

Meeting of the

STRATEGIC DEVELOPMENT COMMITTEE

Wednesday, 19 July 2006 at 7.30 p.m.

A G E N D A

VENUE

**Committee Room, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG**

| Members: | Deputies (if any): |
|--|--|
| Chair: Councillor Rofique U Ahmed Vice-Chair:(none) | |
| Councillor Louise Alexander Councillor Ohid Ahmed Councillor Rupert Bawden Councillor Alibor Choudhury Councillor Rupert Eckhardt Councillor Ahmed Hussain Councillor Abjol Miah Councillor Ahmed Adam Omer | Councillor Joshua Peck, (Designated Deputy for Councillors Ohid Ahmed, Rupert Bawden, Ahmed Omer and Alibor Choudhury) Councillor Waiseul Islam, (Designated Deputy for Councillors Ahmed Hussain and Abjol Miah) Councillor Carli Harper-Penman, (Designated Deputy for Councillors Ohid Ahmed, Rupert Bawden, Ahmed Omer and Alibor Choudhury) Councillor Rania Khan, (Designated Deputy for Councillors Ahmed Hussain and Abjol Miah) Councillor Stephanie Eaton, (Designated Deputy for Councillor Louise Alexander) Councillor M. Mamun Rashid, (Designated Deputy for Councillors Ahmed Hussain |

and Abjol Miah)
Councillor Simon Rouse, (Designated
Deputy for Councillor Rupert Eckhardt)

[Note: The quorum for this body is 3 Members].

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact: Louise Fleming, Democratic Services, Tel: 020 7364 4878, E-mail: louise.fleming@towerhamlets.gov.uk

LONDON BOROUGH OF TOWER HAMLETS
STRATEGIC DEVELOPMENT COMMITTEE

Wednesday, 19 July 2006

7.30 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. ELECTION OF VICE-CHAIR

To elect the Vice-Chair of the Strategic Development Committee for the municipal year 2006/07.

3. DECLARATIONS OF INTEREST

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992.

Note from the Chief Executive

In accordance with the Council's Code of Conduct, Members must declare any **personal interests** they have in any item on the agenda or as they arise during the course of the meeting. Members must orally indicate to which item their interest relates. If a Member has a personal interest he/she must also consider whether or not that interest is a **prejudicial personal interest** and take the necessary action. When considering whether or not they have a declarable interest, Members should consult pages 181 to 184 of the Council's Constitution. Please note that all Members present at a Committee meeting (in whatever capacity) are required to declare any personal or prejudicial interests.

A **personal interest** is, generally, one that would affect a Member (either directly or through a connection with a relevant person or organisation) more than other people in London, in respect of the item of business under consideration at the meeting. If a member of the public, knowing all the relevant facts, would view a Member's personal interest in the item under consideration as so substantial that it would appear likely to prejudice the Member's judgement of the public interest, then the Member has a **prejudicial personal interest**.

Consequences:

- If a Member has a **personal interest**: he/she must declare the interest but can stay, speak and vote.
- If the Member has **prejudicial personal interest**: he/she must declare the interest, cannot speak or vote on the item and must leave the room.

When declaring an interest, Members are requested to specify the nature of the interest, the particular agenda item to which the interest relates and to also specify whether the interest is of a personal or personal and prejudicial nature. This procedure is designed to assist the public's understanding of the meeting and is also designed to enable a full entry to be made in the Statutory Register of Interests which is kept by the Head of Democratic Renewal and Engagement on behalf of the Monitoring Officer.

| | PAGE NUMBER | WARD(S) AFFECTED |
|--|------------------------|-----------------------------|
| 4. UNRESTRICTED MINUTES | | |
| To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of the Strategic Development Committee held on 10 th April 2006. | 1 - 8 | |
| 5. RECOMMENDATIONS | | |
| 5.1 To NOTE that the Chair has agreed to the submission of the Update Report of the Head of Development Decisions in accordance with the urgency provisions at Section 100B(4) of the Local Government Act 1972 to ensure Members have before them all the relevant facts and information about the planning applications set out in the agenda. | | |
| 5.2 To RESOLVE that, in the event of recommendations being amended at the Committee in light of debate, or other representations being made by Members of the public, applicants, or their agents, the task of formalising the wording of any additional condition(s) be delegated to the Head of Development Decisions, after consultation with the Chair and Vice-Chair, along the broad lines indicated at the meeting. | | |
| 6. PROCEDURE FOR HEARING OBJECTIONS | | |
| To NOTE the procedure for hearing objections at meetings of the Strategic Development Committee. | 9 - 10 | |
| 7. STRATEGIC DEVELOPMENT COMMITTEE FUNCTIONS AND TERMS OF REFERENCE | 11 - 14 | |
| 8. STRATEGIC DEVELOPMENT COMMITTEE SCHEDULE OF DATES - MUNICIPAL YEAR 2006/07 | 15 - 18 | |
| 9. PLANNING APPLICATIONS FOR DETERMINATION | | |
| 9.1 Land bound by Hackney Road and Austin Street, including Mildmay Mission Hospital, Hackney Road, London E2 7NS | 19 - 38 | Weavers |
| 9.2 Indescon Court, 20 Millharbour, London E14 9TN | 39 - 52 | Millwall |
| 9.3 1 Millharbour, London E14 9SL | 53 - 70 | Millwall |

9 .4 4 Mastmaker Road, London E14 9UB

71 - 86

Millwall

9 .5 397-411 Westferry Road, London E14

87 - 98

Millwall

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LONDON BOROUGH OF TOWER HAMLETS

MINUTES OF THE STRATEGIC DEVELOPMENT COMMITTEE

HELD AT 7.30 P.M. ON MONDAY, 10 APRIL 2006

**COUNCIL CHAMBER, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT,
LONDON, E14 2BG**

Members Present:

Councillor Rofique U Ahmed (Chair)

Councillor David Edgar (Vice-Chair)

Councillor Janet Ludlow

Councillor Martin Rew

Other Councillors Present:

(none)

Officers Present:

| | |
|-------------------|---------------------------------------|
| Stephen Irvine | – (Applications Manager, Planning) |
| Richard Humphreys | – (Development Control) |
| Chris Proudley | – (Legal Adviser/Trowers and Hamlins) |
| Alison Thomas | – (Manager, Social Housing Group) |
| Louise Fleming | – (Senior Committee Officer) |

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Abdul Asad and Julian Sharpe.

2. DECLARATIONS OF INTEREST

Councillor Rofique Ahmed declared a personal interest in item 5.1, which related to Sutton's Wharf North, Palmers Road, London E2 0SF as the application site was within his ward. Accordingly he remained and took part in the discussion and decision making on this item.

3. UNRESTRICTED MINUTES

The minutes of the meeting held on 2nd March 2006 were agreed as a correct record and signed by the Chair.

4. DEPUTATIONS

It was agreed to allow Xanthe Pitt to speak against the proposed development at item 5.1 and Trevor Selwyn to speak in favour.

5. PLANNING APPLICATIONS FOR DETERMINATION

5.1 Suttons Wharf North, Palmers Road, London E2 0SF

Mr Richard Humphreys introduced the report which assessed an application for the demolition of existing buildings and construction of seven buildings rising from 7 storeys up to 16 storeys to provide 419 new dwellings, 656sq m of Class B1 floor space, 225sq m of either Class B1 and/or D1 floor space, 330 sq m of Class A1 (retail) floor space, a health clinic (1,902sq m), and a day nursery (367sq m), 183 parking spaces and landscaping at Suttons Wharf North, Palmers Road, London E2 0SF.

Mr Humphreys summarised the grounds for objection received following the consultation period as follows: the height and proximity of the proposed buildings to Victoria Wharf would reduce the amount of available natural light to the apartments; the development, in particular the 20 storey tower, would significantly reduce available afternoon sunlight to Mile End Ecology Park and the outside area of the Palm Tree Pub; the density and height of the buildings would be out of keeping with the surrounding area; there would be an additional pressure on local services and the transport infrastructure; Palmers Road was too narrow to accommodate the increased levels of traffic; the removal of trees would be unacceptable; the scheme was contrary to London Plan policies; and would cause an increase in crime.

Members expressed concerns regarding the location of the proposed pedestrian bridge and whether the local college had been consulted; and the density of the development.

Officers addressed the concerns raised by Members. The Committee was informed that the pedestrian bridge would be built north of the railway line and that the local college had been consulted. Officers felt that, although the density was higher than the normal range recommended in the density guidelines, it was a similar density to that at the development on the south side of Suttons Wharf and therefore would not cause demonstrable harm.

Ms Xanthe Pitt addressed the Committee on behalf of the objectors to the application, on the grounds that the height and bulk of the proposed development would cause a significant loss of light to residents, the park and the outside seating area of the Palm Tree Public House, and would cause overshadowing and overlooking. It was also felt that there would be an adverse impact on the ecology of the area. She urged the Committee to consider the application carefully, as the site did have much potential.

Mr Trevor Selwyn addressed the Committee on behalf of the applicant. He informed Members that the scheme had been amended in response to the

consultation undertaken. It had been approved by the ecology expert from the Environment Agency and had received no objections from British Waterways. The proposed development would be the first developer-led 50% affordable housing scheme in the Borough and would generate employment in the area.

Members sought clarification on the organisations which had supported, and also those which had objected to the scheme. The representative of the developer also confirmed that funding had been obtained from the Housing Corporation for the 2006/07 financial year. Members expressed concern in respect of the design of the development and whether it was sympathetic to the character of the area; the potential impact of traffic turning onto the Roman Road; and the proposed car-free agreement.

Officers advised the Committee that the Highways Agency did not have any objections on highway grounds, but had recommended conditions. It was explained to the Committee that while the car-free agreement precluded residents from purchasing on-street parking permits from the Council, it did not restrict all parking on site.

The objectors requested that two letters, from two chartered surveyors relating to the daylight and sunlight report, be tabled for all Members. After receiving advice from the legal adviser and Mr Irvine, the Committee adjourned between 8.25pm and 8.35pm to allow the applicant and officers to consider the documents as they had not previously been seen by either party. When the meeting resumed, both the applicant and Mr Irvine confirmed that the letters referred to the previous scheme, and were therefore not relevant. Mr Humphreys advised the Committee that there would be a loss of light associated with the amended scheme. However, it would not be significant enough to sustain a reason for refusal.

On a recorded vote - Councillors Rofique Ahmed and David Edgar voted in favour of the officers' recommendation and Councillors Janet Ludlow and Martin Rew voted against. The Chair used his casting vote and voted in favour.

It was AGREED that planning permission be GRANTED subject to the following:

A Section 106 legal agreement to secure the following planning obligations:

1. A minimum of 35% on-site affordable housing accommodation (by habitable rooms).
2. Car-free agreement.
3. Local labour in construction.
4. A financial contribution of £200,000 towards the provision of the pedestrian bridge over the Grand Union Canal.

5. A financial contribution of £50,000 for improvements to Meath Gardens (e.g. new footpath and lighting).
6. Improvement works to the Meath Garden park edge including new brick wall and gates, and ecological improvements/mitigation works to the Grand Union Canal (as shown on submitted drawings).
7. A financial contribution of £50,000 for any highway improvements deemed necessary for Palmers Road.
8. To provide and maintain a new public footpath along west bank of canal, and new public footpath between Meath Gardens and the canal (providing unrestricted public access to provide unrestricted public access 365 days a year).
9. Financial contribution of £730,000 to mitigate the demand of the additional population on education facilities.
10. TV and radio reception mitigation measures where identified impacts.
11. The provision and retention of a Primary Care Trust health clinic.
12. The provision and retention of a day nursery.
13. Implementation of Public Art works (to sum of at least £35,000).
14. Implementation of sustainable design/construction measures.

The following planning conditions:

1. Three year time limit.
2. Details of the following to be agreed prior to the commencement of the development:
 - (i) details (samples) of external materials;
 - (ii) treatment of open ground including hard and soft landscaping, including details of boundary treatment including gates, walls, fences and railings, canal side footpath and floating baskets, external lighting, and a tree retention and planting scheme;
 - (iii) means of access to car park, including location and details of control point(s);
 - (iv) provision for disabled access, including parking provision;
 - (v) balcony details;
 - (vi) shop fronts for ground floor units (to scale at least 1:20), including proposals for signage;
 - (vii) public art;
 - (viii) details of a monitoring programme (before and during construction phase) for Black Redstart and subsequent

- provision of any necessary foraging habitat, including brown roofs;
- (ix) details of all roof level plant equipment; and
 - (x) details of refuse/waste recycling, and refuse storage arrangements.
3. Programme of the separate phases of the development to be submitted and approved, and the development only be carried out in accordance with the details approved to ensure the comprehensive development of the site.
 4. Demolition and construction works to be carried out in accordance with a site management scheme/code, which shall cover demolition/construction works, including details of pollution control measures, details of access and vehicle circulation arrangements during construction phase, the arrangements for the removal of any hazardous materials, and emergency procedures and controls.
 5. Construction works restricted to between 8.00am to 18.00pm on Mondays to Fridays and 8am to 1pm on Saturdays only, and not on Sundays or Public Holidays. Any driven piling shall only occur between 10am and 4pm Mondays to Fridays.
 6. Archaeological investigation to be undertaken.
 7. A detailed soil survey to be carried out to investigate the extent of any soil contamination, and any remedial works to be agreed in writing by the Council.
 8. The car, bicycle and motor-cycle parking spaces shown on the approved drawings, shall be provided before the occupation of any of the dwellings, and shall only be used for parking by the vehicles of the occupiers of the dwellings, including visitors.
 9. The approved landscaping shall be implemented prior to the occupation of any part of the approved development; any damaged, defective or dying plants/trees to be replaced with the same type/species, unless agreed otherwise in writing by the local planning authority.
 10. All plant and machinery noise emissions (including that providing mechanical ventilation, heating and cooling) shall be controlled and operated at noise levels that do not cause noise nuisance to adjoining residential properties (the rating level of noise emitted by fixed plant shall not exceed the existing background noise level at any time by more than 10dBA).
 11. The Class A1 use hereby permitted shall be open only between hours of 8am to 10pm.

12. The Class D1 uses hereby permitted shall be open only between the hours of 8am to 8pm.
13. No deliveries to take place outside hours of 7am to 7pm Mondays to Fridays and 8am to 1pm on Saturdays, with no deliveries on Sundays or Public Holidays.
14. No doors to open over or across the public highway.
15. The windows on the flank elevations of Blocks D, E and F shall be fitted with opaque glazing before the occupation of any of the flats, and thereafter be permanently retained, and shall be permanently fixed shut.
16. Details of sound insulation/noise attenuation measures for windows to be submitted.
17. Details of surface water control measures to be submitted.
18. No solid matter shall be stored within 10m of the banks of the canal during construction works.
19. An Air Quality Assessment (to minimise the impact on air quality) to be submitted for approval, to include (i) the identification of emission sources; (ii) consideration of the potential impacts of the development on the Council's Air Quality Action Plan (AQAP); and (iii) a qualitative and quantitative evaluation of existing air quality.
20. Four serviced visitor moorings to be provided before the completion of the development, and thereafter retained.
21. No handrails, or other barriers/boundary treatment shall be installed along the length of the canal side walkway adjacent to the moorings.
22. Barges to be used for transportation of construction materials.

Any direction by the Mayor of London pursuant to the Town & Country Planning (Mayor of London) Order 2000.

The Committee confirmed that its decision had taken into account the environmental assessment information, required by Regulation 3 (2) of the Town & Country Planning (Environmental Impact Assessment) Regulations 1999.

The Committee agreed, as required by Regulation 21(1)(c) of the Town & Country Planning (Environmental Impact Assessment) Regulations 1999, that following the issue of the decision, a statement be placed on the statutory register confirming that the main reasons and considerations on which its decision was based were those set out in the Planning Officer's report to the Committee.

The meeting ended at 8.56 p.m.

Chair, Councillor Rofique U Ahmed
Strategic Development Committee

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**DEVELOPMENT COMMITTEE
STRATEGIC DEVELOPMENT COMMITTEE
OLYMPICS DEVELOPMENT COMMITTEE**

PROCEDURE FOR HEARING OBJECTIONS AT COMMITTEE MEETINGS

1. The Clerk to the relevant committee must be informed at least 3 days prior to a meeting of an applicant's or objector's request to speak at the committee regarding a planning application on the agenda for determination at that meeting.
 - a) Applicants will not be expected to address a planning committee, where there are no objections to an application and where officers are recommending approval.
 - b) Where officers are recommending refusal of an application, requests to speak from applicants will be accepted and submitted to the relevant Chair/committee for ratification.
2. All requests to speak should be confirmed in writing or by e-mail, at least 3 days in advance of the meeting. This should confirm the details of the intended spokesperson and include contact telephone numbers.
3. Requests to speak will be submitted to the relevant committee through the Chair, and members must formally agree to permit a member of the public to speak.
4. Only one person will be permitted to speak in objection to an application, and one person will be invited to respond to the objection. This will usually be the applicant or their nominee. In the case of there being more than one objector, the Clerk should suggest that the objectors liaise prior to the meeting and choose a spokesperson to represent them.
5. Each spokesperson will be allowed no more than five minutes to address the committee. The distribution of additional information to Members at the meeting will not be permitted.
6. Committee members, at the discretion of the Chair, may ask questions of any spokesperson on points of clarification only.
7. At the close of a speaker's address and the question and answer session, if one is held, the spokesperson must take no further part in the proceedings of the meeting, unless directed by the Chair of the committee.
8. Every effort should be made to ensure applicants are informed of their right of reply, which will also be five minutes, if there are objectors wishing to speak against any application. This may be done through the planning officer.

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Agenda Item 7

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| Committee Strategic Development Committee | Date 22nd June 2006 | Classification UNRESTRICTED | Report No. | Agenda Item No. 7 |
| Report of: Head of Democratic Renewal and Engagement Originating Officer: Louise Fleming | | Title: Strategic Development Committee Functions and Terms of Reference Ward(s) affected: N/A | | |

1. SUMMARY

- 1.1 The Functions and Terms of Reference for the Strategic Development Committee, as detailed in Appendix 1 to this report, are submitted for information.

2. RECOMMENDATIONS

- 2.1 That the Functions and Terms of Reference be noted.

**LOCAL GOVERNMENT ACT, 2000 (Section 97)
LIST OF "BACKGROUND PAPERS" USED IN THE DRAFTING OF THIS REPORT**

Brief description of *background paper*

Tick if copy attached

If not supplied, name and telephone number of holder
Louise Fleming
Senior Committee Officer
020-7364 4878

None

3. BACKGROUND

3.1 At its meeting on 24th May 2006, the Council established a Strategic Development Committee and delegated to this body, a wide range of duties and responsibilities.

3.2 This report deals specifically with the Strategic Development Committee. Details regarding Functions, Terms of Reference, Membership and Quorum and are set out in Appendix 1 to this report.

4. OBSERVATIONS OF THE CHIEF FINANCIAL OFFICER

No financial implications of these recommendations have been identified.

5. CONCURRENT REPORT OF THE CHIEF LEGAL OFFICER

The Terms of Reference of Committees of the Council are included in the Constitution by virtue of Part 2 of the Local Government Act 2000 and The Local Authorities (Functions and Responsibilities) (England) Regulations 2000 (as amended). Functions relating to town and country planning and development control are largely functions which should not be the responsibility of the Cabinet.

6. EQUAL OPPORTUNITY CONSIDERATIONS

There are no direct equal opportunity considerations.

7. ANTI-POVERTY IMPLICATIONS

There are no direct anti-poverty implications.

8. RISK ASSESSMENT

The Functions and Terms of Reference allow the Committee to conduct its business to comply with the statutory requirements.

APPENDIX 1

EXCERPT FROM THE LONDON BOROUGH OF TOWER HAMLETS CONSTITUTION

3.3.5 Strategic Development Committee Functions and Terms of Reference (February 2006)

| | |
|--|--------------------------------|
| <p>Membership: Seven Members of the Council, three of whom shall also be members of the Development Committee and two of whom shall be members of the Cabinet. Up to three substitutes may be appointed for each Member.</p> | |
| Functions | Delegation of Functions |
| <p>To consider any matter listed within the Terms of Reference of the Development Committee where any one of the following applies:</p> <ul style="list-style-type: none"> (i) applications for buildings exceeding 30m in height (25 m on sites adjacent to the River Thames); (ii) applications for schemes with more than 500 residential units, or for residential development on sites exceeding 10 hectares; (iii) applications for employment floor space on sites of more than 4 hectares; (iv) major infrastructure developments; (v) applications not in accordance with the development plan involving more than 150 residential units or more than 2,500 sqm of floor space; (vi) applications on metropolitan open space involving buildings of more than 100 sqm; (vii) applications for developments including 200 or more car parking spaces; (viii) legal proceedings in relation to the matter are in existence or in contemplation; (ix) three or more members of the Development Committee are disqualified in some way from participating in the decision; (x) on an exceptional basis, the Development Committee has decided that a particular application should stand referred to the Strategic Development Committee; and (xi) a proposal raises significant issues of local or borough-wide interest. <p><i>It shall be for the Corporate Director Development & Renewal to determine whether a matter meets any of the above criteria.</i></p> | <p>No delegations</p> |
| <p>Quorum 3 Members of the Committee</p> | |

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Agenda Item 8

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|--|--|--|------------|-----------------------------|
| Committee Strategic Development Committee | Date 22nd June 2005 | Classification Unrestricted | Report No. | Agenda Item No. 8 |
| Report of: Head of Democratic Renewal and Engagement Originating Officer: Louise Fleming | | Title Strategic Development Committee Schedule of Dates Municipal Year 2006/2007 Ward(s) affected: N/A | | |

1. SUMMARY

This report sets out a Schedule of Dates for meetings of the Strategic Development Committee for the 2006/2007 Municipal Year agreed by the Council on 1st March 2006.

2. RECOMMENDATION

That the Strategic Development Committee **NOTE** the Schedule of Dates.

**LOCAL GOVERNMENT ACT, 2000 (Section 97)
LIST OF "BACKGROUND PAPERS" USED IN THE DRAFTING OF THIS REPORT**

Brief description of *background paper*

Tick if copy attached

If not supplied, name and telephone number of holder
Louise Fleming
Senior Committee Officer
020-7364 4878

None

3. BACKGROUND

The statutory period for the determination of planning applications is 13 weeks in the case of a strategic application. To meet these time scales 6 Strategic Development Committee meetings have been scheduled for the Municipal Year 2006/2007.

All the meetings will be held on a Thursday evening at Mulberry Place, at 7.30pm.

4. COMMENTS OF THE CHIEF FINANCIAL OFFICER

No financial implications of these recommendations have been identified.

5. CONCURRENT REPORT OF THE CHIEF LEGAL OFFICER

The rules governing the meetings of the Council are included in the Local Government Act 1972 and also in the Council's Constitution. Schedule 12 of the Local Government Act 1972 requires the Council to hold an annual general meeting and such other meetings as the Council considers necessary.

6. EQUAL OPPORTUNITY CONSIDERATIONS

There are no direct equality implications.

7. ANTI-POVERTY IMPLICATIONS

There are no direct anti-poverty implications.

8. RISK ASSESSMENT

A schedule of dates allows the Committee to conduct its business to comply with the statutory requirements.

STRATEGIC DEVELOPMENT COMMITTEE

SCHEDULE OF MEETING DATES – MUNICIPAL YEAR 2006/2007

ALL MEETINGS OF THE STRATEGIC DEVELOPMENT COMMITTEE WILL BE HELD AT MULBERRY PLACE - Commencing at 7.30 p.m.

Wednesday 19th July 2006

Thursday 14th September 2006

Thursday 16th November 2006

Thursday 18th January 2007

Thursday 15th March 2007

Thursday 10th May 2007

Dates for site visits, if required, will be agreed with the Chair of the Strategic Development Committee.

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Agenda Item 9.1

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|---|--|---|-----------------------|-----------------------------------|
| Committee: Strategic Development Committee | Date: 19 th July 2006 | Classification: Unrestricted | Report Number: | Agenda Item Number: 9.1 |
| Report of: Director of Development and Renewal Case Officer: David McNamara | | Title: Town Planning Application Location: Land bounded by Hackney Road and Austin Street including Mildmay Mission Hospital, Hackney Road, London, E2 7NS Ward: Weavers (February 2002 onwards) | | |

1. SUMMARY

1.1 Registration Details

Reference No: PA/05/01759
Date Received: 18 October 2005
Last Amended Date: May 2006

1.2 Application Details

Existing Use: Hospital, Church, Family Care Centre and Car Park.

Proposal: Demolition of existing buildings (excluding community centre) and redevelopment to provide a campus of six buildings comprising:

- a part-five, part-six storey building along Hackney Road to provide a new church and retail space (Class A1 to A5) with residential units above;
- a five storey building centrally located to provide offices with residential units above;
- a six storey building along Austin Street to provide a Primary Care Centre and residential units;
- three storey town houses along Austin Street with Adjoining commercial/retail premises (Class B1/A1 to A5);
- a 23 storey residential building incorporating social services facilities and a four storey hospital facility and detox unit plus parking, servicing and cycle bay provision, landscaping and highways works.

Applicant: The application is supported by an Environmental Impact Assessment.

Ownership: Paddington Churches Housing Association and the Urban Regeneration Agency.

Historic Building: London Baptist Property Board, Shoreditch Tabernacle Baptist Church and Mildmay Mission Hospital.

Conservation Area: More than one.

N/A

2. RECOMMENDATION:

2.1 That the Strategic Development Committee **grant** planning permission subject to the conditions outlined below:

2.1.1 The satisfactory completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (and other appropriate powers) to include the matters outlined in Section 2.2 below, and the conditions and informative outlined in Sections 2.4 and 2.5 below; and Section 278 of the Highways Act 1980, to include the matters outlined in paragraph 2.3 below.

- 2.1.2 That if the Committee resolve that planning permission is granted, the application is first referred to the Mayor of London, pursuant to the Town and Country Planning (Mayor of London) Order 2000, as an application for a new building exceeding 30 metres in height and involving more than 500 residential units.
- 2.1.3 That if the Committee resolve that planning permission be granted, that the Committee confirms that they have taken the environmental information into account as required by Regulation 3 (2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.
- 2.1.4 That the Committee agree that, following the issue of the decision, a Statement be placed on the Statutory Register confirming that the main reasons and considerations on which the Committee's decision was based, were those set out in the Planning Officer's report to the Committee (as required by Regulation 21(1)(c) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

Legal Agreement

2.2 Section 106 agreement to secure the following:

- 2.2.1 Provision of 100% Affordable Housing
- 2.2.2 Car Free Agreement
- 2.2.3 Local Labour
- 2.2.4 Public Art Provision
- 2.2.5 Green Travel Plan
- 2.2.6 Public Access to courtyard garden.
- 2.2.7 TV Reception mitigation measures

2.3 Section 278 agreement to secure the following:

- 2.3.1 Localised highways improvements, including streetscene and local traffic management matters. Exact details & location to be agreed with Highways.

2.4 **Conditions:**

2.4.1 Time Limit (three years).

2.4.2 Amending condition requiring the following details for further approval:

- a) Details of mitigation against loss of privacy as a result of overlooking to the rear of properties of Hackney and Columbia Roads caused by Block F.
- b) Details of cycle parking/storage as proposed to the East of Block E.

2.4.3 Approval of all samples and materials prior to the commencement of the development and to include the following:

- a) London stock bricks to be used for Blocks B, C, D and F.
- b) Samples for Block A. Brickwork which is chosen for dark bricks, external stone reveals, and roofing materials.
- c) Details at a scale of 1:20 with a finishes schedule, for metal gate as proposed for Block A along Coopers Close.
- d) Details and samples at a scale of 1:50 of external finishes proposed for Block B 'Reglit screen with steel balustrade behind'.
- e) Mock up 1:1 scale sample to be provided for Block E with regards to the following materials:
 - Expanded copper alloy panels.
 - Perforated copper alloy panels.
 - Powder coated aluminium louvers.
 - Dichoric glass fins.
 - Frit glass panels.
- f) Details of any signage or directional signage.
- g) Details addressing accessibility requirements.
- h) Details of all green roofs.

2.4.4 Landscaping plan prior to the commencement of development, to include the

following details:

- a) Planting schedule for the entire public realm within and around the site boundaries.
 - b) Arboricultural impact assessment for tree removal.
 - c) Specifications for all proposed street furniture proposed.
 - d) Details and planting schedule of semi private courtyard.
 - e) Planting schedule and furniture details for all terrace level communal amenity spaces.
 - f) Detailed drawings of wind mitigation measures proposed for public realm and all terrace level communal amenity spaces.
- 2.4.5 Detailed external lighting plan, including public realm and all terrace level communal amenity spaces, prior to the commencement of the development.
- 2.4.6 Submission and approval of the DCMS prior to commencement of the development.
- 2.4.7 Submission and approval of the CEMP prior to commencement of the development. Submission and approval of a Road Safety Audit prior to the commencement of the development.
- 2.4.8 Completion of a Management Plan prior to the commencement of the development.
- 2.4.9 Construction hours
- 2.4.10 Prior approval for additional plant and equipment not shown on approved drawings
- 2.4.11 Full details of all refuse and recycling facilities
- 2.4.12 No obstruction of parking, access, loading or manoeuvring areas
- 2.4.13 Loading and unloading
- 2.4.14 Parking areas only for occupiers and visitors
- 2.4.15 No obstruction of public highway – doors & gates
- 2.4.16 Archaeology
- 2.4.17 Contamination
- 2.4.18 Ventilation and extraction details prior to occupation of the development.
- 2.4.19 Air Quality
- 2.4.20 Wheel Cleaning

2.5 **Informatives:**

- 2.5.1 Standard informative noting separate LBC/CAC permission required
- 2.5.2 Archaeology
- 2.5.3 Environment Agency
- 2.5.4 Environment Agency

3 **BACKGROUND**

Subject Site and Surrounds

- 3.1 The site is situated to the east of Hackney Road and is bounded by Austin Street to its south. It is adjacent to the Dunmore Point residential tower to the east. To the north of the site is the grade II listed Leopold Buildings fronting onto Columbia Road. Located to the south of the site is the grade I listed St Leonard's Church. Further south-west are 3-4 storey residential properties fronting Austin and Boundary Streets. Opposite the site, fronting Hackney Road are commercial properties at ground floor with a number of properties featuring residential accommodation above. The borough boundary with Hackney runs along the centre of Hackney Road and Austin Street, turning south into Boundary Street.
- 3.2 The application site is approximately 0.8 hectares and is currently occupied by the Mildmay Mission Hospital, the Shoreditch Tabernacle Baptist Church, the Family Care Centre, Sir Graham Rowlandson House and the grade II listed Church Community Hall (known as the Tab Centre). Also contained on site is a car park associated with the Mildmay Mission Hospital.

Planning History

- 34.3 The Family Care Centre on Austin Street was built in 1994 as the 'Mother and Baby Unit' for the Mildmay Hospital, known as Spencer House, adjoining Sir Graham Rowland House.
- 3.4 Consent was granted in May 2002 (PA/02/00367) for Buxton Hall of the Mildmay Mission Hospital for the use as a day and evening rehabilitation and support centre for people with brain injury plus occasional conferences and seminars.
- 3.5 Separate planning permissions (PA/03/00039 and PA/03/00281) were issued in January 2004 for the construction of a new first floor extension to the south east corner and an infill extension to the north elevation of the Shoreditch Tabernacle Baptist Church.

Proposal

- 3.6 The proposal includes the demolition of the existing church, hospital and family care centres and the construction of a total of six (6) new buildings designed by Clegg Bradley Architects and Matthew Lloyd Architects. The proposal incorporates the following uses and facilities:
- A new Shoreditch Tabernacle Baptist Church.
 - Retention and refurbishment of the listed Church Hall (Tab Centre).
 - A new Mildmay Hospital and new offices for the Mildmay Charity.
 - An Urban Village development for Crisis, containing 270 residential units for former homeless people and key workers, together with support, recreational and training facilities.
 - A Primary Healthcare Centre including consulting rooms for 6 GP's.
 - A detox centre, integrated with the Mildmay hospital.
 - Ground floor commercial retail units.
 - Additional shared ownership residential accommodation.
 - 40 car parking spaces and 100 bicycle storage spaces located within the basement of block E.
- 3.7 The key development elements of the scheme are summarised as follows:
- A 5-6 storey building fronting Hackney Road comprising a new Tabernacle Baptist Church and retail space on the ground floor, with residential units above.
 - A 5 storey building, located in the centre of the site, comprising of the Mildmay Charity Offices at the ground floor, with residential units above.
 - A 6 storey building fronting Austin Street, located at the south west corner of the site comprising of a Primary Care Centre.
 - Residential townhouses, 3 storeys in height fronting Austin Street, located adjacent to the proposed Primary Care Centre.
 - A 23 storey building providing a mix of intermediate and social rented, also incorporating on-site social services facilities at the eastern boundary of the site.
 - A 4 storey Hospital facility and detox unit located at the northern end of the site.
 - A new landscaped courtyard area within the centre of the site, featuring public pedestrian access to Austin Street and Hackney Road.
- 3.8 The Urban Village is a new model of supportive community for formerly homeless people and low income workers. The Urban Village building is to be operated by Genesis Housing and Crisis and is in partnership with the following organisations:
- Mildmay Hospital.
 - Tower Hamlets Social Services.
 - Shoreditch Tabernacle Baptist Church.
 - Tower Hamlets Primary Care Trust.
- 3.9 The Urban Village concept is unique in the following ways in that it provides:
- Integrated facilities for homeless and non-homeless people.
 - Permanent high quality lifestyle for homeless people.
 - On-site support and employment.
 - On site housekeeping and maintenance.

- On site 24 hour security.
- 24 hour integrated social services.
- Tenant services to classes, workshops and tenant activities.
- Regular preventative maintenance.
- A social enterprise village.

3.10 A number of public consultations were carried out by the agents prior to the formal submission of the application. These consultations consisted of the following:

- March 2005 – Newsletter no. 1 (distributed to 2,000 homes).
- March 2005 – Public exhibition no. 1.
- April 2005 – Newsletter no. 2.
- August 2005 – Newsletter no. 3.
- September 2005 – Public exhibition no. 2.
- Newsletters printed in both English and Bengali.

4. PLANNING POLICY FRAMEWORK

4.1 The relevant policy framework against which the Committee is required to consider planning applications includes the adopted London Plan (2004), the Council's Community Plan, the 1998 Adopted Unitary Development Plan (UDP), Interim Planning Guidance Notes, and the Local Development Framework (LDF) Preferred Options: Core Strategy and Development Control Development Plan Document (2005) and Preferred Options: and the Area Action Plans (2005).

4.2 Decisions must be taken in accordance with Section 70(2) of the Town and Country Planning Act 1990 and Section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 is particularly relevant, as it requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations.

4.3 Whilst the 1998 Adopted UDP is the statutory development plan for the borough, it will be replaced by a more up to date set of plan documents that will make up the Local Development Framework (LDF). As the LDF progresses towards adoption, it will gain increasing status as a material consideration in the determination of planning applications. The first phase of statutory consultation for the LDF Preferred Options Development Plan Documents has now been completed.

4.4 This report takes account of the policies in statutory UDP 1998, and the emerging LDF, which reflect more closely current Council and London-wide policy and guidance.

4.5 Members are invited to agree the recommendations set out in section 2.1 which have been made on the basis of the analysis of the scheme set out in this report. This analysis has been undertaken on the balance of the policies set out below and other material considerations set out in the report.

The London Plan (February 2004)

4.6 The Mayor's London Plan was approved in February 2004, and it provides the strategic planning policy framework for London.

4.7 One of the key objectives of the London Plan is the need to increase the supply of housing within London, and to this end the Plan sets out individual targets for London Boroughs. The target for Tower Hamlets is 41,280 additional homes between 1997 and 2016, with an annual monitoring target of 2,070 new homes.

4.8 In July 2005, the draft London Plan alterations (Housing Provision Targets) were published, and proposes an increase in Tower Hamlets' target to 3,115 new homes per annum, starting from 2007. This would increase the overall housing target to 51,850 and require approximately 16,570 dwellings between now and 2016.

- 4.9 Another key objective is the need to increase the amount of affordable housing, and to that end Policy 3A.7 sets out a strategic target of 50% of housing proposals being affordable, whilst Policy 3A.8 states that boroughs should seek the maximum reasonable amount of affordable housing when negotiating on individual schemes.
- 4.10 The London Plan generally encourages tall buildings and large scale (residential) developments which achieve the highest possible intensity of use, in appropriate locations, provided they are compatible with the local context, respect London's built heritage, are sensitive to the impact on micro-climate and pay particular attention to privacy, amenity and overshadowing (Policies 3A.5, 4B.1, 4B.3).
- 4.11 Policies 3A.15-20 seeks to ensure for the further provision of community services, and in particular taking into account the needs of communities and other groups. The London Plan identifies a clear strategic need for an approach which ensures that throughout London, issues of equity and catering for the needs of all in society is addressed. It is for boroughs, working with locally based organisations to identify communities most at need and through the development process and other strategies, can contribute towards addressing such needs.
- 4.12 Policy 4B.6 seeks to ensure that future developments meet the highest standards of sustainable design, including measures to conserve energy, materials, water and other resources, and, reduce the impacts of micro-climatic effects. Policy 4B.7 seeks to ensure that developments preserve or enhance local social, physical, cultural, historical, environmental and economic characteristics. Finally, Policy 4B.9 specifies that all large-scale buildings including tall buildings should be of the highest quality design.
- 4.13 The following Unitary Development Plan **proposals** are applicable to this application:
- None applicable.
- 4.14 The following Unitary Development Plan **policies** are applicable to this application:
- DEV 1 Design Requirements.
DEV2 Environmental Requirements.
DEV3 Mixed Use Developments
DEV4 Planning Obligations.
DEV37: Development Affecting Listed Buildings
DEV40: Changes of Use and Listed Buildings
DEV50 Construction Noise
DEV55: Development and Waste Disposal
HSG2: Location of New Housing
HSG3 Affordable Housing
HSG7 Dwelling Mix and Type
HSG9 Density in Family Housing
HSG13 Standard of Dwellings
HSG16 Housing Amenity Space
T17 Planning Standards (Parking)
SCF1 Provision for Community and Social Facilities.
SCF4 Location of primary health care facilities.
SCF5 Provision of Community Care
SCF6 Location of Community Support Facilities.
SCF11 Meeting Places
- 4.15 The following Local Development Framework Core Strategy **Proposals** are applicable to this application:
- (1) City Fringe Area Action Plan (AAP)
(2) Development Site CF1 – Mildmay Hospital.
- 4.16 The following Local Development Framework Core Strategy **Policies** are applicable to this application:
- EE5 Mixed Use Development

| | |
|-------|--|
| HSG1 | Housing Density |
| HSG2 | Lifetime Homes |
| HSG3 | Affordable Housing |
| HSG5 | Social Rented/Intermediate Housing |
| HSG6 | Housing Mix |
| HSG10 | Supported Housing |
| HSG13 | Housing Amenity Space |
| HSG14 | Eco-Homes |
| SCF1 | Social and Community Facilities |
| SCF2 | Multiple Use of Social and Community Facilities |
| TR1 | High Density Development in Areas of Good Public Transport |
| TR3 | Transport Assessments |
| TR4 | Travel Plans |
| TR7 | Walking and Cycling. |
| UD1 | Scale and Density |
| UD2 | Tall Buildings |
| UD4 | Accessibility and Linkages |
| UD5 | High Quality Design |
| C1 | Historic Sites/Conservation Areas |
| SEN1 | Disturbance from Noise Pollution |
| SEN2 | Air Quality |
| SEN3 | Energy Efficiency |
| SEN5 | Disturbance From Demolition and Construction |
| SEN6 | Sustainable Construction Materials |
| SEN7 | Sustainable Design |
| SEN9 | Waste Disposal and Recycling |
| IM1 | Securing Benefits. |

4.17 The following Community Plan **objectives** are applicable to this application:

- Living safely.
- Living well.

5. **CONSULTATION**

5.1 The following were consulted regarding this application:

(1) **Housing Strategy Group**

The Urban Village does not fit neatly into any of the Housing policies. The site will comprise 100% affordable housing. There will be no S106 requirement for additional grant free units.

As the proposal is for intermediate housing, the normal housing mix is not applicable.

(2) **Environmental Health**

Overall support for the proposal subject to recommended conditions relating to Contaminated Land, Air Quality, and ventilation/extraction.

(3) **Highways**

General support subject to conditions relating to access arrangements (visibility splays), road safety audit and travel plan.

A S106 contribution for lighting, signage and general traffic management in the vicinity is required.

(4) **English Heritage**

Heritage Unit

Registers objections on the grounds of:

- Impact of the proposed tall building;
- Proposal will negatively impact upon the importance of St Leonard's Church;
- Development would be intrusive to the surrounding conservation areas and listed buildings; and
- Disputes the assessment on the local views.

Archaeological Unit

Recommendation for conditions to secure building recording and analysis and to secure a programme of archaeological work.

(5) **Horticulture & Recreation**

No response received.

(6) **Environment Agency**

No objections.

(7) **CABE (Commission for Architecture and the Built Environment)**

Supports the aims of the social programme and the way the proposals have been integrated into the existing fabric of the city.

Overall support for the proposal, subject to the securing of budgets and procurement issues.

(9) **Transport for London - Street Management**

No response received.

(10) **Cleansing Officer**

No response received.

(11) **BBC - Reception Advice**

It is not considered BBC policy to carry out a detailed review of such matters and we look to the applicant to carry out the necessary actions.

(12) **Crime Prevention Officer**

No comments received.

(13) **Strategic Social Services**

The proposals have full and strong support.

(14) **London Borough of Hackney**

Objects to the proposal on the grounds of the height and profile of the tower would have an unacceptable impact on the surrounding conservation areas and listed buildings. The proposal does not fall within the Hackney Tall Building Study and the proposal will close off views looking along Old Street.

(15) **Greater London Authority**

The mayor considered the matter at a meeting on 5 July 2006. The following comments are an extract of the Stage 1 letter of the Mayor:

‘... the Mayor has concluded that the application proposal offers an innovative residential-led mixed-use redevelopment scheme that secures:

- *community uses,*
- *health and employment and training opportunities,*
- *100% affordable housing,*
- *a true mixed-use tower building with high quality design aspirations to be secured at a more detailed stage later in a highly sustainable manner in terms of public transport accessibility, low levels of car parking provision and energy.*

The strategic benefits offered by this exemplary scheme are significant and need to be secured by further design improvements to enhance the residential amenities of future residents...’.

Full details of the Mayor's Stage 1 report are not available at the time of council officer's report being finalised. However, the full comments will be reported to members in an addendum report.

5.2 Responses from neighbours were as follows:

Original Scheme Consultation

No. Responses: 256 In Favour: 85 Against: 171 Petition: 1

Regulation 19 Information Consultation

No. Responses: 850+ In Favour: approx 50+ Against: approx 800+ Petition: 0

5.3 The comments received as a result of the second consultation process generally raised the same issues as the original consultation process. Furthermore, of the responses received a significant number were from people who reside outside of the borough. Additional comments are still being received at the time of this report being completed. Therefore, Officers will provide updated figure of consultation responses received to members within an addendum report.

5.4 A summary of the issues raised by the objections received from both consultation processes are as follows:

Land Use

- Use of the development is unacceptable (hospital, detox and social housing).
- Lack of family housing proposed.
- Dwelling mix is inappropriate.
- Lack of employment opportunities for new residents.
- Feasibility of commercial units.
- Location of proposal is unacceptable.
- Already an oversupply of A5 uses (hot food take-aways).
- The development will not help the housing shortage within the Borough.
- Development will offer no benefit to the local community.
- Proposed job creation is considered for short term only.
- Loss of day nursery centre.
- No assurance that the proposal will be there to serve the local need.
- Other detox units within close proximity to the site.
- Training facilities and programs should be made available to the wider community.

Design

- Height and impact of the 23 storey tower element.
- High density of the proposal is unacceptable and appears as overdevelopment.
- Development is out of scale with surrounding buildings.
- Negative impacts on surrounding conservation areas.
- Proposal will have a detrimental impact on local views.
- Loss of public space.
- The quality and quantity of landscaping is insufficient.

Amenity

- Overlooking and loss of privacy will result.
- Construction noise and impacts.
- New residents would suffer from noise pollution from surrounding roads.

Highways

- Increase in traffic and additional demand on existing transport services and car parking.
- Impacts of construction of the proposal to surrounding properties and traffic network.

Other matters

- Increase in crime and anti-social behaviour will result.
- Insufficient consultation process carried out by the applicants.
- Proposed affordable housing at risk of becoming private market housing in the future.
- Access to social services/community facilities for local residents should be safeguarded.
- Environmental Impact Assessment appears to be limited.
- Local residents should hold a position on any board of management.

5.5 Letters of support for the application were received from local residents and the following organisations:

- Spitalfields Crypt Trust.
- Future Builders England Limited.
- Tower Hamlets Primary Care Trust.
- North East London Strategic Health Authority.
- Shoreditch Tabernacle Baptist Church.
- Common Ground.
- NYC Department of Housing Preservation and Development.

5.6 A summary of the comments of support are as follows:

- A new purpose built Mildmay Hospital on the site and new services for HIV/AIDS will be beneficial.
- New flats affordable and intermediate housing will be beneficial.
- New health centre for 6 GP's will be beneficial.
- The proposal will improve security on the site and lead to better designed, safe public spaces.
- Family Housing and the rebuilding of the church on site will be beneficial.
- New opportunities for employment and training will be beneficial.
- There is a need for such a proposal within London.
- Current lack of appropriate 'move-on accommodation' and supported accommodation.
- No incidents reported with the Spitalfields Crypt Trust.
- Improved facilities for the Church will result.
- Additional primary health care facilities will result.
- Additional investment to the local area will result.
- The proposal is a strong example of a charity championing an innovative approach to public services.
- The proposal will provide innovative new models for housing and employment.
- The proposal will see 100% affordable housing provided.

- The design will enhance the area.

6. **ANALYSIS**

Land Use:

6.1 The proposal seeks to approval for the following land uses:

- 371 affordable dwellings;
- Mildmay Hospital and Detox centre;
- Mildmay Charity offices;
- A primary health care centre;
- A Church; and
- Retail/Commercial floor space.

6.2 In terms of the sites land use, the adopted UDP (1998) features no designations for the site. However, within the LDF and the City Fringe AAP, the Mildmay site has been identified as a specific site allocation (CF1), which seeks to allow for a mixed uses, predominantly featuring residential with small-scale retail/leisure and business class uses. It is therefore considered the proposed commercial elements (A1/A2/A3 and B1) of the scheme to be in accordance with the LDF site designations.

6.3 The City Fringe AAP allocates the site for mixed use and also specifies a residential density of 435 dwellings per hectare (dph). The scheme proposes a density of 451dph, which is broadly in line with Policies CFR7: New Housing and EE5: Mixed Use Developments. It is therefore considered that the provision of the residential and commercial components of the scheme comply with the Council's policies, as specifically stated within the site allocation.

6.4 Furthermore, both the adopted UDP and LDF encourage additional residential accommodation. Policy HSG2 relates to the development of new housing on non-residential sites where the site is not allocated for other uses. In addition, the housing policies contained within the LDF seeks to increase the number of dwellings within the Borough (HSG1), together with increased levels of affordable housing (HSG3). Policy HSG 10 establishes the need for supported housing for disadvantaged groups and seeks to encourage the provision of supported housing. The scheme proposes 371 flats, which 100% is allocated for affordable housing units.

6.5 The UDP strategic policies ST49 and ST50 seeks to support and encourage the provision of a full range of social and community facilities to meet the needs of all residents within the Borough and the provision of high quality medical services for all residents. The adopted Policy SCF1 further stipulates the encouragement of such uses, considered against the other land use priorities as determined by other policies within the UDP. Moreover, Policy SCF5 seeks to approve uses that provide for care in the community, particularly

"...people who misuse alcohol or drugs; people living with HIV/AIDS..."

Similarly, the LDF core strategy policy CS10 states that reducing health inequalities and providing convenient access to modern networks of primary and community based health services is a priority within the Borough. The scheme has the full support from the Council's Strategic Social Services unit, Tower Hamlets PCT and the North East London Strategic Health Authority.

6.6 The proposal incorporates a new church (place of worship), which will update the existing facilities currently on site, which also meets the objectives of CS9 and SCF1 of the LDF and SCF8 of the adopted UDP which seek to maximise use of community buildings

6.7 A feature of the Urban Village are a number of meeting/conference rooms, event spaces, commercial areas, multi-purpose rooms, art rooms, roof terraces and the existing community hall. It is considered that to ensure that the scheme integrates well with the local

community, through controlled management, the use of these areas should be made available to the public. This is consistent with the objectives of Policy SCF1 of the LDF, which seeks incorporate social and community facilities within new developments.

Housing

- 6.8 As previously stated, the proposal will provide 371 dwellings on site, of which 100% will be allocated for affordable housing, both key worker and socially rented units.
- 6.9 Both the adopted UDP and LDF Housing policies not only seek to increase the number of dwellings across the Borough, but the level of affordable housing associated with such developments. Policy HSG3 of the UDP requires a minimum level of 25% affordable housing, whilst the revised policies HSG3 seeks to increase this level to 35%. The Mayor's London Plan seeks to achieve 50% affordable units for all new developments London-wide. The submitted scheme far exceeds these requirements.
- 6.10 The policy HSG5 of the LDF requires that for affordable housing provision to address the needs of the Borough, the Council requires a ratio split of 80:20 for social rented to intermediate housing split. However, the policy allows some degree of flexibility with the ratio split on sites that comprise predominantly affordable housing where it meets Core Strategy 7 (Housing).
- 6.11 It is considered that the proposed tenure ratio split (73% social 27% intermediate) complies with both policy HSG5 and CS7 as the housing will meet a specific need within the Borough, to be contained entirely on site. The key worker housing is specifically designed for those working on site (such as nurses/social workers), associated with the intermediate housing for the previous patients of the detox unit. This results in a mixed, balanced, inclusive and environmentally sustainable housing community within the Borough.
- 6.12 Policy HSG8 of the LDF requires a balanced housing mix, including ensuring adequate choice in housing sizes are available for people within the borough. This requires a specific housing mix as follows:

| Housing Type | Affordable Housing Component | | |
|----------------|------------------------------|------------|--------------|
| | Social Rented | | Intermediate |
| | No Grant | With Grant | |
| One Bed | 20 | 20 | 60 |
| Two Bed | 35 | 40 | 30 |
| Three Bed | 30 | 20 | 10 |
| Four Bed | 10 | 15 | |
| Five & Six Bed | 5 | 5 | |

- 6.13 The scheme will provide for the following mix across the site and tenures:

| Accommodation | One Bed | Two Bed | Three Bed |
|---------------|---------|---------|-----------|
| No. Units | 80 | 10 | 11 |
| % | 79 | 10 | 11 |

- 6.14 Whilst the scheme does not comply with Policy HSG6, the proposed mix is considered to be appropriate in this instance as the provision of the affordable housing is to meet a specific need within the Borough. The affordable housing, particularly the one bedroom units, form part of the Urban Village concept, as outlined in Section 4. This concept allows for both the key workers on site and socially rented/intermediate housing to be contained within one building, to ensure a successful integration back into society. The Urban Village allows for persons within the socially rented/intermediate housing, access to education, training and rehabilitation services onsite, making this scheme a unique proposal not only for Tower Hamlets, but London as a whole.
- 6.15 It has been acknowledged by the Housing Unit that the scheme does not fall neatly into any of the housing policies for the Borough. As such the normal housing mix is not considered applicable in this instance. Furthermore, as a whole the proposal receives support from the housing team.

6.16 As previously stated, the Urban Village building houses 270 residential units of which 135 are designated for the ex-homeless and 135 for key workers. In identifying and responding to the needs of the homeless, the proposal is further supported by the LDF policy HSG 10: Support Housing, which aims to cater for the needs of vulnerable and dis-advantaged groups.

Density

6.18 The application site has a PTAL score of 6, and as such the London Plan and the Council's LDF recommend a density range of 450-700 habitable rooms per hectare (hrph) or 240-435 dwellings per hectare (dph). Furthermore, the scheme is specifically identified as a development site within the City Fringe AAP, which specifies a density range of up to 435 dph.

6.19 The proposed residential density at 451 dph slightly exceeds this range. It is considered in this instance that the resultant density is satisfactory and does not result in any demonstrable harm in terms of:

- Poor quality and amount of amenity space;
- Loss of privacy and overlooking issues;
- Sub standard quality of accommodation; and
- Meets a specified housing need within the borough.

6.20 The site is also well served by local shopping and leisure facilities. In particular, the majority of the users of the Urban Village will both live and work on the site, reducing any need from the site for public transport within the area.

Design

6.21 The applicant's approach to the design of the site as a whole has been influenced by the needs of the Partnerships involved. A number of buildings are proposed, as detailed in Section 3, ranging from 3 storeys to 23 storeys in height, with the tallest building located within the centre of the site. The scheme is designed in a contemporary manner using a range of form and materials, similar to the surrounding streetscapes for the buildings fronting Hackney Road and Austin Street. However, the tower introduces a whole new building form and materials, including coloured fins, copper panels, mirrored glass and perforated louvers.

6.22 The most contentious element of the Urban Village scheme is the 23 storey tower which has also resulted in a number of objections within the community. The application is accompanied by Environmental Impact Assessment reports, which includes a Townscape and Visual Impact Assessment. This report produces computer generated images of the tower from various view points around the site and wider area.

6.23 It is considered that the tower is well placed within the site and is set back and steps away from the main public spaces within the site and surrounding properties. The setting of the immediate area is considered to be improved, with much wider public space on the east and a semi-private courtyard on the west side of the site. This is further supported by the Council's Urban Design and Conservation team, who see the proposal responding well to local streets. Furthermore, a tower element as placed within its wider settings, will contribute positively to the local regeneration of the area. It is noted however, that in order for the project to be successful, it is reliant on its meticulous details and high quality finishes. Urban Design's support for the proposal requires the overall design quality to be retained and to be secured by means of conditions.

6.24 Comments received from CABI also offer strong support for the design of the project as a whole. The overall masterplan and urban design strategy for the site is considered to be successful, through the distribution of the building blocks through the site and the provision of open spaces and pedestrian permeability. The location of the tall building is supported and is considered to be "*distinctive and positive*". Similar comments relating to the quality of materials were also made. It is considered by CABI that the success of the building is dependant on the quality of materials and the local authority should ensure this remains through the planning and construction process. Further comments were made with regards to on going maintenance of the building. It is further recommended that this is resolved through the implementation of a management plan which can be secured through the use of

conditions.

- 6.25 It is considered that the remaining blocks, which range in height from 3 to 6 storeys, sit well within the immediate urban context. Where the blocks front Hackney Road and Austin Street, they are considered to address the street and continue with the existing urban grain. The new church at Hackney Road repairs the damaged streetscape that was left by the demolition of the Victorian church formally on the site. The block fronting Austin Street continues the Victorian terrace form along the street, similar to the south side.
- 6.26 The applicant has responded by confirming that the architects will be retained throughout the whole process, from planning to construction. In addition, they have confirmed and agreed to a condition in relation to the quality of the materials and assure the Council that the proposal will not be subject to a reduction in the quality of materials as result of budget constraints.
- 6.27 The applicants have carried out a preliminary BRE's Environmental Assessment Method (BREEAM) and EcoHomes assessments for the buildings. In each case, a "Very Good" rating is achievable, with the potential to achieve an "Excellent" rating as an aspiration. In addition, the applicant has further aspirations to reach the 10% renewable target identified in the Mayor's Draft Supplementary Planning Guidance on Sustainable Design and Construction. Moreover, the scheme incorporates a number of sustainable design elements, such as solar water heating, water conservation measures throughout, low energy lighting, natural ventilation where possible, centralised heating and hot water plants.

Conservation and Historic Buildings.

- 6.28 The application site features the grade II listed Shoreditch Tabernacle Church and is also surrounded by the Boundary Estate conservation area. To the north of the site are the grade II listed Leopold Buildings, fronting Columbia Road. Further to the south of the site is the grade I listed St Leonards Church, situated within the London Borough of Hackney.
- 6.29 The Council's Urban Design and Conservation team considers that the impact of the scheme on the listed church is limited. The settings around the listed building are now improved with much wider public space on its east and a semi-private courtyard to the west. The setting of the church has always been located within a tightly packed urban grain, without any significant views. Furthermore, the scheme allows for greater pedestrian permeability around the building. English Heritage made similar comment with respect to the listed church building, and considers that the scheme would not impact on the setting of the listed church hall building. However it should be noted that as a requirement, it should be ensured that no damage is caused to the listed building through the demolition and construction phases of the development.
- 6.30 Furthermore, it is considered that the scheme would not impact negatively on the setting of the grade I listed St Leonards Church. The proposed tower is adequately set back within the centre of the site to ensure minimal impact to the church. Proposed view diagrams and images indicate that the tower would be largely concealed by the existing buildings and foliage. In addition, the tower would not have a detrimental impact to the setting of the listed buildings fronting Columbia Road. Although the tower will be visible, the effect will be experienced within the wider context of two other towers which currently influence the view looking along Columbia Road. It is considered that the development will appear very slender and of a high quality architecture. This view is further supported by the Council's Urban Design and Conservation team.
- 6.31 Where the proposal would have the greatest visual impact would be from the adjacent Boundary Estate conservation area. However, it is considered that this impact would not be detrimental to the conservation area as the tower would be partially concealed and framed by existing foliage. The tower would not affect the setting of the conservation area, which is firmly enclosed around the "circus". In summary, the tower impacts the sky setting and not the urban grain.
- 6.32 Nevertheless, English Heritage have objected to the scheme, advising that the tower would impact upon the setting of the Boundary Estate conservation area and surrounding listed buildings. They consider that the tower would have an overbearing, intrusive and damaging impact on surrounding historic buildings and adjacent areas.

6.33 The Council's Urban Design and Conservation team have considered the concerns raised by English Heritage. However, as discussed in paragraphs 6.30 & 6.31, they consider that the development would not have a detrimental impact to the setting of the surrounding listed buildings and conservation areas. Furthermore, as previously stated, the scheme also receives the full support of CABE. It is therefore considered that the proposals meet the broad objectives DEV25, DEV29 & DEV39 of the adopted UDP and C1 of the LDF Core Strategy.

Open and Amenity Spaces

6.34 The proposal incorporates a series of public open amenity spaces, which also provide pedestrian connections between Hackney Road and Austin Street. Cooper's Garden, situated between blocks B and F, establishes a direct connection into the development. The space has a linear form which encourages pedestrian flows towards the newly created public spaces. In order to promote the space as a gathering area, a series of benches are provided. A water feature/fountain is also proposed further encouraging the use of this area as for gathering purposes. The central square in front of block E provides the main public gathering space within the scheme. A large, single specimen tree and surrounding planting will form the main focus and visual interest for the square. It is intended that this is a flexible space that could cater for activities ranging from outdoor performances to an informal market place.

6.35 A courtyard surrounded by blocks A to D and the listed church hall form the semi-private amenity space. This space features a gated access from Cooper's Gardens, and a controlled access through the church hall. It is intended that only the users of the surrounding buildings, church goers and local community groups with ties to the centre will have access to this space. The landscaping within the courtyard will be maintained by local community groups.

6.36 A number of semi-private roof terraces can be found on levels 3, 7 and 21 of block E, which are intended for use by the building residents. Specific details of these spaces are as follows:

- Level 3 – An accessible, hard surface terrace surrounded by an inaccessible band of planting around its edge. The planting will be similar to that at ground level.
- Level 7 – With the planting mirroring the layout of the green spaces at ground level, the site wide landscape design becomes visually linked when viewed from the upper storeys of block E. Benches, similar to the ground level will also be provided.
- Level 21 – A series of raised planters are strategically located together with a hard surface terrace area. Users will be able to move between the planters, enabling interaction and maintenance.

6.37 The majority of flats within blocks A, B and C and all of the townhouses in block D will feature private amenity space in the form of either winter gardens, balconies, roof terraces and courtyards.

6.38 It is considered that the provision of amenity spaces within the site meets the requirements contained within emerging policy HSG 13: Housing Amenity Space. The proposal provides both private and communal amenity space, with the later meeting the minimum size requirements of 6 metres in any one direction.

Impact Upon Residential Amenity.

Daylight/Sunlight/Overshadowing

6.39 In support of the application, the applicant has undertaken a daylight/sunlight assessment. The study has been carried out in accordance with the methodology and advice set out in the 'Building Research Establishment's' (BRE) guidance report, "*Site Layout Planning For Daylight and Sunlight*".

6.40 The guidelines provide different methods for daylight assessments. The method that officers have generally accepted as the most detailed and most meaningful tool, is the Average Daylight Factor (ADF) method, as this takes into account internal room layouts and sizes, window positions and sizes, and also makes an allowance for reflectance of internal room

surfaces. Windows which overlook the site and are north facing are not required to be assessed, as noted within the BRE guidelines.

- 6.41 The daylight and sunlight assessment undertaken as part of the Environmental Statement found that the proposed redevelopment would be generally acceptable with some localised impacts that are considered to be within acceptable standards for built up urban areas. The study considered the impacts on a number of properties in Hackney Road, Columbia Road, Austin Street and the Leopold Buildings. Dunmore Point, the adjacent tower block, has not been assessed since its separation distance from the site and its availability of sky from all directions around the site means it is relatively unaffected. It was considered not necessary to consider it within the daylight/sunlight assessments.
- 6.42 The BRE report sets out guidelines on how to assess the impact of proposals in terms of daylight and sunlight, by comparing existing daylight and sunlight conditions and the degree of change that would occur as a result of a proposal. The guidelines state that provided the loss of daylight or sunlight is kept above 20% then the occupants of adjoining buildings are not likely to notice any change in daylight or sunlight conditions. As such, a reason for refusal is unlikely to be sustainable on these grounds.
- 6.43 The results of the assessment of the relevant surrounding properties that has been undertaken and are summarised in the paragraphs below.
- 6.44 The following properties meet the requirements of the BRE Guidelines: -
- Rear of 40 Hackney Road
 - 6-12 Hackney Road
 - 2-16 Austin Street (with the exception of 1 window out of 16 assessed)
- 6.45 The rear of the Leopold Buildings does not fully meet the BRE guidelines. A total of 2 out of 12 windows fail the guidelines. However, none of the windows are living rooms or bedrooms and are not habitable rooms. The 2 windows in question are kitchens. The impact identified is considered to be acceptable and a reason for refusal is unlikely to be sustainable on these grounds.
- 6.46 The results of the assessment at Coll Sharp Court do not fully meet the BRE guidelines. A total of 4 out of 13 windows fail the guidelines. However, none of the windows are living rooms or bedrooms and are not habitable rooms. The 4 windows in question are kitchens. The impact identified is considered to be acceptable and a reason for refusal is unlikely to be sustainable on these grounds.
- 6.47 The assessment of 4-12 Columbia Road indicates it would fail to meet the BRE guidelines. A total of 8 windows would fail to the guidelines. These are not habitable rooms and are mostly kitchen windows. Although their will be noticeable reduction in light it is not considered a sustainable reason for refusal of the application.
- 6.48 The applicant's daylight assessment indicates that whilst the proposal will have an impact on the potential daylight in the context of the VSC values, it is considered that the relationship of the windows to the rooms that they serve is such that levels of daylight within the rooms will remain adequate. It considered only a small number of the windows assessed would fail to meet the BRE target compared to the number that would pass. Having regard to the urban context of the development, the results of the assessment are considered to be acceptable.
- 6.49 An analysis of the overshadowing has been undertaken for each hour between 8am and 5pm at the equinox (21 March). It would appear there is some momentary overshadowing to the open space to the east of the tower in the late afternoon. However, there is no overshadowing at midday or in the morning. There is no additional permanent overshadowing within the gardens and amenity areas of the existing buildings. The existing Church Hall and Mildmay Hospital contribute to the current overshadowing that occurs on the site. All public open spaces and residential gardens will continue to receive adequate sunlight in accordance with the relevant BRE guidelines.

Sunlight/Daylight within the Scheme.

6.50 The Council's consultants who reviewed the submitted EIA raised concerns that there was no sunlight and daylight assessment carried out within the development. As part of the Regulation 19 request, the applicants supplied this assessment based on a worse case scenario within the development site.

6.51 The results of this additional assessment were submitted as part of the Regulation 19 request and have been independently reviewed. The results indicate the potential impacts within the development site, in relation to sunlight and daylight, are satisfactory and generally meet the relevant BRE guidelines.

Overlooking

6.52 A number of the objections raised concerns with reference to the potential overlooking from the development and the resulting loss of privacy. The only blocks of the development that could potentially create direct overlooking and loss of privacy to the surrounding properties will be Block F (Mildmay Hospital and Detox Unit). This block would have the potential to directly overlook the rear of both properties at Hackney and Columbia Roads.

6.53 The Mildmay Hospital and Detox building will be four storeys in height and feature a number of terraces which could impact on the privacy of the abutting properties. It is not considered that there would be any significant impact in relation to overlooking to habitable rooms or private amenity spaces of these properties as a result of the new hospital building.

6.54 Nonetheless in order to ensure the amenity of residents is protected it is recommended that an amending condition detailing mitigation of impact on the windows and/or private amenity space of the abutting residential properties. Where there is considered to be direct overlooking, particularly from the terraces, mitigation measures (such as screening) will also need to be detailed.

Demolition and Construction Noise

6.55 Concerns have also been raised as to the potential demolition and construction noise impacts to the surrounding properties. As part of the submitted EIA report, the Noise and Vibration chapter details the impact of construction to the area.

6.56 The demolition and construction period for the proposed development is expected to be over a 3 to 4 year period. The demolition and construction activities are planned to be staggered to help minimise disruption caused by these activities. As part of the mitigation measures, a Deconstruction and Construction Method Statement (DCMS) will be required to be approved by the Council, prior to works commencing on site. The DCMS will also be required to comply with the Council's Code of Practice for Construction Sites.

6.57 In addition to the DCMS, the Council's EIA review consultants have recommended that the applicants also provide Construction Environmental Management Plan (CEMP) for approval by the Council, prior to the commencement of works. As part of the CEMP, the developer will be required to submit a monthly CEMP validation report to the Council to ensure that the control measures are being fully implemented.

Additional Concerns

6.58 As previously discussed within Section 5.3, a number of objections were received in response to the consultation of the application. The objections raised additional concerns to those discussed above and these are detailed below.

Anti-social Behaviour/Crime

6.59 A large number of the comments received made reference to the issue of anti-social behaviour and an increase in crime. The Mildmay Urban Village is considered to be a unique concept for address the needs of the hospital, detox unit, homeless persons, and intermediate housing. The concept is unique as it contains all the services required to ensure the users have a successful integration back into society. In addition, the development will also provide for 24 hour on site security. As a result, it is considered that the scheme would not cause additional crime or anti-social behaviour.

Affordable Housing becoming Private Sale

6.60 This concern is addressed through the provision of a signed S106 agreement, which

requires that 100% of the housing on site will be affordable. Any future alterations to this agreement would require further planning approval.

Lack of Employment Opportunities for Local Residents and for short term.

6.61 Again this issue is addressed through the means of a signed S106 agreement, which would require the developer to incorporate local labour initiatives, particularly during the construction phases of the development.

6.62 It is anticipated that the completed development will provide approximately over 100 full time equivalent jobs, and 70 directly employed jobs during the construction phases.

Loss of Views to the TAB Centre and St Leonards Church.

6.63 It is considered that the loss of views is not a relevant planning grounds for objection, unless the views are considered to be of significant importance and noted within the UDP or LDF. The views to both the church and TAB centre are not listed as being of local significance and therefore not protected under planning policy.

Other detox facilities within close proximity to the site

6.64 Whilst it is acknowledged that there are other drug and alcohol/detox centres within the local area, it is considered that the proposed Urban Village is a unique concept, and as a result, will not impact upon the local community as the other centres may have.

Traffic and Transport.

6.65 The Traffic Assessment (TA) submitted as part of the application confirms that the proposed development can be safely and reasonably accommodated at this location. There will be a degree of impact upon the surrounding road network as a consequence of the demolition and construction period. However, the TA confirms that this can be accommodated and a Construction Traffic Management Plan (CTMP) will be formulated to control this aspect of the redevelopment. The proposal is considered to meet the requirements of UDP Policies T15 & T16 and TR1, and TR3 LDF policies.

6.66 The hospital is located in a highly sustainable location, readily accessible by public transport. In the future, if Crossrail and the East London Line Extension are constructed, both provide additional public transport access to the site. The Urban Village will further benefit from its proximity to these proposed facilities and it occupies one of the most appropriate locations within the Borough for this land use type.

6.67 The proposed development is highly sustainable with only 40 car parking spaces proposed and 100 cycle spaces. The main area of car parking is contained within the proposed basement, located below the tower. The adopted UDP policy T13 is met by the proposals as the offsite parking for the scheme effectively equates to operational use only. Similarly the parking provision meets the requirements of the transport policies TR1 and TR2 of the LDF.

6.68 Visitor parking is not provided with the exception of a small number of disabled parking bays. Visitors to the hospital are encouraged to use the various modes of public transport although LBTH residents with the appropriate parking permit would be able to park their vehicle in the surrounding residential streets. The Mildmay Hospital and detox building will also feature an ambulance drop off zone.

6.69 Adopted UDP Policy T9, which seeks to discourage non-essential journeys by private car, is also met by severely limiting on site parking compared with the unconstrained demand position. Only essential staff car parking is provided by the development. A Green Travel Plan (GTP) can provide a mechanism to further reduce car dependency and encourage use of non-car modes of transport further assists this position. The GTP will form part of the Section 106 legal agreement.

Environmental Impact Assessment

6.70 The submitted Environmental Impact Assessment (EIA) has been subject to consultation with the relevant statutory authorities, and has been advertised in compliance with statutory requirements. The matters covered by the EIA were as follows:

- townscape and visual impact
- transport
- ecology
- soil and ground conditions
- water resources
- wind impacts
- daylight/sunlight and overshadowing
- telecommunications
- archaeology
- air quality
- noise
- socio-economic and community impacts
- construction and demolition
- cumulative impacts

6.71 Consultants were appointed to review and critique the documentation provided as part of the EIA. The review of the EIA led to a request for further information and/or reports to be submitted in accordance with Regulation 19. This request related specifically to matters within the demolition and construction, socio-economic, air quality, microclimate, daylight sunlight & overshadowing, cumulative impacts, as well as residual impacts and conclusions chapters. In accordance with the Regulations, the revised chapters were re-consulted upon and reviewed by the Council's review consultants.

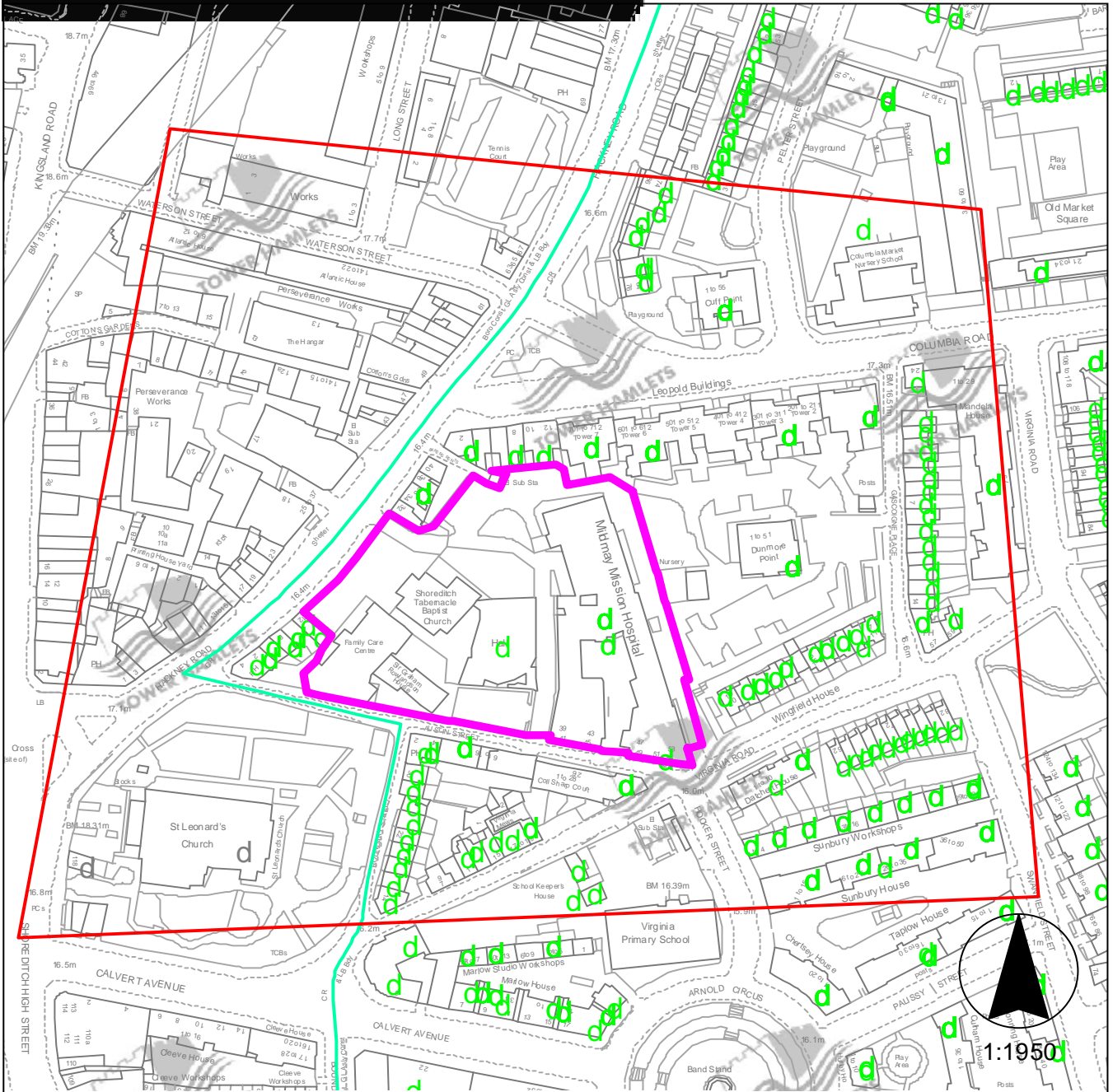
6.72 It was considered that the original EIA reports, together with the revised chapters were satisfactory in accordance with the requirements of the EIA Regulations. The planning obligations legal agreement and conditions will secure the relevant recommendations of the ES in terms of mitigation of identified impacts. It is the opinion of officers that the findings of the ES are robust and that the identified mitigation measures will ensure the proposed development will not lead to any substantial environmental impacts.

7. **SUMMARY**

7.1 On balance, the proposal is considered acceptable in land use, design, amenity and highways terms and in all other respects, subject to stringent conditions, the signing of a legal agreement and referral to the GLA.

7.2 Approval of the application is therefore recommended.

Site Map



Legend

- Planning Application Site Boundary
- Consultation Area
- Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office © Crown Copyright. London Borough of Tower Hamlets LA086568

Land bounded by Hackney Road and Austin Street including Mildmay Mission Hospital, Hackney Road, London, E2 7NS

Agenda Item 9.2

| | | | | |
|--|--|--|-----------------------|-----------------------------------|
| Committee: Development Committee | Date: 19 th July 2006 | Classification: Unrestricted | Report Number: | Agenda Item Number: 9.2 |
| Report of: Director of Development and Renewal Case Officer: David Gittens | | Title: Town Planning Application Location: INDESCON COURT, 20 MILLHARBOUR, LONDON, E14 9TN Ward: Millwall | | |

1. SUMMARY

1.1 Registration Details

Reference No: PA/05/01294

Date Received: 01/08/2005

Last Amended Date: 01/08/2005

1.2 Application Details

Existing Use:

4 low-rise, mainly single storey, commercial units primarily in use as printing (B2), distribution (B8) and warehousing (B8) uses with some ancillary offices.

Proposal:

In outline, the redevelopment of the eastern side of Indescon Court by a building of a maximum height of 84 metres to accommodate a Use Class C1 (hotel) of 2,775 sq m, 962 sq m for use as an apart-hotel or further hotel floor space, 35,000 sq m of Class C3 (residential – up to 490 units), 550 sq m of B1 (business), 1,000 sq m of either A1 (shop), A2 (financial & professional services), A3 (restaurants/cafes) or A4 (pubs/bars), 1,800 sq m of either Class D2 (assembly & leisure), Classes A3 (restaurants/cafes) or A4 (pubs/bars) at ground and basement, with private and public open space, pedestrian routes, basement car parking, access and landscaping.

The application is accompanied by an Environmental Statement under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

Applicant:

Sir Robert Ogden CBE LLD

Ownership:

Sir Robert Ogden Estates

Historic Building:

No

Conservation Area:

No

2. RECOMMENDATION:

2.1 That the Strategic Development Committee **grant** planning permission subject to:

A A variation to the section 106 agreement dated 24th June 2004 between the applicant and the Council to additionally secure the following within the mixed-use phase:

- 1) Affordable housing provision of 35% of the proposed residential units measured by floor space.
- 2) 'Car Free' arrangements to restrict the occupants of the development from applying for residents parking permits.
- 3) To fund associated highway improvements to Marsh Wall, Millharbour, Mastmaker Road and Lightermans Road necessary to accommodate the

LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT

Brief Description of background paper: Tick if copy supplied for register
Application case file, plans and & UDP

Name and telephone no. of holder
Development Control 020 7364 5338

additional vehicular cycle and pedestrian movements associated with the redevelopment and part of new road shared with the Tate & Lyle site.

- 4) TV reception monitoring and mitigation.
- 5) To require that development shall commence under the Existing Permission (i.e. on the western part of the Indescon Court site) before development begins on the eastern part of the site.

B The following conditions and informatives:

Conditions:

- (1) Time Limit for Outline Permission
- (2) Outline Permission - Reserved Matters
- (3) Details and samples of materials to be used on external surfaces of buildings
- (4) Implementation of landscaping and maintenance
- (5) Investigation and remediation measures for land contamination
- (6) Archaeology – investigation prior to commencement of works
- (7) Restricted working hours for construction
- (8) Restriction on construction noise
- (9) Restriction on levels of vibration
- (10) Air Quality Management Plan
- (11) Details of route for construction traffic and notices
- (12) Details of on-site construction parking and delivery arrangements
- (13) Submission of an Environmental Management Plan
- (14) Details of a monitoring and control regime and Project Environmental Manager
- (15) Details of foul and surface drainage system
- (16) Details of measures to avoid groundwater and surface water pollution
- (17) Submission of energy strategy
- (18) Submission of flooding escape plan
- (19) Development to be materially compliant with parameter plans
- (20) Restriction of apart-hotel occupancy to 90 consecutive days or less

Informatives:

- (1) Use of dock for transport of bulky materials
- (2) Storage of waste on site
- (3) Request to comply with MQ Code of Construction Practice
- (4) Attention is drawn to the Control of Pollution Act 1974
- (5) With regard to condition 2 (reserved matters) the submitted details should include:
 1. Details of provision for storage and disposal of refuse to include waste/recycling strategy;
 2. Details of a scheme of external lighting and security measures;
 3. Details of car parking layout and restriction of maximum number of parking spaces;
 4. Detailed daylight/sunlight assessment;
 5. Details of a green roof system; and
 6. An overall dwelling mix and dwelling mix for both the market and affordable housing that complies with the London Plan Supplementary Planning Guidance: Housing November 2005, paragraph 11.3 and Policy HSG: Housing Mix of the London Borough of Tower Hamlets Local Development Framework Preferred Options 2005.

C **Referral to the Mayor of London** pursuant to the Town & Country Planning (Mayor of London) Order 2000 under categories 1B 1 (c) and 1C 1 (c) for a building exceeding 15,000 square metres floor space and more than 30 metres high.

2.2 If permission is granted, the Committee **confirms** that it has taken the environmental information into account, as is required by Regulation 3 (2) of the Town & Country Planning (Environmental Impact Assessment) Regulations 1999.

2.3 The Committee **agrees** that following the grant of planning permission a statement be placed on the Statutory Register confirming that the main reasons and considerations upon which the Committee's decision was based were those set out in the Planning

3. **BACKGROUND**

Site Description

- 3.1 The application site is the eastern part of Indescon Court and occupies an area of approximately 0.67ha located immediately to the west of Millharbour and south of Lighterman's Road. The former Tate & Lyle refinery (which has been redeveloped for residential purposes and is referred to as 'Canary Central') lies to the west of Indescon Court with Lanterns Court (a low-rise industrial/warehousing complex with an extant permission for redevelopment by 651 residential units) to the south.
- 3.2 The existing buildings at Indescon Court comprise low-rise units used primarily for printing, storage and distribution. The majority of the units are single storey, although some have offices at first floor and/or mezzanines, with a total gross internal floor space of 8,036 sq.m. The buildings are profiled steel clad units with coloured PVC coating and are arranged in a quadrangle enclosing a central brick-paved courtyard accessed off Millharbour. Four of the twelve industrial units on the Indescon Court site are located on the application site.

Planning History

- 3.3 The site was redeveloped in the 1980s, as part of the Isle of Dogs Enterprise Zone.
- 3.4 On 22nd June 2004, outline planning permission (the "Existing Permission") was granted under reference number PA/02/01330 for the redevelopment of the whole Indescon Court site for mixed uses within buildings up to 78.5m in height, comprising residential (C3), offices (B1), retail (A1, A2 & A3), workspace (B1), public open space and pedestrian routes, with basement car parking, access and new highway arrangements. The scheme was made up of two parts:
- A residential square on the western part of the site (the "Residential Phase") and;
 - A commercial building of 46,879 square metres on the eastern part of the site (the "Commercial Phase") to provide 45,860 sq m of offices and 1,019 sq m of shopping floor space on the ground floor.

A section 106 agreement was executed with the Council under the following Heads:

- (1) twenty-five (25) per cent of the proposed residential units within the Residential Phase to be provided for Affordable Housing;
- (2) public access routes across the Land;
- (3) the incorporation of Public Art;
- (4) the preparation and approval of and compliance with a Travel Plan;
- (5) local employment and training;
- (6) compliance with the Environmental Management Plan;
- (7) a "Car Free" agreement to restrict the occupants of the proposed residential units from applying for residents parking permits;
- (8) the provision of Public Open Space;
- (9) the construction dedication and adoption of the Site Road;
- (10) the dedication of the Highways Land as public highway and the adoption of the Highway Works; and
- (11) a financial contribution towards the Millennium Quarter Team's costs

Current Application

- 3.5 Application is now made in outline for the construction of a new building on the site as an alternative to the previously permitted 'Commercial Phase' on the eastern part of the Indescon Court site. For the purposes of this report this application is referred to as the "**Mixed-Use**" phase/development. It is requested that siting and means of access are determined with details of the design, external appearance and landscaping reserved for future approval. The application is supported by illustrative plans which show the development concept envisaged.

3.6 The proposal would involve construction of a single Mixed-Use building of varying heights with an east and west wing. The building would have a maximum height of 84 metres (25 storeys) at the north-eastern corner, with the remaining building at a variety of staggered heights, no taller than 78.5m. The proposed building would provide 42,087 square metres of floor space containing the following mix of land uses:

- hotel (C1) 2,775 sq.m.
- apart-hotel (*sui generis*) and/or further hotel floor space (C1) 962 sq.m.
- leisure (D2) and/or Classes A3 (restaurants/cafes) or A4 (pubs/bars) up to 1,800 sq.m.
- retail (A1/A2/A3/A4) up to 1,000 sq.m.
- workspace (B1) up to 550 sq.m.
- residential (C3) (a maximum of 490 apartments) up to 35,000 sq.m.
- open space/public realm up to 4,000 sq.m.
- communal/private open space up to 2,700 sq.m.
- residential parking spaces up to 172 spaces
- other parking up to 10 spaces

3.7 There would be public open space within the north, east and west areas of the site, an internal private courtyard in the centre of the site at podium level, and a “sky garden” on the 8th and 9th floors. A mix of business workspace, retail and leisure would be provided at ground and basement level with the residential, hotel and/or apart-hotel on the upper floors. Parking would be accommodated in a single basement level accessed from Millharbour.

3.8 The proposal is intended as an optional alternative form of development to replace the Commercial Phase following the implementation of the Residential Phase under the Existing Permission.

4. PLANNING POLICY FRAMEWORK

Comments of Chief Legal Officer

4.1 The relevant and emerging policy framework against which the Committee is required to consider planning applications includes the adopted London Plan 2004, the Council's Unitary Development Plan 1998 (UDP) and the draft Local Development Framework 2005 (LDF), the Millennium Quarter Master Plan 2000, and the Council's Community Plan.

4.2 Decisions must be taken in accordance with section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 is particularly relevant, as it requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations.

4.3 Whilst the adopted UDP 1998 is the statutory development plan for the Borough, it will eventually be replaced by a more up to date set of plan documents that will make up the Local Development Framework (LDF).

4.4 This report takes account not only of the policies in statutory UDP 1998 and the Millennium Quarter Master Plan 2000, but also the emerging policies of the LDF which more closely reflect current Council and London-wide policy and guidance.

4.5 Members are invited to agree the recommendations set out above which have been made on the basis of the analysis of the scheme set out in this report in accordance with Article 22 of the General Development Procedure Order 1995. This analysis has been undertaken on the balance of the policies set out below and other material considerations set out in the report.

4.6 The following Unitary Development Plan **proposals** are applicable to this application:

- (1) Flood Protection Areas

4.7 The following Unitary Development Plan **policies** are applicable to this application:

| | |
|-------|--|
| ST15 | Encourage a wide range of economic activities at suitable locations |
| ST16 | Encourage development which promote job opportunities |
| ST17 | Promote and maintain high quality work environments |
| ST18 | Economic development and protection/enhancement of local environment |
| ST19 | Ensure land use and transport policies and investment are co-ordinated |
| ST37 | Improve appearance of Borough |
| ST38 | Provide and increase range of leisure and recreational facilities |
| DEV1 | Urban Design |
| DEV2 | Environmental Requirements |
| DEV3 | Mixed use developments |
| DEV4 | Planning obligations |
| DEV6 | High buildings and views |
| DEV12 | Provision of landscaping |
| DEV13 | Design of Landscaping Schemes |
| DEV18 | Public art |
| DEV50 | Noise |
| DEV51 | Contaminated land |
| DEV55 | Development and Waste Disposal |
| EMP1 | Promoting employment growth |
| EMP2 | Oppose loss of employment generating uses |
| EMP6 | Access to employment |
| EMP7 | Work environment |
| HSG1 | Quantity of Housing |
| HSG2 | New Housing Development |
| HSG3 | Affordable Housing |
| HSG7 | Dwelling Mix |
| HSG8 | Access for People with Disabilities |
| HSG9 | Density |
| HSG13 | Internal Standards for Residential Developments |
| HSG16 | Amenity Space |
| T15 | Transport and Development |
| T16 | Impact of Traffic |
| T17 | Parking Standards |
| T19 | Pedestrians |
| T21 | Pedestrians |
| T23 | Cyclists |
| ART7 | Tourist Accommodation |
| U3 | Flood Protection |

4.8 The following draft Preferred Options: Core Strategy and Development Control Development Plan Document / Isle of Dogs Area Action Plan 2005 **proposals** are applicable to this application:

- (1) Flood Protection Areas
- (2) Development Sites – Major residential focus

4.9 The following draft Preferred Options: Core Strategy and Development Control Development Plan Document / Isle of Dogs Area Action Plan 2005 **policies** are applicable:

| | |
|-------|--|
| C2 | Archaeological Heritage Sites |
| CS4 | Creative and Cultural Industries and Tourism |
| CS13 | Sustainable Accessible Transport |
| EE5 | Mixed Use Development |
| EE7 | Redevelopment/ Change of Use of Employment Sites |
| EE12 | Hotel, Short-let and Conference Centre Development |
| HSG1 | Housing Density |
| HSG2 | Lifetime Homes |
| HSG3 | Affordable Housing Provisions |
| HSG4 | Calculating Affordable Housing |
| HSG5 | Social Rented/ Intermediate Ratio |
| HSG6 | Housing Mix |
| HSG13 | Housing Amenity Space |
| HSG14 | Eco-homes |

| | |
|-------|--|
| IM3 | Securing Benefits |
| IM2 | Social Impact Assessment |
| OSN2 | Open Space |
| OSN3 | Landscaping and Trees |
| SCF1 | Social and Community Facilities |
| SEN1 | Disturbance from Noise Pollution |
| SEN2 | Air Pollution/ Quality |
| SEN3 | Energy Efficiency |
| SEN4 | Water Conservation |
| SEN5 | Disturbance from Demolition and Construction |
| SEN6 | Sustainable Construction Materials |
| SEN7 | Sustainable Design |
| SEN8 | Waste Management Sites/ Facilities |
| SEN9 | Waste Disposal and Recycling |
| SEN10 | Contaminated Land |
| SEN11 | Flood Protection and Tidal Defences |
| TR1 | High Density Development in Areas of Good Public Transport Accessibility |
| TR2 | Parking |
| TR3 | Transport Assessments |
| TR4 | Travel Plans |
| TR7 | Walking and Cycling |
| UD1 | Scale and Density |
| UD2 | Tall Buildings |
| UD3 | Public Art |
| UD4 | Accessibility and Linkages |
| UD5 | High Quality Design |
| IOD1 | Employment Space |
| IOD3 | Millennium Quarter |
| IOD4 | Leisure and Entertainment |
| IOD5 | New Housing |
| IOD6 | Community Facilities |
| IOD7 | Open Space |
| IOD9 | Connectivity |
| IOD10 | Environmentally Sustainable Design |
| IOD11 | Transport Improvements |
| IOD12 | Transport Capacity |
| IOD13 | Infrastructure and Services |
| IOD14 | Reception and Television Signals |
| IOD15 | Waste |
| IOD17 | Tall Buildings and Views |

4.10 The Millennium Quarter Master Plan suggests a residential/commercial mix of uses for the site with a guideline height of up to 40 metres above ground level.

4.11 The following Community Plan **objectives** are applicable to this application:

- (1) A better place for living safely
- (2) A better place for creating and sharing prosperity
- (3) A better place for living well

4.12 The site is within the area covered by the Millennium Quarter Master Plan (MQMP), approved in September 2000, and the relevant principles and guidelines are set out below in the Analysis section of this report.

5. **CONSULTATION**

5.1 The following were consulted regarding this application:

- (1) **Greater London Authority**

The Stage 1 GLA report is supportive of the proposed development. The GLA advise that the scheme is generally acceptable in principle subject to the following concerns being addressed

by a legal agreement or planning conditions:

1. clarification in respect of the applicant's commitment to energy, accessibility and employment initiatives;
2. the use of roof gardens; and
3. the cumulative impact of traffic noise; and TfL's comments on transportation.

(2) **Transport for London**

Says that there will be additional demands on the DLR in the number of trips northbound in the morning peak, on the part of the network that has the least amount of spare capacity. Indecon Court will also contribute to the increased demands for bus services in the Millennium Quarter. However, no mitigation funding is requested given the overall planning obligations package being offered.

(3) **CABE**

Stated that they wished not to comment.

(4) **Environment Agency**

Initially raised concerns over flood risk. A Flood Risk Assessment was subsequently submitted and the Agency has confirmed that it is now satisfied subject to an agreed escape strategy.

(5) **Docklands Light Railway**

Supports the application in principle. Requests a contribution to DLR capacity enhancement.

(6) **London Fire & Emergency Planning Authority**

No objection in principle.

(7) **Crime Prevention Officer**

Satisfied with the proposals at this stage.

(8) **English Heritage**

Requests that conditions be attached requiring an archaeological investigation prior to commencement of development.

(9) **Civil Aviation Authority – London City Airport**

No objections subject to consideration of reserved matters regarding building height and illumination.

(10) **Highways**

Wishes to approve the design of the parking arrangement and drop off points at the detailed planning stage. Also requests an agreement to secure the completion of the new road to the west that forms part of the Tate & Lyle site, recommends a walkway agreement, the funding of off site highway works, a car free agreement and the implementation of a Travel Plan.

(12) **Cleansing Officer**

No objections at the outline stage.

(13) **Head of Building Control**

No objections in principle.

(14) **Social Housing Group**

There is a case for providing more family accommodation in the market sale element of the scheme. The indications from the applicant that they would allocate 35% of total floor space to affordable housing appears satisfactory. There is an indicative marginal over provision of one bedroom units and under provision of larger family accommodation (3 beds +).

(15) **Environmental Health**

No comments received

(16) **Isle of Dogs Community Foundation**

No comments received.

5.2 The proposal has been advertised on site and in the press and consultation has been undertaken with owner/occupiers in the vicinity. Responses were as follows:

No. Responses: 1 In Favour: 0 Against: 1 Petition: 0

5.3 The response is an objection from an occupant of a nearby flat in Fairlead House on the following grounds:

- Cassilis Road may become an unwelcoming chasm with tall buildings on either side.
- There is currently a pleasant mix of trees bordering Indescon Court on its western edge next to Cassilis Road and at the junction of Lightermans Road and Mastmaker Road. The Isle of Dogs is still lacking in trees compared to other more established parts of London and the developer should retain the existing trees, or plant new ones in the same area to improve the environment in Cassilis Road.

6. **ANALYSIS**

6.1 Planning permission has already been granted for a building of significant height on the site (78 metres). The key issues in this case are whether the land uses, siting and means of access are acceptable.

Land Use

6.2 The London Plan, the Millennium Quarter Master Plan (MQMP), and the Local Development Framework Preferred Options: Isle of Dogs Area Action Plan (Isle of Dogs AAP) all envisage the provision of increased housing and employment on the Isle of Dogs.

6.3 The Council's key priorities for regenerating the Millennium Quarter, as identified in the MQMP, are the provision of affordable housing and employment. The application proposal is predominantly residential. However, the site is located within the area of the MQMP designated as appropriate for a mix of residential and commercial uses. The MQMP also states that at ground floor levels, the mix of uses must be much more diverse with retail, eating and drinking establishments, small workshops, arts and cultural centres which are aimed at "bringing an urban quarter to life". The application proposal is consistent with this profile.

6.4 The applicant claims that following research there is no longer a market in the locality for a major office development and that to progress the fully commercial scheme on the eastern part of the site is not a viable option. This is particularly so given the schemes coming forward at Canary Wharf, Poplar Dock/ Wood Wharf, Billingsgate and Canary Riverside. The applicant has however advised that they are not seeking to abandon the office consent, but rather to have the option of building the mixed use phase now proposed. Again, it is considered that the MQMP allows sufficient flexibility for either proposal provided they are genuinely mixed-use in nature.

6.5 The whole Indescon Court site currently contains approximately 8,035 sq m of commercial floor space generating 120 jobs (2002 figures). The proposed scheme would provide some 7,087 sq m of commercial floor space on the eastern part of the site resulting in 168 jobs.

6.6 Within the commercial component, the scheme includes a 2,775 sq m hotel and 962 sq m of apart-

hotel. This visitor accommodation adjacent to the Isle of Dogs Central Area Zone, near to popular visitors' attractions with easy links to the City Airport and future Olympic sites is in line with policy 3D.6 of the London Plan and Policy CS4 of the Council's Draft LDF Core Strategy Document.

6.7 Policy ART7 of the 1998 Unitary Development Plan states that major hotel development may be permitted outside the Central Area Zone subject to:

- Appropriate scale and density
- No adverse impact on the local environment
- Proximity to public transport including interchanges
- Adequate road access and servicing facilities
- No loss of residential accommodation

6.8 Policy EE12 of the Draft LDF 2005 states that hotels should preferably be located in town centres and locations with good public transport away from established residential areas. The policy requires hotels to:

- Fit into their surroundings
- Be satisfactory in amenity terms including traffic generation
- Should not result in a loss of residential accommodation

6.9 In view of the above, it is considered that the proposal to change the eastern part of the Indecon Court site to predominantly residential uses as an option to the extant permission for commercial redevelopment, would accord with the land use principles set out in the 1998 UDP, the MQMP and the emerging LDF.

Residential Accommodation

6.10 Although the application is in outline with the design of the building reserved, the applicant has stated that up to 490 residential units are contemplated and have provided an indicative dwelling mix as set out in the following table:

| | private | social | intermediate | total |
|---------|---------|--------|--------------|-------|
| studios | 90 | - | - | 90 |
| 1-bed | 174 | 37 | 15 | 226 |
| 2-beds | 53 | 39 | 14 | 106 |
| 3-beds | 31 | 27 | - | 58 |
| 4-beds | - | 10 | - | 10 |
| total | 348 | 113 | 29 | 490 |

6.11 The proposed overall dwelling mix and the dwelling mix for both the market and affordable housing fails to comply with the London Plan's Supplementary Planning Guidance: Housing November 2005, paragraph 11.3 and Policy HSG: Housing Mix of the Council's Local Development Framework Preferred Options 2005. This matter can however be dealt with at the detailed planning stage and it is recommended above that an appropriate informative be included in any planning permission.

Affordable Housing

6.12 The applicant has confirmed that 35% of the residential accommodation would be affordable housing by measured by floor space. This level of affordable housing complies with Policy HSG3 of the Council's Draft LDF Core Strategy Document.

Density and Built Form

6.13 The site has a public transport accessibility level of 5 (1 being poor and 6 being excellent). The current proposal would result in a density of 731 units per hectare (1704 habitable rooms per hectare) which exceeds the guidelines at table 4B.1 of the London Plan and Policy HSG1 of the Draft LDF Core Strategies, which both recommend a range of 240-435 units per hectare (650 – 1100 hrh) for sites such as this.

6.14 When viewed in the context of the proposals for the entire Indecon Court site, the overall density across the site would decrease to between 466 to 483 units per hectare. This occurs because the

western part of the site includes a large area of public open space and a significantly lower intensity level of development. Although marginally above the recommended range, the resultant density is either lower or commensurate with other recently permitted redevelopment schemes in the locality. In this context the proposed density is considered acceptable.

- 6.15 At 84 metres high the development exceeds the 40 metre recommendation for building heights provided by the Millennium Quarter Master Plan. The scheme is however just 6 metres higher than the scheme approved by the Development Committee on 11th December 2002. Further, the application is referable to the GLA on grounds of height and at Stage 1 the Mayor has indicated that he is satisfied with the development in townscape terms.
- 6.16 An access statement has been submitted with the application that outlines some of the broad principles that will be put into place during the detailed design of the building. This is considered satisfactory.

Highway, public transport and pedestrian linkages

- 6.17 The site has good public transport accessibility being approximately 800 metres from Canary Wharf underground station. South Quay DLR station is 280 metres away and the site is served by the D8 bus.
- 6.18 As mentioned above, TfL's assessment indicates that there will be additional demands on the DLR with an increase in the number of trips northbound during the morning peak and increase demands for bus services in the Millennium Quarter. Usually a Section 106 contribution would be sought to mitigate the effects of the development. In this regard, development within the Millennium Quarter Master Plan area has been permitted with planning obligations secured on a tariff basis with schemes cumulatively contributing to the new infrastructure required. In this instance, TfL accepts that the open space provided by the development, which accords with the Millennium Quarter Master Plan proposals means that an individual contribution is not necessary.
- 6.19 Highways Development have no objection in principle but recommend an agreement to secure the completion of the new road to the west that forms part of the Tate & Lyle site, a walkway agreement, the funding of off site highway works, a car free arrangement and the implementation of a Travel Plan.
- 6.20 The illustrative plans indicate that some 172 car parking spaces are proposed for the residential units which is consistent with the current parking standards in the draft LDF that seeks no more than 50% provision in areas with a PTAL score of 4-6. The applicants have also indicated that some 500 cycle spaces are proposed.
- 6.21 Planning Policy Statement 1 (PPS1), the London Plan, the UDP 1998, and the draft LDF all prioritise accessibility and connectivity as a key element of good and inclusive design. The extant permission provided for the establishment of east-west and north-south pedestrian routes through the site in line with the requirements of the Millennium Quarter Master Plan. These routes would be maintained in the current proposal delivering improved pedestrian accessibility.

Planning Obligations

- 6.22 Policy IOD3 of the Preferred Options Isle of Dogs Area Action Plan sets out the requirement for applications by developers in the MQ area, to secure contributions under Section 106 Agreements, for the new and improved infrastructure set out above, in accordance with the MQ Contributions Framework. This recognises, however, that the framework will need to be flexible to respond to any significant changes arising from individual development proposals.
- 6.23 The MQMP was adopted by the Council as Interim Policy pending the adoption of a new development plan, which is being progressed through the emerging LDF. The Master Plan recognised that in planning a large amount of commercial and residential development in the Millennium Quarter, a considerable investment in essential new or improved infrastructure is required defined broadly as:
- Creation of a high quality public realm and pedestrian linkages both within the Quarter and to surrounding areas;
 - Provision of well located and appropriately scaled public open space;
 - Improved public transport; and

- Provision of community, social and economic facilities to ensure residents and occupiers within and around the quarter have access to a full range of educational, training, leisure and cultural opportunities

6.24 These principles were the basis for the Planning Obligations Contribution Framework Guidance Note endorsed by the Council in April 2002. This guidance note provides a mechanism for the equitable apportionment of contributions between individual landowners. This involves relating the scale of Section 106 contributions to the scale and nature of the developments proposed, primarily in relation to the total number of residential units, or the net additional floor space created for commercial schemes.

6.25 The two Indescon Court sites are expected to provide the land for the main public open spaces and it was intended that this be their main contribution. Clause 5.21 of the Contributions Framework states: *“As a starting point, those commercial and residential landowners that have a large part of their landholding identified for public open space... will generally not be required to contribute to infrastructure costs”*. The value attributable to the loss of development capacity and the restrictions on design that result from the public open space is far greater than the saving in contributions. However, in addition, affordable housing would also need to be provided in accordance with the Council’s policies.

6.26 The level of development that would result from this application, and the remaining part of the site that already has permission for residential, would be consistent with the assumptions made in the MQ Master Plan. In terms of the MQ Contributions Framework the current proposals would not constitute a significant change from the earlier permission, a smaller building being proposed in terms of floorspace. It is therefore recommended that the existing s106 agreement be varied to secure the following additional obligations arising from this application:

1. Affordable housing provision of 35% of the proposed residential units measured by floor space.
2. ‘Car Free’ arrangements to restrict the occupants of the development from applying for residents parking permits.
3. To fund associated highway improvements to Marsh Wall, Millharbour, Mastmaker Road and Lightermans Road necessary to accommodate the additional vehicular cycle and pedestrian movements associated with the redevelopment and part of new road shared with the Tate & Lyle site.
4. TV reception monitoring and mitigation.
5. To require that development shall commence under the Existing Permission (i.e. on the western part of the Indescon Court site) before development begins on the eastern part of the site.

Environmental Impact Assessment

6.27 The Council’s consultants, Casella Stanger undertook a review of the Environmental Statement. The review highlighted a number of areas where additional information or clarification should be provided. Further to the Council’s request, the applicant submitted a range of additional information some of which was re-advertised in accordance with the legislation and reviewed by the Council and Casella Stanger.

6.28 The amended Environmental Statement has been assessed as satisfactory, with mitigation measures to be implemented through conditions and/ or Section 106 obligations.

Responses to Comments From Neighbours

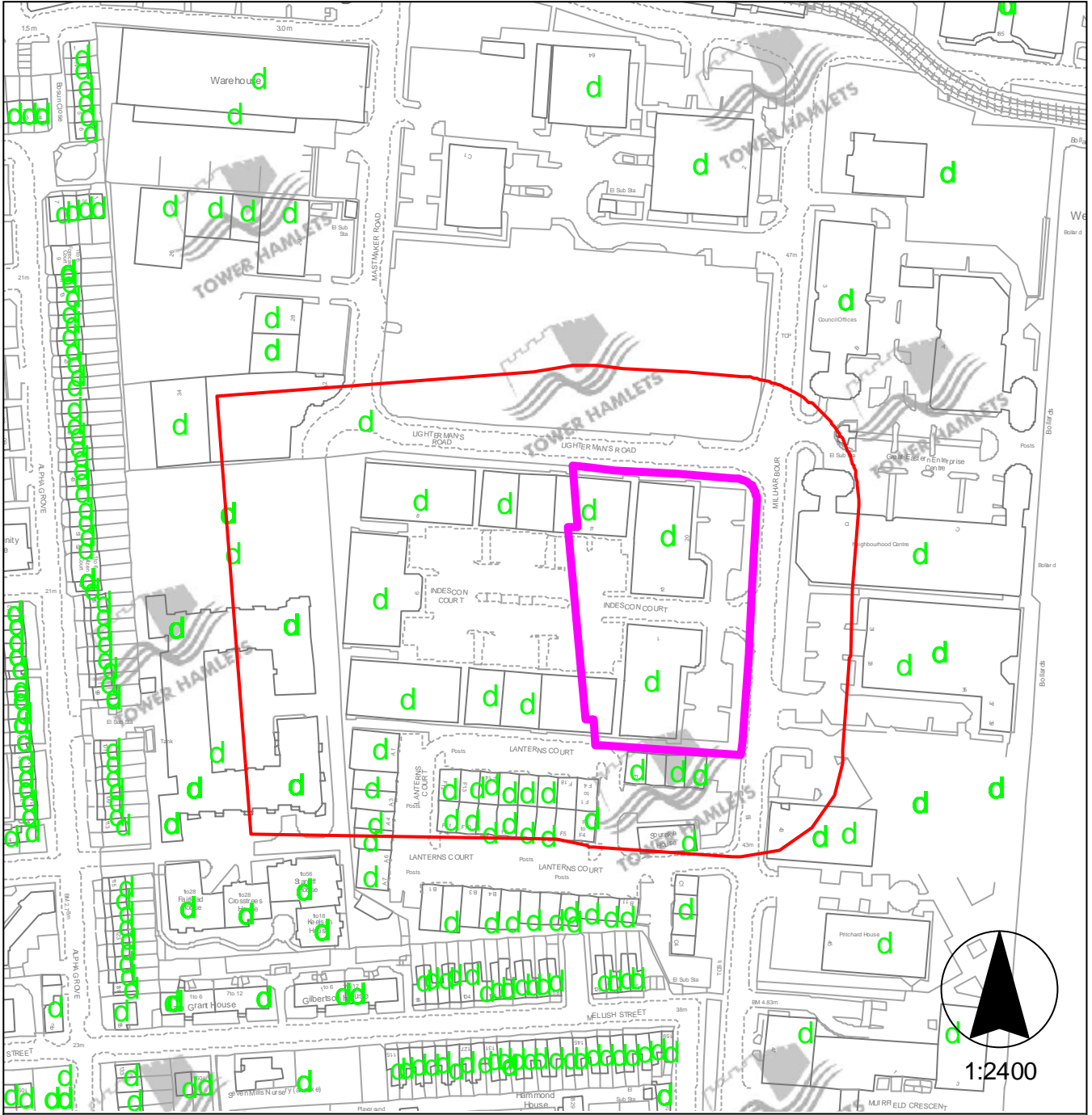
6.29 With regard to the comments received in respect of the trees on Cassilis Road. The application site does not abut Cassilis Road.

7. SUMMARY

7.1 The redevelopment of the eastern portion of Indescon Court for a mixed-use scheme is broadly supported in strategic policy terms by the GLA. In addition the proposal is consistent with the Draft LDF and the MQMP’s aspirations. The delivery of significant residential accommodation, including an appropriate level of affordable housing, and opportunities for employment would make a valuable contribution to strategic and local need.

- 7.2 The proposed development is considered of an appropriate scale, height and density and represents a high quality mixed use development that would contribute to the regeneration of the wider area.
- 7.3 Sufficient supplementary information has been provided to indicate that at the detailed planning stage a satisfactory design could be forthcoming.
- 7.4 The site has good access to public transport facilities and the proposed development is considered appropriate in terms of environmental and infrastructure considerations. Through the work of the London Energy Partnership there is also now a requirement for an energy strategy to be submitted at the detailed design stage. The applicants have agreed to this.
- 7.5 The Environmental Statement is considered satisfactory.
- 7.6 In view of the above it is recommended that permission be granted as recommended at section 2 of this report.

Site Map



Legend

- Planning Application Site Boundary
- Consultation Area
- d Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office © Crown Copyright. London Borough of Tower Hamlets LA086568

INDESCON COURT, 20 MILLHARBOUR, LONDON, E14 9TN

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Agenda Item 9.3

| | | | | |
|--|--|---|-----------------------|-----------------------------------|
| Committee: Strategic Development Committee | Date: 19 th July 2006 | Classification: Unrestricted | Report Number: | Agenda Item Number: 9.3 |
| Report of: Director of Development and Renewal Case Officer: Renee Goodwin | | Title: Town Planning Application Location: 1 Millharbour, London, E14 9SL Ward: Millwall (February 2002 onwards) | | |

1. SUMMARY

1.1 Registration Details

Reference No: PA/05/01782

Date Received: 20/01/2005

Last Amended Date: 15/05/2006

1.2 Application Details

Existing Use: Vacant

Proposal: Erection of two buildings of 48 storeys and 39 storeys to provide 763 residential units, retail (Class A1), food and drink (Class A3, A4), business (B1) and leisure (D2) uses with new vehicular access, parking, open space and landscaping.

The application is supported by an Environmental Impact Assessment.

Applicant: Ballymore Millharbour Ltd C/- GVA Grimley

Ownership: Docklands Light Railway Limited
Springfield Limited

Historic Building: N/A
Conservation Area: N/A

2. RECOMMENDATION:

2.1 That the Strategic Development Committee **grant** planning permission subject to the conditions outlined below:

2.1.1 The satisfactory completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 (and other appropriate powers) to include the matters outlined in Section 2.2 below, and the conditions and informatives outlined in Sections 2.3 and 2.4 below.

2.1.2 That if the Committee resolve that planning permission be granted, that the application first be **referred to the Mayor of London** pursuant to the Town and Country Planning (Mayor of London) Order 2000, as an application for a new building exceeding 30 metres in height, involving more than 500 residential units and development which comprises a total floorspace of more than 20,000sqm.

2.1.3 That if the Committee resolve that planning permission be granted that the Committee **confirms** that they have taken the environmental information into account, as required by Regulation 3 (2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

2.1.4 That the Committee **agree** that following the issue of the decision, a Statement be placed on the Statutory Register confirming that the main reasons and

considerations on which the Committee's decision was based, were those set out in the Planning Officer's report to the Committee (as required by Regulation 21(1)(c) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

Legal Agreement

2.2 Section 106 agreement to secure the following:

- (1) Contribution to public art/ craft
- (2) Contribution to MQ Project Team costs
- (3) Appropriate financial contribution of £4,956,612 (index linked from April 2002) towards the improvements and upgrades of the transport infrastructure, public realm and open space, provision of training and employment and securing community facilities as set out within the Millennium Quarter Master Plan
- (4) A proportion of affordable housing, consisting of 27 units (86 habitable rooms) on site and 119 units (458 habitable rooms) provided offsite as part of the scheme proposed at 4 Mastmaker Road. The total affordable housing provision thus equates to 146 units (544 habitable rooms), with the mix and type as specified in Section 7.5.9 of this report
- (5) The provision of a public route through the site as part of the 'East – West Link' in the Millennium Quarter
- (6) Section 278 agreement for highways works and improvements
- (7) A Travel Plan (for both the commercial and residential component) which promotes sustainable transport by reducing dependency on the private motor car and implements a shift towards more environmentally sustainable means of servicing the travel requirements of occupants and visitors
- (8) Compliance with a post construction Environmental Management Plan
- (9) The use of local Labour in Construction and the occupation of the development
- (10) A car free agreement to restrict the occupiers from applying for residents parking permits in the area
- (11) TV Reception Monitoring and Mitigation

Conditions

2.3 That the following conditions be included:

- (1) Time Limit for Planning Permission
- (2) Details and samples of materials to be used on external surfaces of buildings
- (3) Details and treatment of all open land within site including both hard and soft landscaping
- (4) Details of parking layout
- (5) Noise insulation – residential accommodation
- (6) Noise insulation – non-residential
- (7) Details of soil survey
- (8) Programme of archaeological work
- (9) Microclimate study
- (10) Details of compliance with Lifetime Homes Standards and access for people with disabilities
- (11) Hours of construction
- (12) Construction noise mitigation
- (13) Restriction on levels of vibration
- (14) Air Quality Management Plan

- (15) Details of route for construction traffic and notices
- (16) Details of on-site construction parking and delivery arrangements
- (17) Construction Environmental Management Plan
- (23) Details of a monitoring and control regime and Project Environmental Manager
- (24) Details of surface and foul water drainage
- (25) Details of site foundations
- (26) Details of ecological mitigation/ enhancement plan
- (27) Highway Works
- (28) Five metre buffer zone alongside the Millwall and East India Dock
- (29) Submission of impact studies of water supply infrastructure
- (30) Car Management and Operation Strategy

2.4 Informatives

- (1) Use of highest quality of materials
- (2) Requirements of the Control of Pollution Act 1974
- (3) Compliance with Environmental Management Plan in legal agreement
- (4) Request to comply with MQ Code of Construction Practice
- (5) Consideration to be given to green roof systems
- (6) Transport of material on dock
- (7) Additional plant space
- (8) London City Airport safeguard
- (9) Confirmation that the EIA information has been taken into account in the decision
- (8) Environment Agency advice
- (9) Thames Water advice
- (10) British Waterways advice

3. **EXECUTIVE SUMMARY**

- 3.1 The proposal is for a mixed use development, consisting of a total of two buildings of 48 and 39 storeys. The scheme comprises 763 residential units, and a total of 3,288 sqm of commercial space at ground floor and podium level which includes retail (Class A1), food and drink (Class A3, A4), business (Class B1), and leisure (Class D2) uses, with new vehicular access, parking, open space and landscaping. The scheme includes new walkways to and along Millwall Inner Dock.

Relevant Background

- 3.2 Planning permission (PA/02/1605) was granted on the **7th July 2006** for two new residential buildings of 48 (139 metres) and 40 (119 metres) storeys, linked at ground and 1st floor level, comprising a total of 790 residential units. The scheme includes with retail, restaurant, leisure and community uses at ground floor; basement car parking, landscaped gardens and new walkways to and along Millwall Inner Dock.
- 3.3 The approved scheme is subject to a Section 106 agreement relating principally to a financial contribution of £4,956,512 for Millennium Quarter infrastructure and arrangements for the provision of affordable housing. The S106 agreement included a mechanism which enables for the provision of the affordable housing to be provided off-site provided that 33% of the total housing provision of the scheme (calculated by habitable rooms) is maintained.

Proposed Amendments

- 3.4 The proposed amendments to the approved scheme are a result of:
- detailed design review of the development prior to construction; and
 - a portion of the affordable housing being provided offsite at 4 Mastmaker Road (subject to a separate planning application).

The principal changes are as follows:

1. floor to ceiling height is revised to accommodate the requirements of services;
2. tower 1 is increased in height by 8m from 139.4m to 147.7m as a result of technical requirements of revised floor to ceiling heights and services;
3. tower 2 has reduced from 40 storeys to 39 storeys, although the height has increased slightly from 119m to 121.76m, as the massing at the top of the building has been

- revised to improve the roofline;
- 4. affordable housing is removed and provided off-site generating a change in the overall mix of unit types and sizes;
- 5. the total number of residential units has reduced from 790 to 763;
- 6. various alterations are made to the non-residential uses. These include relocation of the community facility to 4 Mastmaker Road, retail use added to the Marsh Wall elevation, a food and drink area is included at Level 45 of tower 1, the health club has increased in size and a private cinema is included;
- 7. a new service access is proposed from Marsh Wall;
- 8. alteration of the basement car parking to include a vehicle car lift; and
- 9. minor amendments are made to the external elevation.

Summary of the Assessment

3.5 The following is a summary of the assessment of the proposed scheme:

- It is considered that the proposed amendments do not constitute a significant change to the overall appearance of the building or general layout of the scheme;
- The proposed mix of uses are appropriate as established under the previous approval;
- Improvements to the existing infrastructure capacity will be undertaken through the Millennium Quarter Master Plan Planning Contributions Framework;
- A proportion of affordable housing, consisting of 27 units (86 habitable rooms) is provided on site. The remaining 119 units (458 habitable rooms) will be provided offsite as part of the scheme proposed at 4 Mastmaker Road. In accordance with the previous Section 106 agreement, a total of 33% of the total housing provision (habitable rooms) is maintained;
- The Mayor indicated that he is satisfied that the proposal is delivering a satisfactory affordable housing solution, having taken into account the previous planning permission for 1 Millharbour and development specific characteristics such as the more appropriate setting for family housing at 4 Mastmaker Road and the high service charges and development form at 1 Millharbour;
- The Environmental Impact Assessment is satisfactory, including the cumulative impact of the development. Mitigation measures are to be implemented through conditions and the Section 106 agreement;
- The proposal incorporates a number of sustainable development/ renewable energy initiatives.

3.6 The principal issues of land use, townscape, environmental and infrastructure considerations were established as appropriate under the previous approval. The proposed amendments are a result of the detailed design review and the affordable housing arrangements. The proposed amendments do not constitute a significant change to the overall appearance of the building or general layout of the scheme. The affordable housing arrangements accord with the approved mechanism in the approved S106 agreement which enables for the provision of the affordable housing to be provided off-site.

4. BACKGROUND

Location

4.1 The site is located directly west of the northernmost part of Millwall Inner Dock. The total site area is 0.66 hectares. Marsh Wall forms the northern boundary of the site. The Docklands Light Railway runs on an elevated section along the north eastern boundary of the site. The DLR line allows for pedestrian access underneath, allowing public access throughout the site. Vehicular access to the site is from Millharbour, located directly to the west.

Description of Site

4.2 The site is currently vacant and is undergoing ground excavation as part of the site preparation works. The original office building that used to occupy the site was badly damaged in the 1996 bombing of Docklands.

Surrounding Land Use

- 4.3 The north of the site is bounded by the elevated DLR railway and the commercial buildings associated with the World Trade centre, approximately 75 metres high. Further north, are the towers of the Canary Wharf Estate comprising Heron Quays and the complex around 1 Canada Square. These buildings rise to 260 metres. To the west and south of the site, along Millharbour, are a series of low scale 2 storey office and warehouse buildings.
- 4.4 To the east, across Millwall Dock, is the Harbour Exchange complex which rises up to a maximum of 70 metres in height. South of this is the London Arena site, where approval has been granted for the erection of 8 buildings, ranging from 7 to 43 storeys.

Description of the Proposal

- 4.5 The proposal is for a mixed use development, consisting of a total of two buildings of 48 and 39 storeys. The scheme comprises 763 residential units, comprising 27 affordable housing units and 736 market units. A total of approximately 3,000sq.m of commercial floor space is provided at ground floor and first floor. It consists of the following:
- Retail use (A1): 233sqm;
 - Restaurant use (A3): 765sqm;
 - Leisure (D2): 1,412sqm; and
 - Business Centre/ Support Services (B1): 267sqm.

Summary of Amendments

- 4.6 The current proposal seeks to revise the previous planning permission. During the technical development of the project, a series of minor modifications to the design of the building were required. These changes are as follows:
1. Relocation of most of the affordable housing “off site”, in accordance with the approved mechanism in the S106 agreement;
 2. Reduction of basement area due to site constraints;
 3. Increased basement depth to create additional space for triple car stackers, to allow the provision of car parking spaces closer to the original count;
 4. Bin storage relocated to the basement;
 5. Removal of the basement access ramp and inclusion of car lift facility;
 6. Ground floor community facility located “off site” at 4 Mastmaker Road;
 7. Retail kiosks added along DLR Podium Façade to animate the street;
 8. Removal of double sided retail street;
 9. Service loading bay added with access from Marsh Wall;
 10. Car lifts added;
 11. Additional retail provision located on the corner of Millharbour and Marsh Wall;
 12. Additional retail provision added to the Marsh Wall elevation;
 13. Tower 1 moved back from dock wall;
 14. Revised landscaping proposals;
 15. Entrance to Tower 2 from Marsh Wall added and health club moved from the ground floor to level 1;
 16. Additional plant levels added to the podium level due to services design development and market input into health club provision;
 17. Residential accommodation removed from the podium;
 18. Revised overall building height and terrace set back heights due to the technical requirements of floor to ceiling heights/ services and structural zones. Tower 1 is increased in height by 8m from 139.4m to 147.4m;
 19. Increased podium massing height and width to accommodate plant equipment;
 20. Revised apartment layouts following market input;
 21. Tower 2 mechanical plan reconfigured and increased in area;
 22. Revised massing to top of tower 2 to provide better townscape/ skyline profile and to incorporate new requirements for Fire Fighting Lift to access all levels of the building;
 23. Tower 2 increased in height from 119m to 121.76m (whilst the number of storeys has decreased from 40 to 39 as a result of the revised massing to the top and to incorporate the new code for fire fighting lift);
 24. Minor amendments to the exterior wall generally to reflect design development and specialist trade contractor input;
 25. Additional plantroom louvres added to the podium exterior wall;

- 26. Floor to ceiling heights revised;
- 27. General revisions to the exterior wall ground level elevations to reflect internal uses; new retail entrance doors, lobby entrance doors, etc;
- 28. The consented scheme has a total unit count of 790. The proposed scheme is for 763 units. Alterations have also occurred to the unit mix; and
- 29. A light food/ bar area for building users has been added to tower 1, level 45.

5. **PLANNING POLICY FRAMEWORK**

5.1 The development plan for the application is the adopted Tower Hamlets Unitary Development Plan (1998) and the London Plan (February 2004). The emerging Local Development Framework is also a material consideration.

5.2 The following Unitary Development Plan **proposals** are applicable to this application:

- (1) Central Area Zones
- (2) Flood Protection Areas

5.3 The following Unitary Development Plan **policies** are applicable to this application:

- CAZ1 Location of Central London
- CAZ2 Core Activities
- CAZ3 Requirements of Mixed Use Scheme
- DEV1 Design Requirements
- DEV2 Environmental Requirements
- DEV3 Mixed Use Development
- DEV4 Planning Obligations
- DEV5 High Buildings
- DEV18 Art and Development Proposals
- DEV47 Development Adjacent Water Areas
- DEV48 Riverside Walkways and New Development
- DEV50 Noise
- EMP6 Employing Local People
- EMP9 Development in the CAZ
- HSG2 New Housing Development
- HSG3 Affordable Housing
- HSG7 Dwelling Mix
- HSG8 Access for People with Disabilities
- HSG9 Density
- HSG13 Internal Standards for Residential Developments
- HSG16 Amenity Space
- T16 Impact of Traffic
- T17 Parking Standards
- T19 Pedestrians
- T21 Pedestrians
- T23 Cyclists
- T26 Use of Waterways for movement of Bulky Goods
- S6 New Retail Development
- OS0 Children's Play Space
- U2 Tidal and Flood Defences
- U3 Flood Protection
- U9 Sewerage Network

Millennium Quarter Master Plan

5.4 The Millennium Quarter Master Plan (MQMP) was agreed by the council's Policy and Implementation Committee on 13th September 2000 as interim policy pending the formal alteration of the UDP. The MQMP sets out the principles and guidelines for development, including delivery and implementation mechanisms. The Master Plan was subject to extensive consultation with landowners, statutory authorities and the local community.

5.5 The following Draft LDF **proposals** are applicable to this application:

- (1) Flood Protection Areas
- (2) Development Sites – See AAP for more details

5.6 The following Draft LDF Core Strategy Development Plan Policies/ IOD Area Action Plan **policies** are applicable to this application:

| | |
|-------|--|
| IOD3 | Millennium Quarter |
| IOD4 | Leisure and Entertainment |
| IOD5 | Housing |
| IOD6 | Education |
| IOD6 | Health |
| IOD7 | Open Space |
| IOD8 | Docks and the Waterfront |
| IOD9 | Connectivity |
| IOD11 | Transport Improvements |
| IOD13 | Infrastructure and Services |
| IOD16 | Central Core |
| IOD17 | Tall Buildings and Views |
| EE5 | Mixed Use Development |
| EE6 | New Office Development |
| HSG1 | Housing Density |
| HSG2 | Lifetime Homes |
| HSG3 | Affordable Housing Provisions |
| HSG4 | Calculating Affordable Housing |
| HSG5 | Social Rented/ Intermediate Ratio |
| HSG6 | Housing Mix |
| HSG13 | Housing Amenity Space |
| HSG14 | Eco-homes |
| SCF1 | Social and Community Facilities |
| TR1 | High Density Development in Areas of Good Public Transport Accessibility |
| TR2 | Parking |
| TR3 | Transport Assessments |
| TR4 | Travel Plans |
| TR5 | Freight, Water Transport and Distribution |
| TR7 | Walking and Cycling |
| UD1 | Scale and Density |
| UD2 | Tall Buildings |
| UD3 | Public Art |
| UD4 | Accessibility and Linkages |
| UD5 | High Quality Design |
| UD6 | Important Views |
| SEN1 | Disturbance from Noise Pollution |
| SEN2 | Air Pollution/ Quality |
| SEN3 | Energy Efficiency |
| SEN4 | Water Conservation |
| SEN5 | Disturbance from Demolition and Construction |
| SEN6 | Sustainable Construction Materials |
| SEN7 | Sustainable Design |
| SEN8 | Waste Management Sites/ Facilities |
| SEN9 | Waste Disposal and Recycling |
| SEN10 | Contaminated Land |
| SEN11 | Flood Protection and Tidal Defences |
| OSN3 | Landscaping and Trees |
| IM3 | Securing Benefits |
| IM2 | Social Impact Assessment |

5.7 The following Community Plan **objectives** are applicable to this application:

- (1) Creating and sharing prosperity
- (2) A better place for living well

(3) A place for living safely

6. **CONSULTATION**

6.1 The following were consulted regarding this application:

(1) **Greater London Authority (including Transport for London and London Development Agency)**

The Mayor Considered the application on the 5th April 2006 and recommended that the applicant give further consideration to ensure the resulting housing developments create mixed and balanced communities as sought by the London Plan and the accompanying Housing Supplementary Planning Guidance. The Mayor considered the additional justifications and amendments provided by the applicant on the 7th June 2006 and concluded that the proposal is delivering a satisfactory affordable housing solution, when taking into account the previous planning permission for 1 Millharbour and development specific characteristics such as the more appropriate setting for family housing at 4 Mastmaker Road and the high service charges and development form at 1 Millharbour.

(2) **Environment Agency**

Recommended (in summary) that the following be included as conditions or informatives on any planning permission:

- Submission of details of site foundations;
- Submission of scheme for the evacuation and protection of people (to minimise risk of flooding);
- Submission of Ecological/ Mitigation Enhancement Plan;
- Provision of five metre zone along the dock;
- Planting to be locally native species;
- External artificial lighting to be directed away from the dock;
- No solid matter to be stored within 10 metres of the banks; and
- Storage of construction waste.

(3) **English Heritage**

The application should be determined in accordance with national and local policy guidance, and on the basis of the London Borough of Tower Hamlets conservation advice.

(4) **British Waterways**

Recommended (in summary) that the following be included as conditions or informatives on any planning permission:

- Permission for discharge of surface water into the waterways; and
- Where any balcony overhangs or other encroachments, the applicant is required to enter into a commercial agreement.

(5) **Thames Water**

Recommended (in summary) that the following be included as conditions or informatives on any planning permission:

- No building permitted within 3 metres of the sewers without Thames Water's approval;
 - Storm flows to be attenuated or regulated;
 - Petrol/ oil interceptors to be fitted; and
- Submission of Impact studies of existing water supply infrastructure.

(6) **City of London**

No observations as the proposed scheme will not impact on the City of London.

(7) **London Borough of Greenwich**

The proposal further infringes on the local view from the Wolfe Monument of the Docklands panorama and therefore concerns are raised against the adverse impact on the established cluster of buildings at Canary Wharf when view from the Wolfe Monument.

(8) **London Borough of Newham**

No comment received

(9) **Cabe**

No comment received

(10) **Countryside Agency**

No formal representation

(11) **English Nature**

No comment received

(12) **London City Airport**

Recommended that there was no safeguarding objection, subject to a condition for the use of cranes and scaffolding during construction.

(13) **Head of Highways Department**

Satisfied with the conclusions of the 1 Millharbour – Car Park Access Control, Demand and Management Report (dated March 2006) and the additional surveys of comparative sites within the Millennium Quarter provided by the applicant regarding the operation of the proposed car lifts. However, the officer agrees that there may occasionally be some extra demand but that would not be so excessive as to warrant a change in the design. Any dispute regarding the right of way between neighbours is not a highway issue.

(14) **Environmental Health**

No response received

(15) **Housing Development**

Awaiting comments

(16) **Head of Building Control**

No objections in principle

(17) **Corporate Access Officer**

Satisfied with the proposed layouts. A condition should be included to ensure the development is designed to meet Lifetime Home Standards and 10% of units will be wheelchair adaptable.

6.2 Responses from neighbours of surrounding development and other interested parties were as follows:

No. Responses: 3

In Favour: 0

Against: 3

Petition: 0

6.3 Comments:

Height

- Object to the excessive height of the buildings

Transport

- The local transport system is already fully stretched at peak times
- Are there any plans to provide greater capacity for public transport and for improvements to the road network?

Construction Impacts

- Creation of noise and dust. Asked that disruption businesses during construction will be minimised.

Light

- Concerned that the level of light to adjacent building will be adversely affected.

Thames Water Right of Way and Vehicle Car Lifts

- The applicant has not provided any justification as to why the access arrangements have been revised to the detriment of Thames Water's Right of Way and general highway and access issues.
- Thames Water are concerned with:
 - Assumptions for approved ramp access;
 - Assumptions on operation of lifts;
 - New access of the operation of the vehicle lifts relies on new surveys which are considered different to those in the original Transport Assessment of the EIA. Under Regulation 19, the provision of further information should be advertised and sent to consultation bodies as though it were part of the original ES;
 - Concerns about:
 - Access by mobility impaired drivers;
 - Access by motorcycles and the practicality of valet staff using these vehicles;
 - Oversized vehicles which cannot access the lift unit as noted to be a problem by operators;
 - Delays caused by planned maintenance to lift;
 - Delays generated by unplanned mechanical failures;
 - Feasibility of providing the level of staff needed, in perpetuity, to avoid delays; and
 - Delays generated by unplanned staff shortages.

7. ANALYSIS

7.1 **Land Use**

- 7.1.1 The site is currently vacant and undergoing ground excavation as part of the site preparation works. The site is within "Central Area Zone" designation of the UDP. The West India and Millwall Dock forms the eastern boundary of the site. The Docks are designated as "sites of nature conservation importance" and "water protection areas".
- 7.1.2 The site is also included in the Millennium Quarter Masterplan (MQM). The MQM is a material consideration for developments within this area and sets out a series of guidelines for development including building height, open space, access and linkages. The site lies partly within a commercial zone and partly within a zone for a mix of commercial and residential. The principle of housing development has been established by the previously approved scheme.
- 7.1.3 Within the emerging Isle of Dogs AAP, the site is allocated for residential development with retail and leisure, as is included in the approved scheme. The proposed development retains an appropriate mix of complementary retail and leisure uses and is thus in

accordance with both the adopted UDP and emerging LDF.

- 7.1.4 Both the UDP and the Draft LDF Proposals Map including the site within the “Flood Protection Area”. The Council has consulted with the Environment Agency in relation to tidal and flood defences, as required by Policy U2 of the UDP. In accordance with Policies U3 and U5, appropriate mitigation measures to protect against flooding, have been recommended by the Environment Agency. These will be enforced via planning conditions.

7.2 EIA

- 7.2.1 The Council's consultants, Casella Stanger undertook a review of the Environmental Statement. The review highlighted a number of areas where additional information or clarification should be provided. Further to the Council's request, the applicant submitted information under Regulation 19, which was re-advertised in accordance with the legislation and again reviewed by Casella Stanger.

- 7.2.2 The Environmental Statement has been assessed as satisfactory, with mitigation measures to be implemented through conditions and/ or Section 106 obligations.

7.3 Height, Design and Density

Height and Design

- 7.3.1 In terms of scale, UDP Policy DEV6 specifies that high buildings may be acceptable subject to considerations of design, siting, the character of the locality and their effect on views. Considerations include, overshadowing in terms of adjoining properties, creation of areas subject to wind turbulence, and effect of all tall buildings on television and radio interference.

- 7.3.2 Policy UD1 of the Draft LDF Core Strategy specifies that the bulk, height, and density of development must consider the surrounding building plots, scale of the street, building lines, roof lines, street patterns and the streetscape. The development must also respond in a sustainable manner to the availability of public transport, community facilities and environmental quality. Policy UD2 of the Draft LDF Core Strategy states that tall buildings will be permitted in identified clusters, as detailed in the Area Action Plans, and subject to a number of criteria. additionally, the site is included in the “Proposed Tall Buildings Areas” in the Draft AAP.

- 7.3.3 The Council's Urban Design Officer considered the height of the amended scheme as follows:

- Tower 1 has increased in height by 8m and Tower 2 has marginally reduced in height. These changes are acceptable and the additional height of Tower 1 would serve to enhance its proportions as the designated “landmark” building in the corner of the Millennium Quarter. The revised floor-to-floor residential heights will improve the appearance of the towers;
- The revised massing at the top of Tower 2 produces an improved and varied skyline profile. Moving Block 1 further from the dock wall will improve the public realm along the water frontage; and
- Internal changes are proposed to the podium, which becomes higher and wider. New (kiosk) style retail is introduced along Marsh Wall. The Health club is moved to Level 1 from the Ground Floor and the plant areas above are increased in area and volume, with greater areas of external louvres, so that the podium is now a very substantial building in its own right.

- 7.3.4 It is considered that the increased plant room levels could be visually dominant on both Marsh Wall and the southern elevations. The urban design officer also expressed concern over the proposed treatment of these levels and recommended that further design development would be required to improve their appearance. Therefore, it is recommended that a condition be included to ensure that the treatment of the plant room levels is given further design consideration, in order to improve their appearance, and ensure that the plant rooms are not visually dominant.

- 7.3.5 The GLA concluded with regard to design that, as the proposed redevelopment of 1

Millharbour is largely unchanged from the recently approved scheme, it does not raise any strategic planning concerns that have not already been considered by the Mayor. In conclusion, it is considered that the towers are not significantly or adversely changed in appearance from the consented scheme. It is recommended that a condition be included to ensure that samples of all materials are submitted for approval.

Density

7.3.6 Policy HSG1 of the Draft LDF Core Strategy Document requires the Council to seek the highest reasonable delivery of housing provision for the Borough within sustainable development constraints and with consideration of the character of the local area. The Draft LDF IOD AAP states that the density to apply to the site is 435 dwellings per hectare. The London Plan Density Matrix specifies a range of 650 – 1100 hr/ ha or 240 – 435 units/ ha.

7.3.7 The proposed density is 1,156 units per hectare (763 units/ 0.66ha) or 2494 habitable rooms per hectare (1646 habitable rooms/ 0.66ha). This density exceeds the density ranges sought in the London Plan and emerging LDF. The proposed density is less than that which was established by the approved scheme which accepted a high density on site of over 3,000 habitable rooms per hectare. The GLA have assessed the scheme in terms of density and determined that:

“The Millennium Quarter Master Plan established this area as one suitable for high density housing and, along with the design quality for the proposed building, its location, and the type of accommodation provided, the high density is considered acceptable in this instance. The current proposal for 1 Millharbour decreases the number of units by 27, and there is an associated drop of 210 habitable rooms”.

7.3.8 The MQMP seeks higher density development in this area. The proposal will contribute to significant improvements to the local infrastructure as well as provide new public realm and open space in accordance with the MQMP. The density is thus considered appropriate in this instance.

7.4 Open Space

7.4.1 Open space is provided in the form of private and communal gardens, and balconies. The ground floor space includes a mix of hard and soft landscaping. A sufficient amount of open space is provided as part of the 4 Mastmaker Road scheme in order to complement the mix of housing, including family sized housing. The application has secured an appropriate contribution to open space as part of the Millennium Quarter Contributions Framework.

7.5 Housing

Overall Housing Mix (1 Millharbour)

7.5.1 The scheme provides a total of 763 residential units. The table below summarises the overall mix of units by types for the 1 Millharbour scheme:

| | Total | % of Total |
|--------------|--------------|-------------------|
| Studio | 253 | 33% |
| 1 Bed | 253 | 33% |
| 2 Bed | 236 | 31% |
| 3 Bed | 18 | 2.5% |
| 4 Bed | 3 | 0.5% |
| TOTAL | 763 | 100% |

Affordable Housing

7.5.2 The Section 106 agreement included a clause to secure the affordable housing provision. The agreement stated (in part)

“...The owner may reduce the number of on site affordable housing provided that... the number of additional off site affordable housing units taken together with the rest of the affordable housing units shall at all times be not less than 33% of the total

housing provision [defined as the total number of habitable rooms to be accommodated on the land pursuant to the development] ...”.

7.5.3 As outlined above, the Section 106 agreement for the approved scheme includes a mechanism for taking the affordable housing off site. The benefits of providing offsite affordable housing in this instance include:

- A better mix of units overall;
- A greater quantity of family sized housing overall; and
- A better quality of family homes as a result of the design and provision of amenity space.

Accordingly, the applicant proposes to relocate the majority of the affordable housing offsite at 4 Mastmaker Road. The schemes, when considered together provide for a total of 953 residential units.

7.5.4 The 1 Millharbour and 4 Mastmaker Road scheme are linked due to the approved mechanism which allows for the provision of offsite affordable housing provided that 33% of the total housing provision (calculated on habitable room basis) of 1 Millharbour is maintained. The overall mix of units and provision of affordable housing is outlined below:

| Site | Total Units (habitable rooms in brackets) | Total Affordable Units (habitable rooms in brackets) |
|---------------|---|--|
| 1 Millharbour | 763 (1646) | 27 units (86) on site |
| 4 Mastmaker | 190 (631) | 119 (458) |
| Total | 953 (2277) | 146 (544) |

7.5.5 The total affordable housing provision equates to 33% of the total affordable housing provision (calculated on a habitable room basis) of 1 Millharbour. This is calculated as follows: (On site affordable housing + off site affordable housing) / total housing provision (total number of habitable units on the No 1 Millharbour site) = (86 + 458) / 1646 = 33%.

7.5.6 The applicant undertook further work at the request of the Mayor to justify the proposal in terms of the Mayor’s desire to create mixed and balanced communities and to ensure that an appropriate tenure and unit mix is delivered. A “toolkit” was used to assess the scenario of increasing the proportion of affordable housing to be retained at 1 Millharbour and reducing the number of affordable units at 4 Mastmaker Road. Based on this scenario, the toolkit assessment produced the following results:

- A loss in the overall amount of affordable housing provided within the schemes;
- An increase in the amount of smaller 1 and 2 bedroom affordable units;
- A decrease in the amount of family sized affordable units; and
- A decrease in the amount of social rented accommodation and increase in intermediate accommodation.

7.5.7 The GLA assessed the information and determined that, if the affordable housing was to be provided on site at 1 Millharbour site, the overall affordable housing outputs would reduce in terms of quality and quantity. In addition, it would result in the reduction of family sized affordable units by 51% and result in an increase in the amount of smaller units. The information confirms that by focusing the rented provision at 4 Mastmaker Road, more family homes will be delivered.

7.5.8 The GLA conclude

“Besides the quantity and mix of units, there are design benefits in providing the offsite affordable housing at 4 Mastmaker. These benefits include the provision of generous private gardens, roof gardens and public amenity space including two areas of children’s playspace”.

7.5.9 On balance, it is considered that the proposed affordable housing arrangements provide the best outcome in consideration of the previous Section 106 agreement and the more appropriate setting for family housing at 4 Mastmaker Road.

Social Rented/ Intermediate Ratio

7.5.10 The tenure of the onsite affordable housing at 1 Millharbour consists of 27 intermediate units, being 11 x 1 bed units (total of 11 habitable rooms) and 16 x 2 bed units (total of 16 habitable rooms). The applicant has advised that the tenure is intermediate due to the management implications for RSL's and the high service charges. The applicant has stated that discussions with Housing Associations and RSL's have established that it is not appropriate to provide social rented accommodation at 1 Millharbour. The GLA concluded

“Details of service charges for the units within 1 Millharbour have also been provided and have shown to be inappropriately high as confirmed by the housing association and registered social landlords”.

Housing Mix

7.5.11 Policy HSG7 of the UDP specifies that new housing developments will be expected to provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings of between 3 and 6 bedrooms. Emerging Policy HSG6 of the LDF seeks to ensure that 35% of the social rent (grant free) component of the affordable housing is provided as family housing (i.e. 3 bedrooms or greater). The mix of the total affordable housing provision for 1 Millharbour and 4 Mastmaker Road is as follows:

Mix of the Total Affordable Housing Provision (1 Millharbour and 4 Mastmaker Road):

| | Total Number of Units | % of Total (Unit Basis) | Total Number of Habitable Rooms | % of Total (Habitable Room Basis) |
|--------------|------------------------------|--------------------------------|--|--|
| Studio | 0 | 0% | 0 | 0% |
| 1 Bed | 26 | 20% | 52 | 10% |
| 2 Bed | 62 | 42% | 202 | 37% |
| 3 Bed | 28 | 18% | 140 | 26% |
| 4 Bed | 30 | 20% | 150 | 27% |
| TOTAL | 146 | 100% | 544 | 100% |

7.5.12 It is considered that by providing the off site affordable housing at 4 Mastmaker Road, more family homes will be delivered. The offsite affordable housing will benefit from the generous provision of amenity space.

7.5.13 A total of 38% (calculated on a unit basis) and 53% (calculated on a habitable room basis) of the total affordable housing provision is provided as 3 and 4+ bedroom units and is thus considered to accord with the Council's emerging LDF.

7.6 Access and Transport

Access

7.6.1 Vehicular access for drop offs/ pickups and valet parking is provided within a turning area within the site with an access directly onto Millharbour, at the current location. This turning area provides access to the basement car park lifts, for cars and motorcycles. Servicing, refuse collection and deliveries are proposed to be undertaken within the loading bay area accessed from Marsh Wall on the north facing section of Tower 1. Cycle parking is proposed to be undertaken from a lift located on the south west corner of Tower 2. It also gives access to the basement cycle storage area. Visitor cycle parking is proposed at ground level and is to be designed into the landscaping.

7.6.2 Pedestrian access will be provided along Millharbour and Marsh Wall as well as along the dock edge. A new bridge link is proposed across South Dock, which could potentially provide an additional pedestrian access way from the North. A linkage is also proposed running east-west through the site.

7.6.3 The main pedestrian entrances to the building will be from Marsh Wall to the north via a central walkway, and from Millharbour to the west via an east-west walkway. This walkway will provide pedestrian access west of the proposed development to the waterfront at Millwall Inner Dock adjacent and to the east. The building lobby will be glazed and of open form to maximise views from the ground levels to the South Quay.

Parking

- 7.6.4 The application proposes a total of 242 car parking spaces for the residential accommodation located at basement level. No parking is proposed for the non residential uses in accordance with the Millennium Quarter Master Plan. The basement carparking area utilises a mechanical vertical stacking car park system. Valets will park the cars within the basement as part of the overall carpark management and security regime. It is proposed that mobility impaired people would park their cars at ground level and enter the main foyer whilst their car is being parked. Access to the basement parking area is via two car lifts located in the base of Tower 1, directly from the turning area. The valet parking management will monitor the use of the two car lifts.
- 7.6.5 The following are also proposed in the basement:
- 30 motorcycle spaces (3% of the units) are provided at the basement mezzanine level;
 - 400 secure cycle spaces.
- The cycle parking will be from a lift located on the south west corner of tower 2 with direct access at ground level through its own lobby on the southern face of the building. Visitor cycle parking is provided at ground level within the landscaping areas.
- 7.6.6 Thames Water Property objected to the above proposals stating concerns with regard to the overall operation of the carparking facility and its impact on capacity and the impact on Thames Water's right of way access agreement.
- 7.6.7 The applicant provided additional justification at the request of the Council's highways officer, including a Car Management and Operation Strategy and detailed specification for the proposed car lifts. The Council's Highways officer provided a response stating that they were satisfied with the conclusions of the 1 Millharbour – Car Park Access Control, Demand and Management Report (dated March 2006) and the additional surveys of comparative sites within the Millennium Quarter provided by the applicant regarding the operation of the proposed car lifts. However, the officer agrees that there may occasionally be some extra demand but that would not be so excessive as to warrant a change in the design. Any dispute regarding the right of way between neighbours is not a highway issue. It is recommended that a condition be included to ensure that the Car Park Management and Operation Strategy is secured as part of the development.
- 7.6.8 It is recommended that the S106 agreement include a clause to ensure that the development is 'car free', ensuring that no controlled parking permits are issued to the new residents of the development and thus alleviating additional pressure on the surrounding streets. Overall, the car parking provisions are in accordance with the standards set out within the UDP and are at a level, which supports current Government guidance on encouraging trips by other means. TFL supports the carparking provision for the proposed development.

Public Transport

- 7.6.9 Transport for London considers that the proposed alterations to 1 Millharbour do not raise any strategic transport concerns. It is noted that the Section 106 contribution for transport on the existing planning permission has already been paid.

7.7 Access and Inclusive Design

- 7.7.1 Policy HSG8 of the UDP requires the Council to negotiate some provision of dwellings to wheelchair standards and a substantial provision of dwellings to mobility standards. LDF Policy HSG2 of the Draft Core Strategy Document requires all new residential development to meet the Lifetime Homes Standard and that 10% of the proposed new housing is design to wheelchair/ mobility standards. The applicant has advised that 10% of the residential units are designed with sufficient space to be convertible and to meet the wheelchair housing standards.
- 7.7.2 The applicant has advised that resident and visitor cars will be parked by the valet service

which is proposed to operate the vehicle lifts. Therefore there will no need for access parking bays in the basement.

7.8 Sustainable Development/ Renewable Energy

- 7.8.1 Policy SEN3 of the Draft Core Strategy Document requires that all new development should incorporate energy efficiency measures. The London Plan expects 10% of the sites heat or electricity demands to be met by renewable energy sources where feasible.
- 7.8.2 The approved scheme did not consider renewable energy measures within the design due to the time of submission and the requirements of planning at the time. However, in accordance with the requirements of the London Plan and the Council's emerging policies, the applicant has tested the feasibility of the renewable energy technology. Although, due to design and site constraints, it is not feasible to incorporate them without significant redesign. As a result the applicant has further investigated the scope of incorporating other energy saving proposals on the site at 4 Mastmaker Road.
- 7.8.3 Officers at the GLA have indicated that they are satisfied with the energy arrangements at the site at 4 Mastmaker Road (subject to a number of conditions/ Section 106 agreement). This is discussed in detail in the 4 Mastmaker Road report.

7.9 Construction Programme

- 7.9.1 The construction period is expected to last for a period of 177 weeks (approx. 3.4 years) and is divided into three construction phases, being, basement, tower 1 (48 storeys) and tower 2 (39 storeys).
- 7.9.2 Environmental measures to be adopted during the construction phase are outlined in the Construction Environmental Management Plan (CEMP). The assessment of the effects of construction on traffic, air quality and noise is considered.

7.10 Planning Obligations

- 7.10.1 The Millennium Quarter Master Plan Planning Contributions Framework establishes a requirement for essential infrastructure works, including improvements to public transport, well designed public realm and open spaces, new social and community facilities including coordinated training and employment schemes to ensure that the impacts of the development are mitigated.
- 7.10.2 The approved scheme is subject to a Section 106 agreement relating principally to a financial contribution of £4,956,512 for Millennium Quarter infrastructure and arrangements for the provision of affordable housing. The legal agreement secured the following:
- 1) *“Contribution to public art/craft*
 - 2) *Contribution to MQ Project Team costs*
 - 3) *The appropriate financial contribution of £4,956,612 (index linked from April 2002) towards the improvements and upgrades of the transport infrastructure, public realm and open spaces, provision of training and employment and securing community facilities and achieving the objectives of the Millennium as set out within the Millennium Quarter Master Plan.*
 - 4) *Affordable housing provision of 25% of the total number of habitable rooms proposed on site plus off-site provision of at least 187 habitable rooms on a site within the Millennium Quarter in accordance with the Council's SPG and UDP policy HSG3. The mix and type of housing to be provided off-site is to be agreed by the Council.*
 - 5) *The provision of a public route through the site as part of the ‘the East-West link’ in the Millennium Quarter.*
 - 6) *Section 278 agreement for highway works and improvements.*
 - 7) *A ‘Travel Plan’ which promotes sustainable transport by reducing dependency on the private motor car and implements a shift towards more environmentally sustainable means of servicing the travel requirements of the occupants and visitors.*
 - 8) *Compliance with a post construction Environmental Management Plan.*

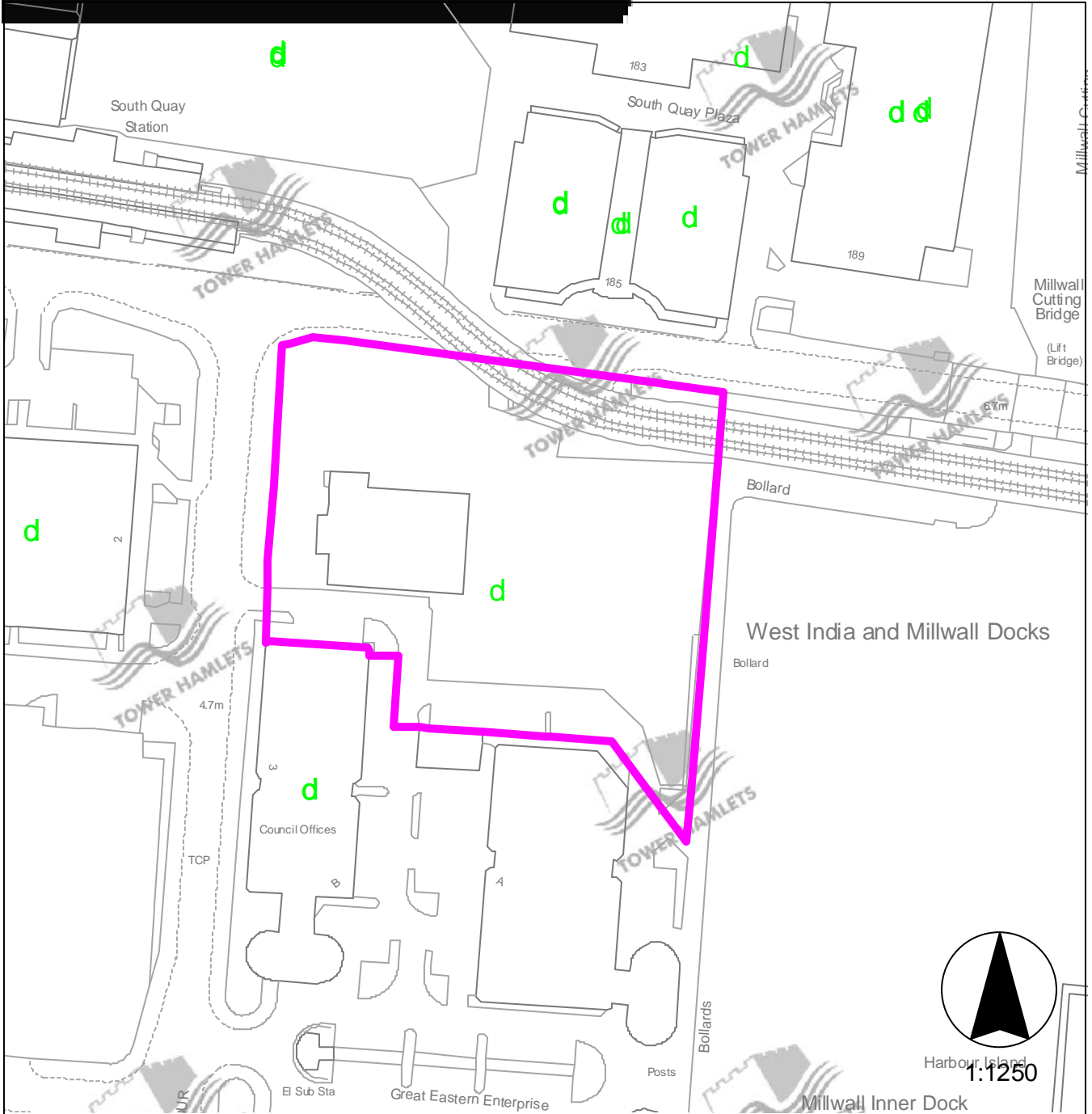
- 9) *The use of local labour in the construction and occupation of the development*
- 10) *A 'Car Free' agreement, to restrict the occupants from applying for residents parking permits in the area."*

7.10.3 The revised scheme results in a small increase in total floorspace but a reduction in unit count. The applicant has proposed to maintain the existing level of contribution (less any contribution already paid under the existing S.106 agreement entered into between LBTH and Ballymore Properties). Essentially, it is proposed to amend the head of term regarding affordable housing of to reflect the altered affordable housing arrangements.

8. SUMMARY

- 8.1 The proposed amendments to the approved scheme are largely as a result of the further detailed design review of the development prior to construction and the proposed affordable housing arrangements. A proportion of the affordable housing is proposed to be provided off-site at 4 Mastmaker Road (subject to a separate planning application). The principal of the development is therefore unchanged from the approved scheme.
- 8.2 The affordable housing proposal is in accordance with the Section 106 agreement for the approved scheme which allows for the onsite affordable housing to be provided off site, providing that 33% of the total housing provision of the Millharbour site (calculated by habitable rooms) is maintained. The GLA stated that the proposal is broadly supported by strategic planning policy. The affordable housing arrangement is in accordance with the approved mechanism of the Section 106 agreement for the approved scheme.
- 8.3 The resultant mix of the offsite affordable housing ensures that a larger proportion of family sized housing is provided. The offsite affordable housing will benefit from generous private gardens, roof gardens and public amenity space, including children's playspace.
- 8.4 The changes to the design are considered to be relatively minor and do not result in a significant change to the appearance of the building. The changes to the design have not raised any additional issues that were not already covered by the previously approved scheme.
- 8.5 An Environmental Statement was submitted with the application, which has been reviewed by the Council's independent consultants. Following this, further information was submitted, which together with the Environmental Statement is considered to satisfactorily identify the likely impacts and the necessary mitigation measures.
- 8.6 The proposed development is considered appropriate in terms of townscape, environmental and infrastructure considerations. The proposal includes an appropriate Section 106 contribution in accordance with the Millennium Quarter Master Plan Contributions Framework.

Site Map



Legend

- Planning Application Site Boundary
- Consultation Area
- d Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office © Crown Copyright. London Borough of Tower Hamlets LA086568

1 MILLHARBOUR, LONDON, E14 9SL

Agenda Item 9.4

| | | | | |
|--|--|--|-----------------------|-----------------------------------|
| Committee: Strategic Development Committee | Date: 19 th July 2006 | Classification: Unrestricted | Report Number: | Agenda Item Number: 9.4 |
| Report of: Director of Development and Renewal Case Officer: Renee Goodwin | | Title: Town Planning Application Location: 4 Mastmaker Road, London, E14 9UB Ward: Millwall | | |

1. SUMMARY

1.1 Registration Details

Reference No: PA/05/01781

Date Received: 20/10/2005

Last Amended Date:

1.2 Application Details

Existing Use: Commercial – South Point Mercedes Dealership

Proposal: Erection of buildings up to 21 storeys in height comprising 190 residential units, retail (Class A1) or food and drink (Class A3/A4) and community uses (Class D1/D2) together with new access arrangements, parking, open space and landscaping.

The application is accompanied by an Environmental Impact Assessment.

Applicant: Fortress Ltd (Part of the Ballymore Group of Companies) C/- GVA Grimley

Ownership: Daimler Chrysler UK Retail Ltd

Historic Building: N/A

Conservation Area: N/A

2. RECOMMENDATION:

2.1 That the Strategic Development Committee **grant** planning permission subject to the conditions outlined below:

2.1.1 The satisfactory completion of a legal agreement pursuant to Section 106 and 278 of the Town and Country Planning Act 1990 (and other appropriate powers) to include the matters outlined in Section 2.2 below, and the conditions and informatives outlined in Sections 2.3 and 2.4 below.

2.1.2 That if the Committee resolve that planning permission be granted, that the application first be **referred to the Mayor of London** pursuant to the Town and Country Planning (Mayor of London) Order 2000, as an application for a new building exceeding 30 metres in height.

2.1.3 That if the Committee resolve that planning permission be granted that the Committee **confirms** that they have taken the environmental information into account, as required by Regulation 3 (2) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

2.1.4 That the Committee **agree** that following the issue of the decision, a Statement be placed on the Statutory Register confirming that the main reasons and considerations on which the Committee's decision was based, were those set out in

the Planning Officer's report to the Committee (as required by Regulation 21(1)(c) of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

Legal Agreement

2.2 Section 106 agreement to secure the following:

- (1) A total of 136 affordable housing units (516 habitable rooms). The affordable housing consists of 17 units (58 habitable rooms) provided onsite associated with the onsite private housing and 119 units (458 habitable rooms) provided onsite associated with the scheme at 1 Millharbour (PA/05/1782) and in accordance with the mix and type as specified in Section 7.7.7 of this report
- (2) The appropriate financial contribution of £291,650 (index linked from April 2002) towards the improvements and upgrades of the transport infrastructure, public realm and open spaces, provision of training and employment and securing community facilities and achieving the objectives of the Millennium as set out within the Millennium Quarter Master Plan
- (3) Provide £249,650 towards education to mitigate the demand of the additional population on education facilities
- (4) Provide £800,000 towards healthcare to mitigate the demand of the additional population on health care services
- (5) A Section 278 agreement for offsite highway works
- (6) A Section 72 agreement to widen Byng Street to provide a footpath along the site
- (7) A Travel Plan (for both the commercial and residential component) which promotes sustainable transport by reducing dependency on the private motor car and implements a shift towards more environmentally sustainable means of servicing the travel requirements of occupants and visitors
- (7) Compliance with a post construction Environmental Management Plan
- (8) The use of local Labour in Construction and the occupation of the development
- (9) A car free agreement to restrict the occupiers from applying for residents parking permits in the area
- (10) Secure the connection to and use the Barkentine Combined Heat and Power unit
- (11) The provision of a public route through the site as part of the 'East – West Link' in the Millennium Quarter
- (12) Improvements/ connection to the existing children's playspace at the west of the site adjoining Bosun Close

Conditions

2.4 That the following conditions be included:

- (1) Time limit for Full Planning Permission
- (2) Details and samples of materials to be used on the external surfaces of buildings
- (3) Details of treatment of all open space within the site, including hard and soft landscaping
- (4) Parking – maximum number of 82 cars and a minimum number of 150 cycle spaces
- (5) Details of compliance with Lifetime Homes Standards and access for people with disabilities
- (6) Hours of construction limits
- (7) Noise insulation – residential

- (8) Noise insulation – non-residential
- (9) Hours of operation limits – hammer driven piling (10am – 4pm)
- (10) Wheel cleaning during construction required
- (11) Details of site foundations
- (12) Land contamination study required to be undertaken
- (13) Implementation programme - archaeological works
- (14) Microclimate study
- (15) Bat Survey to be Undertaken
- (16) Black Redstart Survey to be undertaken
- (17) Construction Environmental Management Plan
- (18) Full particulars of the refuse/ recycling storage required
- (19) Submission of Air Quality Management Plan
- (20) Details of route for construction traffic and notices
- (21) Details of onsite construction parking and delivery arrangements
- (22) Details of monitoring control regime and Project Environmental Manager
- (23) Ground borne vibration limits
- (24) Details of east-west link
- (25) Details regarding the operation and use of barges for construction traffic required
- (26) Details of renewable energy measures
- (27) Details of residential elevations to the 'East/ West Link'

2.4 That the following informatives be provided to the applicant for information:

- (1) Requirements of Control of Pollution Act 1974
- (2) Confirmation that the EIA information has been taken into account in the decision
- (3) Compliance with Environmental Management Plan in legal agreement
- (4) Request to comply with MQ Code of Construction Practice
- (5) Thames Water advice
- (6) Environment Agency advice

3. EXECUTIVE SUMMARY

3.1 The proposal is for a mixed use development, consisting of linked buildings ranging in height from 3 up to 21 storeys, comprising 190 residential units, 68 square metres for retail, food or drink (A1/A3/A4) and 185 square metres of community uses (D1/ D2), together with new access arrangements, parking, open space and landscaping.

Relevant Background

3.2 In May 2001 (PA/99/1067) the Council was minded to approve a scheme to provide 31,364 square metres gross of B1 (office) floorspace within two interlinked buildings of 11 and 13 storeys, including a public pedestrian walkway/cycleway, landscaped areas and extension to the existing community play area adjoining Alpha Grove. Planning Permission was not issued as the S106 agreement was not signed.

3.3 Planning permission (PA/02/1605) was granted at 1 Millharbour on the **7th July 2006** for two new residential buildings (48 and 40 storeys high), linked at ground and 1st floor level, comprising a total of 790 residential units. The permission was subject to a Section 106 agreement which allowed the affordable housing to be located off-site within the ward. The application at 4 Mastmaker Road thus provides the majority of the affordable housing generated by the development at 1 Millharbour together with an element of open market housing.

3.4 Due to the affordable housing arrangements, the scheme at 4 Mastmaker Road (PA/05/1781) and the scheme at 1 Millharbour (PA/05/1782) are to be considered concurrently. The schemes are located approximately 180 metres apart in the northern portion of the Millennium Quarter Master Plan area.

Summary of the Assessment

3.5 The following is a summary of the assessment of the proposed scheme:

- The Environmental Impact Assessment is satisfactory, including the cumulative impact of the development, with mitigation measures to be implemented through conditions and

the Section 106 agreement;

- The Greater London Authority provided their First Stage Response (12th April 2006) and subsequent Updated First Stage Response (12th June 2006). The Mayor indicated that he is satisfied that the proposal is delivering a satisfactory affordable housing solution, when taking into account the previous planning permission for 1 Millharbour and the development specific characteristics such as the more appropriate setting for family housing at 4 Mastmaker Road and the high service charges and development form at 1 Millharbour;
- The proposed mix of uses comply with the UDP and in particular, the emerging LDF;
- The site has a Public Transport Accessibility Level (PTAL) of 4 on a scale of 1 – 6, where 6 is the highest);
- Improvements to the existing infrastructure capacity will be undertaken through the Millennium Quarter Master Plan Contributions Framework and the subsequent S.106 agreement which includes an additional contribution to health and education;
- 136 affordable housing units (516 habitable rooms) are provided onsite. This consists of a total of 17 units (58 habitable rooms) associated with the onsite private housing and 119 units (458 habitable rooms) associated with the scheme at 1 Millharbour. The affordable housing arrangement accords with the requirements of the previous S.106 agreement for the 1 Millharbour scheme; and
- The proposal incorporates a number of energy initiatives in accordance with the London Plan.

3.6 The proposed development is considered appropriate in terms of townscape, environmental and infrastructure considerations. The scheme accords with the Council's and the GLA's policy objectives.

4. BACKGROUND

Location and Description of the Site

- 4.1 The site is located south of Byng Street and west of Mastmaker Road in the Isle of Dogs. The total site area is 0.62 hectares. Marsh Wall forms the northern boundary of the site. The site is currently occupied by the South Point Mercedes dealership and consists of a two – three storey commercial building with open vehicle storage space at the southern part of the site. The current vehicle access to the site is from Mastmaker Road.
- 4.2 The site is approximately 450 metres south of Canary Wharf Station and approximately 100 metres from the South Quay DLR station.
- 4.3 The site is located within the Millennium Quarter which is the subject of the Millennium Quarter Masterplan (MQM), September 2000. The MQM provides a framework for the future of the Isle of Dogs as part of the strategic centre of the Borough, and aims to bring significant economic, social and environmental benefits.

Surrounding Land Use

- 4.4 A mix of commercial and residential uses surround the site. The area to the immediate north of the site is occupied by a commercial building (approximately 3 – 4 storeys). West of the site is the Barkentine Estate which comprises predominantly two to four storey residential buildings.
- 4.5 North of the site is West India Dock and development north of this dock is characterised by high-rise development up to 37 storeys. Further north is the 55 storey office tower of 1 Canada Square, the Citigroup and HSBC buildings, each of 48 storeys. The area to the north west of the site is characterised by small scale commercial uses and the recently approved scheme at 22 – 28 Marsh Wall which included four buildings, the largest of which is 40 storeys high.
- 4.6 West of the site are the medium-rise buildings such as Knighthead Point, Topmast Point, and Bowspirit Point. Amongst these are several two or four storey homes. East of the site, the area is characterised by two to three storey high business units, including offices and car dealerships.

- 4.7 A number of redevelopment schemes have been approved in the surrounding area. These include the following:
- Lanterns Court: Outline planning permission granted for 651 residential units arranged in a building of 4 – 21 storeys;
 - Indecon Court: Outline application for a mixed use development up to a maximum height of 19 storeys (78.5 metres) comprising residential and commercial floorspace; and
 - Arrowhead Quay: planning permission for a 16/ 25 storey office building, including retail/ restaurant use on part of the ground floor.

Description of the Proposal

- 4.8 The proposal consists of linked buildings ranging in height from 3 to 21 storeys (up to a maximum height of 73.25 metres). The scheme includes the following elements:
- A total of 190 residential units (631 habitable rooms) including 136 affordable housing units (516 habitable rooms).
 - A mix of non-residential floorspace, including retail (A1) and food and drink (A3/ A4) floorspace usage, comprising of 68 square metres and a total of 185 square metres of community floorspace (D1/ D2).
 - A total of 5,412 square metres of open space consisting of private and communal gardens, balconies, green roofs, a courtyard with a mix of hard and soft landscaping, a community garden and a playground.
 - Creation of a new east to west pedestrian link connecting Alpha Grove/ Bosun Close to Mastmaker Road. This serves to connect the Barkentine Estate to the Millennium Quarter.
 - Carparking for 82 vehicles provided at basement level with access from Byng Street. Provision is also made for cycle parking.
- 4.9 The tallest element of the scheme (21 storeys) is located at the north eastern portion of the site with frontage to Byng Street and Mastmaker Road. It includes café/ retail space at level 1 and community space for the intermediate units at level 3. Interlinked with the 21 storey tower is a 17 storey tower that includes private units and social rented units with community space at level 1. The remainder of the scheme consists of four interlinked buildings ranging in height from six to four storeys. All contain social rented units.
- 4.10 The scheme incorporates 5,412 square metres of open space, in the form of courtyards, balconies and roof gardens. The open space proposals include:
- Tree lined avenue to Mastmaker Road;
 - Planted courtyard;
 - Balconies with planters;
 - Roof gardens;
 - Private terraces to roof top units;
 - Planters to the façade of the building;
 - Children's under 5's play area;
 - Balconies; and
 - Gardens over basement; and
 - Planted buffer to Bosun Court.

The scheme has been designed to allow for the opportunity to provide improvements and linkages to the existing play space at the western boundary of the site, which is under separate ownership. Within this area (279 square metres), the applicant has also identified 13.6 square metres as an under 5's play area.

5. PLANNING POLICY FRAMEWORK

- 5.1 The development plan for the application is the adopted Tower Hamlets Unitary Development Plan (1998) and the Mayor's Spatial Development Strategy for Greater London: The London Plan (February 2004). The emerging Local Development Framework is also a material consideration.

5.2 The following Unitary Development Plan **proposals** are applicable to this application:

- (1) Flood Protection Areas

5.3 The following Unitary Development Plan **policies** are applicable to this application:

- DEV1 Design Requirements
- DEV2 Environmental Requirements
- DEV3 Mixed Use Development
- DEV4 Planning Obligations
- DEV5 High Buildings
- DEV6 Buildings Outside the Central Area and Business Core
- DEV18 Art and Development Proposals
- DEV50 Noise
- EMP6 Employing Local People
- HSG2 New Housing Development
- HSG3 Affordable Housing
- HSG7 Dwelling Mix
- HSG8 Access for People with Disabilities
- HSG9 Density
- HSG13 Internal Standards for Residential Developments
- HSG16 Amenity Space
- T16 Impact of Traffic
- T17 Parking Standards
- T19 Pedestrians
- T21 Pedestrians
- T23 Cyclists
- T26 Use of Waterways for movement of Bulky Goods
- S6 New Retail Development
- OS0 Children's Play Space
- U2 Tidal and Flood Defences
- U3 Flood Protection
- U9 Sewerage Network

Millennium Quarter Master Plan

5.4 The Millennium Quarter Master Plan (MQMP) was agreed by the council's Policy and Implementation Committee on 13th September 2000 as interim policy pending the formal alteration of the UDP. The MQMP sets out the principles and guidelines for development, including delivery and implementation mechanisms. The Master Plan was subject to extensive consultation with landowners, statutory authorities and the local community.

5.5 The following Draft LDF **proposals** are applicable to this application:

- (1) Flood Protection Areas
- (2) Development Sites – See AAP for more details

5.6 The following Draft LDF Core Strategy Development Plan Policies/ IOD Area Action Plan **policies** are applicable to this application:

- IOD3 Millennium Quarter
- IOD4 Leisure and Entertainment
- IOD5 New Housing
- IOD6 Community Facilities
- IOD7 Open Space
- IOD9 Connectivity
- IOD10 Environmentally Sustainable Design
- IOD11 Transport Improvements
- IOD13 Infrastructure and Services
- IOD17 Tall Buildings and Views
- EE5 Mixed Use Development
- EE6 New Office Development
- HSG1 Housing Density

| | |
|-------|--|
| HSG2 | Lifetime Homes |
| HSG3 | Affordable Housing Provisions |
| HSG4 | Calculating Affordable Housing |
| HSG5 | Social Rented/ Intermediate Ratio |
| HSG6 | Housing Mix |
| HSG13 | Housing Amenity Space |
| HSG14 | Eco-homes |
| SCF1 | Social and Community Facilities |
| TR1 | High Density Development in Areas of Good Public Transport Accessibility |
| TR2 | Parking |
| TR3 | Transport Assessments |
| TR4 | Travel Plans |
| TR5 | Freight, Water Transport and Distribution |
| TR7 | Walking and Cycling |
| UD1 | Scale and Density |
| UD2 | Tall Buildings |
| UD3 | Public Art |
| UD4 | Accessibility and Linkages |
| UD5 | High Quality Design |
| UD6 | Important Views |
| SEN1 | Disturbance from Noise Pollution |
| SEN2 | Air Pollution/ Quality |
| SEN3 | Energy Efficiency |
| SEN4 | Water Conservation |
| SEN5 | Disturbance from Demolition and Construction |
| SEN6 | Sustainable Construction Materials |
| SEN7 | Sustainable Design |
| SEN8 | Waste Management Sites/ Facilities |
| SEN9 | Waste Disposal and Recycling |
| SEN10 | Contaminated Land |
| SEN11 | Flood Protection and Tidal Defences |
| OSN3 | Landscaping and Trees |
| IM3 | Securing Benefits |
| IM2 | Social Impact Assessment |

5.7 The following Community Plan **objectives** are applicable to this application:

- (1) Creating and sharing prosperity
- (2) A better place for living well
- (3) A place for living safely

6. **CONSULTATION**

6.1 The following were consulted regarding this application:

- (1) **Greater London Authority Group (including Transport for London and London Development Agency)**

The Mayor considered the application on the 5th April 2006 and then again on the 7th June 2006. In summary, the Mayor indicated that:

- He is satisfied with the affordable housing provided, when taking into account the previous planning permission for 1 Millharbour and the development specific characteristics and concluded that 4 Mastmaker Road is a more appropriate setting for family housing;
- Pleased that the proposal includes a connection to the Barkentine CHP unit (although further clarification is required regarding the other renewable energy systems);
- Satisfied with the design of the east-west link and inclusive design issues;
- The level of cycle parking should be increased to provide one space per residential unit;

- The proposed children's play space be identified on the plan; and
- Local training and employment, including childcare facilities, should be secured within the legal agreement.

(2) **Environment Agency**

Following the submission of the Flood Risk Assessment and breach analysis on the 10th May 2006, the Environment Agency removed their initial objection. Recommended that a condition regarding site foundations be included.

(5) **English Heritage**

The application should be determined in accordance with national and local policy guidance, and on the basis of the London Borough of Tower Hamlets conservation advice.

(6) **British Waterways**

No objection

(7) **Thames Water**

Recommended that a number of conditions be included.

(8) **City of London**

No comment

(9) **London Borough of Greenwich**

No comment

(10) **London Borough of Newham**

No comment

(11) **CABE**

No comment due to lack of resources

(12) **Countryside Agency**

No comment

(13) **English Nature**

No comment

(15) **London City Airport**

Recommended that there was no safeguarding objection, subject to a condition for the use of cranes and scaffolding during construction.

(16) **Head of Highways Department**

No objection to the development subject to:

- A Section 278 agreement for off site highway works;
- A Section 72 agreement to wide Byng Street to provide footpath along the site;
- A Section 106 contribution of £175K to improve pedestrian linkage via alpha Grove to the riverside walkway; and
- The Millennium Quarter Master Plan contributions framework.

(17) **Environmental Health**

Wind Assessment

Satisfied with the wind conditions. It is recommended that the wind mitigation measures identified in the wind report are implemented, including evergreen trees on ground floor and porous screens at 4th and 5th floor to mitigate wind.

Sunlight/ Daylight

Satisfied with the Sunlight/ daylight conditions to adjoining residential properties, including Bosun Place.

Satisfied with the overshadowing conditions.

(18) **Housing Development**

Refer to analysis section of this report

(19) **Head of Building Control**

No objections in principle

(20) **Corporate Access Officer**

Satisfied with the proposed layouts

6.2 Responses from neighbours of surrounding development and other interested parties were as follows:

No. Responses: 1

In Favour: 1

Against: 2

Petition: 0

6.3 Comments:

Height

- 21 storeys is inappropriate adjacent to the existing 2 storey homes
- The development should be no higher than 6 to 8 storeys

7. ANALYSIS

7.1 Land Use

7.1.1 The site is currently occupied by the South Point Mercedes dealership and occupies the northern half of the site. The southern portion is dominated by a hard stand area that is used to store vehicles.

7.1.2 The site is also included in the Millennium Quarter Masterplan (MQM). The MQM is a material consideration for developments within this area and sets out a series of guidelines for development including building height, open space, access and linkages. The Millennium Quarter is broadly split into three 'zones'. The northernmost zone is predominantly commercial and relates to the existing Canary Wharf uses. The southern part of the Quarter is intended as residential with the intermediate zone combining both residential and commercial uses.

7.1.3 The proposal includes a total of 253 square metres of commercial and community floorspace, comprising 68 square metres of café/ retail unit at ground level on the corner of Byng Street and Mastmaker Road. In addition, 85 square metres of community floorspace is provided at level 3. The community space is located within the development and is accessed from the communal roof garden and residential lobby. The "active" use at ground floor serves the occupiers of the development. In addition, the proposals incorporate gardens, communal open space at ground floor and an east-west link which serves to link the development to the Barkentine Estate.

7.1.4 The proposal provides 190 residential units, and is therefore consistent with the

requirements of Policy HSG1 and Draft Core Strategy CS6 of the LDF which seeks to ensure that the Borough's housing targets are met. The London Plan housing target for Tower Hamlets is set at a minimum of 41,280 new homes to 2016. The revised Draft London Plan targets (late July 2005) propose to increase Tower Hamlets housing target for 1997 – 2016 to 51,850.

7.2 Flood Protection Area

7.2.1 Both the UDP and the Draft LDF Proposals Map designate the site within a "Flood Protection Area". The Council has consulted with the Environment Agency in relation to tidal and flood defences, in accordance with Policy U2 of the UDP. The Environment Agency have indicated that they are satisfied with the submitted Flood Risk Assessment and breach analysis.

7.3 EIA

7.3.1 The Environmental Statement was prepared jointly for both the application for 4 Mastmaker Road and the application for amendments in 1 Millharbour. The Council's consultants, Casella Stanger undertook a review of the Environmental Statement. The review highlighted a number of areas where additional information or clarification should be provided. Further to the Council's request, the applicant submitted information under Regulation 19, which was re-advertised in accordance with the legislation and again reviewed by both Casella Stanger and the Council's Environmental Health Department.

7.3.2 The Environmental Statement has been assessed as satisfactory, with mitigation measures to be implemented through conditions and/ or Section 106 obligations.

7.4 Height and Design

Height

7.4.1 In terms of scale, UDP Policy DEV6 specifies that high buildings may be acceptable subject to considerations of design, siting, the character of the locality and their effect on views. Policy UD1 of the Draft LDF Core Strategy specifies that the bulk, height, and density of the development must consider the surrounding building plots, scale of the street, building lines, roof lines, street patterns and the streetscape. The development must also respond in a sustainable manner to the availability of public transport, community facilities and environmental quality. Policy UD2 of the Draft LDF Core Strategy states that tall buildings will be permitted in identified clusters as detailed in the Area Action Plans subject to a number of criteria. Further, the site is included in the "Proposed Tall Buildings Areas" in the Draft AAP.

7.4.2 The Council's Urban Design Officer considered the height of the scheme as follows:

- The proposals represent an intelligent and imaginative response to the challenge of designing a high density residential scheme in the particular context of the Millennium Quarter. The design approach shown is bold and fresh and should lead to a high quality product on the ground.
- Street frontages are active with front doors or building entrances providing animation.
- The basic site development strategy and blocking of the scheme, with firm built frontages to Byng Street and to Mastmaker Road, two south facing courtyards and high rise buildings located in the north-east corner of the landblock has been developed logically through a sequence of studies. Proposed building heights are acceptable in the context of emerging proposals for this sector of the Millennium Quarter.
- The architects have exploited with imagination the potential of a variety of unit types, setbacks, rooftop terraces and projecting elements to create an unusual and lively architecture, notably in the skyline profile for the two towers, which graduate successfully upwards to achieve a more open appearance.

7.4.3 It is recommended that a condition requesting that samples of all materials are submitted for approval to ensure that the quality of the current scheme.

7.4.4 The GLA also considered the urban design aspects of the scheme and stated

“It will provide spacious flats with a very high standard of design with a pleasing arrangement of mass and bulk in a block that will define the street. The upper floors, which will have protruding balconies and canopies, give the building an eye-catching quality emphasising its residential nature. It will also relate well to the surrounding built form in terms of height”.

Density

- 7.4.5 Policy 4B.3 of the London Plan requires Borough’s to maximise the potential of sites.
- 7.4.6 Policy HSG1 of the Draft LDF Core Strategy Document requires the Council to seek the highest reasonable delivery of housing provision for the Borough within sustainable development constraints and with consideration of the character of the local area. In achieving this, the Council will consider both the sites accessibility to, and capacity of the physical and social infrastructure intended to service the site.
- 7.4.7 The Draft LDF IOD AAP states that the density to apply to the site is 435 dwellings per hectare. The London Plan Density Matrix specifies a range of 650 – 1100 hr/ ha or 240 – 435 units/ ha.
- 7.4.8 In this instance, proposed density is 306 units per hectare (190 units/ 0.62ha) or 1018 habitable rooms per hectare (631 habitable rooms/ 0.62ha). The site has a Public Transport Accessibility Level (PTAL) level of 4. The proposed density thus accords with the requirements of the London Plan and the emerging LDF.

7.5 Privacy and Overlooking

- 7.5.1 With regard to the sunlight and daylight into the buildings and the impact on the amenity space in terms of overshadowing, the applicant has demonstrated that the scheme passes the relevant BRE guidelines. The scheme has been designed to ensure that it has no adverse affect on the amenity of surrounding premises in terms of overlooking.

7.6 Open Space

- 7.6.1 Policy HSG16 of the UDP requires that new developments should include adequate provision of amenity space, and they should not increase pressure on existing open space areas and playgrounds. The Council’s Residential Space SPG includes a number of requirements to ensure that adequate provision of open space is provided.
- 7.6.2 A total of 5,412 square metres of open space is provided in the form of private (including private gardens for family houses, terraces at upper floors and balconies) and communal gardens, balconies, green roofs, a courtyard area with a mix of hard and soft landscaping, a community garden and a play ground. The proposal complies with the Council’s residential space SPG. In addition the scheme allows for improvements and connections to the existing playground at the west of the site adjoining Bosun Close. Provision is also included for indoor play space as part of the community areas.
- 7.6.3 The GLA strongly support the open space provisions onsite and commend the application in this respect.

7.7 Housing

- 7.7.1 The scheme provides a total of 190 residential units. The table below summarises the overall mix of units by type:

| | Total | % of Total |
|--------------|--------------|-------------------|
| Studio | 8 | 4% |
| 1 Bed | 51 | 27% |
| 2 Bed | 67 | 35% |
| 3 Bed | 31 | 16.5% |
| 4 Bed | 33 | 17.5% |
| TOTAL | 190 | 100% |

Affordable Housing

Affordable Housing Provision

- 7.7.2 In accordance with the S106 agreement for the previously approved 1 Millharbour scheme (PA/02/1605), the proposal at 4 Mastmaker Road provides a proportion of the affordable housing of the 1 Millharbour site. The affordable housing elements are as follows:
- 17 units (58 habitable rooms) associated with the 54 market housing units (115 habitable rooms);
 - 119 units (458 habitable rooms) associated with the 1 Millharbour scheme. These units contribute to satisfying the requirement of the previous legal agreement for 1 Millharbour, which allowed for the affordable housing to be provided offsite.

Social Rented/ Intermediate Ratio

- 7.7.3 Policy HSG5 of the Draft LDF Core Strategy document states that the Council will require a social rented to intermediate housing ratio split of 80:20 for all grant free affordable housing. Policy 3A.7 of the London Plan specifies a London wide objective of 70% social housing and 30% intermediate housing.
- 7.7.4 The affordable housing provision includes 94 socially rented units and 42 intermediate rented units.
- 7.7.5 The proposal is considered to satisfy this policy as a split of 69% of the units are provided as social rented and 31% of the units are provided as intermediate housing.

Housing Mix

- 7.7.6 Policy HSG7 of the UDP specifies that new housing developments will be expected to provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings of between 3 and 6 bedrooms. In accordance with the approved S106 affordable housing mechanism, the 4 Mastmaker scheme includes a significant proportion of family sized units.
- 7.7.7 The table below summarises the proposed affordable housing units in comparison to the Council's Housing Needs Survey:

Proposed Affordable Housing Unit Mix Overall (4 Mastmaker Road):

| | Total Number of Units | % of Total (Unit Basis) | Total Number of Habitable Rooms | % of Total (Habitable Room Basis) | LBTH Housing Needs Survey |
|--------------|------------------------------|--------------------------------|--|--|----------------------------------|
| Studio | 0 | 0% | 0 | 0% | 0% |
| 1 Bed | 20 | 30% | 40 | 17% | 20% |
| 2 Bed | 52 | 35% | 156 | 31% | 35% |
| 3 Bed | 31 | 17.5% | 155 | 26% | 30% |
| 4 Bed | 33 | 17.5% | 165 | 26% | 15% |
| TOTAL | 136 | 100% | 516 | 100% | 100% |

- 7.7.8 The proposal is thus in accordance with the Council's Housing Needs Survey, in particular, 52% of the units (calculated on a habitable room basis) are provided as family housing (i.e. 3 and 4 bedroom units).
- 7.7.9 The applicant provided further justifications as requested by the Mayor using the GLA's Three Dragons modelling and values of the 1 Millharbour development. The toolkit was used to assess the scenario of providing a proportion of onsite social housing at the Millharbour site, as sought by the Mayor, to allow for a better mix of units and tenure in line with London Plan aspirations. The information provided demonstrated to the GLA that increasing affordable housing on the 1 Millharbour site would reduce the affordable housing output in both quantitative and qualitative terms, by reducing the family size affordable units by

51% and increasing the amount of smaller units.

7.7.10 According to the GLA, the information provided by the applicant confirms that by focusing the rented provision on the 4 Mastmaker site, more family homes will be delivered. The original proposal for mostly offsite affordable housing to be provided at 4 Mastmaker is an opportunity for the provision of family rented accommodation on the Isle of Dogs.

7.7.11 The Mayor concluded that he is

“now satisfied that the proposal is delivering a satisfactory affordable housing solution, when taking into account the previous planning permission for 1 Millharbour and the development specific characteristics such as the more appropriate setting for family housing at 4 Mastmaker Place and the high service charges and development form at 1 Millharbour”.

7.8 Access and Transport

Access

7.8.1 Pedestrian access to the apartments within the proposed Tower 1 is at ground floor level at the north eastern corner of the building. Access to the retail element is taken from the north facing corner of the building. Proposed Tower 2 includes both private and affordable housing and separate entrances are provided for each on the north facing corner of the building on Byng Street. Pedestrian access to the housing element of the development is taken from the street facing side of the houses on Mastmaker Road and Byng Street respectively.

7.8.2 There are two pedestrian accesses to the proposed development from the north side of Byng Street, which provide access to the community centre and a small cluster of houses within the development. Further pedestrian accesses are from Mastmaker Road to the east and through to Alpha Grove to the west, opening up to the east-west corridor.

7.8.3 In addition to the above, the scheme includes a 125m east to west link along the southern boundary of the site in accordance with the Millennium Quarter Master Plan. This will increase pedestrian connections from the Barkentine Estate to the west and new developments east of the site. It is recommended that a condition be included to ensure that the residential elevation adjacent to the east – west link enhances visibility and allows for natural surveillance of the access route.

Parking

7.8.3 Vehicular access for drop offs/ pickups will be from Mastmaker Road and Byng Street. Parking is proposed to be provided in the basement via a ramp leading from Byng Street on the north west corner of the site.

7.8.4 The application proposes a total of 82 car parking spaces provided at basement level. It is recommended that the S106 agreement include a clause to ensure that the development is ‘car free’, ensuring that no controlled parking permits are issued to the new residents of the development and thus alleviating additional pressure on the surrounding streets.

7.8.5 The following are also proposed in the basement:

- 9 disabled carparking spaces (10% of the units); and
- 150 secure cycle spaces (ratio of 0.5 spaces per unit, with the balance allocated for commercial and retail uses)

Visitor cycle parking is provided at ground level within the landscaping.

7.8.6 The Council’s Highways officer and TFL support the car parking provision for the proposed development. However, the proposed cycle parking is not in line with the London Cycle Network Design Manual. TFL require a minimum of 1 cycle space per unit for the residential component of the development. The applicant has stated that it disagrees that more cycle parking should be provided as it provides 150 cycle spaces, at a ratio of 0.5 spaces per unit

with the balance being allocated to the commercial space. TFL thus consider that this matter remains unresolved. Nevertheless, the Council do not believe that this alone will sustain a reason for refusal.

Public Transport

- 7.8.7 The site is well served by public transport and has a public transport accessibility level (PTAL) of 6a. The GLA note that as the high density proposed is above those set out in Table 4B.1 of the London Plan. TFL will seek contributions towards transport improvements to compensate for this. TFL have determined that contributions for transport infrastructure improvements are required via the S106 agreement to ensure that the development can be accommodated within the transport network. This is covered as part of the Millennium Quarter Mast Plan Contributions Framework.

Servicing and Refuse Provisions

- 7.8.9 The Council's Highway officer has assessed the servicing and refuse provisions and concluded that they are satisfactory. It is recommended that a condition be included to ensure the adequate provision of storage of refuse and recycling facilities.

7.10 Access and Inclusive Design

- 7.10.1 Policy HSG8 of the UDP requires the Council to negotiate some provision of dwellings to wheelchair standards and a substantial provision of dwellings to mobility standards. LDF Policy HSG2 of the Draft Core Strategy Document requires all new residential development to meet the Lifetime Homes Standard and that 10% of the proposed new housing is design to wheelchair/ mobility standards.
- 7.10.2 It is recommended that a condition be included to ensure that details of compliance with Lifetime Homes Standards and access for people with disabilities is provided.
- 7.10.3 The proposal achieves an Echo Homes rating of 'very good' and therefore satisfies Policy HSG14 of the Draft LDF Core Strategy Document.

7.11 Sustainable Development/ Renewable Energy

- 7.11.1 Policy SEN3 of the Draft Core Strategy Document requires that all new development should incorporate energy efficiency measures. Policy 4A.7 of the London Plan seeks to reduce carbon dioxide emissions, improve energy efficiency, and increase the proportion of energy used generated from renewable sources. The proposal includes a connection to the Combined Heat and Power scheme at the Barkentine Estate. This measure is supported by the GLA. However, officers have sought confirmation of the costs of connection and whether the scheme still includes the provision of renewable energy measures.
- 7.11.2 It is recommended that a S106 clause be included to secure the connection to and use of the CHP. A condition should also be included to ensure that the inclusion of the renewable energy measures is addressed and/ or implemented.

7.12 Construction Programme

- 7.12.1 Environmental measures to be adopted during the construction phase are outlined in the Construction Environmental Management Plan (CEMP). The CEMP will include all details of demolition and construction proposals, and describe the provisions for environmental and amenity protection and will include the effects on traffic, air quality and noise.
- 7.12.2 It is recommended that a condition be included to ensure that a Construction Environmental Management Plan is submitted to the Council for approval, and shall incorporate appropriate mitigation measures during the demolition and construction phase.

7.13 Planning Obligations

- 7.13.1 The Millennium Quarter Master Plan Planning Contributions Framework establishes a requirement for essential infrastructure works, including improvements to public transport,

well designed public realm and open spaces, new social and community facilities including coordinated training and employment schemes to ensure that the impacts of the development are mitigated.

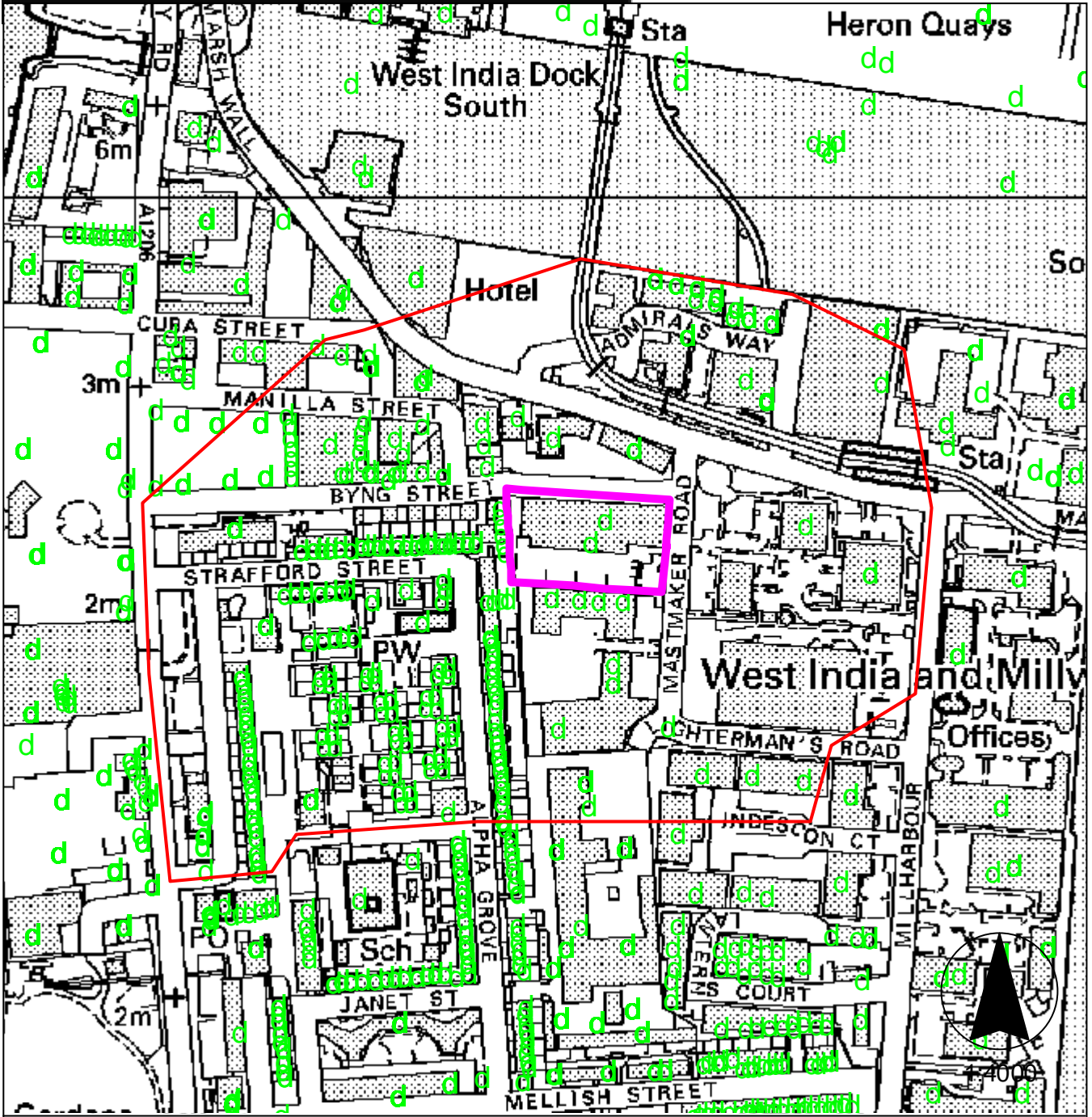
- 7.13.2 The identified planning obligations meet all of the following tests:
- (i) relevant to planning;
 - (ii) necessary to make the proposed development acceptable in planning terms;
 - (iii) directly related to the proposed development;
 - (iv) fairly and reasonably related in scale in kind to the proposed development; and
 - (v) reasonable in all other respects.
- 7.13.3 A contribution of £291,650 is sought in accordance with the MQMP Contributions Framework (April 2002). This figure is calculated based on the ‘tariff’ of £1,535 per residential unit as outlined in the MQMP Contributions Framework.
- 7.13.4 The applicant has acknowledged that the issues of health and education are also of priority in the Borough. Consequently, the applicant has offered to make a supplementary contribution towards health and education. A separate contribution towards health was calculated using the HUDU model. A separate contribution was also calculated for education based on the anticipated child yield generated by the housing mix. A summary of the contributions is outlined in the table below:

| Planning Obligation Heads of Terms | Contribution |
|--|---------------------|
| Millennium Quarter Master Plan Contributions Framework | £291,650 |
| Education | |
| Mitigate the demand of the additional population on education facilities | £249,650 |
| Healthcare Contribution | |
| Mitigate the demand of the additional population on health care facilities | £800,000 |
| Totals | £1,341,300 |

8. SUMMARY

- 8.1 The varied unit types and setbacks, and projecting elements of the scheme incorporate access to private gardens, balconies and roof terraces. It is considered that the scheme will provide a high quality residential design outcome.
- 8.2 The proposal includes the majority of the affordable housing component from the 1 Millharbour scheme. The affordable housing arrangement is in accordance with the Section 106 agreement for the approved scheme which allows for the affordable housing at 1 Millharbour to be provided offsite provided that 33% of the total housing provision of the Millharbour site (calculated by habitable rooms) is maintained. The resultant mix of the offsite affordable housing ensures that a larger proportion of family sized housing is provided. The offsite affordable housing will benefit from generous private gardens, roof gardens and public amenity space, including children’s playspace.
- 8.3 An Environmental Statement was submitted with the application, which was reviewed by the Council’s independent consultants. Following this, further information was submitted, which together with the Environmental Statement is considered to satisfactorily identify the likely impacts and the necessary mitigation measures.
- 8.4 The proposed development is considered appropriate in terms of townscape, environmental and infrastructure considerations. The proposal includes appropriate contributions in accordance with the MQM Contributions Framework and the identified needs of the scheme.

Site Map



Legend

- Planning Application Site Boundary
- Consultation Area
- d Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office © Crown Copyright. London Borough of Tower Hamlets LA086568

4 Mastmaker Road, London, E14 9UB

Agenda Item 9.5

| | | | | |
|--|--|---|-----------------------|-----------------------------------|
| Committee: Strategic Development Committee | Date: 19 th July 2006 | Classification: Unrestricted | Report Number: | Agenda Item Number: 9.5 |
| Report of: Corporate Director of Development and Renewal | | Title: Applications for Planning permission and Listed Building Consent. | | |
| Case Officer: Scott Schimanski | | Location: 397-411 Westferry Road , London E14 | | |
| | | Ward: Millwall | | |

1. SUMMARY

1.1 **Registration Details** **Reference No:** PA/05/1626 and PA/05/1627

Date Received: 29/09/2005

Last Amended Date: June 2006

1.2 **Application Details**

Existing Use: Haulage yard and vacant steel fabrication (Use Classes B2 and B8).
Proposal: Demolition and conversion of existing buildings and redevelopment for mixed use purposes comprising 190 residential units and uses within Use Classes A1 (retail), A2 (Financial and professional services), B1 (Business), D1 (Non-residential institutions) and/or D2 (Gym/sports centre), parking (96 spaces), access and hard and soft landscaping including adaptation of the Forge building for office use.

Applicant: WFR Developments Ltd
Ownership: WFR Developments Ltd
Historic Building: Yes – Grade II
Conservation Area: Chapel House

2. RECOMMENDATION:

2.1 That the Strategic Development Committee **grants** planning permission subject to:

A. Any direction by the Greater London Authority

B The execution of a legal agreement under section 106 of the Town and Country Planning Act and section 278 of the Highways Act to secure:

- 1) Car free arrangements
- 2) Affordable Housing – 35% measured by floorspace
- 3) Contribution to education of £143,400
- 4) Contributions to health service provisions of £446,600
- 5) Local labour in construction
- 6) Repairs to the public highway
- 7) Phasing of the development to ensure that no residential accommodation is sold until the 'Forge' is fitted out for marketing for occupation business purposes.
- 8) Contribution to TFL for improvements to local bus stops of £10,000

C The conditions outlined below:

Full Planning Permission:

- 1 3 years time limit.

**LOCAL GOVERNMENT ACT 2000 (Section 97)
LIST OF BACKGROUND PAPERS USED IN THE DRAFTING OF THIS REPORT**

| Brief Description of background paper: | Tick if copy supplied for register | Name and telephone no. of holder |
|--|------------------------------------|-----------------------------------|
| Application case file, plans and & UDP | | Development Control 020 7364 5362 |

- 2 Details of external materials.
- 3 Details of hard and soft landscaping treatment to include any proposed walls, fences and railings.
- 4 The approved landscaping shall be implemented prior to the occupation of any part of the proposed development of any part of the development.
- 5 Details of refuse storage and collection.
- 6 A Code of Construction Practice.
- 7 Site investigation regarding any potential soil contamination to be carried out and the implementation of any necessary remedial work.
- 8 Details of sound insulation/attenuation measures, including windows.
- 9 Building, engineering or other operations including demolition shall be carried out only between the hours of 8.00am and 6.00pm Mondays to Fridays and between the hours of 9.00am and 1.00pm Saturdays and shall not be carried out at any time on Sundays or Public Holidays.
- 10 Any power/hammer driven piling/breaking out of material required during construction/demolition shall only take place between the hours of 10.00 am and 4.00 pm Monday to Friday and at no other time, except in emergencies or as otherwise agreed by the Council in writing.
- 11 Details of external lighting.
- 12 Development should not begin until a statement to minimise the impact on Air Quality is submitted to and agreed by the local planning authority.
- 13 No development approved by this permission shall be commenced until a scheme for the provision and implementation of surface water storage capacity during 1 in 100 year conditions has been submitted to and agreed in writing by the local planning authority. The scheme shall be implemented in accordance with the approved details.
- 14 Development shall not commence until details of on site drainage works have been submitted to, and approved in writing by the local planning authority. No works which result in the discharge of foul or surface water from the site shall be commenced until the on site drainage works have been completed as approved.
- 15 All sleeping accommodation shall remain above a level of 4.8m AOD.
- 16 Hours of operation of retail/commercial units 8:00 am to 20:00 pm.

2.2 The Strategic Development Committee **grants listed building consent** subject to the following conditions:

- 1 Details of the installation of the mezzanine levels within the Forge building.
- 2 Details of the heat light and power systems to be installed within the Forge building.
- 3 Details of the replacement roof structure of the Forge building.
- 4 A survey and record of the industrial archaeology within the Forge building with details of what is to be retained and removed.
- 5 Details of the works proposed to the floor of the Forge including detailed justification.
- 6 Details of how the exterior of the Forge building is to be treated/cleaned/repaired.
- 7 Details of the new windows in the Forge facing Westferry Road.
- 8 3 year time limit for listed building consent.

3. BACKGROUND

Site and Surroundings

- 3.1 The application site comprises 0.78 hectares lying on the corner of Westferry Road to the south and Harbinger Road to the west. The site lies within the designated Chapel House Conservation Area.
- 3.2 The site is occupied by an open transport haulage yard and a series of large industrial buildings which vary in age from 1860 to 1949. The haulage yard is fenced with large scale advertising hoardings. The buildings on the site vary in style and appearance with one, known as 'The Forge,' is Grade II listed. The Forge is located to the front of the site facing Westferry Road and has been listed for its historical use/association and not architectural merit as it is the only known surviving mid 19th century iron shipbuilders' forge in London.
- 3.3 The existing buildings facing both Westferry Road and Harbinger Road create an industrial and commercial frontage to the street scene which differs substantially from surrounding streets. To the north and east of the site are low density residential properties that vary in age from Victorian terraces in Harbinger Road, interwar housing in Hesperus Crescent to modern flats and townhouses in Transom Square. To the west is Harbinger Primary School and to the south, across Westferry Road is the recent development of Burrell's Wharf that consists of a combination of new build and conversions from a former ship building yard that was once served by the Forge on the application site.

Planning History

- 3.4 In April 2004 applications for both planning permission and listed building consent (PA/04/500, PA/04/501, PA/04/502, PA/04/503) were submitted to the Council for two schemes for the redevelopment of the site for a mixed-use scheme comprising 275 residential units and commercial floor space over 9 levels together with parking. There were concerns about overdevelopment and impact on the listed building and the applications remain undetermined.

Proposal

- 3.5 Application is now made for full planning permission for the partial redevelopment of the site by a scheme comprising 190 residential units, commercial floor space for use within classes A1 (retail), A2 (Financial and professional services), B1 (Business), D1 (Non-residential institutions) and parking (96 spaces), access and hard and soft landscaping including children's play space. The Forge building would be adapted to office use.
- 3.6 Listed building consent (PA/05/1627) has also been submitted for demolition of the existing large sheds on the site and alterations of the 'Forge' building to allow its conversion.
- 3.7 The proposal involves the construction of three buildings in a 'U' shape around the existing Forge building. The new buildings would range in height from five to seven storeys and would provide 4 studio flats, 45 one-bedroom flats, 98 two-bedroom flats, 34 three-bedroom flats and 9 four-bedroom flats. 38 of these units will be duplexes. Two commercial units with a total floor space of 356 sq. m would be provided on the ground floor of the new buildings fronting Westferry Road. Proposed materials include brickwork, render and metal infill panels to match existing surrounding frontages.
- 3.8 The building located on the northern side of the site would be allocated for affordable housing and includes a raised landscaped deck with parking spaces located below at ground level. Most units would have access to private open amenity space in the form of roof terraces or balconies.
- 3.9 The application is referable to the GLA under Category 1B of the Mayor of London Order being a development with a total floorspace of more than 15,000 sq m.
- 3.10 The application has been screened as required by the Environmental Impact Regulation and it has been determined that the scheme is not EIA development as it raises no exceptional environmental implications.

4. PLANNING POLICY FRAMEWORK

Comments of Assistant Chief Executive (Legal Services)

- 4.1 The relevant policy framework against which the Committee is required to consider planning applications includes the adopted London Plan 2004, the Council's Community Plan, the adopted Unitary Development Plan (UDP) 1998, the Draft Local Development Framework and Interim Planning Guidance Notes.
- 4.2 Decisions must be taken in accordance with sections 54A and 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 is particularly relevant, as it requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations.
- 4.3 Whilst the adopted UDP 1998 is the statutory development plan for the borough, it will be replaced by a more up to date set of plan documents which will make up the Local Development Framework (LDF). As the replacement plan documents progress towards adoption, they will gain increasing status as a material consideration in the determination of planning applications.
- 4.4 The report takes account not only of the policies in statutory UDP 1998 but also the emerging plan which reflect more closely current Council and London-wide policy and guidance.
- 4.5 In accordance with Article 22 of the General Development Order 1995 members are invited to agree the recommendations set out above which have been made on the basis of the analysis of the scheme set out in this report. This analysis has been undertaken on the balance of the policies set out below and any other material considerations set out in the report.

4.6 The following Unitary Development Plan **proposals** are applicable to this application:

Flood Protection Area

4.7 The following Unitary Development Plan **policies** are applicable to this application:

- | | | |
|------|--------------|--|
| (1) | Policy DEV1 | Urban Design |
| (2) | Policy DEV2 | Environmental Requirements |
| (3) | Policy DEV3 | Mixed Use Development |
| (4) | Policy DEV4 | Planning obligations |
| (5) | Policy DEV12 | Provision of landscaping |
| (6) | Policy EMP1 | Encouraging new employment uses |
| (7) | Policy EMP2 | Retaining Existing Employment Uses |
| (8) | Policy EMP8 | Encouraging small business growth |
| (9) | Policy EMP10 | Development elsewhere in the borough |
| (10) | Policy HSG2 | Location of New Housing |
| (11) | Policy HSG3 | Affordable Housing |
| (12) | Policy HSG7 | Dwelling Mix and Type |
| (13) | Policy HSG8 | Mobility housing |
| (14) | Policy HSG9 | Density |
| (15) | Policy HSG16 | Housing Amenity Space |
| (16) | Policy T15 | Location of new development |
| (17) | Policy T17 | Planning standards |
| (18) | Policy S6 | Requirements for new retail development |
| (19) | Policy SCF4 | Location of Primary Health care facilities |
| (20) | Policy SCF6 | Location of facilities |

4.8 The following Draft Local Development Framework Preferred Options proposals are applicable to this application:

Isle of Dogs Area Action Plan - Site ID15 – Residential (C3). Housing density up to 100 dwellings per hectare.

4.9 The following Draft Local Development Framework **policies** are applicable to this application:

- | | | |
|------|-------|---|
| (1) | EE3 | Local Employment Locations |
| (2) | EE5 | Mixed-Use Development |
| (3) | EE6 | New Office Development |
| (4) | EE7 | Redevelopment/Change of Use of Employment Sites (Including office and industrial use) |
| (5) | HSG1 | Housing Density |
| (6) | HSG2 | Lifetime Homes |
| (7) | HSG3 | Affordable Housing Provisions |
| (8) | HSG4 | Calculating Affordable Housing Provisions |
| (9) | HSG5 | Affordable Housing Social Rented/Intermediate Split |
| (10) | HSG6 | Housing Mix |
| (11) | HSG12 | Housing Amenity Space |
| (12) | TR1 | High density development in areas of good public transport |
| (13) | TR2 | Parking |
| (14) | TR4 | Travel Plans |
| (15) | TR7 | Walking and Cycling |
| (16) | C1 | Conservation Areas |
| (17) | C2 | Heritage sites |
| (18) | C3 | Demolition of Listed Building and buildings in conservation area |
| (19) | UD1 | Scale and Design |
| (20) | UD5 | High Quality Design |
| (21) | SEN1 | Disturbance from noise/vibration pollution |
| (22) | SEN6 | Sustainable Construction Materials |
| (23) | SEN7 | Sustainable Design |
| (24) | SEN8 | Waste disposal |
| (25) | SEN10 | Contaminated Land |
| (26) | SEN11 | Flood Protection and Tidal Defences |

4.10 The following Community Plan **objectives** are applicable to this application:

- (1) A better place for living safely

- (2) A better place for living well

5. **CONSULTATION**

5.1 The following were consulted regarding this application:

(1) **Greater London Authority**

The Mayor has considered the application at Stage 1 referral. In strategic terms, the principle of a medium-density mixed-use development on the site is supported. The applicant was however asked to provide further justification for the affordable housing, tenure mix, unit sizes, provision of play space, life time home information, wheelchair accessibility, energy efficiency and renewable energy measure information, improvements to bus stops, training and employment details and a travel plan.

In response, the scheme has been amended by reducing the number of flats from 206 to 190, the dwelling mix has been altered, children's play space provided and the number of parking spaces reduced. The amended plans have been forwarded to the GLA but no further comments have been received at the time of writing.

(2) **Environment Agency**

No objection in principle providing that all sleeping accommodation shall be placed at or above a level of 4.8m above Ordnance Datum Newlyn to mitigate the residual flood risk to sleeping residents in the event of a breach of the flood defences. The imposition of conditions relating to flooding and water pollution has also been requested.

(3) **Transport For London**

No objection but requests a section 106 obligation of £10,000 to 'mitigate against additional trips generated by the proposed development'.

(4) **Education Building Development**

The development will impact on the supply of school places locally estimated at 29 school places. £316,390 to assist in mitigation measures is requested.

(5) **Environmental Health**

Daylight/sunlight conditions both within the scheme and adjoining developments would be acceptable. The premises would be exposed to high levels of external traffic noise and a survey and assessment in accordance with PPG24 with proposed mitigation measures is recommended. Contaminated land and Air Quality Assessment conditions are also recommended.

(7) **Tower Hamlets Primary Care Trust**

There is no excess capacity in this area of the borough and a health contribution of £996,690 or £4,838 per unit has been requested to mitigate the need for new health facilities.

(8) **English Heritage**

In principle the proposal is acceptable in terms of the installation of a light weight mezzanine in the Forge which will allow sufficient flexibility for the space and the modification could be reversed if required. Listed building consent should be conditioned to require further details of the alterations to the Forge regarding:

- The installation of the mezzanine levels
- The heat light and power systems to be installed
- The replacement roof structure
- A survey and record of the industrial archaeology within the Forge including details of what is to be retained
- The works required to the floor of the Forge with a detailed justification
- Details of how the exterior of the building is to be treated/cleaned/repaired

It is also recommended that the works for the conversion of the Forge should be undertaken prior to the residential units being sold

(9) **Head of Highways Development**

Requests a section 106 contribution to improve pedestrian and cycle provisions in the area and a section 278 agreement under the Highways Act to secure the carrying out of off site highway work on the adjacent road.

(10) **GLIAS – Greater London Industrial Archaeology Society**

The opening up of the blind panels into windows will destroy these important aspects and cause confusion with engineering workshops that required good lighting. The façade is a noted feature of the conservation area. The new buttresses on the western wall should be distinguished from the original brickwork. The proposed bay window is significantly narrower than the original 14 metre wide opening and the full opening needs to be expressed in the architecture.

(11) **The Victorian Society**

The proposed fenestration on the Westferry Road elevation is strongly opposed particularly the replacement of the six blind arches with windows. The blind arches provide rhythm and interest to a utilitarian structure. The Society sees no reason why this should not continue to be the case.

12) **SAVE Britain's Heritage**

Opposes the scheme due to the punching through of the blind windows to create new windows openings.

5.2 The proposal has been advertised on the site and in the press and consultation undertaken with owner/occupiers in the surrounding area. Responses from neighbours were as follows:

No. Responses: 15 In Favour: 0 Against: 15 Petition: 0

The objections received may be summarised as follows:

- Block A does little to complement the surrounding area
- Due to height and overall size, the development would result in a loss of privacy and sunlight
- Harmful to the character of the conservation area
- Insufficient parking
- Impact upon children/pedestrian safety
- Additional pressure on existing public transport
- Retail and food/drink units will cause anti-social problems in the area
- Disruption and mess as a result of the development
- Impact of structural stability of neighbouring properties
- Out of character with surrounding area

6. **ANALYSIS**

6.1 The key issues in this case are considered to be the acceptability of the proposed redevelopment in the light of the Council's employment policies, the physical impact of the proposals on the surroundings in respect of design and amenity, highways matters, the implications for the listed 'Forge' including its setting and whether the character of Chapel House Conservation Area would be preserved or enhanced.

Land Use

Employment

6.2 The proposal involves the redevelopment of an employment generating site by a more intensive mixed use scheme. Although an employment generator, the site is not located within a designated employment area. The adopted UDP employment policies promote employment growth (EMP1) that meets the needs of local people (EMP6). The Council also opposes development resulting in a loss

of employment generating uses (EMP2).

- 6.3 The proposed development would provide 1962.4 sq. m of high quality employment generating floorspace. The new floorspace could accommodate a higher density and potentially greater diversity of employment opportunities than that of the haulage yard and previous industrial and use which employed (when last occupied) 10 to 15 people. Although the proposal would result in a reduction in employment floorspace, it would be capable of delivering a substantially higher number of jobs than the existing uses. The net loss of employment floorspace is therefore considered acceptable in terms of the Council's land use objectives (EMP2).

Housing

- 6.4 With regard to the introduction of housing, the Forge has remained vacant for over 4 years and the site as a whole is not allocated on the UDP Proposals Map for any designated use. However, the Isle of Dogs Action Area Plan within the LDF identifies the site as "Site ID15 – Residential (C3)" with a housing density up to 100 dwellings per hectare. In principle, residential use is therefore considered acceptable. Moreover, the redevelopment of previously used land to a more intensive level accords with national planning guidance (PPG3: Housing) which encourages redevelopment of brown field land with higher densities where appropriate. The development would deliver substantial regeneration benefits and the residential units proposed, including new affordable housing and family units would make a valuable contribution to local and strategic housing needs in keeping with Policy HSG1 and HSG2 of the Tower Hamlets UDP.

- 6.5 The proposed development would provide 190 residential units comprising 4 studios, 45 one bedroom units, 98 two bedroom units, 34 three bedroom units and 9 four bedroom units. The proposed mix is considered satisfactory in terms of UDP policy HSG7 which expects new housing developments to provide a mix of unit sizes where appropriate including a substantial proportion of family dwelling between 3 and 6 bedrooms

6.6 Affordable Housing Component

The proposal would provide affordable housing at a rate of 35.5% of the residential floorspace which accords with policy. The affordable housing would be split in a ratio 80:20 between social rented and intermediate accommodation, producing figures of 50 units and 12 units respectively which again meets policy.

- 6.7 The affordable housing would comprise the following dwelling mix:

| | | | |
|--------|---------|---------|--------------|
| 4 x 1 | Bedroom | 181sqm | 6% of units |
| 24 x 2 | Bedroom | 1597sqm | 39% of units |
| 25 x 3 | Bedroom | 1944sqm | 40% of units |
| 9 x 4 | Bedroom | 922sqm | 15% of units |

Combined, these figures accord broadly with the Basic Needs Assessment Model within the Council's Housing Need Study 2004 that identified an overall affordable housing requirement of 20% 1 bedroom units, 35% 2 bedroom, 30% 3 bedroom and 15% 4 bedroom.

Market Housing Component

- 6.8 The draft Local Development Framework requires that the unit mix for any market component of a residential scheme be 25% for 1 bedroom, 50% for 2 bedroom and 25% for 3 bedroom units. The market component proposed is 4 studios (3%), 41 x 1 bedroom (32%), 74 x 2 (58%) and 9 x 3 (7%) bedroom units. The proposed market component would provide an adequate range of unit sizes ranging from studios to family size units. The mix would provide a balanced housing mix to ensure adequate choice in housing size is available to all people in the Borough and as such meet the goals of HSG6 of the Draft LDF.

- 6.9 In summary, the proposed housing provision is considered to satisfy the Councils current and emerging housing policies and accords with Government guidance which seeks to create sustainable, mixed and balanced communities. The Greater London Authority has advised that on balance, the proposal is considered acceptable.

Density

- 6.10 The site has a PTAL score of 2 where both the LDF and the London Plan recommend a residential density in the range of 300 to 450 habitable rooms per hectare (hrph).

- 6.11 The proposed residential density based on a site of 0.78 hectares would be 729 hrph. Such a density is supported in this location by PPG3 and the London Plan that both seek to maximise development potential compatible with the surrounding context. In this case, the height and bulk of the development is considered to respect the surroundings in terms of scale within the both Harbinger Road and Westferry Road. In this instance, the proposed density is considered acceptable.

Design and built form

- 6.12 With the exception of the Forge, the existing buildings and associated areas of open hard standing at the site detract from the character and amenity of the area. The proposed redevelopment provides an opportunity to significantly enhance the Chapel House Conservation Area in urban design terms.
- 6.13 As mentioned, the proposed three new residential buildings form a 'U' shape development around the existing 'Forge' that would be retained. The new buildings would be predominantly five storeys with a seven-storey block addressing the corner of Westferry Road / Harbinger Road. It is considered that the proposed siting and massing of the new buildings would provide an appropriate setting for the listed 'Forge' while at the same time creating a contemporary residential development. The profile of the development on both Westferry Road and Harbinger Road is considered appropriate and would enhance the character and appearance of the Chapel House Conservation Area.

Impact on Residential Amenity

- 6.14 It is considered that the massing and layout of the proposed buildings respond positively to the site's urban context and would result in acceptable residential amenity standards in relation to privacy, sense of enclosure and daylight and sunlight implications both within the development and the surroundings. Internal and external privacy is considered acceptable as appropriate design measures have adopted to ensure any direct overlooking is minimised. The daylight and sunlight assessment submitted with the application demonstrates that the proposed development would not result in any unacceptable levels of natural light to either existing residential properties or the proposed new housing units.
- 6.15 Level access has been provided to all the buildings. There would be lift access to all floors within the new buildings. 10% of the new housing would be wheelchair accessible or easily adaptable for residents who are wheelchair users and accords with the Council's emerging Policy HSG2 in the LDF. The proposed residential units also all meet the Council's residential space standards as outlined in the Residential Space Supplementary Planning Guidance.

Amenity space

- 6.16 The development would provide communal amenity space in the form of hard landscaping between the Forge and proposed Building C to the east; children's play space (approximately 190 sq. m) between the Forge and Building A to the west. Further amenity space would be located at first floor level to the northern side of Building B to the rear of the site. This space would provide approximately 371sq. m and covers part of the undercroft parking area. Some of the upper level units also have access to balconies for private amenity space. The proposed amenity space would compliment existing areas of open space in the vicinity of the site. The total provision of amenity space is generally consistent with the Council's standards and is considered satisfactory. In addition, the application site is situated in close proximity to local parks - Mudchute Park, Millwall Park and Mast House Terrace Play Area.

Highways and parking

- 6.17 The development proposes 96 off street car parking spaces (50% provision). These would be within an undercroft car park accessed from Harbinger Road (68 spaces) and a further 28 parking spaces located between the new buildings and the Forge (also accessed from Harbinger Road). This level of provision meets the standards of the both the UDP and the emerging LDF. Servicing and access for refuse vehicles for the residential component would be via Harbinger Road with commercial refuse collected via Westferry Road. The Council's Highways Department advises that access arrangements are satisfactory.

Implications for the listed Forge

- 6.18 The adaptation of the Forge building to commercial use requires certain works to enable the building to be commercially viable. The most significant alterations proposed involve the lowering of the

existing cement slab to allow adequate support for proposed mezzanines and the opening of six blind windows on the façade facing Westferry Road.

- 6.19 The two mezzanine levels would be positioned away from existing internal iron work and the external walls. This would ensure that the works are carried out with the minimum amount of physical intervention to the architectural features within the building with the internal space being retained as a single space. The proposed modifications would therefore not impact on a central arcade within the Forge or internal cast iron columns, beams and spandrels.
- 6.20 The applicants say the opening up of the blind windows is essential to light the proposed office floorspace. Otherwise the only natural lighting would be from existing roof light and if the new windows are not permitted artificial lighting would be necessary. This would have marketing implications that could prejudice the viability of the project. It is claimed this is the most logical place to secure additional lighting is to open the existing blind windows which would also have the advantage of opening up views into the building so the heritage interior can be viewed from outside on Westferry Road.
- 6.21 Overall, it is therefore considered that the proposed alterations would preserve the most important internal historical elements of the building; the works would not have a detrimental impact upon those elements of the building that gave rise to its listing on historic rather than architectural grounds. English Heritage concurs, subject to conditions reserving details of some of proposed alterations as itemised above.
- 6.22 The proposal includes the demolition of warehouse buildings that surround the Forge. These buildings are later additions to the site and hold no historical importance. The removal of these buildings would improve the setting of the listed Forge building thereby enhancing and preserving the surrounding Chapel House Conservation Area.

Planning obligations

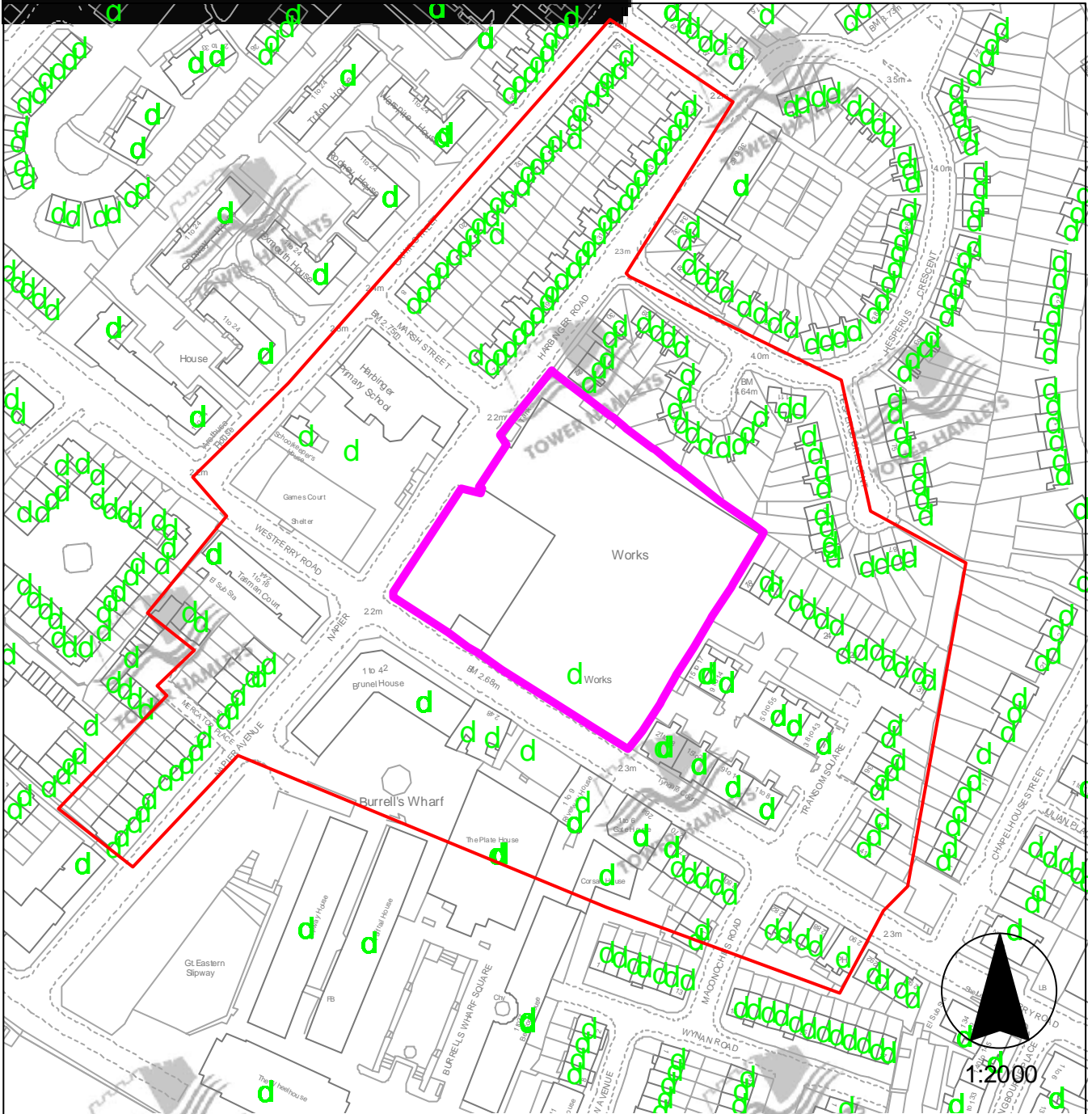
- 6.23 Policy DEV4 of the adopted UDP and Policy EM1 of the emerging LDF make clear that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.
- 6.24 Government advice on the use of planning obligations is set out in Circular 05/2005, which states that planning obligations can take the form of private agreements or unilateral undertakings given by a developer and are *'intended to make acceptable development which would otherwise be unacceptable in planning terms'*. Generally, they should be used in the following three ways: -
1. They may be used to prescribe the nature of the development to ensure it is suitable on planning grounds. For example by requiring a given proportion of housing is affordable;
 2. Secondly they may require a contribution to compensate against loss or damage that will result from a development. For example loss of open space; and
 3. Thirdly obligations may be used to mitigate against the impact of a development. For example through improvements to public transport provision, education and health facilities.
- 6.25 The Circular also makes clear that planning obligations should only be sought where they meet the following tests:-
1. Relevant to planning;
 2. Necessary to make the proposed development acceptable in planning terms;
 3. Directly related to the proposed development;
 4. Fairly and reasonably related in scale and kind to the proposed development; and reasonable in all other respects.
- 6.26 After consultation with both the Tower Hamlets Primary Care Trust and the Council's Head of Education Building Development, a combined financial contribution of £1,313,080 was requested. The education contribution was based on the estimated increased child yield of 29 that would ensue as a result of the development. The medical contribution was based on the population uplift and sought both capital and revenue funding.
- 6.27 After presenting this figure to the applicant, it was claimed that if a payment of such size was made, a significant reduction in the amount of affordable housing would have to be agreed. As such, a toolkit demonstrating costs was requested.
- 6.28 The GLA Affordable Housing toolkit that has been submitted demonstrates that with the costs of

converting the listed Forge building and with the provision of the required 35% affordable housing, a maximum financial contribution of £600,000 is possible. The applicant has broken this figure down by allocating £10,000 towards TFL, an education contribution of £143,400 and a health contribution of £446,000. These arrangements are considered reasonable and acceptable.

7. SUMMARY

- 7.1 This mixed use proposal would regenerate an unsightly haulage yard that is detrimental to the character and appearance of the Chapel House Conservation Area and enable a vacant listed building to be converted to offices to secure its future. The proposal is considered acceptable in terms of land use and impact on the surrounding area. It would deliver increased employment opportunities and provide an appropriate mix of residential units, including high proportions of affordable and family housing. The affordable housing units would, in particular, make a valuable contribution to local and strategic need. The mix of unit sizes overall and in both the affordable and private sectors would be satisfactory.
- 7.2 The proposed development would be of an appropriate scale, height and density and represents a high quality scheme of contemporary architecture that is considered would successfully address the site's context. Officers consider that the proposed bulk and massing of the proposal is now satisfactory having gone through a process of design refinement.
- 7.3 Parking standards would be met and the implications for conditions of highway are also considered satisfactory.
- 7.4 No planning objections are raised and it is recommended that both planning permission and listed building consent be granted as set out in the recommendations at section 2 of this report.

Site Map



Legend

- Planning Application Site Boundary
- Consultation Area
- d Land Parcel Address

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. The Site Map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office © Crown Copyright. London Borough of Tower Hamlets LA086568

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