

Committee: Strategic	Date: 29 January 2015	Classification: Unrestricted	Agenda Item Number:
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Report of: Director of Development and Renewal	Title: Applications for Planning Permission
Case Officer: Jermaine Thomas	Ref No: PA/14/02617 (Full Planning Application)
	Ward: Canary Wharf

1. APPLICATION DETAILS

Location: 1 Bank Street (Heron Quays West 2) Heron Quay, London, E14

Existing Use: The site is vacant with a history of B1 uses

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

Drawing and documents: Drawings

A-0010 Existing Site Plan Rev 00

A-0015 Proposed Ground Floor with site boundary Rev 01

A-0017 Ground Floor Plan Access Widths and Fire Hydrant Locations Rev 01

SK-033 South Promenade Retail Kiosk Proposal Rev 01

SK-042 South Promenade Retail Kiosk Visuals Rev 01

SK-083 Ground Floor Entrance Doors Rev 00

790-60970 B3 Level Floor Plan Rev C

790-60980 B2 Level Floor Plan Rev C

790-60990 B1 Level Floor Plan Rev C

790-61005 Ground Level Mezzanine Floor Plan Rev C

790-61010 Level 1 Floor Plan Rev C

790-61020 Level 2 Floor Plan Rev C

790-61030 Level 3 Floor Plan Rev C

790-61040 Level 4 Floor Plan Rev C

790-61050 Level 5 Floor Plan Rev C

790-61060 Level 6 Floor Plan Rev C

790-61070 Level 7 Floor Plan Rev C
790-61080 Level 8 Floor Plan Rev C
790-61090 Level 9 Floor Plan Rev C
790-61100 Level 10 Floor Plan Rev C
790-61110 Level 11 Floor Plan Rev C
790-61120 Level 12 Floor Plan Rev C
790-61130 Level 13 Floor Plan Rev C
790-61140 Level 14 Floor Plan Rev C
790-61150 Level 15 Floor Plan Rev C
790-61160 Level 16 Floor Plan Rev C
790-61170 Level 17 Floor Plan Rev C
790-61180 Level 18 Floor Plan Rev C
790-61190 Level 19 Floor Plan Rev C
790-61200 Level 20 Floor Plan Rev C
790-61210 Level 21 Floor Plan Rev C
790-61220 Level 22 Floor Plan Rev C
790-61230 Level 23 Floor Plan Rev C
790-61240 Level 24 Floor Plan Rev C
790-61250 Level 25 Floor Plan Rev C
790-61260 Level 26 Floor Plan Rev C
790-61270 Level 26 Mezzanine Floor Plan Rev C
790-61280 Roof Plan

A-201 North Elevation (without HWQ1) Rev 00
A-202 South Elevation (without HWQ1) Rev 02
A-203 East Elevation (without HWQ1) Rev 02
A-204 West Elevation (without HWQ1) Rev 02

TOWN583(08)5001 Surface Finishes Plan (without
HWQ1) Rev 02
TOWN583(08)5002 Podium surface Finishes Plan Rev
00
TOWN583(08)5003 Brown Roof surface Finishes Plan
Rev 00

Documents

1BSP.A – Planning Application Forms prepared by
DP9 Ltd
1BSP.B – Site Plan prepared by KPF
1BSP.01 – Planning Statement prepared by DP9 Ltd
1BSP.02 – Design and Access Statement prepared by
KPF
1BSP.03 – Environmental Statements Volume I
prepared by Waterman
1BSP.04 – Environmental Statements Volume II
prepared by Waterman
1BSP.05 – Environmental Statements Volume III
prepared by Waterman
1BSP.06 – Environmental Statements Volume IV
prepared by Waterman IV
1BSP.07 – Site ES Non-Technical Summary prepared
by Waterman
1BSP.08 – Outline Drainage Strategy prepared by
Arup

1BSP.09 – Transport Assessment prepared by Steer Davies Gleave
1BSP.10 – Travel Plan prepared by Steer Davies Gleave
1BSP.11 – Energy Strategy prepared by Hilson Moran
1BSP.12 – Sustainability Statement prepared by Hilson Moran
1BSP.13 – BREEAM 2011 Prediction Summary prepared by Hilson Moran
1BSP.14 – Aviation Assessment prepared by Eddowes Aviation Safety;
1BSP.15 – Radio and Television Signal Interference Assessment prepared by Hoare Lea
1BSP.16 – Statement of Community Involvement prepared by Soundings

1169-RSA-01 Safety Audit prepared by Capital Traffic

Promenade Pedestrian Route Design Review

Applicant: South Quay Properties Ltd.

Ownership: South Quay Properties Ltd.
Heron Quays West (1) Limited Partnership acting by its general partner Heron Quays West GP (Four) Limited and its trustees Heron Quays West (1) T1 Limited and Heron Quays West (1) T2 Limited
Heron Quays West Limited Partnership acting by its general partner Heron Quays West GP (Three) Limited and its trustees Heron Quays West (T1) Limited and Heron Quays West T2 Limited
Canary Wharf Investments Limited

Historic Building: Grade 1 Listed Dock Wall located to the north of the application site

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) the London Plan (2011) and the National Planning Policy Framework (2012), and have found that:
- 2.2. Given the office-based nature of the proposal, it is considered that the development 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. 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 positioning within an established tall building cluster and the principle of a tall building previously being established under the outline consent (PA/13/00150). With regard to the proposed layout of the site it is considered acceptable and in keeping the site layouts of adjacent sites. The retention of public access around the building and preservation of the views of the dock is supported. The development would also provide definition to Bank Street and the South Dock. Finally, the townscape conclusions of the submitted Environmental Statement suggest that the proposed development would be visible but there would be no significant impact on the setting of the view or the Outstanding Universal Value of the Greenwich World Heritage Site.
- 2.4. It is not considered that the proposed development would have an adverse impact on the setting of the Grade I Listed Banana Dock Wall which is a designated heritage asset. Furthermore, it is not considered the proposed development would have an adverse impact on the character and appearance of adjacent conservation areas.
- 2.5. The principles of the development are supported by both TfL and LBTH highway officer. It is acknowledged that the development would have an impact on the local transport network, however this impact would be mitigated through financial contributions, secured to enhance the public transport network and improve highway safety. Furthermore, conditions to secure a construction logistics plan, a delivery and service management plan and a travel plan would further lessen the impact of the development. In conclusion, the proposed development subject to mitigation would not have an unduly detrimental impact on the safety and capacity of the surrounding highway and public transport network.
- 2.6. With regard to amenity, given the nearest residential properties are approximately 69 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 also not considered that there would be an unduly detrimental impact on daylight and sunlight of existing residents near to the site. It is acknowledged that there are isolated rooms that would experience a change in day lighting levels. However, it is not considered that these isolated instances would merit reasons for refusal of planning permission. With regard to noise and vibration any impacts would be controlled via condition.
- 2.7. Through the use of conditions and financial mitigation the energy and sustainability strategies have demonstrated compliance with the energy hierarchy. As such, the proposals are considered acceptable.
- 2.8. In light of the previous planning permissions, the previous outline scheme with a resolution to grant and given the economic benefits of the scheme, subject to safeguarding conditions to secure biodiversity enhancements and urban design benefits, the partial infilling of South Dock would on balance be acceptable in this instance.
- 2.9. Contributions have been secured and negotiated in line with the S106 Supplementary Planning Document and officers consider that the package of contributions being secured is appropriate, relevant to the development being considered and in accordance with the relevant statutory tests.

3. RECOMMENDATION

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

Financial Obligations:

- a) A contribution of **£298,163** towards construction phase skills and training
- b) A contribution of **£838,426.68** towards end user phase skills and training
- c) A contribution of **£208,823** towards Idea Stores, Libraries and Archives.
- d) A contribution of **£838,513** towards Leisure Facilities.
- e) A contribution of **£792,000** towards Environmental Sustainability (Carbon offset)
- f) A contribution of **£1,329,903** towards Public Open Space
- g) A contribution of **£70,000** towards TfL Cycle Hire Scheme.
- h) A contribution of **£250,000** towards sustainable transport
- i) A contribution of **£270,000** towards TfL Bus services within the area.
- j) A contribution of **£21,740,373** (**£17,734,010** following the CIL credit*) towards Crossrail.
- k) A contribution of 2% of the total financial contributions would be secured towards monitoring.

*The CIL figure will be treated as a credit towards the Crossrail payment required through s106 in accordance with the Crossrail SPG. The figures in brackets above reflect what the Crossrail figure would be with the CIL credit applied for clarity.

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

Non-financial contributions

- l) Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
- m) Provide 38 apprenticeships places delivered over the first five years of full occupation
- n) Commitment to use reasonable endeavours to permanently relocate the East London Business Place and UCATT within a 1km radius of Canary Wharf Jubilee Line Station.
- o) Commitment to use reasonable endeavours to permanently relocate them with Skillsmatch (whose relocation is covered in the Legal Agreements which sit outside of the planning process).
- p) Travel Plan
- q) Code of Construction Practice
- r) Walkways - Maintenance of new walkways within the development together with unrestricted public access (other than for essential maintenance or repair)

- s) 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. In the event that the section 106 is not signed prior to 1st April 2015 the Local Planning Authority reserves the right to determine the application under delegated authority.

3.7. **Conditions**

Compliance:

- Time limit – three years
- Accordance with the approved plans
- Energy – compliance with energy strategy (Requested by LBTH Energy Team).
- 10% accessible parking spaces (Requested by TfL and LBTH Highways).
- Electric charging points – 20% provision and a further 10% to be easily adaptable (Requested by TfL).
- Cycle parking provisions provided and retained
- Vehicle parking provisions provided and retained
- Development carried out in accordance with FRA
- 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.
- Implementation of Waste Management Strategy (detailing storage and collection of waste and recycling).
- Flood risk assessment

Prior to commencement of any works

- Construction Management Plan (Requested by TfL and LBTH Highways).
- Construction Logistics Plan
- Feasibility study to assess potential for moving freight by water during the construction phase and following construction (Requested by Canal and River Trust and Port of London Authority).
- Piling and foundation designs method statement (Requested Thames Water).
- Detailed design and method statements for all foundations, basement and ground floor structures (Requested by London Underground Limited).
- Materials of the paving area around the stand alone kiosk
- Impact studies of the existing water supply infrastructure

- Demonstrate both domestic hot water and space heating can be served by district heating
- Drainage strategy (Thames Water)
- Landscaping: Details of plants / species and a maintenance schedule
- Safety measures in accordance with the safety audit
- Contamination – soil investigations (Requested by LBTH Environmental Health and Environment Agency).
- Micro climate – mitigation measures (Requested by LUC)
- Details of the access and Water supply impact studies (Required by the London Fire and Emergency Planning Authority).
- Biodiversity enhancements (Requested by LBTH Biodiversity).
- Lighting schemes for office block, restaurant and kiosk
- Archaeological recording (Requested by English Heritage Archaeology).
- Details of any required kitchen extract system noise and odour.
- A construction environmental management plan
- Compliance with the Defra Guidance on Commercial Kitchen Extract systems.
- Details and specifications of all fixed plant
- Telecommunications Interference Assessment.

Prior to commencement of the use

- Contamination – Verification report and certificates (Requested by LBTH Environmental Health)
- Achievement of BREEAM Excellent rating and certificates submitted within 3 months of occupation (Requested by LBTH Sustainability officer)
- Delivery and Service Management Plan (Requested by TfL and LBTH Highways).
- Archaeology: Site investigation and post investigation assessment (Requested by English Heritage Archaeology)

3.8. Informatives

- Discharge of surface water into the waterways requires the written permission of Thames water Developer Service
- 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.
- The development falls under the flight path of London City Airport and the resulting noise should be taken fully into consideration whilst it is also important to consider how the new development will impact on the local amenity without causing a nuisance to local sensitive receptors in the future.
- Development to meet requirements of the London Fire Brigade

4. PROPOSAL AND LOCATION DETAILS

Proposal

- 4.1. The proposal is for full planning permission for the development of a 27 storey office block (Use Class B1) with a café / restaurant / drinking establishment (Use Class A3/A4), standalone kiosk (Use Class A1-A4) and associated landscaping and security provisions.
- 4.2. A new planning permission is required as the proposed development would not conform to the agreed parameters and design guidelines of the outline scheme (PA/13/03159) which in April 2014 Strategic Development Committee resolved to grant outline planning permission. LBTH are currently in the process of finalising the section 106 agreement.
- 4.3. The following is a summary of the key aspects of the proposed development which have not previously been assessed or deemed acceptable (i.e. the differences to the outline scheme):
 - Extension further into the dock by 3.5 (further than previously approved).
 - Positioning of part of the building being positioned closer to West Ferry Road
- 4.4. Alternatively, the following list confirms were the proposed development would accord to a number of the parameters set out in the previous outline scheme which have previously been deemed acceptable:
 - The total office floor space is below the previous maximum extent of the 129,857sqm
 - The building height is approx. 40m smaller than previously deemed acceptable
 - The inclusion of a canopy to protect pedestrians from the elements
 - Preservation of the existing pedestrian and vehicle links
 - Retention of a minimum gap of 13.92m between HQW1 and HQW2
 - Introduction of active frontages at ground floor level
 - The north west corner and western façade treated as a special architectural feature

Specifics

- 4.5. The new office building would have a maximum height of 151.445 metres AOD and would provide a maximum of 114,345 square metres of gross internal area (GIA) of office floor space (Use Class B1), a maximum of 113 square metres GIA of café / drinking establishment floor space (Use Class A3 and A4) and a 10 square metres GIA kiosk (Use Class A1-A4).
- 4.6. The proposed office block is designed with sheer walls on the north, east and south elevations. The western elevation is designed as a sweeping form which evolves into a protruding floating entity to the west of the site. The sweeping design allows for the creation of a 6 storey high atrium within the west elevation that would have direct access onto the proposed roof terrace to be positioned on the protruding floor plates. Furthermore, a terrace is also proposed on the roof of the main building.

- 4.7. The protruding element was specifically designed to accommodate trading floor plates of up to 4,000sqm NIA for a prospective client. The proposed three 4,000sqm trading floor plates would float 7.9m above ground floor level. This protruding structure would be supported by colonnades at the northwest and northeast corners, and along the southern dock promenade.
- 4.8. The proposed office block would be divided into two tenant spaces. Tenant one situated to the west of the site and tenant two situated to the east of the site. The main entrances of both tenant spaces would be positioned along Bank Street. The central corridor between the tenant spaces would provide pedestrian and cyclist access points for both tenants to the south dock. Tenant space one would also have addition direct access to the southern dock edge through the southern elevation.
- 4.9. The proposed elevations of ground floor tenant spaces would be constructed in glazing panels on the north, west and partially the south and east elevations to provide active frontages. The remainder of the southern elevation would be installed with a green wall which provides screening of the proposed vehicle access ramp. The eastern elevation in part would notably also be characterised by the proposed access ramp from Bank Street to the basement.
- 4.10. The proposed deck structure would be set below the ground floor level of West Ferry Road and accessed via a ramp. A minimum width of 4.5 meters would be provided along the south promenade. The width extends to 11.25 meters at the western entrance point where the promenade is in part located under the overhanging canopy of the south of the building. The openness of the promenade is also informed by the proposed sunken tiers, landscaping provision adjacent to the green wall and those wrapped around the colonnades.
- 4.11. The proposed sunken tiers would consist of two steps down from street level (+6.000 FFL) to the water edge (+5.700 FFL) each with a height of 150mm. The sunken tiers meander to and from the dock edge to allow for seating areas and also wheelchair access directly up to the dock edge.
- 4.12. The proposed 113sqm commercial use would be positioned to the south east corner of the site and located within a 6.4m high building designed with a double height floor to ceiling arrangement. The proposed structure designed with chamfered corners would be constructed in glazing panels and protrude beyond the main eastern elevation of the office block to screen the vehicle access ramp down into the basement from the southern dock edge. The commercial unit would be directly accessible from the proposed promenade.
- 4.13. The proposed 10sqm commercial kiosk would be a standalone structure positioned along the promenade directly to the south of tenant space 1. The structure would be asymmetrical in form and designed with slats with horizontal arrangement. A sliding counter is also proposed to the eastern wing of the kiosk which would increase the footprint of the commercial unit.
- 4.14. Three basement levels are also proposed. Basement 1 would accommodate the vehicle ramp accessed from ground floor level on the east side of the building which ramp runs along the southern edge of the site leading down to the second basement. The remainder of Basement 1 would house plant rooms, waste and storage facilities and the servicing vehicle loading bay.

Basement 2 would comprise of office tenant car parking spaces, cycle parking provisions and associated cycle facilities including showers and lockers. Basement 3 would contain large plant rooms for chillers and oil tanks in addition to tenant storage areas.

Site and Surroundings

- 4.15. The application site known as 1 Bank Street (Heron Quay West 2) occupies an area of approximately 1.3 hectares (ha).
- 4.16. The site is located in the northern part of the Isle of Dogs, on the Canary Wharf Estate, on land to the west of 10 Bank Street (HQW1) and east of West Ferry Road. The site is bounded by West India Dock South to the south and Bank Street. A canal is located to the east of neighbouring 10 Bank Street site which links West India Middle Dock and West India South Dock. These docks have mooring facilities and as such the canal is in occasional use.
- 4.17. The site was previously occupied by 11 buildings ranging from 3-4 storeys which were erected in 1987 (known as the 'red sheds'). However, 9 of the 11 buildings were demolished in order to clear the site in preparation for the implementation of the 2008 planning permission on the site which is referred to in full within the planning history section of this report.
- 4.18. The remaining two buildings which comprised of office accommodation including services/facilities provided by Skillsmatch, East London Business Place and UCATT (or the George Buswell Learning Centre) have also now been removed.
- 4.19. The application site positioned on the western edge of the Canary Wharf estate in the northern part of the Isle of Dogs, is predominantly surrounded by office buildings. From the 14 storey rectangular grid designed office building at 20 Bank Street to the other large scale commercial buildings located further east along Bank Street, including 25 Bank Street, 40 Bank Street and 10 Upper Bank Street, all of which are over 30 storeys tall.
- 4.20. There are also a number of redevelopment sites and recent planning consents for large buildings within the immediate vicinity. Such as a reserve matters application (PA/14/01664) for the site layout, scale and design of a 27 storey office building (+146.915 AOD) at 10 Bank Street to the immediate east of the site was approved on the 10/10/2014. While, to the west, beyond the Heron Quays roundabout, lays the Riverside South site, which was granted consent to provide commercial and retail space within two towers of 241m and 191m in height with a lower rise central link building. The Landmark Building designed with two high rise towers is also situated to the south of the site.
- 4.21. The site has good access to public transport, with a Public Transport Access Level (PTAL) of 5 (very good). The underground Jubilee Line tunnel runs east-west 30 metres to the north of the application site, with Canary Wharf Station approx. 250m to the east. Heron Quays DLR station is located approximately 100m to the east.
- 4.22. In terms of built heritage, the site does not fall within a conservation area, but nearby conservation areas include Narrow Street to the northwest, West India

Dock, St Mathias Church, Poplar and All Saints Church to the north, Coldharbour to the east and Chapel House and Island Gardens to the south.

- 4.23. The Dock Walls to the north of the application site are both Grade I and Grade II listed structures, as well as sections of unlisted walls. The Dock wall of the former West India Export Dock is also Grade I listed, while the South Dock former entrance to the lock linkage to the River Thames located to the south west of the site is Grade II listed.
- 4.24. The site is not within any strategic viewing corridors, lateral assessment areas or background assessment areas of St Paul's Cathedral as identified within the London View Management Framework.

Relevant Planning History

- 4.25. As previously stated, an outline planning application was previously deemed acceptable and currently has a resolution to grant. The applicant has now submitted a full planning application as the proposed development would not comply with the approved design parameters of the outline scheme.

Planning History in chronological order (1 Bank Street)

- 4.26. **TP/92/0010 & 0011** – In January 1992 a planning application was submitted for the redevelopment of the site (referred to as the Tarmac site) together with part of the South Dock comprising 134,075 square metres of gross floorspace, consisting of offices (121,789 square metres), retail (5,989 square metres), public uses (6,641sq.m.) and a public park (1,000sq.m.). In addition a new road was proposed through the site connecting Heron Quays roundabout to the rest of Heron Quays together with underground car parking and a pedestrian route around the perimeter of the site. The application proposed a large single block located on the southern side of Heron Quays and extending into South Dock by approximately 32m from the quay edge. The building was between 71m above ordnance datum (AOD) and 130 metres AOD in height. Planning permission was granted on 24th April 1992 and listed building consent (ref. T/92/0011) for works of stabilisation, refurbishment and reinstatement of the listed banana dock wall was later granted on 7th May 1992.
- 4.27. **T/97/0076 & 0085** – Applications for planning permission and listed building consent were submitted for the renewal of the 1992 consents in February 1997. Planning permission (ref. T/97/0076) was granted for the redevelopment of 134,705 square metres of gross floorspace, consisting of offices (121,789 square metres), retail (5,989 square metres), public uses (6,641 square metres) and a public park (1,000 square metres) on the 3rd December 1997 for a further five years. The associated renewal of the listed building consent (T/97/0085) was approved on 27 November 1997. Planning permission ref. T/97/0076 was implemented in 2002 with the construction of Heron Quays Road between Bank Street and the Heron Quays roundabout. These works also included the associated footway, dock edge balustrade and landscaping.
- 4.28. **PA/02/01734** - The listed building consent for the stabilisation, refurbishment and reinstatement of the Grade I listed wall was further renewed on 13 March 2003 to amend condition 1 of listed building consent ref. T/97/0085.

- 4.29. **PA/07/03088, 3089 and 3090** – In November 2007 a planning application was submitted for the redevelopment of the Heron Quay West site including infilling part of the South Dock. The application was for the following:

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

- *Erection of a part 12 storey, part 21 storey and part 33 storey building comprising Class B1 offices; construction of 3 levels of basement for Class A retail units, underground parking, servicing & plant;*
- *Construction of a subterranean pedestrian link to the Jubilee Place Retail Mall and the Jubilee Line Station incorporating Class A retail accommodation;*
- *Erection of a 4 storey building for Class A3 (restaurant and cafe) and A4 (drinking establishments) uses, and/or at first and part second floor level Class D1 (training centre);*
- *Relocation of the canal between South Dock and Middle Dock from the eastern to western part of the application site;*
- *Provision of a new publicly accessible open space;*
- *Associated infrastructure and landscaping together with other works incidental to the application.”*

Planning permission was granted on 17 December 2008.

- 4.30. **PA/07/03089 and 3090** – The associated listed building consents for work to the Grade I listed Banana Dock Wall and Grade II listed South Dock Wall were granted on the 17 December 2012 and also remain extant because of a five year time limit.
- 4.31. **PA/11/03796** – Temporary planning permission was granted on 7 March 2012 for a temporary landscaping scheme on the site and has been implemented. The purpose of this scheme was to provide an attractive environment in the short term following the demolition of 11 of the 13 buildings that once occupied the site. This temporary consent expires on 16 December 2013.
- 4.32. **PA/13/03159** - Outline planning application with all matters reserved for the demolition of the existing buildings and structures and construction of a building comprising a maximum of 129,857 sqm comprising offices ((Use Class B1) and a maximum of 785 sq. m of retail (Use Classes A1-A5) along with a decked promenade to the West India Dock South, access and highways works, landscaping and other incidental works. – Resolution to grant April 2013

5. POLICY FRAMEWORK

- 5.1. For details of the status of relevant policies see the front sheet for “Planning Applications for Determination” agenda items. The following policies are relevant to the application:
- 5.2. **Government Planning Policy Guidance/Statements**
National Planning Policy Framework (March 2012) (NPPF)
National Planning Practice Guidance (March 2014) (NPPG)

5.3. **Spatial Development Strategy for Greater London - London Plan 2011 (LP) (including Revised Early Minor Alterations 2013)**

- 2.10 Central Activities Zone – strategic priorities
- 2.11 Central Activities Zone – strategic functions
- 2.12 Central Activities Zone – predominantly local activities
- 2.13 Opportunity areas and intensification areas
- 2.15 Town centres
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and addressing health inequalities
- 4.1 Developing London's economy
- 4.2 Offices
- 4.3 Mixed use development and offices
- 4.7 Retail and town centre development
- 4.8 Supporting a successful and diverse retail sector
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.5 Decentralised energy networks
- 5.6 Decentralised energy in development proposals
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.10 Urban greening
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable Drainage
- 5.14 Water quality and wastewater infrastructure
- 5.15 Water use and supplies
- 5.18 Construction, excavation and demolition waste
- 5.21 Contaminated land
- 6.1 Strategic approach
- 6.3 Assessing effects of development on transport capacity
- 6.4 Enhancing London's transport connectivity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.10 Walking
- 6.12 Road network capacity
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.7 Location and design of tall and large buildings
- 7.8 Heritage assets and archaeology
- 7.9 Heritage led regeneration
- 7.10 World heritage sites
- 7.11 London view management framework
- 7.12 Implementing the London view management framework
- 7.13 Safety, security and resilience to emergency
- 7.14 Improving air quality
- 7.15 Reducing noise and enhancing soundscapes
- 7.18 Protecting local open space and addressing local deficiency

- 7.19 Biodiversity and access to nature
- 7.21 Trees and woodland
- 7.24 Blue Ribbon Network (BLR)
- 7.25 Increasing the use of the BRN for passengers and tourism
- 7.26 Increasing the use of the BRN for freight transport
- 7.27 BRN supporting infrastructure and recreational use
- 7.28 Restoration of the BRN
- 7.30 London's canals and other river and waterspaces
- 8.2 Planning obligations
- 8.3 Community Infrastructure Levy (CIL)

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

- SP01 Refocusing on our town centres
- SP03 Creating a green and blue grid
- SP04 Creating a Green and Blue Grid
- SP05 Dealing with waste
- SP06 Delivering successful employment hubs
- SP08 Making connected Places
- SP09 Creating Attractive and Safe Streets and Spaces
- SP10 Creating Distinct and Durable Places
- SP11 Working towards a Zero Carbon Borough
- SP12 Delivering placemaking
- SP13 Planning Obligations

5.5. Managing Development Document (adopted April 2013) (MDD)

- DM1 Development within the town centre hierarchy
- DM2 Local shops
- DM8 Community infrastructure
- DM9 Improving air quality
- DM10 Delivering open space
- DM11 Living buildings and biodiversity
- DM12 Water spaces
- DM13 Sustainable drainage
- DM14 Managing Waste
- DM15 Local job creation and investment
- DM16 Office locations
- DM20 Supporting a Sustainable transport network
- DM21 Sustainable transportation of freight
- DM22 Parking
- DM23 Streets and the public realm
- DM24 Place sensitive design
- DM25 Amenity
- DM26 Building heights
- DM27 Heritage and the historic environments
- DM28 World heritage sites
- DM29 Achieving a zero-carbon borough and addressing climate change
- DM30 Contaminated Land

5.6. Supplementary Planning Documents and Action Plans

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
 Local Biodiversity Action Plan – October 2014

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. No objection to the proposed development, subject to the applicant first entering into a section 106 legal agreement relating to funding for the provision of interpretation boards and panels relating to the history of the docks, impounding station and the old dock. The Canal and River Trust stated the works would cost approx. £10,000

6.4. **[Officer Comment:** There is no requirement for this in the adopted s.106 SPD and therefore it can not form a specific Heads of Terms. However, £1,329,793 has been secured towards Public Open Space, and proportion of this could be spent towards meeting this request.

City of London Corporation

6.5. To date no comments have been received.

Design Council

6.6. To date no comments have been received.

Dockland Light Railway (DLR)

6.7. To date no comments have been received.

EDF Energy Networks

6.8. To date no comments have been received.

English Heritage

6.9. No objection received

6.10. **[Officer Comment:** No further action required]

English Heritage Archaeology

- 6.11. English Heritage Archaeology note that the application site lies within an area of archaeological potential and heritage value of the quayside itself and any remnants of the nineteenth century dock wall and associated features.
- 6.12. The submitted archaeological study unfortunately provides little information to understanding of the above aspects.
- 6.13. It is suggested that appropriate geo-archaeological modelling and a photographic survey of the site to allow greater certainty in targeting more intensive fieldwork be carried out. In addition to, an investigation to the possible impact on the setting of the listed South Dock Entrance Lock by the proposed encroachment of the proposed development.
- 6.14. English Heritage therefore requested that the archaeological impacts should be mitigated by safeguarding conditions for recording of the dock itself as well as a staged programme of investigation into buried deposits.
- 6.15. **[Officer Comment:** The comments are noted and the suggested conditions would be attached to the decision notice should the application be approved.

Environment Agency (EA)

- 6.16. In a letter dated 31st October 2014 the EA registered an objection to the proposed development in the absence of an acceptable Flood Risk Assessment (FRA).
- 6.17. The initial FRA did not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development. The EA also provided guidance about how to overcome their objection.
- 6.18. **[Officer Comment:** The applicant was advised to liaise with the EA and later submitted the requested information.]
- 6.19. In a letter dated the 9 December 2014 the EA removed their objection as they were satisfied with the drainage proposals for this site and welcomed the direct discharge of surface water to the docks, as this can be carried out at an unattenuated rate similar to those into the tidal Thames.
- 6.20. **[Officer Comment:** The revised FRA now forms part of the application documents and appropriate conditions to secure its implementation would be attached should planning permission be granted.]

Georgian Group

- 6.21. To date no comments have been received.

Greater London Authority (GLA)

- 6.22. The Stage 1 response dated 18th November 2014 concluded:
- 6.23. The proposal for an office led development would be consistent with London Plan Policies and is supported in strategic planning terms.

- 6.24. The proposed mix uses is acceptable; however the Council should confirm the level of section 106 contributions before it can be confirmed that these are sufficient to negate the need for an off-site housing contribution
- 6.25. The additional incursion into the dock is regrettable, although the applicant has fully justified this in the context of Canary Wharf's requirements as an international financial and commerce centre. However, the level of active frontage along the dockside, as well as its design, would benefit from further consideration before its additional incursion can be deemed acceptable.
- 6.26. The proposals are generally well considered; however the applicant is encouraged to consider removing the kiosk on the dockside walkway and instead include a further retail unit within the building's envelope adjacent to the walkway. The TVBHA cumulative view from the assessment point 5A.1 should be provided showing fully rendered illustrations of the both the current proposal and the building on the adjacent site as proposed under the recently approved reserved matters application (HQP1).
- 6.27. TfL requests that section 106 contributions are secured towards additional local cycle hire and bus capacity, dock crossing points and the delivery of Crossrail. Furthermore, the cycle parking should be increased and the final Delivery and Servicing Plan and Construction Logistics Plan should be secured by condition.
- 6.28. The proposal meets the requirement of the London Plan with regards to inclusive design
- 6.29. With regards to Climate change, further information is required, including evidence of correspondence with Barkentine district heating network; the floor area and location of the energy centre; whether domestic hot water is provided by the same system providing space heating; and the feasibility of using ground source heat pumps. The on-site carbon dioxide savings fall short of the target within Policy 5.2 of the London Plan and if it is demonstrated that further savings cannot be delivered, in liaison with the borough, the applicant should meet the shortfall in carbon dioxide reductions off site. Confirmation of any off-site contributions should be provide by the Council. The proposed responses to climate change adaption do not raise any strategic issues
- 6.30. Whilst the application is broadly acceptable in strategic planning terms, on balance, the application does not yet comply with the London Plan.
- 6.31. **Officer Comment:** The applicant was informed of the concerns of the GLA and revised the design and form of the kiosk and provided additional information to address the issues regarding climate change. The updated rendered image from assessment point 5A.1 was also provided.
- 6.32. The GLA assessed the revised plans and additional information submitted by the applicant and on the 19th December 2014 informed the LBTH via email that all the outstanding issues had now been overcome, subject to, the attachment of a condition to ensure that both domestic hot water and space heating can be easily served by district heating without significant retrofit or upgrade works.

Transport for London (TfL)

- 6.33. TfL requested that the following Section 106 contributions should be secured to mitigate the development; £250,000 towards upgrades to Heron Quays DLR station; £270,000 towards additional local bus capacity; £70,000 towards TfL Cycle Hire and; £250,000 towards new footbridges.
- 6.34. No objection was raised to the level car parking provision subject to a minimum of 20% spaces being designated for electric charging points and a further 10% suitable for conversion to charging points in the future.
- 6.35. The cycle parking provided would comply with London Plan Early Minor Alterations requirements. TfL noted that the proposal would fall short of the forthcoming Further Alterations to the London Plan requirements but did not raise any objection.
- 6.36. The Servicing Plan and Construction Logistics Plan should be secured by condition.
- 6.37. The Travel plan should be secured, enforced, monitored and reviewed as part of a section 106 agreement.
- 6.38. **[Officer Comment:** The requested section 106 agreements and conditions would be secured should planning permission be granted, however whilst there is justification for the requirement to provide £250,000 towards sustainable transport that could be used for upgrading Heron Quays DLR station, officers consider there is insufficient justification for a contribution specifically towards the crossing point/footbridge across the dock.

Inland Waterways Association

- 6.39. To date no comments have been received.

Royal borough of Greenwich

- 6.40. No objections raised

London Borough of Hackney

- 6.41. No objections raised

London Borough of Newham

- 6.42. To date no comments have been received.

London Borough of Southwark

- 6.43. To date no comments have been received.

London Bus Services

- 6.44. To date no comments have been received.

London City Airport

6.45. To date no comments have been received.

London Fire and Emergency Planning

6.46. The brigade needs to confirm that the Access and Water Supplies for the proposed development are sufficient and meet the requirements in Approved Document B (B5, Section 15, 16 & 17) and British Standard 9990.

6.47. The Brigade has been consulted with regard to the above-mentioned premises and makes the following observations. The Brigade is not satisfied with the proposals, for the following reasons:

6.48. The access to the development on Bank Street E14 does not meet the requirements set out in Approved Document B – Volume 2, Table 20. The plan indicates that there is restricted access to the development there are pinch points of: 3495/3300 & 3360/3620 & 3675.

6.49. **[Officer Comment:** The concerns of the London Fire Brigade are noted and a pre-commencement safeguarding condition to address the above concern will be attached to the decision should the application be approved.

London Legacy Development Corporation

6.50. To date no comments have been received.

London Underground Limited (LUL)

6.51. No objection in principle to the above planning application, although there are a number of potential constraints with the redevelopment of a site situated close to underground tunnels and infrastructure.

6.52. It is therefore requested that a condition is attached should any planning permission be granted securing details of the design and method statements (in consultation with London Underground) for all of the foundations, basement and ground floor structures, or for any other structures below ground level, including piling (temporary and permanent).

6.53. **[Officer Comment:** The requested condition would be attached to the decision notice should planning permission be granted]

London Wildlife Trust

6.54. To date no comments have been received.

Maritime Greenwich Heritage Site

6.55. To date no comments have been received.

National Grid

6.56. To date no comments have been received.

National Air Traffic Services (NATS)

6.57. 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.

6.58. **[Officer Comment:** No further action required]

Natural England

6.59. Based upon the information provided, Natural England advised the Council that the proposal is unlikely to affect any statutorily protected species or landscapes.

6.60. **[Officer Comment:** No further action required]

Port of London Authority (PLA)

6.61. To date no comments have been received.

Thames Water

Waste Comments

6.62. Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application.

6.63. A planning condition is advised to secure the submission of a drainage strategy detailing any on and/or off site drainage works. Thames Water also request that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

Surface Water Drainage comments

6.64. Thames Water confirmed it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater.

6.65. No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works)

Water Comments

6.66. The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development.

- 6.67. A planning condition is advised to secure the submission of Impact studies of the existing water supply infrastructure. The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.
- 6.68. No impact piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface water infrastructure, and the programme for the work).
- 6.69. [**Officer Comment:** The comments are noted and the above requirement should the planning permission be approved]

The Greenwich Society

- 6.70. The Greenwich Society raised concerns that while a view has been included of the impact of the development as seen from the grounds of the Old Royal Naval College (View 23 - Environmental Statement - London View and Built Heritage Assessment) there is no reference to the fact that a LVBHA assessment has been prepared and analysed for the strategic view of the Docklands Area from the General Wolfe Statue in Greenwich Park - Assessment Point 5A.1.
- 6.71. [**Officer Comment:** The EIA officer confirmed that viewpoint 3 within the ES is from Greenwich Park: the General Wolfe Statue LVMF 5A.1. This view will therefore form part of the assessment of this application]

The Victorian Society

- 6.72. To date no comments have been received.

20th Century Society

- 6.73. To date no comments have been received.

LBTH Biodiversity

Environmental Statement comments

- 6.74. The presence of three priority fish species, one of them in large numbers, suggests that the fish assemblage is of higher than Local value.
- 6.75. While the species using the site might recover, the loss of open water habitat is clearly a permanent impact on the SINC.
- 6.76. The officer reserved judgement on whether there would be overall beneficial effects on the SINC and on fish and aquatic ecology.

Impacts on the SINC

- 6.77. The relatively small loss of water in this development needs to be considered alongside numerous other developments and proposed developments which have or will encroach into the docks. Area of SINC is an indicator in the

Monitoring Report. This development will lead to an adverse trend in that indicator.

- 6.78. The principal that these impacts are acceptable, subject to adequate mitigation and/or compensation, has been established by the resolution to grant permission for the 2013 Outline application.
- 6.79. For a development leading to the loss of part of a SINC to be acceptable, significant habitat enhancements within the remaining SINC are required. A proposed ecologically beneficial wall alone would not adequately mitigate the impact on the SINC.
- 6.80. The applicant should provide additional mitigation proposals for the loss of open water which include provision of reed bed and tern rafts in South and/or Middle Docks.

Terrestrial landscaping and biodiversity enhancements

- 6.81. The most significant potential enhancement is the proposed green roof on top of the building. Various described in the application documents as a bio-diverse green roof, brown roof, or bio-diverse sedum roof, the drawings suggest that this is proposed as a sedum roof. This is far from the best type of green roof for biodiversity. A roof designed to provide open mosaic habitat, designed in accordance with Buglife's 'Creating living roofs for invertebrates – A best practice guide', would be far preferable, and would contribute directly to a target in the new LBAP.
- 6.82. Green landscaping is also proposed at ground level, as a green wall, and on a roof terrace. The locations of green areas are shown on plans, but no details of what species are to be planted is given, though paragraph 13.115 of the ES refers to use of native trees, shrubs and herbs. No detail is given of what type of green wall is proposed. The inclusion in the landscaping of plenty of nectar-rich flowers, to provide food for bees and other pollinating insects for as much of the year as possible, would contribute to a target in the LBAP.
- 6.83. The biodiversity officer raises no objection subject to the attachment of two conditions to secure *details of biodiversity enhancements in the docks, to offset the loss of open water in South Dock and full details of biodiversity enhancements to terrestrial habitats.*
- 6.84. **[Officer Comment:** The requested conditions would be attached should planning permission be granted.]

LBTH Communities Localities and Culture (CLC)

- 6.85. Communities, Localities and Culture note that the increase in population as a result of the proposed development will increase demand on the borough's open spaces, sports and leisure facilities and on the borough's Idea stores, libraries and archive facilities. The increase in population will also have an impact on sustainable travel within the borough.
- 6.86. The comments and requests for s106 financial contributions set out below are supported by the Planning Obligations Supplementary Planning Document

(SPD). Appendix 1 of the Planning Obligations SPD outlines the Occupancy Rates and Employment Yields for new development.

Residential Yield

- 6.87. The units proposed will result in **0 new residents** within the development.

Commercial Employees

- 6.88. The non-residential development in accordance with CLC calculations proposed on site would have the capacity for **9536 new employees** within the development based on the level of floor area proposed.

Idea Stores, Libraries and Archives

- 6.89. A total contribution of **£208,823** is required towards Idea Stores, Libraries and Archives. The above contribution is based on the Planning Obligations SPD which requires a contribution of £126 per resident/employee (discounted at 17.38% to take into account that 79% of employees live outside the borough).. towards Idea Stores, Libraries and Archives.
- 6.90. Further details of the calculation and justification for the contribution are set out in the Idea Stores, Libraries and Archives section of the SPD (see page 24 - 26).

Leisure Facilities

- 6.91. A total contribution of **£838,513** is required towards Leisure Facilities. The above contribution is based on the Planning Obligations SPD which requires a contribution per resident/employee towards Leisure facilities based on the Sports England Sports Facilities Calculator.
- 6.92. Further details of the calculation and justification for the contribution are set out in the Leisure Facilities section of the SPD (see page 27 - 31).

Public Open Space

- 6.93. A total contribution of **£1,329,903** is required towards Public Open Space. The above contribution is based on the Planning Obligations SPD which requires a contribution per resident/employee towards Public Open Space.
- 6.94. Information provided in the planning applications confirm that **0sqm** of public open space will be provided within the development. This has been taken into account in calculating the contribution.
- 6.95. Further details of the calculation and justification for the contribution are set out in the Public Open Space section of the SPD (see page 38 - 40).

Smarter Travel Contribution

- 6.96. A total contribution of **£0** is required towards Smarter Travel. The above contribution is based on the Planning Obligations SPD which requires a contribution of £15 per resident/employee towards Smarter Travel.

- 6.97. In line with the SPD, Smarter Travel contribution may be packaged as part of the wider Sustainable Transport contribution. Additional comments relating to the case-by-case and non-financial contributions should be sought from the Strategic Transport and Transportation and Highways teams.
- 6.98. Further details of the calculation and justification for the contribution are set out in the Sustainable Transport section of the SPD (see page 36 - 37).

[Officer Comment]: CLC calculation is based on the Gross internal Area of the site, however the calculation should be based on the net internal Area of the site. This would change the capacity of the building from 9536 new employees to 5835 new employees. The S.106 contributions have been recalculated to reflect this amendment.

LBTH Corporate Access Officer

- 6.99. The officer raised concerns regarding the use of revolving doors and side pass doors, as this is not inclusively accessible; preference for sliding automatic or sliding doors in a drum these were all considered in previous application
- 6.100. Further information was also requested regarding any proposed taxi drop off point.
- 6.101. **[Officer Comment:** The applicant submitted additional information to address the issues raised. The Access officer raised no objection to the additional information submitted. No further action is required]

LBTH Crime Prevention Officer

- 6.102. The Crime Prevention officer confirmed that the design/plan for this development gives suitable consideration towards security and terrorism and raised no objections.
- 6.103. **[Officer Comment:** No further action required]

LBTH Design and Conservation

- 6.104. The proposal not only in its bulk and form but also the articulation of its façade and landscape is acceptable. The kiosk design proposed has been developed further with a clear sculptural form that relates to the main building with opportunity to animate the dockside. However, a single paving material rather than have a second material for the area marked by the kiosk should be used.
- 6.105. **[Officer Comment:** The comments are noted and the materials of the paving area will be secured by condition should the application be approved. No further action required]

LBTH Education

- 6.106. To date no comments have been received.

- 6.107. [**Officer Comment:** For major commercial development financial contributions towards education are not required in line with the S106 SPD.]

LBTH Environmental Impact Assessment (EIA)

- 6.108. 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 Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (the EIA Regulations). This is supported by reviews by LBTH's internal environmental specialists.
- 6.109. Following that exercise, LUC confirmed no 'further information' under Regulation 22 was required, and that the ES meets the requirements of Schedule 4 of the EIA Regulations. The ES is therefore considered to be robust and can be relied upon when determining the planning application.
- 6.110. [**Officer Comment:** The applicant has responded to the clarifications sought and the EIA officer raised no objection to the information submitted – No further action required]

LBTH Enterprise and Employment

Proposed employment/enterprise contributions at construction phase:

- 6.111. The developer should exercise best endeavours to ensure that 20% of the construction phase workforce will be local residents of Tower Hamlets. We will support the developer in achieving this target through providing suitable candidates through the Skillsmatch Construction Services.
- 6.112. To ensure local businesses benefit from this development we expect that 20% goods/services procured during the construction phase should be achieved by businesses in Tower Hamlets. We will support the developer to achieve their target through ensuring they work closely with the council to access businesses on the approved list, and via the East London Business Place.
- 6.113. The Council will seek to secure a financial contribution of **£298,163** to support and/or provide the training and skills needs of local residents in accessing the job opportunities created through the construction phase of all new development. This contribution will be used by the Council to provide and procure the support necessary for local people who have been out of employment and/or do not have the skills set required for the jobs created.

Proposed employment/enterprise contributions at end-use phase:

- 6.114. The council seeks a monetary contribution of **£1,369,607** towards the training and development of unemployed residents in Tower Hamlets to access either:
- i) jobs within the A1-A5, and B1 uses in the development
 - ii) jobs or training within employment sectors relating to the final development

- 6.115. To provide **38** apprenticeship to be delivered within the first 5 years of full occupation. This was worked out based on the expected FTE employment for the commercial floor space.
- 6.116. Monitoring for all obligations will be discussed and agreed with the developer prior to commencement of works.
- 6.117. [**Officer Comment:** Contributions and the required mechanisms to implement and monitor all of the above requested obligations would be secured via section 106 agreements however, the contribution towards training and development has been revised **£838,426.68** to take into account the comments under paragraph 6.98 above]

LBTH Environmental Health Air Quality

- 6.118. No objection received
- 6.119. [**Officer Comment:** No further action required]

LBTH Environmental Health Contaminated Land

- 6.120. The Council's Environmental Health Officer has reviewed the documentation, and has requested a desk study and remediation works be secured by condition.
- 6.121. [**Officer Comment:** The above matters would be controlled via condition should planning permission be approved]

LBTH Environmental Health Noise and Vibration

Plant

- 6.122. Environmental health, environmental protection does not object to this application, but raised severely concerns and confirmed that they need to be mitigated via safeguarding conditions should the application be approved. The following is a list of the additional information required and requested to be secured via condition:
- Details of any required kitchen extract system noise and odour.
 - A construction environmental management plan that states what mitigation proposals can be put in place to ensure that our noise and vibration limits are not exceeded at any time during the development at any sensitive residential or commercial property. High noise and vibration impacts are likely from the required construction activities. The applicant needs to take into account the Council's own policies, including our Code of Construction Practice and working hours.
 - Evidence to demonstrate how the plant would comply with the Defra Guidance on Commercial Kitchen Extract systems.
 - Details and specifications of all fixed plant confirmed prior to installation whilst that no further fixed plant would be allowed at the development without local authority agreement.

Informative

- The development falls under the flight path of London City Airport and the resulting noise should be taken fully into consideration whilst it is also important to consider how the new development will impact on the local amenity without causing a nuisance to local sensitive receptors in the future.

6.123. [**Officer Comment:** The required additional information and requirements would be secured via condition should planning permission be approved.]

LBTH Environmental Health Microclimate

6.124. No objection received

6.125. [**Officer Comment:** No further action required]

LBTH Building Control

6.126. No objection received

LBTH Planning Policy

Office use

6.127. As a Preferred Office Location, the principle of additional B1(a) employment space can be supported by policy.

Retail use

6.128. The applicant has proposed 113sqm GIA of flexible retail floorspace. The site is within the boundary of the Canary Wharf major town centre; development within town centres should accord with the requirements of Policy DM1. The potential for A3/A4/A5 in Canary Wharf major centre uses are managed by Policy DM1.6a, which states that such applications are considered on the merits of individual applications.

Partial in-filling of South Dock

6.129. While this proposal does provide some set-back from the water edge and improvements to the public realm, it would result in the partial infilling of South Dock and therefore a loss of water space. The borough's Biodiversity Officer should be consulted on the appropriateness of this proposal and the potential impact on biodiversity.

Building height

6.130. The maximum height of this proposal is 152m AOD. In accordance with Spatial Policy 10.5 tall buildings are deemed to be acceptable at Canary Wharf. However, the proposal should also satisfy the criteria outlined in Policy DM26.2. The borough's Design Officer should be consulted on the appropriateness of this proposal.

Conclusion

6.131. The principle of B1(a) employment space and retail uses at this location within a tall building typology is acceptable. However, further advice on the

appropriateness of the building's specified height and design and the impact of the loss of water space and impact on biodiversity should be sought.

[Officer Comment: The received comments are noted and in accordance with the advice provided the relevant internal partners have been consulted]

LBTH Landscape

- 6.132. The Landscape section confirmed no details of plant species, sizes, locations etc were included in the application documents.
- 6.133. It is advised that trees should be retained wherever feasible and appropriate, materials for the landscaping project (trees/shrubs/soil etc.) should be of secured by condition.
- 6.134. All new tree plantings should be suitable for purpose, to include a proportion of British native species (to encourage wildlife) of known eventual height/spread, take into account the potential for climate change and not to include species that currently carry identifiable diseases (eg. Fraxinus excelsior, Aesculus hippocastanum).
- 6.135. An adequate maintenance schedule should be in place for all new plantings.
- 6.136. **[Officer Comment:** The additional information required would be secured by way of condition should planning permission be granted.]

LBTH Sustainability Officer

- 6.137. No objections subject to the securement of the following conditions:
- CO2 emission reductions in accordance with the approved energy strategy
 - Achievement of BREEAM Excellent rating and certificates submitted within 3 months of occupation
 - Payment of £792,000 secured through S106 process to deliver carbon offset projects
- 6.138. **[Officer Comment:** The financial contributions would be secured via section 106 agreements. The relevant condition would also be attached should planning permission be granted.]

LBTH Transportation and Highways

- 6.139. Highways and Transportation Group has no objection to the proposal subject to the following conditions:
- A Construction Management Plan (including using the river as an alternative to road) to be submitted and approved prior to any works taking place,
 - A Service Management Plan to be submitted and approved prior to occupation.
 - A Full Travel Plan to be submitted and approved prior to occupation

- 6.140. In addition a financial contribution towards the provision of new footbridge(s) across South Quay is required as well as a contribution towards pedestrian and cycling initiatives in the area.
- 6.141. Highways and Transportation have no issues with the findings of the safety audit report submitted regarding the implementation of the required safety measures.
- 6.142. **[Officer Comment:** The required conditions and mitigation measures will be secured should planning permission be granted.]

LBTH Waste Policy and Development

- 6.143. The number of refuse and recycling receptacles, their sizes, collection points, vehicle tracking, gradients and pull distance from bin area to vehicle is required to ensure that the development would not result in any waste issues. A separate bin store area for the commercial amenities would also be required.
- 6.144. **[Officer Comment:** The above information would be secured by way of condition should planning permission be granted.]

7. LOCAL REPRESENTATION

- 7.1. A total of 1512 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised on site and in the local press. The number of representations received from neighbours and local groups in response to notification and publicity of the application to date are as follows:

No of individual responses	1	Objecting:	1	Supporting:	0
No of petitions received:	0				

- 7.2. The following issues were raised in the received representation and are material to the determination of the application:
- 7.3. Aside from it's unoriginal features and unnecessary size, it will be (and already has) affecting the natural habitats, and some protected species. There is insufficient space for the wildlife to flourish and for the health and wellbeing of local families.
- 7.4. **[Officer Comment:** Please refer to paragraphs 8.27 – 8.43 of this report which consider biodiversity impacts in detail.]
- 7.5. The building will also be using the sewage works which will therefore be putting undue pressure on the system
- 7.6. **[Officer Comment:** Please refer to paragraphs 8.203 – 8.216 of this report which consider water supply and infrastructure]

- 7.7. There is no indication as to how it will impact on the local environment when put alongside the other developments that are currently taking place. For example - wind gusts, darkened areas, health constraints
- 7.8. **[Officer Comment:** Please refer to paragraphs 8.189 – 8.200 of this report which consider environmental conditions in detail.]
- 7.9. Even though Cross rail will be coming in to Canary Wharf, the building will be large enough to house the amount of people who will have a negative impact on the local infrastructure from emergency doctors, to nursery spaces.
- 7.10. **[Officer Comment:** Please refer to paragraphs 8.231 – 8.242 of this report which consider mitigation measures via financial contributions.]
- 7.11. It will also impact negatively on the skyline and impact the views for many local residents. It is far too wide and far too tall.
- 7.12. **[Officer Comment:** Please refer to paragraphs 8.80 – 8.87 of this report which consider strategic and local impacts in detail.]

8. MATERIAL CONSIDERATIONS

- 8.1. The main planning issues raised by the application that the committee must consider are:
- Land Use
 - Biodiversity
 - Design / Scale / Layout
 - Heritage Assets
 - Transport, Connectivity and Accessibility
 - Amenity
 - Energy and Sustainability
 - Environmental Considerations (Air Quality, Microclimate, Contaminated Land, Flood Risk and Water Supply)
 - Environmental Impact Assessment

Land Use

Policy Context

- 8.2. The site is located within the Isle of Dogs Opportunity Area (IoDOA) as designated by the London Plan which seeks indicative employment capacity of an additional 110,000 jobs and 10,000 homes over the plan period. The site is not located within the Central Activities Zone (CAZ), however, because it is recognised as a strategically significant part of London's world city offer for financial media and business services the CAZ policy objectives apply.
- 8.3. The application site is located within the Canary Wharf Major Town Centre and a Preferred Office Location (POL) as designated by the Local Plan (Core Strategy (2010) and Managing Development Document (2013).
- 8.4. Policy 2.10 and 2.11 of the London Plan set out the strategic priorities and function for the CAZ. Policy seeks to sustain and enhance the Isle of Dogs (although formally outside the CAZ) as a strategically important, globally orientated financial and business services centre. It is noted that strategic

policy SP01 of the Core Strategy (2010) (CS) advises that with regard to the CAZ, London Plan policy would be applied.

- 8.5. Policy 2.13 of the London Plan sets out the policy context for the support of opportunity areas and intensification areas which applies in this instance given the site forms part of the IoDOA.
- 8.6. Policy 4.2 of the London Plan seeks to support the management and mixed use development and redevelopment of office provision to improve London's competitiveness amongst other aims. Whilst, strategic policy SP06 of the CS seeks to deliver successful employment hubs. Part 2, of the policy seeks to focus larger floor plate offices and intensify floor space in POL including Canary Wharf. Finally, Policy DM16 of the Managing Development Document (2013) (MDD), does not support the net loss of office floor space in POLs.
- 8.7. With regard to the designation of Canary Wharf as a Major Centre part (c) of strategic policy SP01 of the CS seeks to maintain and enhance Canary Wharf as an important major centre in the borough through improving its local accessibility and supporting its continued growth.

Principle of Office Use:

- 8.8. The proposal is for the creation of 114,345 square metres (GIA) of office floor space (Use Class B1) with 113 square metres (GIA) Café/Restaurant floor space (Use Class A3) and a kiosk *** square meters of floor space (Use Class A1).
- 8.9. Given the office-based nature of the proposal, it is considered that it is in keeping with the character and function of the area which is predominantly commercial. The application therefore accords with policies 2.10 and 2.11 of the London Plan and strategic policy SP06 of the CS which seek to develop the CAZ, POL and the IoDOA, in order to foster London's regional, national and international role, and promotes high-density office-based employment uses in this location. Furthermore, the principle of an office use on this site has been established under previous permissions.
- 8.10. Furthermore, with reference to volume one, chapter seven of the socioeconomic chapter of the submitted Environmental Statement, it is evident that the proposed office floor space would bring significant economic benefits and would complement existing office provision in the surrounding area. The proposed development would have a capacity to generate 5,835 net additional full-time jobs, which would make a significant contribution to the jobs targets for the IoDOA as well as providing opportunities for spin-off employment.

Loss of existing office floor space:

- 8.11. The site is currently vacant and therefore the proposal would not result in the net loss of office floor space
- 8.12. Employment and Enterprise Officers as part of the previously approved schemes across the HQW1 and HQW2 sites secured mechanisms for the re-provision of former uses on the site; Skillsmatch (a job brokerage service for the London Borough of Tower Hamlets) and East London Business Place and Union of Construction Allied Trades and Technicians (UCATT).

- 8.13. The removal of the former uses and buildings on site were undertaken to allow for the creation of large office developments such as that proposed. It is therefore considered that the mechanisms previously secured for the re-provision of the former uses should be replicated as part of this proposed scheme.
- 8.14. Subject to, the provision to permanently relocate Skillsmatch and the other organisations through a legal agreement, it is therefore considered the proposed office-led scheme is acceptable in accordance with strategic policy SP06 of the CS and DM16 of the MDD.

Housing Provision:

- 8.15. 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).”*
- 8.16. 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.”*
- 8.17. Strategic policy SP02 (2a), states that the POL which includes Canary Wharf *“are not appropriate locations for housing”*.
- 8.18. It is noted that the GLA in their stage one letter recognised that the recent consented proposals for this site confirmed that a contribution to affordable housing was not required, as there would instead be significant contributions to transport and other infrastructure.
- 8.19. The GLA also confirmed that at Pre-application stage, the applicant was advised that each application will be considered individually on its own merits, regardless of agreements on other sites, although it was recognised that similar level of contributions as that agreed on this site and the neighbouring site (HQW1) may be acceptable for the current proposal.
- 8.20. The Stage 1 response concluded that the council should keep GLA officers informed of section 106 negotiations in order for it to confirm that contributions are sufficient to negate the need for an off-site housing contribution.
- 8.21. The site is considered desirable for commercial uses given the site context within Canary Wharf Major Centre and Preferred Office Location (POL). Furthermore, whilst the site is not located within the CAZ, the policy objections of the London Plan for the CAZ apply. The introduction of residential uses would not be appropriate and would compromise the role of

Canary Wharf as an economic centre. This is in accordance with strategic policy SP02 (2a) of the CS. With regard to London Plan Policy, it is considered that the provision of housing would conflict with the central aim of their policies which is to encourage developments that meet office demand and rejuvenate office based activities in the CAZ

- 8.22. Furthermore, according to the definition for CAZ within the London Plan, these areas are to promote finance, specialist retail, tourist and cultural uses and activities. This report identifies that the site is appropriate for commercial development, and with the proposed development providing approximately 5,835 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.
- 8.23. The Council's adopted S106 SPD also does not require the provision of affordable housing for commercial developments.
- 8.24. The previous outline scheme was also not required to provide a contribution towards off-site affordable housing, and given that the scheme could still be implemented following the submission of reserve matters, a considerable commercial development could be constructed on site.
- 8.25. To conclude, this site is not suitable for housing and an affordable housing contribution is not required by Local Plan policy.

Conclusions:

- 8.26. 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 introduction of commercial units is also policy compliant. 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.

Biodiversity

Policy Context:

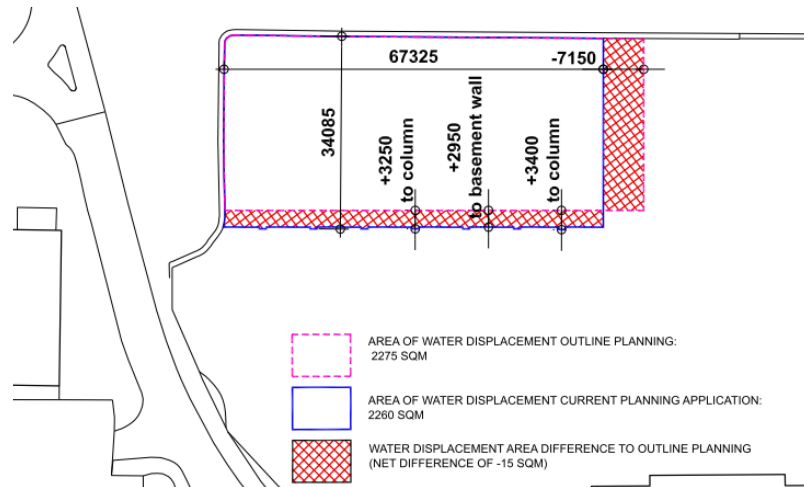
- 8.27. In terms of policy designations within the CS and MDD, the docks from part of the blue grid and the docks are designated as a Site of Importance for Nature Conservation (SINC). The site also forms part of the Blue Ribbon Network as designated by the London Plan.
- 8.28. Chapter 13 (Ecology) Volume One of the submitted ES, presents an assessment of the likely significant effects of the development on the ecological and nature conservation resources on and in proximity of the site.
- 8.29. 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 or harm to protected species will not be supported unless the social or economic benefits of the development clearly outweigh the loss of biodiversity.

- 8.30. 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.
- 8.31. 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.*"
- 8.32. 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.
- 8.33. Paragraph 7.84 notes that "*The Blue Ribbon Network should not be used as an extension of the developable land in London ...*"
- 8.34. Policy DM12 of the MDD provides guidance for development adjacent to the Blue Ribbon Network. Firstly development should not have an adverse impact. Secondly, with regard design and layout development should provide appropriate setbacks from the water space edges where appropriate. Finally, development should identify how it will improve the quality of the water space and provide increased opportunities for access, public use and integration with the water space.

Principle of infilling South Dock:

- 8.35. The proposed development involves the partial infilling of South Dock and as such raises potential conflicts with a number of London Plan policies relating to the Blue Ribbon Network and Council policy regarding the blue grid.
- 8.36. The previous outline scheme with a resolution to grant (PA/13/03159) on site included a similar infilling approach. This is a material consideration in the assessment of this application. Whilst, as previously discussed, the development would also provide a significant (financial) contribution to maintaining and enhancing Canary Wharf's role as a leading centre of international finance and commerce and in turn London's world city status.
- 8.37. The proposed infilling of the dock differs from the previous outline scheme as an additional incursion of approximately 3.4m into the water space is now required. The applicant advised that the additional incursion is due to the specific tenant requirements for a minimum trading floor plate size of 4,00sqm at levels one to three. In an attempt to mitigate the additional incursion and reduce the level of water displacement, the length of the proposed development has been reduced in comparison to the previous outline scheme. The resulting level of water displacement now proposed is therefore 15sqm which equates to a 0.65% decrease in water displacement than previously agreed acceptable with the outline scheme. Although marginal, this

reduction in the overall level of water displacement is welcomed, notwithstanding the assessment of the biodiversity implications discussed in the following paragraphs.



8.38. In order to mitigate against the impact of the permanent loss of water and habitat as a result of partially infilling South Dock, a range of biodiversity enhancement measures would be required in accordance with policies DM11 and DM12:

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

8.39. The adoption of a new Local Biodiversity Action Plan in October 2014, with specific requirements for new reed beds and tern rafts further strengthens the necessity for such measures as part of this application.

8.40. The LBTH Borough Biodiversity Officer has therefore specifically requested that the following safeguarding conditions be attached to the decision notice should the application be approved:

1. Full details of biodiversity enhancements in the docks, to offset the loss of open water in South Dock. The Biodiversity Enhancements shall include but not be limited to the following:
 - An ecologically beneficial wall;
 - Reed beds in gabion baskets and/or on floating rafts and;
 - Nesting rafts for terns.
2. Full details of biodiversity enhancements to terrestrial habitats. The Biodiversity Enhancements shall include but not be limited to the following:

- At least 322 square metres of bio-diverse roof designed in accordance with Buglife's 'Creating living roofs for invertebrates – A best practice guide';
- A green wall and;
- Nest boxes for swifts and house sparrows.

8.41. The GLA stated that *"it would not be reasonable, nor would it be in the interest of good strategic planning, to object to the current scheme on the basis of the infilling of the dock. However, as discussed under 'urban design' the level of active frontage along the dockside, as well as its design, requires further consideration before this additional incursion can be deemed acceptable"*.

8.42. It is therefore considered that the infilling of the dock in principle is considered acceptable by the GLA. Whilst, the issues regarding urban design and insufficient active frontages along the dock are later discussed within this report.

8.43. In conclusion, in light of the outline planning permission with a resolution to grant, appropriate safeguarding conditions to secure biodiversity enhancements and given the economic benefits of the scheme. The partial infilling of South Dock would on balance be acceptable in this instance.

Landscaping:

The species of proposed planting scheme for the development would also be controlled via condition to maximise the biodiversity enhancements secured as part of the development. The acceptability of the proposed landscaping provision with regards to design is discussed later within the report.

Design, scale and layout

Policy Context:

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

8.45. 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.

8.46. 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.

8.47. 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.

Principle of Tall building: Height, Massing and Bulk

- 8.48. 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.
- 8.49. The proposed scale with a maximum height of 151.445 metres AOD is proportionate to the location of the site within the CAZ and Canary Wharf Major Town Centre which is an established tall building cluster and approx.. 40m smaller in height than the maximum height of the previously deemed acceptable outline scheme.
- 8.50. The proposed development would be built adjacent to West Ferry Road contrary to the previous parameters and design guidance of the outline scheme. Nevertheless, it is considered that the combination of the design of the canopy positioned 7.9m above ground floor level and the limited height (three stories) and bulk of the protruding floor plates would still meet the aspirations of the agreed design guidelines with the delivery of a high quality public realm at ground floor level, retention of views to the south dock and creation of an architectural feature.
- 8.51. The character of the area would also not be affected adversely by the scale, mass, or bulk of the proposed tall building given it would be in keeping with the scale and form of other buildings located within the Canary Wharf tall building cluster.
- 8.52. Furthermore, the proposed height of the building would not adversely impact upon heritage assets or strategic and local views. This is further discussed at in detail with the *Design, Scale and Layout* section.

- 8.53. As discussed within the land use section of this report, the proposed development would result in the creation of 5,835 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.
- 8.54. The GLA have also considered the proposed height and massing and raise no objection to the proposed tall building in this location.
- 8.55. Notwithstanding, the impact of the height and massing of the building on biodiversity, microclimate, wind turbulence, overshadowing, noise, reflected glare, aviation, navigation and telecommunications which are still to be discusses discussed in detail within the relevant sections of this report.
- 8.56. In conclusion, the proposed height, scale and bulk of the building is considered acceptable in this location, as the site is situated within an established tall building cluster while the principle of a tall building has already been established by the previous permissions for tall buildings on the site in accordance with the relevant tall building polices listed above.

Layout:

- 8.57. As with the implemented planning permission (T/97/0076), the previous planning permission (PA/07/03088) and outline scheme (PA/13/03159) the proposed main building footprint would extend into the South Dock. It is of note that the principle of developing over the dock has been established by the previous consents. However, given that this development proposes an additional encroachment of 3.4m than approved as part of the outline scheme, it is considered that further justification and mitigation would be required.
- 8.58. This concern was shared by the GLA in their stage 1 response which read as follows 'At pre-application stage, in recognition of the stated potential harm to the London Plan Blue Ribbon Network policies, the applicant was requested to ensure that the retained dock waters space has good public visibility, with high levels of active frontage and high quality landscaping materials'.
- 8.59. In response to the concerns of the GLA which were shared by LBTH officers, the applicant designed the scheme active frontages, a green wall, fixed seating areas within the landscape provisions a new standalone commercial kiosk and separate restaurant and café provision to deliver public benefits and maximise the level of activity along the dock edge and around the building.



- 8.60. The GLA initially confirmed that ‘a free standing kiosk was disappointing, as this will detract from the quality of the pedestrian environment on the deck’ while advising that ‘the applicant is encouraged to consider removing the kiosk and instead to include a further retail unit within the buildings envelope adjacent to the dockside walkway’.
- 8.61. Following the further development of the design of the kiosk to incorporate a sliding counter to maximise activity, incorporation of a lighting strategy to allow the structure to also be an art form / sculpture that provides animation viewed across the south dock and the submission of a safety audit confirming that the pedestrian environment would be safe.



- 8.62. The GLA and LBTH officers concluded that on balance and with regard to urban design only, all of the above factors in addition to the commercial provision at the south east corner would result in high levels of activity and public benefit to warrant a further encroachment into the dock of 3.4m. The acceptability of such an encroachment with regards to bio-diversity implications is discussed in due course within the report.

- 8.63. The proposal also includes the creation of a new public realm located under the overhanging protruding element of the building to the west of the site. This design approach ensures that a similar level of public realm to that secured under the outline scheme would still be delivered on site, despite the requirement for larger floor plates and positioning of the built form closer to West Ferry Road. The joining of the southern dock edge of both schemes to provide a pedestrian route across both sites is considered good urban design.
- 8.64. Along the eastern boundary the proposed building line would be characterised by the location of shared access road which would serve both the proposed development and any building on the neighbouring HQW1 site. Such a design approach for the access arrangements to be shared with the neighbouring site is welcomed and ensures the layout of the development would complement and approved reserve matters layout of the HQW1 site.
- 8.65. The proposal in comparison to the outline consent with an overall reduced width would also no longer result in water displacement of the area of the dock to the east side of the proposed development. The reduction in the required level of water displacement to the east as previously deemed acceptable is welcomed.
- 8.66. The proposed northern elevation would provide 100% in length active frontage and designed with an organic and curved building line would create small pockets of public realm provisions whilst adding visual interest to the frontage of the proposed development.
- 8.67. The proposed landscaping provisions consist of the positioning of planting and shrubs within organic shaped low level concrete structures that would also provide outdoor seating provisions and by reason of their form and levels of separation preserve access to the canopy covered areas which would read as part of the public realm offer and not private land. The species of the proposed plants, planting strategy and an adequate maintenance schedule would be secured by condition.
- 8.68. The proposed landscaping provisions would also enclose the necessary security walls as part of the security strategy. This design approach is supported.
- 8.69. To conclude, the proposed layout of the site is considered acceptable and in keeping and complementary to site layouts of adjacent sites while it would also provide definition to Bank Street, West Ferry Road and the South Dock. The retention of public access around the building and onto the HQW1 site, safeguarding of the views of the dock from the west and general creation of high quality public realms with high levels of activity is therefore supported.

Architecture:

- 8.70. Tall buildings are by their very nature prominent and it is particularly important to secure high quality designs and materials. Many of the surrounding buildings are almost completely composed of curtain walling, with minimal articulation of mass or surface. This development is designed to in part respect the minimal articulation of mass on three sides of the building while making an architectural statement on the west side of the building positioned away from the Canary Wharf cluster.

- 8.71. The main building is designed with three flank sides and a sweeping element to the western side that projects further out towards the lower level floors. The south and north facing elevations would be designed with staggered vertical fins to provide expansive views to the south and to break down the monolithic massing. The use of such vertical fins in design terms is welcomed.
- 8.72. The sweeping west elevation again designed with vertical fins would consist of an atrium and a solid building edge. It is noted that this elevation is designed to make an architectural statement as the bookend or gateway of Bank Street. It is considered that the strong building edge and sharp corners of the building combined with the use of a limited number of carefully selected high quality materials achieves its aspirations and creates a coherent, dynamic and high quality façade.
- 8.73. The inclusion of the atrium and use of different specifications of glazing to maximise the level of transparency of the atrium and to provide a slight contrast in colour and appearance to the glazing of the protruding element which houses the extra-large floor plates only adds to the visual quality and iconic appearance of the western elevation.
- 8.74. The reduction in the proposed number of pillars supporting the projecting element also enhances the visual quality of the scheme and its architectural merits with the creation of a floating structure.
- 8.75. The floating structure reduces in depth towards the south of the building to a narrow singular form to provide a bookend and strong building edge to the southern elevation. This design approach is welcomed as it enhances the visual quality of the scheme and provides a clear distinction between one elevation which faces West Ferry Road and the other that runs adjacent to the dock edge.



- 8.76. As previously stated, the proposed ground floor designed with a fluid and circular elevations in design terms would increase the visual quality of the scheme and provide small pockets of public areas, albeit of limited quality and capacity, especially to the north of the site.
- 8.77. The roof of the protruding element would provide a roof terrace. The introduction of a roof terrace subject to not harming neighbours living

conditions and the creation of a high quality environment with coherent landscaping provisions is considered acceptable, in design terms.

- 8.78. The proposed Kiosk with its torque form and high quality design is considered to be an architectural form that would enhance the setting of the building and appearance of the promenade.
- 8.79. The use of modern materials and floor to ceiling glazing panels to the single storey café / drinking establishment to the south west subject to safeguarding conditions regarding the materials and finish would provide a distinction from the main building and add visual interest.

Strategic views:

- 8.80. In March 2012 the Mayor of London published the 'London View Management Framework Supplementary Planning Guidance' (LVMF) which is designed to provide further clarity and guidance on London Plan's policies for the management of these views. The LVMF views 1A.1 from Alexandra Palace; 2A.1 from Parliament Hill; 4A.1 from Primrose Hill; 5A.1 from Greenwich; 6A.1 from Blackheath; and 11B.1 and 11B/2 from London Bridge are potentially relevant to consideration of development on the site and have been included in the views assessment.
- 8.81. Assessment point 5A.1 of the LVMF is the most relevant to the application (relating to the view from the General Wolfe Statue in Greenwich Park overlooking Maritime Greenwich World Heritage Site). The LVMF suggests that this view would benefit from "*further, incremental consolidation of the cluster of tall buildings on the Isle of Dogs ... However any consolidation of clustering of taller buildings on the Isle of Dogs needs to consider how the significance of the axis view from the Royal Observatory towards Queen Mary's House could be appreciated.*"
- 8.82. The townscape and visual assessment which form part of the Environmental Assessment demonstrates how this development would assist with the consolidation of the cluster in the context of the existing buildings with planning consent on the Isle of Dogs. The development would appear as a coherent part of the existing Canary Wharf cluster in the background of the view. The apparent height of the development in this view would be lower than One Canada Square and the HSBC and Citigroup buildings which flank it. Overall, the height, scale and form of the development would therefore fit comfortably within the cluster.



- 8.83. The submitted Townscape, Visual and Built Heritage Assessment (TVBHA) examined a total of 29 views, including 9 LVMF view assessment points. The townscape conclusions suggest that the proposed development would be visible but not result in significant impact on the setting of the views.
- 8.84. The GLA also confirmed that although ‘the building will lack the slender form that would be preferable in a tall building; it is recognised that is driven by the need to incorporate large trading floors and is therefore accepted’.
- 8.85. The LBTH design officer and English Heritage raised no objections.

Assessment of setting and local views:

- 8.86. In addition to the strategic views, the Townscape and Visual Assessment includes verified views from local locations. In summary, the Assessment concludes that, on the basis of a high quality design intervention, the proposal would result in minor to moderate beneficial effects on the amenity of existing residents, recreational users and pedestrians when viewed at close range.
- 8.87. Officers generally agree with this assessment and consider that, overall, the proposal would have a positive effect on the local townscape.

Heritage Assets

Policy Context:

- 8.88. 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.”*

- 8.89. 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).
- 8.90. 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.
- 8.91. 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.

Archaeology

- 8.92. English Heritage Archaeology note that the application site lies within an area of archaeological potential connected with the deeply buried prehistoric landscape of East London which lies beneath several metres of nineteenth and twentieth century made ground and earlier alluvium.
- 8.93. The submitted archaeological study provides limited information regarding to advance understanding of such aspects.
- 8.94. It is therefore requested that geo-archaeological modelling and a photographic survey of the site should be undertaken to allow greater certainty in targeting more intensive fieldwork.

Heritage assets

- 8.95. The proposed development would not alter or impact on the historical fabric or structure of the Grade I Listed Banana Dock Wall as it falls outside of the application site. The proposed positioning of the building set back from Bank Street and designed with landscaping provisions to the north of the site would also strengthen the character of the pedestrian environment and safeguard the setting of the listed dock wall.
- 8.96. Notwithstanding the possible impact on the setting of the listed South Dock Entrance Lock by the proposed encroachment of the application scheme out over the dock. It is also considered that the impact to the settings of non-designated heritage assets, such as the South Dock would regrettably further reduce understanding of the dock's role in Britain's economic development.
- 8.97. English Heritage raised no objections to the proposed works subject to the attachment of safeguarding conditions for the recording of the dock itself as well as a staged programme of investigation staged programme of investigation into buried deposits.

Conservation areas

- 8.98. The application site is not located within a conservation area. West India Dock Conservation Area is approximately 450 metres away; Narrow Street Conservation Area is 550 metres away; and Coldharbour Conservation Area is approximately 800 metres away. It is not considered the proposed development would adversely affect the character and appearance of these conservation areas largely because of their separation distance from the development.
- 8.99. In conclusion, it is not considered that the proposed development would have an adverse impact on the setting of the Grade I Listed Banana Dock Wall which is a designated heritage asset or on the character and appearance of adjacent conservation areas. The archaeological concerns would also be mitigated by condition

Transport, Connectivity and Accessibility

Policy Context:

- 8.100. 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.
- 8.101. 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.
- 8.102. 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:

- 8.103. The site has a good public transport accessibility level (PTAL) of 5 (1 being poor and 6 being excellent). Heron Quay DLR station is approximately 200 metres east of the development and the Jubilee Line Station is located within five minutes walking distance of the site. The nearest bus stops to the proposed development site are situated on Bank Street, Marsh Wall, Westferry Road, West India Avenue and Westferry Circus upper level roundabout. There are a total of six bus routes that serve bus stops within 400 metres of the site (equating to a walk time of less than five minutes), the 135, 277, D3, D7, D8 and N550 (night bus).
- 8.104. The proposal includes three basement levels. Car and cycle parking provisions would be provided in basement two.

Car Parking and Access:

- 8.105. A total of 29 car parking spaces, of which six will be designated for blue badge holders would be provided on site.

- 8.106. Although the Highways officer and TfL would favour a car free development (with the exception of accessible bays only). No objection is raised to the number of car parking spaces proposed as it is acknowledged it falls well within the maximum standards set by policy DM22 Parking and the parking standards table within the MDD. The number of spaces proposed is also considerably less than previously deemed acceptable in the outline scheme, which is welcomed.
- 8.107. A minimum of 20% of the car parking spaces would also be designed with charging points for electric vehicles with a further 10% of spaces easily convertible to provide charging points in the future.
- 8.108. The proposal includes 43 motorcycle parking spaces within the basement. Given the limited number of car parking space proposed, in this instance, a high number of motorcycle spaces would be acceptable.
- 8.109. TfL and LBTH Highways officer raise no objections to the proposed Transport Assessment. The assessment confirmed that the majority of additional trips would be generated either to the DLR or to the Jubilee Line or would be carried out on foot. The existing highway network in the vicinity of the site operates within capacity and this assessment shows that the development proposals can be accommodated on the surrounding highway network.
- 8.110. Adoption of the full Travel Plan would be secured via a section 106 agreement.

Cycle Parking:

- 8.111. The proposal consists of 860 cycle parking provisions within the basement for the office use and an additional four cycle spaces at ground floor level for the retail use.
- 8.112. The proposed level of cycle parking would comply with London Plan Revised Early Minor Alterations requirements but fall short of the forthcoming Further Alterations to the London Plan document. Nevertheless, neither TfL nor the LBTH raise objections to the number of spaces to be made available.
- 8.113. Cycle access to the development would be provided from Bank Street and the proposed promenade. Secure and accessible cycle parking facilities would be provided for employees and visitors to the building in line with council cycle parking standards.
- 8.114. Initially LBTH Highways officer raised concerns over the reliance of the southern access along the promenade for cyclist to access the basement and cycle provisions within the basement and potential for cyclist and pedestrian conflict. The applicant therefore conducted a transport audit and following the findings of the audit has agreed to implement measures to ensure that cyclists will be required to dismount prior to entering the promenade. Such safety measures would be secured by way of condition.
- 8.115. Servicing and Deliveries:
- 8.116. All servicing for the development would take place off the highway in a dedicated service area within the basement which is accessible from Bank Street. TfL and the borough transport officer support this approach subject to,

the submission of a Delivery and Serving Plan. The submission of an acceptable Delivery and Serving Plan will be secured by way of condition.

- 8.117. A Construction Logistics Plan (CLP) was submitted as part of the application. However, a viability assessment of using the adjacent dock during construction period should have been included. This information would be secured by way of condition.

Traffic and Highway Assessment:

- 8.118. TfL has reviewed the submitted workplace Travel Plan in accordance with the ATTrBuTE assessment tool and confirmed that it has passed. The final travel plan will therefore be secured, enforced, monitored and reviewed as part of the Section 106 agreement in accordance with London Plan policy 6.3.
- 8.119. A contribution towards Public Realm Improvements was not sought in this instance. The applicant through the Transport Assessment demonstrated that there would not be an impact on this section of highway. As such, contribution would not be justified and would not be in line with the CIL regulations.
- 8.120. 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 would further reduce the level of impact.

Public Transport Improvements

Bus Network

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

Docklands Light Railway (DLR)

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

Cycle Hire

- 8.123. The area is well served by Cycle Hire docking stations, including those at Heron Quays station, Jubilee Place and Upper Bank Street. These are currently operating close to capacity. Office workers account for a large proportion of the scheme's users, and the proposed development is likely to bring a high number of potential users to the area. TfL continues to develop the network where possible, and considers that there is a need for a new 24-point docking station in the vicinity of the site. The applicant has agreed to a financial contribution of £70,000 towards a new cycle hire docking station

within the vicinity of the site. This would be secured via the section 106 agreement.

Footbridge

- 8.124. The most effective way of mitigating additional DLR trips would be the provision of additional South Quay Dock crossing points. TfL requests that a comparable contribution to that secured for the DLR from the outline scheme at HQW1 should now be instead secured towards new footbridges, however the applicant has demonstrated through the TA that insufficient justification exists for the additional footbridge given the transport connections to the site and the current capacity of the DLR. However, it is considered that there may be future cumulative impacts on the DLR and therefore a contribution towards sustainable travel has been secured.

Crossrail

- 8.125. In line with London Plan Policy 6.5 and the Crossrail SPG the development would be required to make a contribution of £17,734,010 towards Crossrail. 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.
- 8.126. 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 £4,006,363 for this development.
- 8.127. The CIL payment would be treated as a credit towards the final figure required through the section 106 under the Crossrail SPG. The section 106 agreement would be drafted to reflect the credit towards the final Crossrail figure.

Conclusion:

- 8.128. The principles of the development are supported by both TfL and LBTH highway officer. It is acknowledged that the development would have an impact on the local transport network. The impact of the proposed development would be mitigated through the financial contributions secured to enhance the public transport network. Furthermore, conditions and section 106 agreements to secure a construction logistics plan, a delivery and service management plan and adoption of the submitted travel plan would further lessen the impact of the development. In conclusion, the proposed development subject to mitigation would not have an unduly detrimental impact on the safety and capacity of the surrounding highway and public transport network.

Amenity

- 8.129. 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.

- 8.130. The application site is located in a commercial area and the nearest residential properties are approximately 69 metres away.

Daylight, Sunlight and Overshadowing:

- 8.131. 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).
- 8.132. 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.
- 8.133. 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.
- 8.134. 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.
- 8.135. 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"*.
- 8.136. A Daylight and Sunlight Report has been submitted as part of the application documents and this is contained within Volume One of the Environmental Statement (ES) – Chapter 16. The Daylight and Sunlight Chapter of the ES has been independently reviewed for the Council.
- 8.137. The Interim Review Report (IRR) produced by the independent consultancy confirmed that there are no issues with the Sunlight and Daylight Report assessment methodology, or the assessment of significance, which are in line with current guidance. The assessment of daylight levels at sensitive receptors is also considered comprehensive, as it includes ADF measurements in addition to VSC and NSC assessments.
- 8.138. The tables within the ES showing the impacts of the proposed development on VSC and NSL levels break down the non-compliances into 20-30, 30-40 and >40% reductions, so the magnitude of the effects can also be clearly seen within the report.
- 8.139. The following is a breakdown of which properties were tested and what the results of the Sunlight and Daylight Report were:
- 8.140. The properties tested and comply with BRE Guidelines:
- 1-9 Chandlers Mews
 - 25 Westferry Road

- Waterman Building
- Jefferson Building

8.141. The properties tested and are discussed in more detail below:

- Anchorage Point – 42 Cuba Street
- Cascades – 4 Westferry Road
- 22-28 Marsh Wall – Block 1
- 22-28 Marsh Wall – Block 2
- Berkeley Tower and Hanover House

Anchorage Point

8.142. Anchorage Point is a residential apartment block that sits approximately 230 metres to the south west of the application site. The submitted daylight and sunlight report shows that 56 (72%) of the 78 windows assessed within Anchorage Point would see no noticeable change in the daylight received at the window face. Of the remaining windows 19 would see minor reductions and 3 a moderate reduction in VSC. In this instance, it is clear that the reason these windows would see a noticeable change in the daylight is that they are overhung by balconies causing low baseline levels of daylight (between 3% and 10% VSC).

8.143. With a small number of windows seeing reductions marginally beyond the levels suggested as noticeable in the BRE guidelines, the overall effect of the development on the daylight received by Anchorage Point is considered to be of a minor significance.

Cascades:

8.144. Cascades is a residential apartment block that sits approximately 110 metres to the south west of the application site. The VSC results suggest that with the Development in place, 508 (99.6%) of the 510 windows assessed within Cascades would see no noticeable change in the daylight received at the window face. The remaining 2 windows would see minor reductions in VSC.

8.145. Focusing on the 2 windows which see a noticeable alteration in VSC, the NSC results indicate that both would see a moderate adverse change in daylight levels. The ADF analysis indicates that the remaining two rooms receive less than 0.5% ADF in the baseline scenario and less than 0.5% ADF in the proposed scenario. With these rooms seeing quantum losses in ADF of 0.03% and 0.04% the change as a result of the Development is unlikely to be considered noticeable in each case.

22 – 28 Marsh Wall – Block 1 Landmark Buildings:

8.146. Block 1 of the Landmark sits approximately 90m from the south west of the site. The VSC analysis indicates that 207 (98%) of the 211 windows would not see a noticeable change in daylight at the window face. The 4 remaining windows see reductions which would be considered minor adverse. Similarly, these windows are also located under balconies which is self-limiting the availability of light. Minor adverse is not sufficient to warrant a reason for refusal as the impact would be limited.

8.147. The NSC results indicate that no rooms would see a noticeable change in their daylight levels. The ADF results indicate that all but one room exceed the target daylight levels for use as suggested in the BRE guidelines. The

remaining room retains an ADF in excess of 1.5% (that suggested for a living room).

22 – 28 Marsh Wall – Block 2 Landmark Buildings:

8.148. Block 2 of the Landmark sits approximately 102m from the south west of the site. The VSC analysis indicates that 191 (76%) of the 252 windows would not see a noticeable change in daylight at the window face. This would leave 45 windows with a minor reduction marginally beyond the BRE suggested level and 16 with moderate reduction. Existing balconies above the discussed windows are again limiting the level of light to the windows. In addition to this, many of the rooms with windows seeing reductions are dual aspect and with one not directly facing the development.

8.149. The NSC results indicate that no rooms would see a reduction that would be considered noticeable in terms of NSC. The ADF results indicate that all but one room are in excess of the target daylight levels for use. The remaining room would see an ADF quantum loss of only 0.01% which would not be considered noticeable.

Quayside

8.150. Quayside is the closest residential building at approximately 69m from the site. The VSC analysis indicates that 35 (95%) of the 37 windows would not see a noticeable change in daylight at the window face. The remaining 2 windows would see minor reductions in NSC.

8.151. With a small number of windows seeing minor noticeable reductions in daylight, the overall effect of the development on the daylight received by Quayside is also considered to be of minor significance.

Berkeley Tower and Hanover House:

8.152. Berkeley Tower and Hanover House are located to the north-west of the site adjacent to Westferry Circus and approximately 310m from the site. The VSC analysis indicates that 42(95%) of the 44 windows would not see a noticeable change in daylight potential at the window face. The remaining 2 windows would see minor reductions marginally beyond the suggested BRE level. Once again, the existing balconies are a factor in the limiting access to daylight. However, in each case the window serves rooms with additional windows which show compliance with VCS.

8.153. The ADF results suggest that all but two of the rooms assessed are in excess of their target daylight levels use. Those which are below with development in place are already below their suggested targets in the baseline.

8.154. Therefore, on balance the proposed development would not have an unduly detrimental impact on the daylight levels of these properties.

Sunlight:

8.155. The submitted daylight and sunlight report shows that the sunlight standard is met for all the buildings tested.

Overshadow Analysis:

8.156. The following amenity area relevant for shadow and light pollution was tested:

- West India Middle Dock

8.157. West India South Dock sits south of the site and as such does not have the potential to be significantly adversely affected in terms of shadow by buildings on the site.

8.158. In the baseline scenario West India Middle Dock receives direct sunlight for two hours or more on the 21st March across 95.9% of its area. This far exceeds the recommended 50% suggested in the BRE guidance.

Conclusions:

8.159. In general the levels of significance assigned to the individual properties analysed are considered to be objective and there are no instances of under- or overstatement. Overall, the proposed development is not considered to pose a risk of major effects on daylight and sunlight experienced by nearby residential receptors as the nearest such receptor is 69 m away.

8.160. The effects of the proposed development on daylight levels at existing properties are at worst minor adverse at six buildings assessed and negligible at the remaining seven. Effects on sunlight levels are negligible for all receptors assessed.

8.161. There are no predicted adverse effects of overshadowing or light spill of greater than negligible significance or solar glare of greater than minor adverse significance.

8.162. The proposal is therefore considered acceptable with regards to impact on sunlight, daylight and overshadowing to neighbouring properties.

Overlooking, loss of privacy, sense of enclosure:

8.163. The nearest residential units to the development would be these of Quayside positioned above a commercial block approximately 69 metres to the south west of the application site. It is not considered that there would be a detrimentally impact with regard to overlooking, loss of privacy and sense of enclosure given the separation distance of 69 metres which exceeds the minimum recommended separation distance of 18 metres outlined in policy DM25 of the MDD.

Noise and Vibration:

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

8.165. The applicant would be required to demonstrate how the development would comply with the Defra Guidance on Commercial Kitchen Extract systems, as conflicting noise impacts are likely to occur from any associated commercial activities proposed and any air conditioning or mechanical and electrical plant required to be used in the tall building.

8.166. Any construction environmental management plan should also identify what mitigation can be introduced to ensure that our noise and vibration limits are

not exceeded at any time during the development at any sensitive residential or commercial property. High noise and vibration impacts are likely to occur from the required construction activities. Therefore, the applicant needs to adhere to the Code of Construction Practice and hours of construction.

- 8.167. Should planning permission be granted there would also be conditions controlling the hours of operation (Monday – Friday 08:00 – 06:00, Saturdays 08:00 – 13:00 and no work on Sundays and Bank Holidays).
- 8.168. Noise from vehicles, especially any HGV deliveries, waste disposal and collections would have a local environmental impact. It is therefore advised by the Environmental Health officer that barges should be considered for deliveries and waste removal where possible to alleviate the roads on the Isle of Dogs.
- 8.169. Any future noise and vibration issues such as fixed plant noise would also be resolved and addressed in cooperation with LBTH Environmental Health, Environmental Protection.
- 8.170. The acceptability of all fixed plant to be installed should therefore be reviewed by the Local Authority prior to installation and no further fixed plant would be allowed at the development without local authority agreement.
- 8.171. The development falls under the flight path of London City Airport and therefore any noise impact from the associated flights would need to be mitigated, especially at higher floor levels within the development.
- 8.172. Measures would also be secured to ensure that the development would not impact on the local amenity by causing a nuisance to local sensitive receptors in the future
- 8.173. The requirement for additional information would be secured by a series of conditions and the Code of Construction Practice would be secured as part of the section 106 agreement.
- 8.174. The proposed development is therefore considered acceptable with regards to noise and vibration.

Energy and Sustainability

Policy Context:

- 8.175. 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.
- 8.176. 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).

- 8.177. The London Plan 2011 includes 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).
- 8.178. 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.
- 8.179. Policy DM29 of the MDD requires sustainable design assessment tools to be used to ensure the development has maximised use of climate change mitigation measures. At present the current interpretation of this policy is to require non-residential schemes to achieve a BREEAM Excellent rating.
- 8.180. The submitted Energy Strategy follows the principles of the Mayor's energy hierarchy as detailed above and seeks to focus on using less energy (26.5% reduction / 644 tonnes CO2) and integrating renewable energy technologies (0.5% reduction / 10 tonnes). The current proposals would incorporate measures to reduce CO2 emissions by 26.9%.
- 8.181. The Greater London Authority (GLA) raised a concern that the hot water demand is a considerable proportion of the total heat demand (over 10%) and therefore to demonstrate that the applicant have future proofed the development there would be a requirement to ensure that both domestic hot water and space heating can be easily served by district heating without significant retrofit or upgrade works.
- 8.182. In this instance, it is agreed by the GLA that the above issue can be mitigated by a safeguarding condition.

Carbon off setting

- 8.183. The current proposals would result in a shortfall of the requirements stated within Policy DM29 by 18.1% which equates to 440 tonnes of regulated CO2. The Planning Obligations SPD includes the mechanism for any shortfall in CO2 to be met through a cash in lieu contribution for sustainability projects. This policy is in accordance with Policy 5.2 (E) of the London Plan 2011 which states:

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

- 8.184. It is proposed the shortfall in CO2 emission reductions would therefore be offset through a cash in lieu payment. The current identified cost for a tonne of CO2 is £1,800 per tonne of CO2. This figure is recommended by the GLA (GLA Sustainable Design and Construction SPG 2014 and the GLA Planning Energy Assessment Guidance April 2014).
- 8.185. For the proposed scheme it is recommended that a figure of £792,000 is sought for carbon offset projects. The calculation for this figure is as follows:

- Building Regulation 2013 Baseline is 2,432 tonnes/CO2
- Proposed development is at 1,778 tonnes/CO2
- 45% DM29 reduction would therefore be 1,338 tonnes/CO2.
- Shortfall to meet DM29 requirements = 440 tonnes/CO2 x £1,800 = £792,000 offset payment to meet current policy requirements.

8.186. In terms of sustainability, the submitted BREEAM 2011 New Construction pre-assessment demonstrates that the development is currently designed to achieve an Excellent rating (score of 73.8%). The development of an excellent rating scheme would be secured via an appropriately worded condition which will require the final certificates to be submitted to LBTH within 6 months of occupation.

8.187. The LBTH Sustainability officer therefore raised no objection to the proposed development subject to securing the following via safeguarding conditions and section 106 agreements:

- CO2 emission reductions in accordance with the approved energy strategy
- Achievement of BREEAM Excellent rating and certificates submitted within 3 months of occupation
- Payment of £792,000 secured through S106 process to deliver carbon offset projects

Conclusions:

8.188. 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.

Environmental Considerations

Air quality:

8.189. 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.

8.190. Chapter 9, Volume one of the submitted ES presents an assessment of the likely significant air quality effects of the development. In particular, consideration is given in the assessment to the demolition and construction works as well as air quality effects arising from operational traffic on local road network as a result of the development.

8.191. A qualitative assessment of the construction phase effects have been undertaken following guidance published by the Institute of Air Quality Management. The main effect on local air quality during demolition and construction relates to dust, which is more likely to be generated from

demolition activities and earthworks. A range of measures to minimise or prevent dust would be implemented through the adoption of the Construction Logistics Management Plan.

- 8.192. The operational air quality assessment indicates that if Defra predictions relating to background air quality arise in practice then the annual means for air quality standards for particulates and nitrogen dioxide will be met at all receptor locations. If a worst case is assumed based on the Highways Agency guidance with smaller reductions in traffic emissions after 2011, then there will be exceedances of the nitrogen dioxide standard at three receptors. However, at those receptors, the proposed development would not cause the nitrogen dioxide concentrations to increase by more than 0.1 µg/m³.
- 8.193. In conclusion, the ES and IRR confirms that there would be a negligible effect on air quality resulting from this development.

Microclimate:

- 8.194. 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.
- 8.195. Chapter 15, Volume One of the submitted ES assess the likely significant effects of the development on the local wind microclimate within and around the development. In particular, it considers the likely significant effects of wind upon pedestrian comfort and safety and summarises the findings of a full wind tunnel testing exercise undertaken in accordance with the widely accepted Lawson Comfort Criteria. The criteria reflects the fact that sedentary activities such as sitting requires a low wind speed for a reasonably level of comfort whereas for more transient activities such as walking pedestrians can tolerate stronger winds.
- 8.196. In accordance with best practice guidance (including LBTH Scoping Guidance), wind tunnel modelling was completed for the proposed development as it is over 10 storeys and the following four scenarios were tested: configuration 1 baseline, configuration 2 baseline + proposed development, configuration 3 baseline + proposed development + cumulatives, and configuration 4 baseline + proposed development + landscaping. All configurations, with the exception of 4, were tested without the proposed planting and landscaping.
- 8.197. The findings of the ES were that in the winter season in the baseline configuration, the majority of the site is suitable for standing/entrance use with three locations suitable for leisure walking. During the summer season the wind climate is a mixture of sitting and standing/entrance use, with many locations suitable for the latter.
- 8.198. With the completed development in place the wind climate during the winter season becomes more mixed with conditions suitable for sitting, standing/entrance, leisure walking and one location suitable for car park and roadway. However, two entrances locations are currently unsuitable for their intended use, being one-category windier than desired while one thoroughfare location is unsuitable, being two-categories windier than

desired. Such issues would be mitigated via safeguarding conditions to secure an improved environment.

- 8.199. During the summer season the wind conditions are calmer. Although the ground level seating areas are one-category windier than desired and more suitable for standing rather than sitting. A mixture of standing, entrance and sitting conditions are achieved at the terrace level. This is considered acceptable for a commercial development as the terrace will accommodate a range of uses.
- 8.200. The Interim Report Review report confirmed that the findings of the ES were accurate and the development is acceptable subject to the implementation of mitigation measures.

Contaminated Land:

- 8.201. In accordance with the requirements of the NPPF and policy DM30 of the MDD, the application has been accompanied by an Environmental Statement which assesses the likely contamination of the site within Chapter 11 (Ground Conditions and Contamination), Volume One.
- 8.202. The LBTH Environmental Health Officer has reviewed the documentation and raises no objection subject to the attachment of safeguarding conditions for the submission of a scheme to identify the extent of the contamination and the measures to be taken to avoid risk, details of the remediation works and a verification report.

Flood Risk and Water Supply:

- 8.203. 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.
- 8.204. The development falls within Flood Risk Zone 3. Chapter 12 (Water Resources and Flood Risk), Volume One of the submitted ES, presents an assessment of the likely significant effects of the development on surface water drainage, ground water levels and flows and flood risk. The chapter also consider the likely significant effects on capacity of foul and surface water discharge and potable water supply infrastructure. The chapter is supported by a Flood Risk Assessment (FRA).

Flood Risk:

- 8.205. The Application Site lies within Flood Zone 3 as shown on the Environment Agency (EA) Flood Map.
- 8.206. 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.
- 8.207. Due to the proposals encroachment into the existing dock, a degree of flood storage would be lost within the wider dock system.
- 8.208. Groundwater levels should not impact or be significantly impacted on by the proposed development.

- 8.209. Surface and foul water would be conveyed away from the site in an appropriate manner. The majority of surface water would be discharged to the docks, as occurs at the existing site which is the most sustainable solution for the site.
- 8.210. It is noted that the site is also protected by raised flood defences along the River Thames and the Thames Barrier.
- 8.211. Flood risk has been assessed by the Environment Agency (EA). Following the submission of supplementary information which forms part of the FRA the EA have removed their objection.
- 8.212. It is therefore considered that the proposed development by virtue of the proposed flood mitigation strategy accords with the NPPF, Policy 5.12 of the London Plan and Policy SP04 of the CS.

Water Supply:

- 8.213. The ES confirms that the building design would incorporate water efficient fixtures and fittings.
- 8.214. Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application and confirmed that no development shall commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. The submission of such details would be secured by condition should the application be approved.
- 8.215. Thames Water have also requested that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. Similarly, such details would be secured by way of condition.
- 8.216. Subject to the attachment of the above conditions and the submission of a piling method statement also secured through condition. Thames Water has no objection to the proposed development with regards to water supply.

Environmental Impact Assessment

- 8.217. 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.
- 8.218. 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.

- 8.219. 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.
- 8.220. Additional information was submitted to the EIA officer regarding the clarifications. The EIA officer raised no objections to the proposed development.
- 8.221. It is therefore considered that the ES provides a comprehensive assessment of the environmental impacts of the proposed development and all the various environmental effects discussed previously in relevant sections of this report can be mitigated by way of conditions, and/ or planning obligations as appropriate.
- 8.222. 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

- 8.223. Core Strategy Policy SP13 seeks planning obligations to offset the impacts of the development on local services and infrastructure in light of the Council's Infrastructure Delivery Plan (IDP). The Council's 'Planning Obligations' SPD sets out in more detail how these impacts can be assessed and appropriate mitigation.
- 8.224. The NPPF requires that planning obligations must be:
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and,
 - (c) Are fairly and reasonably related in scale and kind to the development.
- 8.225. Regulation 122 of the CIL Regulations 2010 brings the above policy tests into law, requiring that planning obligations can only constitute a reason for granting planning permission where they meet such tests.
- 8.226. 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.
- 8.227. 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.
- 8.228. The document also set out the Borough's key priorities being:
- Affordable Housing
 - Employment, skills, training and enterprise

- Community facilities
- Education

8.229. The Borough's other priorities include:

- Health
- Sustainable Transport
- Environmental Sustainability
- Public Realm

8.230. 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.

Financial Contributions

8.231. The planning application is for the creation of 114,345 sqm of GIA office space (Use Class B1) and 133 sqm GIA commercial (Use Class A1 – A4) inclusive of the kiosk. The required level of financial contributions would be calculated in accordance with the Council's Supplementary Planning Document on Planning Obligations SPD.

8.232. The level of financial mitigation would be proportion to the scale of development and accords with the CIL regulations. Officers presented this approach to the Planning Contributions Overview Panel (PCOP) who agreed with the approach. This is also the approach suggested by the GLA with regard to the Crossrail contribution.

8.233. The applicant has agreed to provide the full amount of financial contributions requested in line with the SPD.

8.234. As discussed previously, 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.

8.235. As discussed at paragraph 8.125 to 8.127 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 £21,740,373 (£17,734,010 – figure with CIL credit) towards Crossrail.

8.236. 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 £4,006,363.00

8.237. 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.

- 8.238. TfL have also requested contributions towards bus improvements, improvements at Heron Quay West DLR station, a new cycle hire docking station and new footbridges. The requested TfL the financial contributions are fixed amounts and similar to that requested with the previous outline scheme (with the exception of the footbridge contribution).
- 8.239. Finally, the monitoring fee has been agreed at 2% in this instance in line with the S106 SPD.
- 8.240. 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 £21,740,373 (£17,734,010 – figure with CIL credit) towards Crossrail.
- 8.241. The proposed heads of terms are:

Financial Obligations:

- a) A contribution of **£298,163** towards construction phase skills and training
- b) A contribution of **£838,426.68** towards end user phase skills and training
- c) A contribution of **£208,823** towards Idea Stores, Libraries and Archives.
- d) A contribution of **£838,513** towards Leisure Facilities.
- e) A contribution of **£792,000** towards Environmental Sustainability (Carbon offset)
- f) A contribution of **£1,329,903** towards Public Open Space
- g) A contribution of **£70,000** towards TfL Cycle Hire Scheme.
- h) A contribution of **£250,000** towards new sustainable transport
- i) A contribution of between **£270,000** towards TfL Bus services within the area.
- j) A contribution of **£21,740,373** (**£17,734,010** following the CIL credit*) towards Crossrail.
- k) A contribution of 2% of the total financial contributions would be secured towards monitoring.

* It is noted that the CIL payment has been estimated at £4,006,300.00. The CIL figure will be treated as a credit towards the Crossrail payment required through s106 in accordance with the Crossrail SPG. The figures in brackets above reflect what the Crossrail figure would be with the CIL credit applied for clarity.

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

Non-financial contributions

- Access to employment (20% Local Procurement; 20% Local Labour in Construction; 20% end phase local jobs)
- Provide 38 apprenticeships years delivered over first five years of full occupation

- Commitment to use reasonable endeavours to permanently relocate the East London Business Place and UCATT within a 1km radius of Canary Wharf Jubilee Line Station.
- Commitment to use reasonable endeavours to permanently relocate them with Skillsmatch (whose relocation is covered in the Legal Agreements which sit outside of the planning process).
- Travel Plan
- Code of Construction Practice
- Walkways - Maintenance of new walkways within the development together with unrestricted public access (other than for essential maintenance or repair)
- Any other planning obligation(s) considered necessary by the Corporate Director Development & Renewal

8.242. 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

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

8.244. 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.

8.245. 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.

8.246. 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.

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

8.248. 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.

8.249. As regards Community Infrastructure Levy considerations, following the publication of the Inspector’s Report into the Examination in Public in respect

of the London Mayor's Community Infrastructure Levy, Members are reminded that that the London mayoral CIL became operational from 1 April 2012 and will be payable on this scheme. The likely CIL payment associated with this development would be in the region £4,006,300.00.

Human Rights

- 8.250. In determining this application the Council is required to have regard to the provisions of the Human Rights Act 1998. In the determination of a planning application the following are particularly highlighted to Members:-
- 8.251. 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".
- 8.252. 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.
- 8.253. Were Members not to follow Officer's recommendation, they would need to satisfy themselves that any potential interference with Article 8 rights will be legitimate and justified.
- 8.254. 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.
- 8.255. Members must, therefore, carefully consider the balance to be struck between individual rights and the wider public interest.
- 8.256. 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.

8.257. In this context, the balance to be struck between individual rights and the wider public interest has been carefully considered.

Equalities Act Considerations

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

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

8.259. The proposals are based on the principles of inclusive design and officers have secured revisions to improve the inclusive nature of the scheme. Crime and fear of crime can be a particular concern to women and the LGBT community and full attention has been given to ensuring a safe environment.

9 CONCLUSION

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.

Site location plan:

