedestrian link across the water. This would increase the interaction and visibility of the dock wall which is to be retained (the better quality southern section) through the provision of all inclusive walkways and pedestrian links.
- 8.76. This is reinforced by guideline 32 which states that as a result of these works the top and face of the existing dock wall coping would always remain visible. Conditions would ensure a good standard of repair to the retained dock walls.
- 8.77. On balance, these effects of the listed building’s setting, reaffirms the view that the proposal would cause less than substantial harm to the West India Middle dock.
- 8.78. The application site is not located within a conservation area. West India Dock Conservation Area is approximately 250 metres away to the north and the Narrow Street Conservation Area is 400 metres away to the west. 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.
- 8.79. Officers, in reaching their conclusions, has assessed the material submitted by the applicant along with relevant representations including from statutory consultees in order to determine the significance to be attached to relevant assets and the likely impact of the scheme on these assets. On balance, it is considered that the proposal would cause less than substantial harm to the listed structures. Furthermore, 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:

- 8.80. 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.

- 8.81. 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.
- 8.82. 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:

- 8.83. The site has a good public transport accessibility level (PTAL) of 5 (1 being poor and 6 being excellent). The underground Jubilee Line tunnel runs east-west 30 metres to the south of the application site, with Canary Wharf DLR Station 270m to the east and the Jubilee line station being 420m from the site. The site is also served by bus routes 135, 277, D3, D7, D8, N550.
- 8.84. It is noted that access is a reserved matter. An illustrative scheme has been prepared for the maximum floor area proposed in order to demonstrate how these elements could be accommodated on site.
- 8.85. The parameter plans includes two basement levels (named basement and lower ground level). Car and cycle parking would be provided within the basement levels with access provided at lower ground level via Cook's Close.

Car Parking and Access:

- 8.86. Policies 6.13 of the London Plan and 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.
- 8.87. A total of 4 car parking spaces have been included in the design. The borough's highway officer has noted that a car free development should be considered; however, given the very limited levels of car parking at the application site (compared to the potential number of employees), 4 car parking spaces is considered to be acceptable.
- 8.88. Of the 4 car parking spaces proposed, 2 spaces will be disabled car spaces. This approach is supported and will be controlled by condition.
- 8.89. In addition, one of the car parking spaces will be equipped as an electric vehicle charging point. This would be controlled via condition.
- 8.90. The supporting Transport Assessment demonstrates in table 5.7 that the development would result in 44 additional two-way trips in the AM peak (08:00-09:00) and 33 additional two-way trips in the PM peak (17:00 – 18:00).
- 8.91. The mode share targets indicate that the majority of the trips to and from the site will be generated by the Jubilee Line. In addition, the DLR and Crossrail will both generate a high proportion of trips to and from the site.

- 8.92. The assessment shows that the development proposals can be accommodated on the surrounding highway network, which has been accepted by both TfL and LBH Highways.

Cycle Parking:

- 8.93. Cycle access to the development would be provided from Park Place. 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.

- 8.94. Based on the maximum GIA, a minimum of 850 cycle parking spaces will be provided within the illustrative scheme for the office use. This would be controlled via condition.

8.95. Servicing and Deliveries:

- 8.96. All servicing for the development would take place off the highway in a dedicated service area at basement level 1 with service vehicle access provided directly from Cooks Close. 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.

- 8.97. A Delivery and Servicing plan and a Construction Logistics Plan would be secured via condition.

- 8.98. Transportation and Highways support the principles of a large development providing employment at this location.

Traffic and Highway Assessment:

- 8.99. The Transport Assessment employs a robust approach in considering the outline development proposals and it is appreciated that the Transport Assessment (TA) broadly considers “worst case scenarios.”

- 8.100. As noted above, TfL queried the use of the employee density figures to calculate the number of forecast employees at the development and the datasets used to calculate the mode share of the forecast employees. After further dialogue with the applicant, the methods used in the TA have been considered robust and are acceptable by TfL.

- 8.101. Following on from the above, the PLA requested further increases in future mode share figures over the 5 year period in ‘other’ travel which includes the riverbus. The applicant has agreed to the increases in ‘other’ mode share figures and this will be reflected through the Travel Plan which will be secured via condition as requested by TfL and the borough’s highway officer.

- 8.102. 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.

Public Transport Improvements

Docklands Light Rail

- 8.103. Transport for London have requested that real time information displays within the reception areas of the proposed development be secured as this will assist the delivery of the travel plan mode share targets. This has been included within the s106 agreement.
- 8.104. No financial contributions have been requested towards increased capacity of the DLR or underground network.

Bus Network

- 8.105. 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 £200,000 towards enhancing bus capacity in the local area and this would be secured via the section 106 agreement.

Cycle Hire

- 8.106. The area is well served by Cycle Hire docking stations, including those at Heron Quays station, Jubilee Place and Fishermans Walk. TfL continues to develop the network where possible, and considers that there is a need for a new docking station in the vicinity of the site. The applicant has been involved in discussions with TfL regarding the creation of a new docking station and it has been agreed that a financial contribution of £70,000 will be provided towards expanding on existing cycle hire docking stations within the vicinity of the site. This would be secured via the section 106 agreement.

Real time information

- 8.107. 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

- 8.108. In line with London Plan Policy 6.5 and the Crossrail SPG the development would be required to make a contribution of between £7,600,000 and £19,399,388 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.
- 8.109. 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 £1,400,000 and £3,573,570 for this development.
- 8.110. 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.

Pedestrian Environment

- 8.111. The development will add a significant number of additional pedestrian trips locally, either accessing surrounding public transport modes or walking directly to the site and the wider Canary Wharf area. A Pedestrian Environment Review System (PERS) audit has been carried out of the surrounding area. Generally the surrounding area was found to be good with high quality materials used, crossing were well maintained and clean and there is a good provision of CCTV and lighting.
- 8.112. TfL noted in their comments that the PERS assessment identified that wayfinding could be improved in the vicinity of the site. As detailed in section three of the report, a condition is included in relation to providing a wayfinding strategy
- 8.113. A pedestrian bridge is proposed to link the site to Mackenzie Walk which would improve the pedestrian environment and create easier access to Canary Wharf. The pedestrian bridge will provide access across the dock and allow interaction with the waterfront. For all publicly accessible areas, the s106 agreement will ensure public access is secured and maintained by the developer at all times.
- 8.114. In order to further improve the pedestrian environment and provide active uses with the dock/waterspace, inclusive access for all will be provided around the development along the access route to the west of the proposal and to the south within the dock over the waterspace. In addition, further public realm improvements will be provided which include the provision of open space to the north of the Newfoundland development (on the southern side of the dock to Park Place) which will be built out as part of the Park Place proposal should the Park Place proposal come forward first. The inclusive access around the site and the open space provision to the north of the Newfoundland development will both be secured through the s106 agreement.

Conclusion:

- 8.115. The principles of the development are generally accepted by both TfL and the borough highway officer. It is acknowledged that the development would have some impact on the local transport network; however, the restrained level of car parking is supported. The impact of the proposed development would be mitigated further 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 undue detrimental impact on the safety and capacity of the surrounding highway and public transport network.

Amenity

- 8.116. 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.
- 8.117. The application site is located in a commercial area and the nearest residential properties are approximately 300 metres away.

Daylight, Sunlight and Overshadowing:

- 8.118. 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).
- 8.119. 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.
- 8.120. 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.
- 8.121. 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.
- 8.122. 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"*.
- 8.123. A Daylight and Sunlight Report has been submitted as part of the application documents and this is contained within Volume Two of the Environmental Statement (ES) – Chapter 11. The Daylight and Sunlight Chapter of the ES has been independently reviewed for the Council.
- 8.124. The daylight and sunlight assessment covers an area of 500 metres from the site. The nearest sensitive receptor to sunlight and daylight effects are at Chandlers Mews 310 metres from the site. Due to this site being of low sensitivity, further assessment was scoped out of the EIA.
- 8.125. The following properties were tested as part of the cumulative effects of the proposed development:
- Columbus Tower
 - Riverside South
 - Arrowhead Quay
 - City Pride Tower
 - Heron Quays West
 - Newfoundland
- 8.126. The EIA identifies that the VSC of some of the windows in the consented Newfoundland development will fall below the BRE criteria; however, the ADF levels in the affected rooms will exceed the minimum requirements.
- 8.127. Therefore, on balance the proposed development would not have an unduly detrimental impact on the daylight levels of these properties.

Sunlight:

8.128. The nearest sensitive receptor to sunlight and daylight is Chandlers Mews, 310 metres from the development site. The submitted daylight and sunlight report shows that the sunlight standard is met.

Shadow Analysis:

8.129. The BRE guidelines recommend that at least 50% of the area of all amenity spaces should receive at least 2 hours of sunlight on 21st March. If, as a result of a new development an existing amenity area does not meet the above criteria and the area which can receive 2 hours of sunlight on 21st March is less than 0.8 times its former value, then the loss of light to be noticeable.

8.130. The following amenity areas were identified :

- Cabot Square
- Westferry Circus
- The central amenity area to Belgrave Court (located to the north west of the site)

8.131. It is noted that the West Quay area of the West India Middle Dock is also identified as a receptor with sensitivity to overshadowing from the proposed development purely for ecological purposes.

8.132. The analysis shows that more than 50% of the two amenity areas tested for shadow analysis will be left with more than half their areas seeing two hours of sunlight on 21st March.

Overlooking, loss of privacy, sense of enclosure:

8.133. The nearest residential property to the development would be the Chandlers Mews which are approximately 310 metres from the application site. It is not considered that there would be a detrimental impact with regard to overlooking, loss of privacy and sense of enclosure given the separation distance of 310 metres which exceeds the minimum recommended separation distance of 18 metres outlined in policy DM25 of the MDD.

Noise and Vibration:

8.134. Chapter 10, Volume one of the ES contains an assessment of the impact of the proposed development with regard to noise and vibration.

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

8.136. 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.

8.137. 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).

Conclusion:

8.138. With regard to amenity, given the nearest residential properties are approximately 310 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. With regard to noise and vibration any impacts would be controlled via condition.

Energy and Sustainability

Policy Context:

8.139. 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.

8.140. The London Plan sets out the Mayor of London's energy hierarchy which is to:

- Use Less Energy (Be Lean);
- Supply Energy Efficiently (Be Clean); and
- Use Renewable Energy (Be Green).

8.141. At the time of submission the London Plan 2011 included the target to achieve a minimum 25% reduction in CO₂ emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2). As of 1st October 2013 this target has been increased to 40%. In addition to this the MDD policy has increased the CO₂ emissions savings target to 50% above Building Regulations 2010 for the period 2013-2016.

8.142. It is noted that the application was submitted in October 2013; however, the application will be considered in light of the current policy situation. Given the application is being assessed toward the middle/end of 2014, the position of a 50% reduction in line with current policies is considered to be somewhat stronger than it would have been toward the end of 2013. It is considered reasonable to relate the 50% target to this development.

8.143. From the comments below it is also clear that the development can achieve a 31.3% reduction but would be subject to a cash-in lieu carbon off-set payment to meet the 50% target.

8.144. Policy SO3 of the CS 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. Strategy policy SP11 of the CS requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.

8.145. 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.

Energy:

- 8.146. The proposals for Park Place have followed the energy hierarchy and sought to minimise CO2 emission through energy efficiency and energy supply to achieve at least a 31.3% reduction in CO2. The proposals also include the installation of 200m2 (44kWp) of Photo Voltaic (PV) array to further reduce CO2 emissions by 1%. This is supported and follows the London Plan sets out the Mayor's energy hierarchy.
- 8.147. 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.
- 8.148. The current proposal fall short of these policy requirements by 18.7% and this equates to 480.3 tonnes of CO2 of regulated CO2.
- 8.149. 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."*
- 8.150. The shortfall in CO2 emission reductions on this project will be offset through cash in lieu payment. The current identified cost per tonne of CO2 is £1,800. This figure is set out in the GLA Sustainable Design and Construction SPG 2014 and the GLA Planning Energy Assessment Guidance April 2014.
- 8.151. For the proposed scheme the figure of £864,540 is sought for carbon offset projects in the vicinity of the proposed development. The financial contribution will be ring fenced for energy and sustainability measure to local schools located nearby or other projects to be agreed with the applicant.
- 8.152. A condition would be attached to the permission to ensure 31.3% CO2 reductions would be achieved.
- 8.153. The application is in outline and 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 welcomed and would result in the applicant exceeding the CO2 target set by the compliance condition.

Sustainability:

- 8.154. 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 developments to achieve a minimum BREEAM Excellent rating.
- 8.155. 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:

- 8.156. 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:

- 8.157. In terms of policy designations within the CS and MDD, the docks from part of 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.
- 8.158. Chapter 12 (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.
- 8.159. 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 SINC's or harm to protected species will not be supported unless the social or economic benefits of the development clearly outweigh the loss of biodiversity.
- 8.160. 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.
- 8.161. 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.*"
- 8.162. 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.
- 8.163. Paragraph 7.84 notes that "*The Blue Ribbon Network should not be used as an extension of the developable land in London ...*"
- 8.164. Policy DM10 of the MDD provides advice on delivering open space. It states that development 'on areas of open space will only be allowed in exceptional circumstances where:
- a) it provides essential facilities to ensure the function, use and enjoyment of the open space; or

b) as part of a wider development proposal there is an increase of open space and a higher quality open space outcome is achieved’.

Open space is defined as Metropolitan Open Land; major and local parks as well as squares; playgrounds; ecological spaces; housing amenity land; outdoor sports facilities; allotments; and burial grounds. It does not include private amenity space and areas of communal residential amenity space which are not publicly accessible.

8.165. 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 West India Middle Dock:

8.166. The proposed development involves the partial infilling of West India Middle Dock and as such raises potential conflicts with a number of London Plan policies relating to the Blue Ribbon Network, the Council’s policies regarding the blue grid, delivering open space and biodiversity.

8.167. As detailed in the planning history section of the report, the previous permissions on this site have demonstrated similar infilling approaches; however, it is noted that the consented encroachment over the waterspace has been too much more of an extent than the application currently under consideration. This section of the report will discuss the above topics in further detail and will provide a considered conclusion in relation to the loss of the waterspace.

8.168. As noted above, the effect of infilling West India Middle Dock would have an impact on biodiversity within the area given water will be permanently displaced.

8.169. In order to mitigate against the impact of the loss of water and habitat as a result of partially infilling of the West India Middle 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.

8.170. The following biodiversity enhancements would be required:

- Enhancements to the habitats of Middle Dock
- Biodiverse green roofs (designed in accordance with Buglife’s best practice guidance)
- Nest boxes for appropriate bird species
- Use of native plants and other plants beneficial to wildlife in the landscaping scheme including 15% of the scheme frontage to feature gabion cages with reeds
- Marginal aquatic vegetation either in coir rolls or gabion baskets attached to the vertical beach/false façade
- Berm or cage to be permanently attached to bottom dock

8.171. The above enhancements would be secured via condition should planning permission be granted. This approach is supported by the Borough Biodiversity Officer as providing sufficient mitigation to compensate for the loss of the dock space. The biodiversity officer has also requested conditions in relation to carrying

out of Jersey Cudweed surveys prior to works. This has been included in the conditions section.

- 8.172. The biodiversity officer has also raised concerns regarding cumulative losses of the SINC. The proposal would involve the loss of 660sqm which is a total of 0.2% of the SINC.
- 8.173. In order to address the biodiversity officer's concerns and to provide context to the amount of waterspace to be lost, the council has undertaken a cumulative assessment which includes the following consented and future schemes within its assessment:
- PA/08/01666 – Crossrail
 - PA/13/02966 – Wood Wharf
 - PA/13/02344 and PA/13/02366 – Park Place
 - PA/13/00203 and PA/13/01150 – Heron Quays West 1 and 2
 - Churchill Place and other extant schemes
- 8.174. Many of these schemes involve large losses to the waterspace. The cumulative impacts of the developments (including extant schemes) involve the loss of 25% of the overall waterspace (approximately 169,000sqm of waterspace will be lost in total including the Park Place development).
- 8.175. Whilst on initial consideration it appears that a large proportion of the waterspace will be lost as a result of the Park place development (660sqm), in comparison to the overall cumulative amount of waterspace that will be lost, the 660 sqm as part of the Park Place development is minimal.
- 8.176. Following on from this, officers have also given full regard to DM10 'delivering open space' due to the encroachment of the proposal over the water space. The policy states that only in exceptional circumstances can open space be lost. The exceptional circumstances includes providing essential facilities to ensure the function, use and enjoyment of the open space or as part of a wider development proposal where there is an increase of open space and a higher quality open space outcome is achieved. Open spaces can include ecological spaces.
- 8.177. It is noted that through granting of the development on the subject site (PA/08/00601) the loss of the waterspace and encroachment over the dock has been accepted and the principal of building over part of the dock space has been established. In addition, it is considered that given the site's unusual plot shape and building constraints due to being sandwiched between large buildings, it would not be possible to develop this site to provide a meaningful large plate office floorspace without building on to the dock.
- 8.178. In order to develop active dock edges and improve interaction with the waterfront, active uses have been sought in and around the site. This consists of inclusive access for all to be provided around the development along the access route to the west of the proposal and to the south within the dock over the waterspace.
- 8.179. In addition, further opportunities for interaction with the dock space have been sought which include the provision of open space to the north of the Newfoundland development (on the southern side of the dock to Park Place) which will be built out as part of the Park Place proposal should the Park Place proposal come forward first.

The inclusive access around the site and the open space provision to the north of the Newfoundland development will both be secured through the s106 agreement.

- 8.180. The GLA support the principles of an office tower in this location as long as appropriate mitigation is provided for the loss of the waterspace. This includes the provision of the public walkway and ecological enhancements to the dock space. These matters will be secured by condition and will form part of the s106. 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.

Conclusion

- 8.181. In conclusion, in light of the site constraints and previous extant permissions combined with the biodiversity enhancements, and public realm improvements (to be secured through the section 106 agreement), the partial infilling of South Dock would be acceptable in this instance. Officers agree with the overall opinion of the GLA and do not consider that this unique case establishes a precedent for future proposals to infill the Docks. Each application going forwards will need to be judged on its own merits in line with the council's own policies and the wider implications on the dockspace and waterspace.

Landscaping:

- 8.182. 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:

- 8.183. 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.
- 8.184. Chapter 14, Volume two 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 construction works as well as air quality effects arising from operational traffic on local road network as a result of the proposed development.
- 8.185. A qualitative assessment of the construction phase effects have been undertaken following guidance published by the Institute of Air Quality Management.
- 8.186. The ES notes that the construction phase of the development has the potential to impact upon air quality through the creation of construction dust and from construction vehicles emissions. The environmental statement indicates mitigation measures can be implemented to ensure these impacts are minimised. A construction and environmental management plan is to be requested by condition which would include details of all the measures required to reduce the impact during construction.

- 8.187. In terms of the completed development, the proposal has the potential to impact upon air quality through the traffic emissions from vehicles and other operational emissions. The ES demonstrates that the completed development will have a negligible impact on air quality. It is noted that the proposal includes minimal parking and therefore employees and visitors are expected to travel to and from the site by more sustainable forms of transport. In addition, the proposal also includes landscaping around the site and ecological improvements within the dock which will assist with urban greening.
- 8.188. In conclusion, the ES identifies that there will be a negligible effect on air quality resulting from this development.

Microclimate:

- 8.189. 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.
- 8.190. Chapter 13, Volume Two 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.
- 8.191. Five assessments have been carried out for comparison purposes including existing site conditions; construction stage scenario (using a qualitative assessment); the proposed development with existing surrounding site conditions; the development with cumulative schemes and the development with any necessary mitigation. The figures arrived at have been done so without taking account of any landscaping within the site so are 'worst-case scenarios'.
- 8.192. In general, the site is generally calm even during the worst case season with locations suitable for both sitting or standing. The assessment groups the areas around the site into four different categories including entrances; thoroughfares; outdoor amenity and the open terraces at the upper levels. These are discussed in the section below:
- Entrances - suitable for standing / entrance use. As such no mitigation measures are required in order to make the conditions around the entrances acceptable.
 - Pedestrian thoroughfares – Of the receptors tested, eight receptors show that the wind conditions would be suitable for sitting during the windiest season conditions. The majority of the receptors show that the wind conditions would be suitable for standing or leisure walking. Two of the receptors on McKenzie Walk are only suitable for car park / roadway during the worst case scenario and would be uncomfortable for people using the bridge. The applicant states that this is a secondary commuter route and during the cumulative scenario, this area is sheltered. There are no proposed measures to mitigate the impact of the wind on this route. Further detailed design of the proposal 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.

- Ground floor level amenity space – the amenity spaces are located on the southern decking area and along Park Place. The results indicate that wind microclimate is suitable for sitting in the summer when this area is most likely to be used. Therefore no mitigation measures are required.
- Open terraces – wind speeds were measured at four locations which represent the open terraces at level 10 and 16 on the south elevation of the proposed development. Of the four receptors, two receptors located at the eastern side of level 16 and the western side of level 10 of the proposed terraces are suitable for standing or sitting during the worst case scenario. However, the receptor to the western side of the terrace at level 16 is suitable for standing only throughout the year and the receptor at the eastern side of level 10 is suitable for leisure walking and standing during the worst case scenario (winter). No mitigation is demonstrated for the two locations which will experience the windiest conditions and this was noted in the IRR. The applicant states that it is anticipated that the terraces are most likely to be used during the summer months. However, the open terraces have the potential to be used during any time of the year and therefore mitigation is required to offset the wind conditions in the worst case scenario. It is considered that as the application is currently at outline stage and the actual use of the terrace is unclear at this stage, the condition should be attached to the reserved matters application if deemed appropriate when further details of the design are provided.

Contaminated Land:

- 8.193. 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 15 (Ground Conditions and Contamination), Volume Two.
- 8.194. The Council's records show that the site and surrounding area have been subject to former industrial uses which have the potential to contaminate the area. As ground works and soft landscaping are proposed, contaminants may exist and will need further characterisation to determine associated impacts. Therefore further exploratory works and remediation will be conditioned.

Flood Risk and Water Supply:

- 8.195. 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.
- 8.196. The development falls within Flood Risk Zone 3. Chapter 16 (Water Resources), 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) prepared by Arup.

Flood Risk:

- 8.197. The Application Site lies within Flood Zone 3 as shown on the Environment Agency (EA) Flood Map.

- 8.198. 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.
- 8.199. The submitted FRA demonstrates that consultation has been carried out with the EA prior to submitting the application. In addition, the past experience with adjacent proposals has informed the FRA.
- 8.200. The ground level of the building is set at 11m AOD and the lower ground floor level of the building is set at 7m AOD.
- 8.201. Water levels may potentially rise within the Thames Estuary by 5.83m by the year 2065 due to climate change. As the building is 7m AOD at present this should be sufficient to prevent flooding of the building until at least 2065.
- 8.202. The 2008 extant consent included a basement which had a 'dock take' of 383sqm. The current proposal, if built to the maximum development zone would involve a dock take of an additional 325sqm (708sqm) overall. The piles for the pedestrian bridge and the cantilevered section of the building would also displace up to 91sqm of flood water.
- 8.203. The 2008 scheme did not include an floor water storage area, however as this development proposes to take up more of the dock water space it does have the potential to increase flood risk to the building and the wider Canary Wharf estate. As a result of this, a flood storage area has been included within the parameter plans. This floor storage area would be positioned underneath the southern edge of the building, adjacent to the basement level and underneath the lower ground floor. The floor storage zone would have capacity for 425cubic metres of flood water storage which is what the current proposal displaces over and above the extant consent. This would be revised at the detailed design scheme depending on the proposed scale of the building as the flood storage area may change.
- 8.204. Groundwater levels should not impact or be significantly impacted on by the proposed development.
- 8.205. 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. Thames Water have requested conditions are attached should planning permission be granted in relation to the proposed drainage scheme.
- 8.206. It is noted that the site is also protected by raised flood defences along the River Thames and the Thames Barrier.
- 8.207. Flood risk has been assessed by the Environment Agency (EA) who have not raised any objection to the scheme. A condition has been recommended requiring the development to be carried out in accordance with the submitted flood risk assessment which includes the provision of the flood water storage area.
- 8.208. 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.

Environmental Impact Assessment

- 8.209. 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.
- 8.210. 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.
- 8.211. The Council has an appointed environmental consultant - Land Use Consultants (LUC) - 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. 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.
- 8.212. 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.
- 8.213. 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.
- 8.214. 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 increase 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.
- 8.215. 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

- 8.216. 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.
- 8.217. 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.
- 8.218. 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.
- 8.219. The document also set out the Borough's key priorities being:
- Affordable Housing
 - Employment, skills, training and enterprise
 - Community facilities
 - Education
- 8.220. The Borough's other priorities include:
- Health
 - Sustainable Transport
 - Environmental Sustainability
 - Public Realm
- 8.221. 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.
- 8.222. The application is in outline and the minimum and maximum commercial floor space proposed ranges from 40,000sqm and 102,102 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.
- 8.223. 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.
- 8.224. 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.
- 8.225. This approach ensures that the level of financial mitigation is proportionate to the scale of development and accords with the CIL regulations.
- 8.226. The applicant has agreed to provide the full amount of financial contributions requested in line with the SPD.

- 8.227. 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.
- 8.228. As discussed in the 'Crossrail' section 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 £7,600,000 (£6,200,000 – figure with CIL credit) and £19,399,388 (£15,825,810 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.
- 8.229. 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 £1,400,000 and £3,573,570.
- 8.230. 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.
- 8.231. TfL have also requested contributions towards bus improvements, improvements 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.
- 8.232. Finally, the monitoring fee has been agreed at 2% in this instance in line with the S106 SPD.
- 8.233. 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 £7,600,000 (£6,200,000 – figure with CIL credit)* and £19,399,388 (£15,825,810 figure with CIL credit)* towards Crossrail.
- 8.234. The proposed heads of terms are:

Financial Obligations:

- a) A contribution of between **£478,800** and **£1,222,160.94** towards skills and training for the end user phase
- b) A contribution of between **£104,200** and **£265,975.71** towards skills and training for the construction phase.
- c) A contribution of between **£121,866.82** and **£186,352.94** towards Idea Stores, Libraries and Archives.
- d) A contribution of between **£454,329** and **£682,668** towards Leisure Facilities.
- e) A contribution of **£864,540** towards Carbon off-setting
- f) A contribution of between **£464,880.24** and **£1,186,630.06** towards Public Open Space.
- g) A contribution of between **£70,000** towards TfL Cycle Hire Scheme.
- h) A contribution of **£200,000** towards TfL Bus services within the area.

- i) A contribution of between **£7,600,000** (£6,200,000 – figure with CIL credit)* and **£19,399,388** (£15,825,810 figure with CIL credit)* towards Crossrail.
- j) A contribution of 2% of the total financial contributions would be secured towards monitoring. The amount would be between **£53,420** and **£91,814**.

* It is noted that the CIL payment has been estimated at between £1,400,000 and £3,573,570. 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.

Non-financial contributions

- k) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
- l) Travel Plan
- m) Code of Construction Practice
- n) Pedestrian link between Park Place and McKenzie Walk - Maintenance of new pedestrian link together with maintenance of public access
- o) Inclusive access for all – providing access for all around the dock edges and over the waterspace in addition to access along the western side of the building from West India Avenue to the dock edges
- p) Open space – open space to be provided to the north of the Newfoundland development should the Park Place development come forward first
- q) Install real time public transport screens within the ground floor of the building.
- r) Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

8.235. 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

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

8.237. 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.

8.238. 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.

8.239. 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.

- 8.240. These issues are material planning considerations when determining planning applications or planning appeals.
- 8.241. 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.
- 8.242. As regards to 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 between £1,400,000 and £3,573,570.

Human Rights

- 8.243. 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:-
- 8.244. 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".
- 8.245. 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.
- 8.246. 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.
- 8.247. 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.

- 8.248. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.249. 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.
- 8.250. 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.

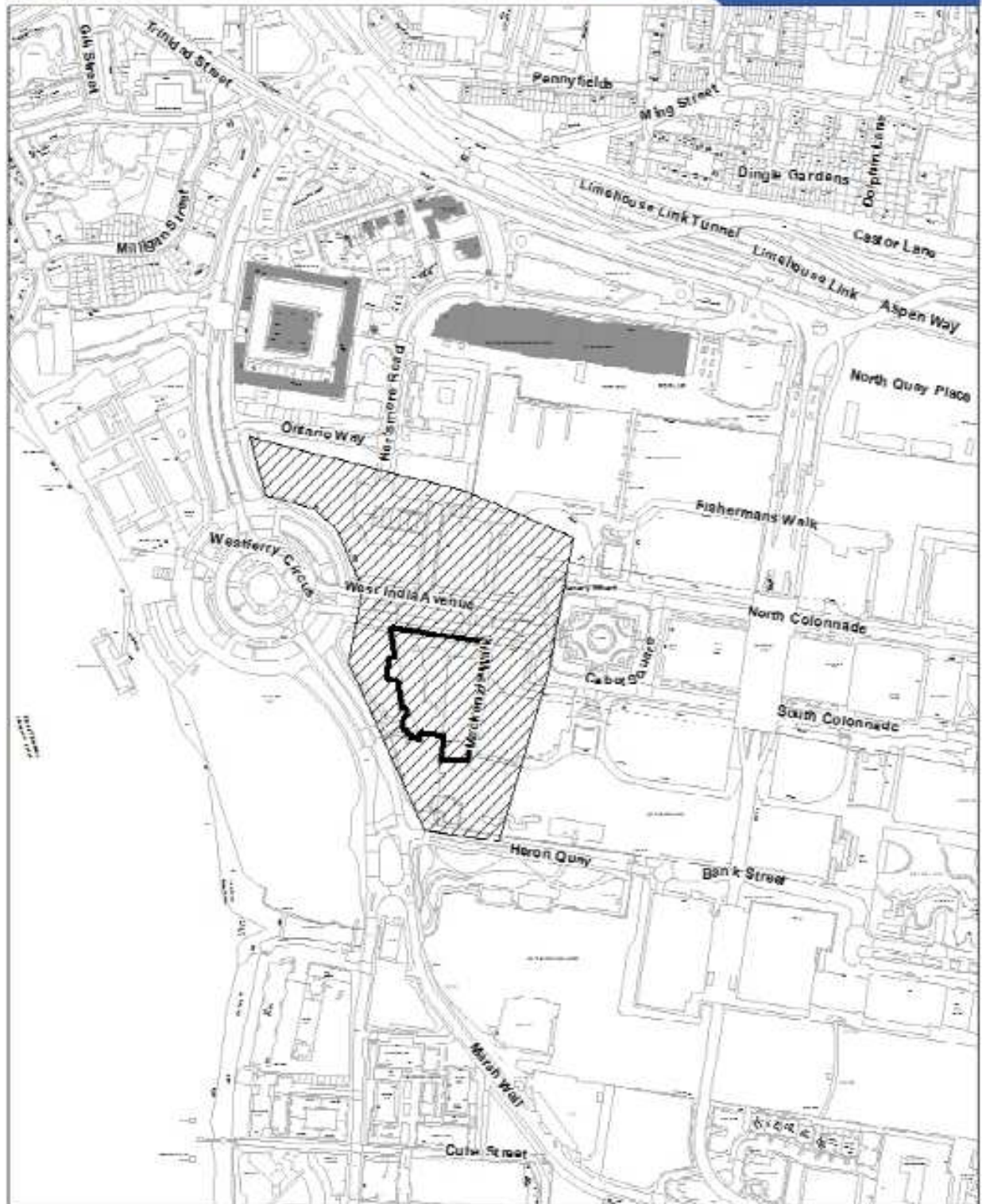
Equalities

- 8.251. 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.
- 8.252. 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.
- 8.253. 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/13/02344



- Statutory Listed Buildings
- Planning Application Site Boundary
- Consultation Area

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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