

<b>Committee:</b> Development Committee	<b>Date:</b> 18 <sup>th</sup> August 2010	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.2
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Jane Jin		<b>Ref No:</b> PA/10/01177	
		<b>Ward(s):</b> Millwall	

## 1. APPLICATION DETAILS

**Location:** Site at 1-3 Muirfield Crescent and 47 Milharbour, London

**Existing Use:** Vacant office

**Proposal:** Application to replace extant planning permission in order to extend the time limit for implementation of Planning Permission ref: PA/06/893 [Outline permission to provide 143 residential units in buildings up to 10 storeys in height with an A1 and A3 use at ground floor level with reconfiguration of existing basement car parking, associated servicing and landscaping].

**Applicant:** Tameric Investments c/o - Sheppard Robson

**Owner:** Royal Bank of Canada  
Linray Limited  
Newbridge (G.P) Limited and Gryphon Limited  
Regent House Properties Limited  
Glenart Limited  
EDF Energy PLC

**Historic Building:** N/A

**Conservation Area:** N/A

## 2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The principle of a residentially-led mixed use scheme is considered to be appropriate and in accordance with saved policy DEV3 of the Unitary Development Plan (1998), policies CP1, CP15 and CP19 of the Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purpose) and policy SP02 of the Core Strategy Local Development Framework (Submission Version 2009) which seek to deliver new housing and the creation of sustainable places.
- 2.2 The proposal is in line with the Mayor and Council's policy, as well as Government guidance which seek to maximise the development potential of sites. As such, the development complies with policy 3A.3 of the London Plan (Consolidated with Alterations since 2004), policy HSG1 of the Council's Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purpose) and also policy SP02 of the Core Strategy Local Development Framework (Submission Version 2009) which seeks to ensure the use of land is appropriately optimised.
- 2.3 The retail (Class A1) and restaurant and café (Use Class A3) are acceptable as they will provide for the needs of the development and surrounding residents and would result in job opportunities for local residents. As such, it is in line with policies 3D.1, 3D.3 and 5C.1 of the London Plan (Consolidated with Alterations since 2004), saved policies DEV1, DEV3, EMP1, EMP 6 and EMP8 of the Council's Unitary Development Plan 1998 and policies CP1, CP15,

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

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP. draft LDF and London Plan		Jane Jin 020 7364 6573

DEV1 and RT4 of the Council's Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purpose), which seek to promote a diverse range of employment, retail and leisure uses and promote employment including opportunities for local people.

- 2.4 The building height, scale, bulk and design is acceptable and in line with the Council's design policies and regional and local criteria for tall buildings. As such, the scheme is in line with policies 4B.8, 4B.9 and 4B.10 of the London Plan 2008, saved policies DEV1, and DEV2 of the Council's Unitary Development Plan 1998 and policies DEV1, DEV2 and DEV3 of the Council's Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purpose), which seek to ensure buildings are of a high quality design and suitably located.
- 2.5 The 10-storey building within the development would form a positive addition to London's skyline, without causing detriment to local or long distance views, in accordance policies CP48 and CP50 of the Council's Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purpose) and policies 4B.1, 4B., 4B.8 and 4B.9 of the London Plan (2008) which seek to ensure tall buildings are appropriately located and of a high standard of design whilst also seeking to protect and enhance regional and locally important views.
- 2.6 Subject to conditions requiring the submission of full details and samples materials and elevational treatments, the scheme is considered to enhance the street scene and local context, posing no significant adverse impact on the character, appearance and setting of the nearby Grade II listed building nor the character and appearance of the Lansbury Conservation Area, in accordance with PPS5, Policy 4B.1 and 4B.8 of the Mayor's London Plan (Consolidated 2008) as well as Policy DEV1 of the LBTH UDP (1998), policies CP4, CP48, CP49, and DEV2 of the Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purpose) and policy which seek to protect the appearance and setting of listed buildings and conservation areas.
- 2.7 The proposal provides an acceptable amount of affordable housing and mix of units. As such, the proposal is in line with policies 3A.5, 3A.8, 3A.9 and 3A.10 of the London Plan (Consolidated with Alterations since 2004), saved policy HSG7 of the Council's Unitary Development Plan 1998, policies CP22, HSG2 and HSG3 of the Council's Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purpose) and policy SP02 of the Core Strategy LDF (Submission Version 2009) which seek to ensure that new developments offer a range of housing choices.
- 2.8 Transport matters, including parking, access and servicing, are acceptable and in line with London Plan policies 3C.1 and 3C.23 of the London Plan, policies T16 and T19 of the Council's Unitary Development Plan 1998 and policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purpose), which seek to ensure developments minimise parking and promote sustainable transport options.
- 2.9 Financial contributions have been secured towards the provision of public art or craft, highways and transportation, open space, public realm, training and employment, community facilities, education and health care in line with Community Infrastructure Levy Regulations (2010), Government Circular 05/05, policy DEV4 of the Council's Unitary Development Plan 1998 and policy IMP1 of the Council's Interim Planning Guidance (adopted by Cabinet in October 2007 for Development Control purpose), which seek to secure contributions toward infrastructure and services required to facilitate proposed development.
- 2.10 It is considered that the development complies with policies outlined in this report.

### 3. RECOMMENDATION

- 3.1 That the Committee resolve to **GRANT** planning permission subject to:

- A. All parties, including all mortgagees, with an interest in the site entering into a supplementary deed to link the obligations of the original permission to the new permission as secured under the **Deed of Variation** of the planning permission PA/06/893 by means of a **legal agreement** under **Section 106** of the Town and Country

Planning Act 1990 (as amended) to the satisfaction of the Assistant Chief Executive (Legal Services)..

Financial Contribution (as secured with Permission PA/06/893)

- a) £35,000 towards Public Art or Crafts on or around the Land;
- b) £219,505 towards the improvement and upgrade of transport and infrastructure; public realm; open spaces; employment and training; and securing community facilities;
- c) £308,550 towards the provision of additional education facilities in the vicinity;
- d) 734, 516 towards healthcare facilities

Non-Financial Contributions

- e) Affordable Housing;
- f) The provision of a public walkway through the site, along Muirfield Crescent, as part of the 'the East-West link' in the Millennium Quarter and Isle of Dogs Area Action Plan; and
- g) Car-free agreement (new obligation);

3.2 That the Corporate Director Development & Renewal is delegated power to negotiate the legal agreement indicated above.

3.3 That the Head of Development Decisions is delegated power to impose conditions and informatives on the planning permission.

**Conditions**

- 1) Time limit for outline planning permission
- 2) Outline permission- reserved matters
  - a. Appearance
  - b. Landscaping
  - c. scale
- 3) Submission of sample/details of materials, design of shopfronts, and any mechanical plants with noise attenuation measures.
- 4) Provision of car, motorcycle and cycle parking spaces.
- 5) Submission of detailed drawing showing means of access across the entire site.
- 6) Submission of a landscape scheme.
- 7) Submission of refuse/recycling enclosure details and waste management strategy.
- 8) Submission of a contamination report and remediation strategy.
- 9) Power/hammer driven piling/breaking (10am – 4pm Monday – Friday).
- 10) Submission of a Construction Management.
- 11) Submission of an Air Quality Assessment.
- 12) Submission of a drainage strategy
- 13) Submission of details of sound/noise insulation and mitigation measures.
- 14) Submission of Energy efficiency
- 15) Submission of Decentralised energy feasibility study
- 16) Submission of Renewable Energy technology
- 17) Code of Sustainable Homes
- 18) Hours of operation for retail (A1) and café/restaurant (A3) uses.
- 19) Submission of details for flues/extraction system for A3 use.
- 20) Submission of a risk assessment and method assessment for works adjacent to the water.
- 21) Submission of details for CCTV, lighting and security lighting.
- 22) Submission of freight by water feasibility assessment.
- 23) 20% of vehicle parking spaces to incorporate electric car charging points
- 24) Approved plan numbers.
- 25) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

**Informatives**

- 1) Section 106 agreement required;
- 2) Definition of Superstructure;
- 3) Contact British Waterways;
- 4) Contact British Waterways – permission required for discharge of surface water;
- 5) Contact British Waterways – permission required for balcony overhangs;
- 6) Contact British Waterways – closure of towpaths;
- 7) Contact British Waterways – British Waterways' access; and
- 8) Section 278 agreement required

3.4 That, should the **Section 106** agreement not be completed by 3<sup>rd</sup> September 2010, the Head of Development Decisions may refuse planning permission on the grounds that in the absence of a legal agreement, the proposal fails to secure appropriate planning obligations to mitigate its potential impacts.

#### **4. BACKGROUND TO EXTENSION OF TIME APPLICATIONS**

- 4.1 An application to extend the time limit for implementation can be made if the relevant time limit of an extant planning permission has not expired on either 1<sup>st</sup> October 2009 and/or at the date of the application, and if the development has not yet been commenced.
- 4.2 The Greater Flexibility for Planning Permissions Guidance issued by Communities and Local Government states that the Council should take a constructive approach towards these applications and given that the principle of the development has already been agreed, the focus of the determination should be on adopted policies and other material considerations (including national policies on matters such as climate change) which may have significantly changed since the original grant of permission.
- 4.3 As it is with the subject application, where the original permission is accompanied by a S106 legal agreement, the Council need to consider whether a supplementary deed is required to link the obligations of the original to the new permission. It should also be noted that the Council has the power to impose and/or vary conditions.

#### **5 PROPOSAL AND LOCATION DETAILS**

##### **Proposal**

- 5.1 On 10<sup>th</sup> July 2007, an outline planning permission (ref PA/06/00893) was granted with a condition stating that application for approval of the matters reserved by the conditions was to be made to the Local Planning Authority before expiration of three years from the date of the permission and the development shall be begun either the expiration of 5 years from the date of the permission or before the expiration of two years from the date of the approval of the last reserved matters, whichever is the later.
- 5.2 The applicant has indicated that there have been number of factors which have delayed the implementation of the planning permission. The main reason is due to the recent economic down turn and the limited availability of finance for new projects. In addition, there has been a change in ownership at the site and this has impacted on the continuity of their management team to progress with the development. This is the reason why applications for extension to the time limits for implementing planning permissions were introduced, in order to make it easier for developers and LPAs to keep planning permissions alive for longer during the economic downturn so that it can be more quickly implemented when economic conditions improve. The applicant has also confirmed that they are confident that there is improvement in the market which means that the project is now viable.
- 5.3 As such, the applicant seeks the extension of the time limit to submit applications for

approval of reserved matters and the implementation of the planning permission.

### **Site and Surroundings**

- 5.4 The site comprises a rectangular area roughly 0.45 hectares, abutting Millharbour to the west and the Millwall Inner Dock to the east. There is a two storey development to the north at 45 Millharbour which is used as a place of worship.
- 5.5 There are three office buildings on the site at present. Borrington House forms 47 Millharbour to the west, in the centre is Archway House at 1 Muirfield Crescent and Bellerive House at 3 Muirfield Crescent adjacent to Millwall Inner Dock.
- 5.7 There are a number of large developments which have been recently completed, under construction and consented in the surrounding area, which contribute to the rapidly changing urban and social environment.

### **Relevant Planning History**

- 5.8 The following planning decisions are relevant to the application:

PA/06/00893 In outline, redevelopment to provide 143 residential units in buildings up to 10 storeys in height (and no greater than 30m) with A1 and A3 use at ground floor level with reconfiguration of existing basement car park associated servicing & landscaping. This application was approved on 10/7/2007.

## **6. POLICY FRAMEWORK**

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

### **Government Planning Policy Guidance/Statements**

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPS25	Development and Flood Risk

### **Spatial Development Strategy for Greater London Consolidated with Alterations Since 2004 (London Plan February 2008)**

Policies:

2A.1	Sustainability Criteria
3A.1	Increasing London’s supply of housing
3A.2	Borough Housing Targets
3A.3	Maximising the potential of sites
3A.5	Housing choice
3A.6	Quality of new housing provision
3A.7	Large residential developments
3A.9	Affordable housing targets
3A.10	Negotiating affordable housing in individual private residential and mixed-use schemes
3A.11	Affordable Housing thresholds
3B.3	Mixed use development
3C.3	Sustainable Transport
3C.17	Tackling congestion and reducing traffic
3C.22	Improving conditions for cyclists

3C.23	Parking Strategy
3D.8	Realising the value of open space and green infrastructure
3D.13	Children and young people's play and informal recreation strategies
4A.1	Tackling climate change
4A.2	Mitigating climate change
4A.3	Sustainable Design and Construction
4A.4	Energy assessment
4A.5	Provision of heating and cooling and power
4A.6	Decentralised energy: heating, cooling and power
4A.7	Renewable energy
4A.9	Adaptation to climate change
4A.12	Flooding
4A.13	Flood risk management
4A.14	Sustainable drainage
4A.16	Water supply and resources
4A.18	Water and sewerage infrastructure
4B.1	Design principles for a compact city
4B.2	Promoting world class architecture and design
4B.3	Enhancing the quality of the public realm
4B.5	Creating an inclusive environment
4B.6	Safety, Security and Fire Prevention and Protection
4B.8	Respect local context and communities
6A.4	Planning Obligation Priorities

### **The London Plan Supplementary Planning Guidance (SPG)**

Accessible London: Achieving an Inclusive Environment  
Housing  
Sustainable Design and Construction  
Providing for Children and Young People Play and Informal Recreation  
Planning for Equality and Diversity in London

### **Tower Hamlets Unitary Development Plan (1998) (as saved 2007)**

Proposals:		Central Area Zone Flood Protection Areas
Policies:	CAZ1	Location of Central London
	DEV1	Design Requirements
	DEV2	Environmental Requirements
	DEV3	Mixed Use Developments
	DEV4	Planning Obligations
	DEV46	Riverside, Canalside, Docks and other water areas
	DEV48	Riverside Walkways and New Development
	DEV50	Noise
	DEV51	Contaminated Land
	EMP1	Employment Growth
	EMP3	Changing employment use to non B Class Use
	HSG7	Dwelling Mix and Type
	HSG13	Internal Space Standards
	HSG16	Housing Amenity Space
	T16	Traffic Priorities for New Development
	T19	Pedestrians
	T21	Pedestrians Needs in New Development
	T26	Use of Waterways for movement of Bulky Goods
	OS9	Children's Playspace

U2	Development in Areas at Risk from Flooding
U3	Flood Protection Measures

### Interim Planning Guidance for the purposes of Development Control (October 2007)

Proposals:		Flood Risk Zone 2 and 3
	ID23	Development Site – Residential (C3)
Core Strategies:	IMP1	Planning Obligations
	CP1	Creating Sustainable Communities
	CP2	Equality of Opportunity
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP7	Job creation and Growth
	CP8	Central Activities Area
	CP11	Sites in Employment Use
	CP19	New Housing Provision
	CP20	Sustainable Residential Density
	CP21	Dwelling Mix and Type
	CP22	Affordable Housing
	CP25	Housing and Amenity Space
	CP30	Improving the Quality and Quantity of Open Space
	CP31	Biodiversity
	CP37	Flood Alleviation
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP40	A Sustainable Transport Network
	CP41	Integrating Development with Transport
	CP42	Streets for People
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
Policies:	DEV1	Amenity
	DEV2	Character and Design
	DEV3	Accessibility and Inclusive Design
	DEV4	Safety and Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency
	DEV7	Water Quality and Conservation
	DEV8	Sustainable Drainage
	DEV9	Sustainable Construction Materials
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction
	DEV14	Public Art
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV19	Parking for Motor Vehicles
	DEV20	Capacity of Utility Infrastructure
	DEV22	Contaminated Land
	DEV24	Accessible Amenities and Services
	EE2	Redevelopment/Change of Use of Employment Sites
	RT4	Shopping Provision Outside of Town Centres
	HSG1	Determining Housing Density

	HSG2	Housing Mix
	HSG3	Affordable Housing
	HSG4	Ratio of Social Rent to Intermediate Housing
	HSG7	Housing Amenity Space
	HSG9	Accessible and Adaptable Homes
	HSG10	Calculating Provision of Affordable Housing
IODAAP	IOD1	Spatial Strategy
	IOD2	Transport and Movement
	IOD6	Water Space
	IOD7	Flooding
	IOD8	Infrastructure Capacity
	IOD10	Infrastructure and services
	IOD18	Employment uses in the Central sub-area
	IOD19	Residential uses in the Central sub-area
	IOD20	Retail and leisure uses in the Central sub-area
	IOD21	Design and built form in the Central sub-area
	IOD22	Site allocations in the Central sub-area

### **Supplementary Planning Guidance/Documents**

Residential Space Standards  
Designing out Crime

### **Core Strategy Development Plan Document (Submission Version December 2009)**

Policies:	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a green and blue grid
	SP05	Dealing with waste
	SP07	Improving education and skills
	SP09	Creating attractive and safe streets and spaces
	SP11	Working towards a zero-carbon borough
	SP12	Delivering place making – Poplar Vision, Priorities and Principles

**Community Plan** The following Community Plan objectives relate to the application:

A better place for living safely  
A better place for living well  
A better place for creating and sharing prosperity

### **Good Practice Guidance issued by Communities and Local Government**

The guidance 'Greater flexibility for planning permission: Guidance', published on 23<sup>rd</sup> November 2009 provides guidance on the use of measures and to augment policy and advise on the best way of achieving technical outcomes.

## **7. CONSULTATION RESPONSE**

7.1 The views of the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

### **LBTH Environmental Health**

#### Daylight, Sunlight and Microclimate

7.2 Since there is no change in the scale, height and bulk, but just to extend the time limit for



implementation for Planning Permission -PA/06/893 scheme, Environmental Health has no comments.

#### Health and Safety

7.3 No comments have been received.

#### Noise and Vibration

7.4 No comments have been received.

#### **LBTH Highways**

7.5 It is acknowledged that parking space provision is in accordance with the parking standards set out in LBTH's IPG, however the Isle of Dogs is becoming increasingly congested due to continued development and Highways would also like to see a car free development. From looking at the previous outline permission, it appears that a car/permit free agreement was not secured. In addition, the previous outline consent/permission notice requested a minimum of 63 cycle spaces through Condition 4. This does not accord with the parking standards set out in LBTH's IPG, whereby cycle parking should be provided at a rate of: - 1 space per residential unit for residents; - 1 space per 10 residential units for visitors to the residential units; - 1 space per 125sqm for A1; - 1 space per 50sqm, or 1 per 20 staff for staff and 1 per 20 seats for visitors (whichever is greater) for A3.

*(Officer's Comment: The Cabinet adopted the Interim Planning Guidance for the purpose of Development Control in October 2007, after the last permission was approved. Since there has been a change in policy for parking standards, Condition 4 will be amended to ensure that the cycle parking provision meets the current standards and to provide for 164 cycle parking spaces. This condition is in accordance with Circular 11/95: The use of Conditions for Planning Permissions.*

*With regard to the car-free agreement, a new obligation will be secured through the Deed of Variation. This obligation is necessary and reasonable which relate to the development, and is in accordance with Circular 05/05: Planning Obligations, and the Community Infrastructure Levy Regulations 2010.)*

#### **LBTH Housing Strategy Group**

7.6 No comments have been received.

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

7.7 There are no changes to the design therefore Design and Conservation have no comments to make.

#### **Environment Agency (Statutory Consultee)**

7.8 The Environment Agency objected to the proposal as there is no Flood Risk Assessment (FRA) submitted with the application.

*(Officer's Comment: The previous approval had FRA accompanying the application and EA did not raise any objection. However, since then, there have been changes made to the national policies and in this particular instance, the proposal was previously assessed against PPG 25 Development and Flood Risk, but now PPS25 applies. The main changes are that the role of EA in decision making have enhanced, and there are requirements for FRAs.*

*At the time of writing this report, the applicant is preparing the FRA in consultation with EA and therefore, this issue is likely to be resolved prior to determination at the Development Committee. The forthcoming Addendum Report will address this issue in detail).*

## **British Waterways (Statutory Consultee)**

7.9 British Waterways accepts that the application represents an extension of time for the previously approved scheme, and that British Waterways made few comments on this. However, since the last application was submitted, a reassessment of the impact of cumulative developments in the area have taken place, and after due consideration of the application details, the following comments are made.

- Landscaping and Off site improvements - the walkway should be resurfaced to match the adjacent surface treatment alongside Pan Peninsular, which we hope will be continued in between by the adjacent redevelopment proposals.
- Refuse Management – we have experienced significant increase in refuse left in our dockside bins. Considering the increase in occupiers of the site following the development, and the associated burden on British Waterways' maintenance of the area (such as for increased litter collection) we would request that the waterside area would be included in the management of the site's public spaces.
- Design and Layout – The building abuts British Waterways' Millwall Inner Dock and its walkway, with a restaurant use on the ground floor. Half of the waterside elevation is taken up with service areas, which we assume will present a dead frontage to the adjacent public realm.

The following conditions should be imposed.

- Risk Assessment and Method Statement
- CCTV and lighting details
- Feasibility study for the use of waterborne freight

*(Officer's Comment: There have not been any policy changes since the last approval with regards to developments along water front,. However, to ensure that refuse is contained within the application site a suitably worded condition will be added to include a management plan for site's public spaces.*

*With regards to the Landscaping and offsite improvements, financial contribution was secured with the last approval for improvements to public realm and therefore the works can be carried out.*

*In relation to design comments, this is a matter which is reserved for consideration later in the process.*

*Two of the required planning conditions were previously included in the decision notice and will be re-instated, and the additional required condition will be imposed. This is in accordance with Circular 11/95).*

## **8. LOCAL REPRESENTATION**

8.1 A total of 469 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. The application has also been publicised in East End Life and on site. No representations were received from neighbours or local groups in response to notification and publicity of the application.

## **9. MATERIAL PLANNING CONSIDERATIONS**

9.1 The main issues arising from the development which were judged to be acceptable in

principle within the previous application relate to the access and layout of the proposal. The Committee report for the previously approved scheme is attached as Appendix 1 of this report. In particular, planning issues which were considered are:

1. Land use
2. Impact on Local Context
3. Density
4. Housing
5. Open space
6. Amenity
7. Access and Transport
8. Access and Inclusive Design
9. Sustainable Development/Renewable Energy
10. Planning Obligations

Matters relating to design, external appearance and landscaping were reserved. Since the approval, changes to the Development Control system were introduced by the Government and the changes relate to the format of Outline Planning Applications and the information supplied within them. From August 2006 the reserved matters have changed to:

- a) Layout: - the way in which buildings, routes and open spaces are provided within the development and their relationship to buildings and spaces outside the development.
- b) Scale: - the height, width and length of each proposed in relation to its surroundings.
- c) Appearance: - the aspects of a building or place which determines the visual impression it makes, excluding the external built form of the development.
- d) Access: - this covers accessibility to and within the site for vehicles, cycles and pedestrians in terms of the positioning and treatment of access and circulation routes and how these fit into the surrounding access network.
- e) Landscaping: - this is the treatment of private and public space to enhance or protect the site's amenity through hard and soft landscape measures, for example, through planting of trees or hedges or screening by fence or walls.

Therefore, the matters which are now reserved relate to Scale, Appearance and Landscaping.

- 9.2 As mentioned, while the application is determined in accordance with s.38(6) of the Planning and Compulsory Purchase Act 2004, the consideration to be had in this particular case relate any significant change in development plan policies and other material considerations since the grant of the original permission on 10<sup>th</sup> July 2007.
- 9.3 Since the grant of planning permission a number of relevant national and regional guidance and adopted policy as set out in the development plan have been updated. This include new PPS3 published on 9 June 2010 (which replaced PPG3), PPS25 published on 29<sup>th</sup> March 2010 (which replaced PPG25) and the updated London Plan Consolidated with Alterations since 2004, dated February 2008.
- 9.4 In relation to how Tower Hamlets' policies have changed, some policies were deleted by direction from the Secretary of State in September 2007. The remaining policies were saved. The LDF Core Strategy was submitted to the Secretary of State, following Full Council's approval, on 18th December 2009. The Core Strategy has now undergone examination and has been found sound by the Inspector, subject to a number of minor changes. As the Council received the Inspector's Final Report on 15<sup>th</sup> July 2010, this affects the weight applied to the draft document when determining planning applications prior to adoption by full Council.
- 9.5 The draft replacement London Plan and the Council's LDF are at their advances stages being adopted.

For the purpose of decision making, the statutory development plan documents which now pertain are:

- The London Plan Consolidated with Alterations since 2004, dated February 2008;
- The saved policies of UDP 1998;

It should also be noted that, given that the Core Strategy has now been found sound and legally compliant by the Inspector with recommendations only for minor changes, it is considered that the entire document, in accordance with the Inspector's amendments, has significant material weight prior to adoption.

### **Land Use**

- 9.6 The proposal would result in the loss of the existing employment generating uses on this site. However, the proposal would meet the Spatial Strategy for the Isle of Dogs as outlined in the Isle of Dogs Area Action Plan, as part of the emerging LDF. The application site falls within an area identified for New Housing Focus and the site has been allocated as a preferred use for residential development (site ID23), therefore the loss of employment floor space is acceptable in this instance. In addition, the proposal also provides retail spaces and the applicant has agreed to include local labour initiatives as part of the Section 106 obligation.
- 9.7 The proposed land use is considered to be beneficial to the area and follows the overall spatial plans for the Isle of Dogs. Development plan policy has not significantly altered since the grant of consent. It is worthwhile to note that the only change in policy is the deletion of Policy EMP2 which resisted the loss of employment generating uses.

### **Density**

- 9.8 The London Plan density matrix within policy 3A.3 suggests that densities within central sites with moderate transport links (PTAL 2-3) should be within the range of 300 – 650 habitable rooms per hectare. This approach is supported by policy HSG1 of the Interim Planning Guidance and policy SP02 (2) of the Core Strategy (Submission Version 2009) which seek to correspond housing density to public transport accessibility and proximity town centres.
- 9.9 Policy HSG1 of the IPG specifies that the highest development densities, consistent with other plan policies, will be sought throughout the Borough. The supporting text states that, when considering density, the Council deems it necessary to assess each proposal according to the nature and location of the site, the character of the area, the quality of the environment and type of housing proposed. Consideration is also given to standard of accommodation for prospective occupiers, microclimate, impact on neighbours and associated amenity standards.
- 9.10 Proposed density of the scheme is 971 habitable rooms per hectare. Whilst this is over the density range for a central site, it should be remembered that density only serves an indication of the likely impact of development. Typically high density schemes may have an unacceptable impact on the following areas:
- Access to sunlight and daylight;
  - Lack of open space and amenity space;
  - Increased sense of enclosure;
  - Loss of outlook;
  - Increased traffic generation; and
  - Impacts on social and physical infrastructure.
- 9.11 As previously decided, it is not considered that the proposed scheme give rise to any of the abovementioned symptoms of overdevelopment. Furthermore, the proposed density is more in keeping with the existing and emerging developments within the area. As such, the density is considered acceptable given that the proposal poses no significant adverse impacts and is

appropriate to the area context.

### **Housing (Affordable housing, Housing mix and standard of accommodation)**

- 9.13 The development provides for 143 residential units of which 55 units are affordable housing. This accumulates to 44% affordable housing based on the number of habitable rooms.
- 9.14 The Council's policy stance on affordable housing provision has not changed since the previous approval and the Borough's minimum affordable housing provision remains at 35%, measured by habitable rooms.
- 9.15 In terms of both unit numbers and habitable rooms, the affordable housing provision would far exceed policy expectation and therefore it would be reasonable to allow the applicants an extended time in order to allow greater possibility of implementation.
- 9.16 Policy CP22 of the Interim Planning Guidance 2007, state that the Council will require a social rented to Intermediate housing ratio split of 80:20 for all new affordable housing and the approved scheme provides 80% Social rented and 20% units as Intermediate. However, since the last approval, the Core Strategy has been found sound by the Inspector and therefore it carries more weight than the Council's IPG. The policy now requires the split to be 70:30, in favour of social rented. Given that the proposal would provide 44% of affordable housing provision, which exceeds policy standards, on balance, the proposed 80:20 split would be acceptable in this instance. The resulting residential accommodation is also considered to be of an appropriate standard, quality and amenity and the dwellings are provided with sufficient private and communal amenity space.

### **Impact on surrounding amenity**

- 9.18 The development is considered to have an appropriate relationship with existing adjoining properties. Subject to the original conditions and S106 agreement the resulting development is not considered to have an adverse impact on neighbouring residential amenity in terms of: noise and nuisance; loss of sunlight and daylight; or outlook.

### **Energy and sustainability**

- 9.19 It is the Council's and the Mayor's objective when considering major developments that there is an achievement of a significant and measureable improvement in energy efficiency and reduction in CO2 emissions. In this regard, adopted policy is that the feasibility of providing Combined Heat and Power (CHP)/Combined Cooling Heat and Power (CCHP) and community heating systems be explored. Furthermore, all developments are expected to demonstrate that their heating, cooling and power systems have been selected to minimise CO2 emissions. The London Plan requirement is that renewable energy technologies shall provide for no less than 20% on-site CO2 reduction, an increase of 10% since the grant of planning permission.
- 9.20 As the previously approval is an outline scheme, energy strategy measures within the design were not considered. A condition was imposed for further details to be submitted to ensure that the proposed renewable energy measures would be implemented. An amended worded condition will be imposed to ensure that an energy efficient building together with 20% renewable energy is delivered on site.

### **Other Planning Issues**

- 9.21 There has been no change in the policies relating to contaminated land, archaeology, transportation or servicing. The requirements of Council's highways are as before, and measures are secured by conditions.

- 9.22 Obligations and financial contributions have been secured under the original planning permission towards environmental, infrastructure and services required to mitigate potential impacts of the proposed development. The obligations and financial contributions are in line with the Community Infrastructure Levy Regulations 2010, policies IMP1 of the Council's IPG 2007 and DEV4 of the UDP 1998, which seek to ensure that legal agreements and contributions are: reasonable; necessary; relevant to planning; and related to the development.
- 9.23 Overall, having regard to the current adopted policies and other material considerations, it is considered that there are no significant changes which would indicate that the proposal is no longer policy compliant. However, there are updates to policy, in particular to sustainability policies, which require the Council to consider imposing new conditions and a new section 106 head of term in order to make the scheme acceptable in light of new policies and changed circumstances at the site and in its vicinity..

## 10.0 **SUMMARY AND CONCLUSIONS**

- 10.1 The proposal follows the overall Spatial Strategy for Isle of Dogs as outlined in the Development Plan. The proposal will re-develop an under-used site with a modern high quality, mixed used scheme which maximises the site potential and provides a contemporary development along this area of regeneration. The existence of an extant planning permission for the same scheme would act as a material consideration in determination of this case. There are no significant material changes in circumstances or in policy that would prohibit the use of the new procedures to extend the time element of the permission.
- 10.2 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.

# Agenda Item 7.2

<b>Committee:</b> Development	<b>Date:</b> 10 <sup>th</sup> January 2007	<b>Classification:</b> Unrestricted	<b>Agenda Item No:</b> 7.2
<b>Report of:</b> Corporate Director of Development and Renewal		<b>Title:</b> Planning Application for Decision	
<b>Case Officer:</b> Tim Porter		<b>Ref No:</b> PA/06/00893	
		<b>Ward(s):</b> Millwall (February 2002 onwards)	

**1. APPLICATION DETAILS**

**Location:** FROM 1 TO 3 MUIRFIELD CRESENT AND 47 MILLHARBOUR, MILLHARBOUR, LONDON

**Existing Use:** Office

**Proposal:** In outline, redevelopment to provide 143 residential units in buildings up to 10 storeys in height (and no greater than 30m) with A1 and A3 use at ground floor level with reconfiguration of existing basement car park, associated servicing & landscaping.

**Drawing Nos:** 3076-00-000 (Revision A), 3076-00-001 (Revision A), 3076-00-100 (Revision A), 3076-00-200 (Revision B), 3076-00-201 (Revision C), 3076-00-202 to 3076-00-209 inclusive (Revision B), 3076-00-300 (Revision B), 3076-00-300 (Revision A), 3076-00-301 (Revision A), 3076-50-100 (Revision A) and 3076-50-101 (Revision A)

**Applicant:** Rowan Asset Management Ltd C/ - DP9

**Owner:** Glengall Bridge Limited  
Royal Bank of Canada Trust Corporation  
Linray Limited  
Newbridge (G.P.) Limited and Gryphon Limited  
Regent House Properties Limited  
Glenart Limited  
London Electricity Group PLC  
Telecity UK Limited

**Historic Building:** N/A

**Conservation Area:** N/A

**2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS**

2.1 The Local Planning Authority has considered the particular circumstance of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan, associated Supplementary Planning Guidance, the London Plan and Government Planning Policy Guidance and has found that:

(a) In principle, the redevelopment of the site to provide 143 residential units in buildings up to 10 storeys in height (and no greater than 30m) with A1 and A3 use ground floor level is acceptable, subject to appropriate planning obligation agreements and conditions to mitigate against the impact of the development and minimise any adverse impact for future occupiers of the proposed development; and

(b) It is considered that the proposed use would not have an adverse impact on the residential amenity of surrounding properties. A number of conditions are recommended to

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

Brief Description of background papers:	Tick if copy supplied for register	Name and telephone no. of holder:
Application, plans, adopted UDP, draft LDF and London Plan		Tim Porter 020 7364 5291

secure the submission of reserved matters and submission of details.

### 3. RECOMMENDATION

3.1 That the Committee resolve to **GRANT** planning permission subject to:

- A. Any **direction** by **The Mayor**
- B. The prior completion of a **legal agreement**, to the satisfaction of the Chief Legal Officer, to secure the following:
  - a) A contribution of £35,000 to public art
  - b) Affordable housing provision of 44% of the proposed habitable rooms with an 80/20 split between rented/ shared ownership to be provided on site in accordance with the mix specified in table 8.22 of this report
  - c) A contribution of £219,505 towards the improvement and upgrade of transport infrastructure, public realm and open spaces, the provision of training and employment and the securing community facilities to achieve the objectives of the Millennium Quarter Master Plan.
  - d) A contribution of £308,550 to mitigate the demand of the additional population on education facilities.
  - e) A contribution of £734,516 to mitigate the demand of the additional population on health care facilities.
  - f) The provision of a public walkway through the site (along Muirfield Crescent) as part of the 'the East-West link' in the Millennium Quarter and Isle of Dogs Area Action Plan.
  - g) The use of local labour in the construction.
  - h) 'Car Free' agreement, to prohibit residents of the development from applying for residents parking permits in the area

3.2 That the Head of Development Decisions is delegated power to impose conditions and informatives on the planning permission to secure the following:

#### Conditions

- 1) Time limit for outline planning permission
- 2) Outline permission – reserved matters
  - a) Design of the buildings
  - b) External appearance of the building
  - c) Details of treatment of all open land within the site including both hard and soft landscaping
- 3) Details and samples of materials to be used on external surfaces of buildings
- 4) Details of provision for storage and disposal of refuse
- 5) Details of a scheme of external lighting and security measures
- 6) Details of lower floor elevations to retail units
- 7) Implementation of landscaping and maintenance
- 8) Details of noise insulation
- 9) Prevention of noise and disturbance from plant and machinery
- 10) Investigation and remediation measures for land contamination
- 11) Archaeology – investigation prior to commencement of works
- 12) Details to comply with recommendations in the Sunlight/Daylight report
- 13) Details of access for people with disabilities
- 14) Restricted working hours for construction (8am to 6pm Monday to Friday and 9am to 10m Saturday)
- 15) Submission of a Noise and Vibration Assessment and compliance with the approved Noise and Vibration Assessment



- 16) Submission of Air Quality Management Plan
- 17) Details of on-site construction parking and delivery arrangements
- 18) Details of foul and surface drainage system
- 19) Details of Sustainable development/ renewable energy initiatives.
- 20) Assessment and Method Statement outlining all works to be carried out adjacent to the water
- 21) Submission of a Code of Construction Practice

**Informatives**

- 1) Permission subject to a s106 agreement
  - 2) No additional floors for plant
  - 3) Request to comply with MQ Code of Construction Practice
  - 4) Consideration to be given to green roof systems
  - 5) Environmental Agency advice
  - 6) British Waterways advice
  - 7) Compliance with a post construction Environmental Management Plan
- 3.3 That, if by 10<sup>th</sup> July 2007 the legal agreement has not been completed to the satisfaction of the Chief Legal Officer, the Head of Development Decisions is delegated power to refuse planning permission.

**4. PROPOSAL AND LOCATION DETAILS**

**Proposal**

- 4.1 The proposal is for the redevelopment of the site to provide 143 residential units in buildings up to 10 storeys in height (and no greater than 30m) with A1 and A3 use at ground floor level with reconfiguration of existing basement car park, associated servicing & landscaping.
- 4.2 The planning application is submitted in outline, with design, external appearance and landscaping reserved for future consideration. The application therefore seeks approval of the following matters:
  - Access;
  - Siting;
  - Height and Massing;
  - Land use; and
  - Development Quantum

**Site and Surroundings**

- 4.3 The site comprises a rectangular area roughly 0.45 hectares, abutting Millharbour to the west and the Millwall Inner Dock to the east. There is a two storey development to the north at 45 Millharbour which is used as a place of worship. To the south is the four storey Glengall Bridge West development which the site currently forms a part.
- 4.4 There are three commercial office buildings on the site. To the west of the site there is Bonnington House at 47 Millharbour, in the centre of the site is Archway House at 1 Muirfield Crescent and Bellerive House at 3 Muirfield Crescent adjacent Millwall Inner Dock. A basement car park extending across the entire Glengall Bridge site is accessed from Millharbour via a ramp at the north-west corner of the subject site. The northern area of the subject site features an open area of hard landscaping and a number of small buildings housing plant and machinery.
- 4.5 There are a number of large buildings both recently completed, under construction and consented in the surrounding area, which contribute to form a rapidly changing urban and social context. These include a recently built 15 storey residential block at 41 Millharbour to

the north of the site, beyond 45 Millharbour.

### **Planning History**

- 4.6 There is no planning history of relevance on the subject site, which was developed for its current use in the late 1980s as part of the first generation of new buildings in the former Enterprise Zone.

## **5. POLICY FRAMEWORK**

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

### **Unitary Development Plan**

Proposals:		Central Area Zones Flood Protection Areas
Policies:	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**

The Millennium Quarter Master Plan (MQMP) was agreed by the council's Policy and Implementation Committee on 13<sup>th</sup> 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.

### **Emerging Local Development Framework**

Proposals:	ID23	Residential (C3)
Core Strategies:	IMP1	Planning Obligations
	CP1	Creating Sustainable Communities
	CP2	Equal Opportunity
	CP3	Sustainable Environment
	CP4	Good Design
	CP5	Supporting Infrastructure
	CP7	Job Creation and Growth
	CP8	Central Activities Area
	CP11	Sites in Employment Use
	CP19	New Housing Provision
	CP20	Sustainable Residential Density
	CP25	Housing Amenity Space
	CP30	Improving the Quality and Quantity of Open Space
	CP31	Biodiversity
	CP37	Flood Alleviation
	CP38	Energy Efficiency and Production of Renewable Energy
	CP39	Sustainable Waste Management
	CP40	A Sustainable Transport Network
	CP41	Integrating Development with Transport
	CP42	Streets for People
	CP46	Accessible and Inclusive Environments
	CP47	Community Safety
Policies:	DEV1	Amenity
	DEV2	Character & Design
	DEV3	Accessibility & Inclusive Design
	DEV4	Safety & Security
	DEV5	Sustainable Design
	DEV6	Energy Efficiency & Renewable Energy
	DEV10	Disturbance from Noise Pollution
	DEV11	Air Pollution and Air Quality
	DEV12	Management of Demolition and Construction
	DEV14	Public Art
	DEV15	Waste and Recyclables Storage
	DEV16	Walking and Cycling Routes and Facilities
	DEV17	Transport Assessments
	DEV19	Parking for Motor Vehicles
	DEV20	Capacity of Utility Infrastructure
	DEV22	Contaminated Land
	DEV24	Accessible Amenities and Services
	EE2	Redevelopment /Change of Use of Employment Sites
	RT4	Retail Development
	HSG1	Determining Residential Density
	HSG2	Housing Mix
	HSG3	Affordable Housing
	HSG4	Social and Intermediate Housing ratio
	HSG7	Housing Amenity Space
	HSG9	Accessible and Adaptable Homes
	HSG10	Calculating Affordable Housing
	IOD2	Transport and Movement
	IOD3	Health Facilities
	IOD4	Education Provision

IOD5	Public Open Space
IOD6	Water Space
IOD7	Flooding
IOD8	Infrastructure Capacity
IOD10	Infrastructure and Services
IOD19	Residential Uses
IOD20	Retail and Leisure
IOD21	Design and Built Form

#### **Supplementary Planning Guidance/Documents**

Designing Out Crime  
Residential Space  
Landscape Requirements

#### **Spatial Development Strategy for Greater London (London Plan)**

3B.4	Mixed Use Development
3D.12	Biodiversity
4A.7	Energy Efficiency and Renewable Energy
4A.8	Energy Assessment
4A.9	Providing for Renewable Energy
4A.10	Supporting the provision of renewable energy
4A.14	Reducing Noise
4B.1	Design Principles for a compact city
4B.2	Promoting world class architecture and design
4B.3	Maximising the potential of sites
4B.4	Enhancing the Quality of the Public realm
4B.5	Creating an inclusive environment
4B.6	Sustainable Design and construction
4B.7	Respect Local context and communities
4B.9	Large scale buildings, design and impact

#### **Government Planning Policy Guidance/Statements**

PPS1	Delivering Sustainable Development
PPG3	Housing
PPS22	Renewable Energy
PPG24	Planning & Noise

**Community Plan** The following Community Plan objectives relate to the application:

A better place for living safely  
A better place for living well  
A better place for creating and sharing prosperity

#### **6. CONSULTATION RESPONSE**

6.1 The views of officers within the Directorate of Development and Renewal are expressed in the MATERIAL PLANNING CONSIDERATIONS section below. The following were consulted regarding the application:

##### **LBTH Housing**

6.2 No objection.

##### **LBTH Head of Highways**



- 6.3 Further to the assessment undertaken concerning the traffic impact from the proposed developments trip generation, there are no objections.

The reduction in the number of car parking spaces from 97 to 36 is supported. The applicant will need to demonstrate on the deposited plans how they intend to ensure no unauthorised parking takes place over the spaces which are no longer proposed to be utilised (e.g. building physical measures).

It is a new development and therefore servicing of the development (both residential and commercial) must be from within the sites curtilage/private access road and not from the public highway i.e. Millharbour.

The applicant will be liable for the total cost of any measures/improvements which as a result of the development are required/ proposed on the public highway to improve road safety and including commuted maintenance payment (15 years). This will require the developer to enter into a legal Agreement with LBTH.

#### **LBTH Environmental Health**

- 6.4 Contaminated Land Officer

Recommended that a condition be imposed requiring an investigation to assess the nature and extent of contamination (or otherwise) and consider the most appropriate mitigation measures (if any).

#### Air Quality

Recommended the following:

- Condition requiring the undertaking of an air quality assessment
- Development should be 'car free'
- Increase in sustainable means of transport (e.g. cycle parking facilities)
- Ensure that the Code of Construction Practise (called Construction Method Statement in the ES) is approved by LBTH prior to the commencement of site works;

#### Noise and Vibration

A noise assessment has not been submitted. Notwithstanding this, the development should be conditioned appropriately to mitigate any potential impacts upon residents.

#### Sunlight/ Daylight

The ADF can be verified, and where this is an outline application it is acceptable. However, up to 20-30% difference can occur when the detailed design proposal is submitted. At that stage it will be necessary to use the actual room dimensions/usage to ensure the BRE Guidelines and BS8206 Criteria can be applied satisfactory.

#### **LBTH Education**

- 6.5 The mix shown derives a need for 25 additional primary school places @ £12,342 = £308,550. This sum is sought at 100%. The funds would be pooled with other contributions towards the provision of additional school places across the borough.

#### **Tower Hamlets Primary Care Trust**

- 6.6 The health contribution considered necessary to mitigate the demand of the additional population on health care facilities is £734,516.

#### **Environment Agency (Statutory Consultee)**

- 6.7 The Environment Agency objected to the proposal where the proposal was not accompanied by a flood risk assessment. (OFFICER COMMENT: The applicant has since submitted this

assessment of which the Agency was satisfied and has subsequently withdrawn their objection).

#### **British Waterways (Statutory Consultee)**

- 6.8 British Waterways raised no objection to this outline application subject to the results of a shadow analysis to ensure that a development of this scale would not have an unacceptable overshadowing impact on Millwall Inner Dock to the detriment of public amenity and ecology. (OFFICER COMMENT: British Waterways have indicated that they are satisfied that the proposed development would have no further overshadowing impact on the dock than the existing building and therefore have no objection).

### **7. LOCAL REPRESENTATION**

- 7.1 A total of 522 neighbouring properties within the area shown on the map appended to this report were notified about the application and invited to comment. [The application has also been publicised in East End Life and on site.] A number of design changes were undertaken to address the Council's concerns and the application was subsequently re-advertised. The number of representations received from neighbours and local groups in response to notification and publicity of the application were as follows:

No of individual responses:	2	Objecting:	2	Supporting:	0
No of petitions received:	0				

- 7.2 The following issues were raised in representations that are material to the determination of the application, and they are addressed in the next section of this report:

#### Employment

- The proposal does not 'bring derelict sites and buildings into beneficial use' (Policy ST2 of the UDP) in accordance with the overall strategic objective of the Tower Hamlets Development Plan.
- The proposed change of use from business to residential does not 'facilitate the expansion and diversification of the local economy by encouraging economic activity and the availability of the skilled local labour force' (Policy ST15 of the UDP).
- The proposed change of use does not 'encourage development and other measures which promote job opportunities for local people' (Policy ST15 of the UDP).

#### Transport

- The existing transport facilities are insufficient to service the population increase (Policy ST19 of the UDP). The transport system cannot cope with another residential development in addition to the proposed developments in Millharbour.

#### Social and Community Facilities

- Objection applies to the objectives of promoting and protecting the arts, entertainment, open space, leisure and recreation (Policy ST37 to ST48 of the UDP).
- Social and community facilities will also be adversely impacted upon by the increased residential numbers (particularly the doctor and dental surgeries which are currently inadequate to meet the demand).

#### Amenity

- The development is likely to have a detrimental impact resulting in loss of sunlight, outlook and privacy to the adjacent building to the north (45 Millharbour).
- The retail element is poorly related both to the dock side and/or Millharbour.
- The layout of the residential units is insensitive, given the balconies along the northern elevation facing directly towards and overlooking No.45. The majority of these units are affordable with no access to sunlight.



- The long northern façade is an unattractive feature as viewed from No. 45 Millharbour.
- The proposed development has little regard to the wider context, particularly the proposed redevelopment of No. 45 Millharbour.
- Given the adverse impact upon No. 45, the poor layout of the flats and, in particular, the lack of any outlook or sunlight to the affordable housing on the north side, the application should be refused

## **8. MATERIAL PLANNING CONSIDERATIONS**

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

1. Land Use
2. Impact on Local Context
3. Density
4. Housing
5. Open Space
6. Amenity
7. Access and Transport
8. Access and Inclusive Design
9. Sustainable Development/ Renewable Energy
10. Planning Obligations

### **Land Use**

- 8.2 This proposal would result in the loss of the existing employment generating users on this site. In accordance with Policy EMP2 however the proposed redevelopment would provide new employment opportunities with the proposed retail uses at ground level. A Section 106 obligation is recommended to include local labour initiatives such as Local Labour in Construction.
- 8.3 The loss of employment generating land is considered to be acceptable in line with the policies set out in the Millennium Quarter Master Plan (MQMP) and the emerging LDF. The use of this brownfield site for residential purposes would be entirely in line with current government guidance, particularly that arising from PPG3, and the London Plan.
- 8.4 The London Plan includes a target for providing new homes in this borough to meet the current shortfall in London. This location is considered to be appropriate to meet this demand given the high accessibility attributed to this area. This is particularly relevant in this case given its location to the south of 41 Millharbour, which was granted permission and constructed for approximately 350 residential units plus A1/A2/A3.
- 8.5 The MQMP is a material consideration for developments within this area. The site lies within the 'predominantly residential zone'. The proposed residential use of this site would therefore be in line with the principle in the MQMP.
- 8.6 Within the emerging Isle of Dogs AAP, the site is allocated for residential development (C3). The proposed development contains an appropriate mix of complementary retail uses and is thus in accordance with both the adopted UDP, MQMP and the emerging LDF.
- 8.7 Both the UDP and the Draft LDF Proposals Map include 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.

### **Impact on Local Context**

### Height, Scale, Bulk

- 8.8 In response to comments from the Council's Design and Conservation Team, revisions have been made to the height and massing of the scheme to create a more open environment at the northern end of the site and scope for greater articulation along the northern elevation. This will improve the relationship with potential future development to the north. This has resulted in a reduction in the height of the northern block from 10 to 6 storeys. The west to east intersecting fingers have been amended from 6, 8 and 10 storeys to 8, 9 and 10 storeys, resulting in a varied roofscape by removing the unbroken northern elevation. The changes also allow additional light to penetrate the site to the north.
- 8.9 Influencing the assessment of this scheme is the existing development on the site. In respect of height and scale the differences between the two schemes are follows:
- Height of the proposed western finger along Millharbour is approximately 24 metres (the existing Bonnington House is approximately 30m high).
  - Height of the proposed central finger is approximately 27 metres (the existing Archway House is approximately 24m high)
  - Height of the proposed eastern finger is approximately 30 metres (the existing Bellerive House is approximately 32.7m high)
- 8.10 Policy DEV 5 of the UDP defines a high building as one that exceeds 20 metres in height. The policy states that the Central Area Zone is considered suitable for high buildings. The policy states that in Central Area Zones permission may be given for high building development provided that:
- The proposal satisfies policies DEV1 and DEV 2; (Policies that seek to protect amenity, ensure development accords with the surrounding context and be sensitive to the character of the surrounding area in terms of design, bulk, scale, the use of materials and the development capabilities of the site);
  - The proposal will not harm the essential character of the area or important views; and
  - The building would identify and emphasise a point of visual significance, both locally and in relation to the urban scene, over the whole area from which it would be visible.
- 8.11 Policy DEV1 of the emerging LDF Core Strategy requires development to protect, and where possible improve the amenity of surrounding building occupants and policy DEV2 requires development to take into account and respect the local character and setting of the site including the scale, height, mass, bulk and form of development.
- 8.12 The emerging LDF defines a tall building as buildings generally exceeding 30 metres in height, or which are significantly higher than the surrounding buildings (usually 2 or more storeys higher), dependent on the scale of existing development and the character of the area. The development is not considered to be a tall building in accordance with the emerging LDF where:
- The development does not exceed 30 metres in height;
  - The height of the proposed development generally does not exceed the height of the existing commercial buildings on site except for the central building. However, this part of the proposed development does not exceed the height of the existing building by more than 2 storeys.
  - The area to the north and north-west of the site is characterised by tall buildings of greater heights;
  - The surrounding area is designated in the MQMP for tall buildings of similar or greater heights.
- 8.13 The site is designated as an area suitable for buildings of up to 11 – 15 storeys within the MQMP (equating to a height of between 33 and 45 metres for residential buildings). At a



height of 10 storeys, the proposed development is considered to conform with the stepping-down in height principle from north to south within the MQMP and the emerging Isle of Dogs Area Action Plan. The site is situated between the 15 storey development at 41 Millharbour, to the north and the 4 storey Glengall Bridge development to the south. The height of the development is also generally consistent with the height of the existing development on the site.

- 8.14 Although the detail design has been reserved, the plans and sections submitted for approval conform to the design guidelines contained within the MQMP, in terms of heights and setbacks on the dock edge and on Millharbour.

#### Siting

- 8.15 The key issue addressed by the proposed revisions to the scheme within the original application is the distance of the proposed development from the northern boundary of the site, and its relationship to any future residential development to the north at 45 Millharbour. In order to address these concerns, the building line was revised so that there is a setback of 9 metres along the majority of the northern boundary. This responds to the recommended distance of 18 metres between habitable windows contained within UDP policy DEV2 and will therefore result in an improved level of amenity for residents. The easternmost 'finger' of the building remains at 6 metres from the boundary, which is in line with the current position of the buildings on the site.
- 8.16 To enhance the relationship between the ground level retail units and adjacent residential dwellings, the retail area has been set back within a deeper recess from Muirfield Crescent, and a notional split between A1 (retail) and A3 (restaurant/ café) uses has been introduced. This has the effect of concentrating the active A3 uses towards the dock edge and away from the residential frontage, while the deeper recess allows for a generous covered outdoor seating area on two sides of the building.

#### **Density**

- 8.17 As a result of the changes to the form of the development, the revised layout has led to a reduction in the number of residential units in the scheme from 149 to 143.
- 8.18 The proposed density is 318 units per hectare (143 units/ 0.45ha) or 971 habitable rooms per hectare (437 habitable rooms/ 0.45ha). This substantially exceeds the guidance of 247 hrph provided by Policy HSG9 of the UDP 1998.
- 8.19 UDP policy HSG9 has largely been superseded by the density policies of the London Plan 2004 and Policy HSG1 of the LDF Core Strategy. These both include the implementation of a density, location and parking matrix, which links density to public transport availability as defined by PTAL (Public Transport Accessibility Level) scores which are measured on a scale of 1 (low) – 6 (high). Policy HSG1 of the LDF Core Strategy requires the local context and character to be taken into account.
- 8.20 The site is well served by public transport with a PTAL of 4. For 'central site's with a PTAL range of 4 to 6, the recommended density of 650-1100 hr/ph. Policy 4B.3 of the London Plan seeks to encourage the highest possible intensity of use compatible with the local context.
- 8.21 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. The density is thus considered appropriate in this instance.

#### **Housing**

- 8.22 The scheme provides a total of 143 residential units. The table below summarises the overall

mix of units by type:

Unit size	Total units in scheme	affordable housing						market housing		
		social rented			intermediate			private sale		
		units	%	target %	units	%	target %	units	%	target %
1 bed	44	6	13.6	20	4	36.4	37.5	34	38	37.5
2 bed	53	16	36.4	35	4	36.4	37.5	33	37	37.5
3 bed	37	13	29.6	30	3	27.2	25	21	25	25
4 bed	6	6	13.6	10				0		
5 bed	3	3	6.8	5				0		
<b>TOTAL</b>	<b>143</b>	<b>44</b>			<b>11</b>			<b>88</b>		

8.23 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 CP21, CP22 and HSG2 of the LDF seeks to create mixed communities with 35% of units provided for social rent housing (grant free). The proposed mix is considered acceptable as demonstrated below.

8.24 The applicant has advised that residential accommodation will comply with the standards set out in UDP policy HSG13 and adopted SPG entitled Residential Space (1998).

Affordable Housing

8.25 Policy HSG3 of the UDP states that the Council will seek a reasonable provision of affordable housing consistent with the merits of each case and with the strategic target of 25%.

8.26 Policy CP22 of the emerging LDF Core Strategy document states that the Council will seek to maximise all opportunities for affordable housing on each site, in order to achieve a 50% affordable housing target across the Borough, with a minimum of 35% affordable housing provision. Policy HSG9 of the Draft LDF Core Strategy document states that the amount of affordable housing will be calculated using habitable rooms as the primary measure.

8.27 The London Plan set out a strategic target that 50% of the new housing provision should be affordable.

8.28 The proposal provides 55 affordable housing units, which equates to the following:

- 44% on habitable room basis
- 38% on unit basis

8.29 In terms of both unit numbers and habitable rooms, the affordable housing provision would far exceed policy expectation.

Social Rented/ Intermediate Shared Ownership and Housing Mix

8.30 Policy CP22 of the emerging 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. The proposal is considered to satisfy this policy as a split of 80% of the units are provided as social rented and 20% of the units as intermediate housing.

8.31 The affordable housing provision includes 44 socially rented units and 11 intermediate rented



units.

### Open Space

8.32 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.

8.33 SPG Requirement

- 50sqm of private space per family unit
- 50sqm plus an additional 5sqm per 5 non-family units;

Proposal Generates

- 46 family units (46 x 50) = 2300sqm
- 97 non-family units (97 + 50) = 147sqm
- This equates to a total requirement for 2447sqm in accordance with the SPG

8.34 Following is an assessment against the residential amenity space requirements under policy HSG7 of the emerging LDF Core Strategy document:

Units	Total	Minimum Standard (sq.m)	Required Provision (sq.m)
1 Bed	43	6	258
2 Bed	53	10	530
3 Bed	34	10	340
4 Bed	5	10	50
5 Bed	3	10	30
<b>TOTAL</b>	<b>138</b>		<b>1208 sqm</b>
<b>Ground Floor Units</b>			
1 Bed	1	25	25
3 Bed	3	50	150
4 Bed	1	50	50
<b>Total</b>	<b>5</b>		<b>225</b>
<b>Grand Total</b>	<b>143</b>		<b>1433</b>
<b>Communal amenity</b>		50sqm for the first 10 units, plus a further 1sqm for every additional unit	<b>183sq.m</b> (50sq.m plus 133sqm).
<b>Total Housing Amenity Space Requirement</b>			<b>1616sqm</b>

8.35 Housing amenity space is provided in the form of private and communal gardens, and balconies and roof terraces. The ground floor space includes a mix of hard and soft landscaping. The application has secured an appropriate contribution to open space as part of the Millennium Quarter Contributions Framework.

8.36 The proposal provides the following housing and communal amenity space:

- 1733sqm of communal amenity area.
- 3289sqm of private open space is provided ranging from 12sq m for 1-bed units to 90sq m for units on the upper floors with external terraces. The average provision is 23sq m per residential unit across all tenures.
- Ground floor units with 3 or more bedrooms are provided with approximately 30sq m of

private amenity space. Whilst this is below the proposed standard within the LDF, it is considered acceptable given the generous communal open space area provided.

- 8.37 The applicant has established that the development has the potential for 104 child bed spaces. This results in a requirement to provide 312sq m of child playspace on-site. Of the several areas of open space within the site, the ground level courtyard is most appropriate to provide an area of child playspace. The proposal provides a limited area of child play space on-site (65sqm within the ground level courtyard). The space is provided within a secure private courtyard accessed from Muirfield Crescent with natural surveillance from the surrounding residential units. The child play space does not equate to the full requirement, however when considered as part of the overall provision of private and communal amenity space within the scheme, it is considered that this is the optimum level of provision.

### **Amenity**

#### Sunlight/ Daylight

- 8.38 In terms of both the existing and future residents amenity in neighbouring developments the scheme has been designed to minimise any impact and comprehensive assessments have been undertaken. These assessments have been reviewed in detail by the council's officers and advisors and it is considered that the development would not adversely impact on the amenities of neighbouring occupiers.

#### Flooding

- 8.39 The applicant submitted a Flood Risk Assessment to resolve the Environment Agency (EA) objection in relation to flood risk assessment. This has now been largely resolved including a matter of detail regarding the access to the dockside for maintenance and repair work. Overall therefore it is considered that the proposals would meet the Council's adopted environmental policies, emerging LDF policies and would not significantly impact on neighbouring amenities.

### **Access and Transport**

#### Access

- 8.40 Access to the site by vehicles is provided at two points. Vehicular access to the basement parking area, for cars, motorcycles and bicycles is provided from is via the existing ramp from Millharbour at the northwest corner of the site. All servicing and refuse collection is provided via Muirfield Crescent, utilising the existing service route for the Glengall Bridge development in which servicing vehicles enter at the southern end of Millharbour and exit at the northern end immediately adjacent to the south of the site.
- 8.41 The pedestrian environment will be improved through the opening up of the site and the creation of new routes and vistas. Double height Class A units would provide an active frontage along the dock edge. There is a 5 metre setback at ground floor which could be used as additional seating for cafes and restaurants. Muirfield Crescent will also be enhanced by creating active retail frontages on the ground floor.
- 8.42 The development supports the aspirations for pedestrian movement and open spaces within the MQMP by maintaining an east-west pedestrian route along the southern boundary of the Site, connecting Millharbour to the dock edge. This would be secured through the s106 agreement. Whilst landscaping is a reserved matter, appropriate conditions will be included for lighting, signage and the inclusion of quality materials along the pedestrian route.

#### Parking

- 8.43 The existing commercial offices are entitled to use 97 car parking spaces within the basement carpark. In accordance with advice from the Highways Department, the applicant has amended the scheme to provide the 143 residential units with 36 carparking spaces at basement level. This equates to 0.25 spaces per unit, or 25% of the Council's adopted maximum standard of 1.1 spaces per unit (or 50% of the emerging LDF maximum standard). It is recommended that the S106 agreement include a clause to ensure that no controlled parking permits are issued to the new residents of the development off site and thus alleviating additional pressure on the surrounding streets. Overall, the car parking provisions support current Government guidance on encouraging trips by other means.
- 8.44 A physical barrier to divide the car parking spaces allocated to the new residential units from those used by the existing commercial occupiers has been added. The following are also proposed in the basement:
- 6 disabled carparking spaces;
  - 4 residential motorcycle spaces; and
  - 60 residential cycle parking spaces and three Class A cycle parking spaces

#### Public Transport

- 8.45 The Site is located within an area of good public transport accessibility. The Site is located within walking distance of two Docklands Light Railway (DLR) stations, while being in either a short bus/DLR ride away from the Canary Wharf underground station to the north. A number of bus routes are easily accessible within 300m of the Site on Westferry Road, while there are good pedestrian and cycle links to and from the Site in all directions, particularly to the north along Millharbour and the dock edge, and to the east across Glengall Bridge.

#### **Access and Inclusive Design**

- 8.46 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. Policy HSG9 of the emerging LDF 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.

#### **Sustainable Development/ Renewable Energy**

- 8.47 Policy DEV6 of the emerging LDF 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.
- 8.48 The proposed scheme is at outline stage and therefore does not consider renewable energy measures within the design. An appropriate condition will be included to ensure the implementation of the proposed renewable energy measures.

#### **Planning Obligations**

- 8.49 Policy DEV4 of the adopted UDP and Policy IMP1 of the Emerging LDF state that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed. The Millennium Quarter Master Plan Planning Contributions Framework establishes a requirement for essential infrastructure works to ensure that the impacts of the development are mitigated.
- 8.50 The scheme would be subject to a Section 106 agreement relating principally to a financial contribution of £219,505 (index linked from April 2002 at a rate of £1,535 per unit) for

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Millennium Quarter infrastructure and arrangements, including the upgrade of transport infrastructure, public realm and open spaces, the provision of training and employment and the securing community facilities to achieve the objectives of the Millennium Quarter Master Plan.

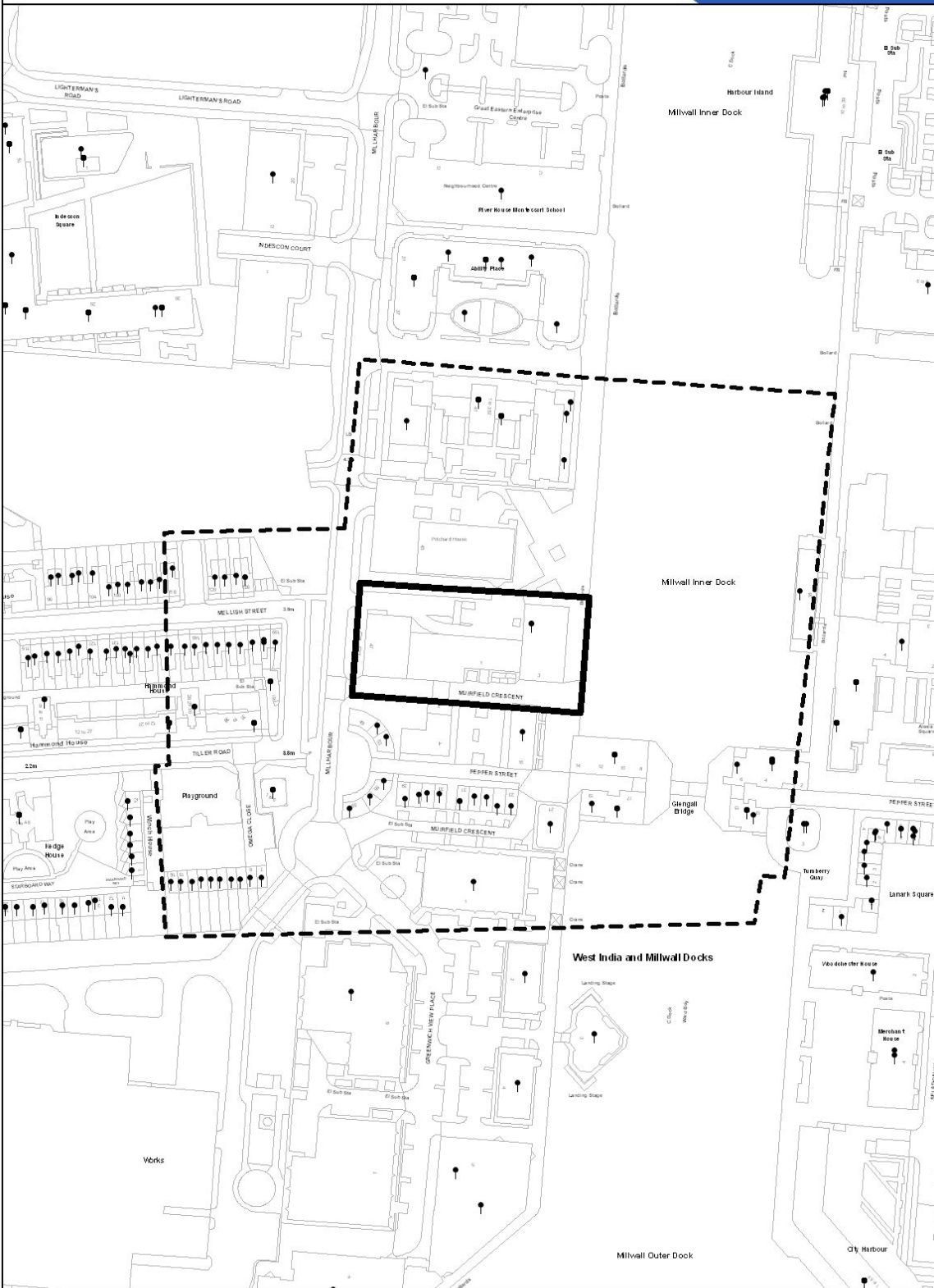
- 8.51 A contribution towards the provision of public art/ craft on site of £35,000 is also sought. The issues of health and education are a priority in the Borough. In addition to the above, a supplementary contribution towards health and education is sought. A separate contribution towards health (£734,516) was calculated using the HUDU model. A separate contribution towards education (£308,550) was also calculated based on the anticipated child yield generated by the development.
- 8.52 The Secretary of State advises that planning obligations should be necessary, relevant to planning, directly related to the proposed development, fairly and reasonably related in scale and kind to the proposed development to be reasonable in all other respects. The applicants have agreed to the planning obligations to mitigate against the impact of the proposed development set out in Section 3.1B of this report. It is considered that the planning obligations recommended in Section 3.1B of this report are appropriate in this case and accord with government guidance.







## **9.0 Conclusions**

- 9.1 All other relevant policies and considerations have been taken into account. Planning permission should be granted for the reasons set out in the SUMMARY OF MATERIAL PLANNING CONSIDERATIONS and the details of the decision are set out in the RECOMMENDATION at the beginning of this report.



# Planning Application Site Map



 Planning Application Site Boundary	 Locally Listed Buildings	 Land Parcel Address	 1:2,500
 Consultation Area	 Statutory Listed Buildings	0 30 m 	

This Site Map displays the Planning Application Site Boundary and the neighbouring Occupiers / Owners who were consulted as part of the Planning Application process. This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100019288, 2010.