

Committee: [Strategic] Development	Date: 18 th July 2013	Classification: Unrestricted	Agenda Item Number: 6.1
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Report of: Director of Development and Renewal	Title: Town Planning Application
Case Officer: Beth Eite	Ref No: PA/12/03248 & PA/12/03247
	Ward: Millwall (February 2002 onwards)

1. APPLICATION DETAILS

Location: City Pride Public House, 15 Westferry Road, London, E14 8JH and Island Point, Site At 443 To 451, Westferry Road, London

Existing Use: City Pride: Public House. Island Point: Vacant

Proposal: City Pride: Erection of residential (Class C3) led mixed use 75 storey tower (239m AOD) comprising 822 residential units and 1624 serviced apartments (Class C1), and associated amenity floors, roof terrace, basement car parking, cycle storage and plant, together with an amenity pavilion including retail (Class A1-A4) and open space.

Island Point: Erection of buildings ranging in height from 3 to 5 storeys with rooftop pavilions rising to 6 storeys, providing 173 residential units (Use Class C3) with underground parking, open space, plant and associated community building (Class D1).

Drawing Nos/Documents: As per the update report attached at appendix 3.

Applicant: Chalegrove Properties Limited
Ownership: Landmark North Ltd and UK Power Network Holdings
Historic Building: N/A
Conservation Area: N/A

2. BACKGROUND

- 2.1 This application was reported to the Strategic Development Committee on the 13th of June 2013 with an Officers recommendation for **APPROVAL**. The Committee resolved **NOT TO ACCEPT** officers' recommendation to GRANT planning permission (subject to conditions) for the approval of the redevelopment of City Pride public house and Island Point.
- 2.2 Officers recorded that Members were minded to refuse planning permission for the following reasons:
- 2.3 1. Height and scale in relation to the stepping down policy for tall buildings in

the Canary Wharf area in Council policy.

2. Density in relation to the London Plan and the number of units in the extant scheme.
3. Lack of public open space.
4. Housing mix in view of the lack of mixed tenure.

3.0 PROPOSED REASON FOR REFUSAL

3.1 Officers have drafted refusal reasons to cover the issues raised. Reasons 1 – 3 above have been combined to create reason 1 below which is considered defensible if the applicant were to appeal the decision.

3.2 *1) The development by virtue of its height and density would result in an overdevelopment of the site, contrary to the guidance outlined in policy 3.4 of the London Plan 2011 and as a consequence would be significantly detrimental to:*
a) the surrounding character and scale of surrounding area as it fails to respond to the difference in scale between the Canary Wharf Major Centre and the surrounding residential areas contrary to policy DM24 and DM26 of the Managing Development Document 2013, policy SP10 of the Core Strategy 2010 and the National Planning Policy Framework which seeks to ensure that developments respect their local context and are well integrated with their surroundings.
b) the amenities of the existing and future occupiers of the site due to the lack of public open space provided by the development which would increase pressure on existing local open spaces contrary to DM4 and DM10 of the Managing Development Document 2013, SP04 of the Core Strategy 2010 and the Adopted Planning Obligations Supplementary Planning Document 2012.

2) The development by virtue of the lack of private accommodation within the Island Point site and the lack of affordable / social rented accommodation within the City Pride site fails to represent a mixed and balanced community contrary to strategic objective 8 and policy SP02 of the Core Strategy 2010, policy DM3 of the Managing Development Document 2013, policy 3.9 of the London Plan 2011 and the National Planning Policy Framework which seeks to promote sustainable development through fostering social diversity and redressing social exclusion.

Consideration

3.3 It is the professional view of officers that the above reasons for refusal could be defended at appeal, however the likelihood of success may be limited, particularly with regard to the lack of publicly accessible open space. The reasons for this are set out below:

3.4 With reference to the points members raised regarding the lack of public open space, it is noted that the development fails to provide the requisite amount of public open space on site for the number of proposed residents. Members are referred to policy DM10 of the MDD which outlines that developments are required to “provide or contribute” to the delivery of an improved network of open spaces. This means that if a development cannot fully meet the requirement to provide 12sqm of open space per resident it is acceptable to provide a financial contribution towards improvement or additional provision of public open spaces elsewhere in the borough.

3.5 The borough is deficient in publicly accessible open space, the Council’s Open Space Strategy 2006 sets out a standard of 1.2ha per 1,000 of the population. To

deliver this, 99ha of open space would need to be delivered by 2025 which is approximately the same size Victoria Park and Mile End Park combined. This is a significant challenge for the borough due to obvious physical constraints and as such the Council's policies (SP04 of the Core Strategy) seek to "protect, create, enhance and connect" open space", financial contributions from developments can assist in facilitating this. Policy DM4 of the MDD outlines other types of amenity space which should be provided on-site, these include private amenity space, communal amenity and child play space for the younger children. This development complies with policy in this respect.

- 3.6 The public open space requirement for the City Pride development is 18,923sqm based on 12sqm being provided for each resident. The site is only 2,800sqm which therefore precludes any substantial residential development on this site if a full provision of public open space is required.
- 3.7 In terms of the second refusal reason, sensitivity testing of the viability has been undertaken to understand what impact the inclusion of private housing on the Island Point site would be. If the Island Point scheme were to come forward as a separate mixed tenure development of the same massing with a policy compliant housing mix the site would viably be able to provide 25.4% which is below the 35% policy target for an on-site affordable housing provision. If City Pride were to come forward with a mix of rented, shared ownership and private housing within the same tower the scheme could viable provide 27.6% as affordable. Across both sites this equates to 27%, substantially below the current offer of 37% as per the donor site arrangement. Further details of this are found in sections 4.5 - 4.6 below.

4.0 ADDITIONAL INFORMATION

- 4.1 The agent provided additional information to address the objections to the scheme. Further comparisons are made between the height of the extant scheme and the proposed scheme showing that there is little physical difference between the two proposals, whilst there is a difference of 13 storeys between the extant and the proposed scheme, due the larger floor to ceiling heights of the hotel within the extant scheme is the equivalent of 68 storey residential tower – a difference of eight storeys to the proposed scheme.
- 4.2 Emphasis on the location at the end of the dock is also drawn out in the representation, detailing the previous consent and the extant consents for other schemes at the end of the three docks, including Columbus Tower and Riverside South
- 4.3 The agent also addresses the issue of density and explains that there is no material harm caused by the high density of this development. Comparisons are also made with the extant scheme and the benefits of the proposal outlines:
- The proposal has an enhanced amenity offer due to the amenity pavilion and the amenity floors within the building.
 - The removal of the hotel use reduces the servicing requirements.
 - The linear design of the building allows for the amenity pavilion at ground floor whereas previously there was no open space at street level.
- 4.4 Further assessment of the lack of open space is also provided. This is addressed in sections 3.5 and 3.6 of this report, within the 'consideration section'.
- 4.5 The letter also provides further justification in policy terms for the development with

regard to the affordable housing provision. Reducing the height (and subsequently the density) of the City Pride site and de-coupling it from the Island Point site so they are two stand-alone applications would have implications on the viability of the scheme. In both cases the overall affordable housing percentage would be reduced to 27% by habitable room.

- 4.6 The assessment has been made on the basis of reducing the City Pride development by eight storeys, this effectively makes the building the same height as the extant scheme and would lead to the loss of 72,333sqft of private market accommodation within City Pride. Overall this reduces the affordable housing contribution to 27% by habitable room (10% less than the current offer). In real terms it is a loss of 84 affordable units at Island Point or 257 habitable rooms.
- 4.7 A similar result occurs when assessing both sites as individual housing schemes i.e not with Island Point acting as a donor site. The Council's viability consultants have made the following conclusion on this point:
"As a sensitivity test GVA have also considered what amount of affordable housing could be delivered at each scheme if they were delivered individually. GVA's appraisals, which have been verified, show that the City Pride scheme could support 143,713sqft of affordable housing while the Island Point site could support 42,862sqft of affordable housing. Using the ratios from the proposed affordable housing offer, this equates to 27.6% at City Pride and 25.4% at Island Point. The combined total would be 27% across both sites. Clearly this is less attractive than the outcome of the donor site approach, which allows for 35% across both sites".

5.0 RECOMMENDATION FOR ISLAND POINT (PA/12/03247)

- 5.1 There are also implications for the Island Point Scheme (PA/12/03247) which is a separate planning application but linked with the City Pride scheme as the affordable housing donor site.
- 5.2 If members are reminded not to accept the officers subsisting recommendations and refuse planning permission for the City Pride proposal, officers recommend that the Island Point proposal is refused as the schemes are linked by virtue of the affordable housing and that refusal reason 2, as set out for the City Pride Scheme be endorsed for the Island Point scheme too.

6.0 IMPLICATIONS OF THE DECISIONS

- 6.1 Following the refusal of the applications the following options are open to the Applicant. These would include (though not be limited to):
1. The applicant could appeal the decisions and submit an award of costs application against the Council. Planning Inspectorate guidance on appeals sets out in paragraph B20 that:
"Planning authorities are not bound to accept the recommendations of their officers. However, if officers' professional or technical advice is not followed, authorities will need to show reasonable planning grounds for taking a contrary decision and produce relevant evidence on appeal to support the decision in all respects. If they fail to do so, costs may be awarded against the Council".
 2. There are two financial implications arising from appeals against the Council's

decisions. Firstly, whilst parties to a planning appeal are normally expected to bear their own costs, the Planning Inspectorate may award costs against either party on grounds of “unreasonable behaviour”. Secondly, the Inspector will be entitled to consider whether proposed planning obligations meet the tests of CIL Regulations 2010 (Regulation 122)

3. A future “call in” by the London Mayor or a future appeal should it be successful, might result in the developers being able to provide affordable rented housing at up to 80% of market rents across the Island Point site, as opposed to the current proposed offer at social target rented accommodation for the family units. Similarly, the developer may elect to either renegotiate planning obligations previously agreed or prepare a unilateral undertaking for a subsequent appeal which might well result in a lesser S.106 planning obligations package (both in terms of financial and non-financial obligations negotiated by your officers).

6.2 Whatever the outcome, your officers would seek to defend any appeal.

7.0 CONCLUSION

- 7.1 All relevant policies and considerations have been taken into account. Whilst officers’ remain satisfied that planning permission for the City Pride and Island Point developments should be **GRANTED**, subject to the direction by the London Mayor, members are directed to the draft reasons for refusal and officers comments, viewed alongside the previous reports and update report presented to the Strategic Development Committee on 13th June 2013 (see Appendices 1 and 2) and determine the planning applications as appropriate.

8.0 APPENDICES

- 8.1 Appendix One - Committee Report to Members on 13th June 2013 PA/12/03248
- 8.2 Appendix Two – Committee Report to Members on 13th June 2013 PA/12/03247
- 8.3 Appendix Three – Update Report to Members on 13th June 2013