

Committee: Strategic Development Committee	Date: 19 th January 2011	Classification: Unrestricted	Agenda Item No: 7.1
Report of: Corporate Director Development & Renewal		Title: Planning Application for Decision	
Case Officer: Jane Jin		Ref No: PA/11/00798	
		Ward(s): Millwall	

1. APPLICATION DETAILS

Location: 45 Millhabour, London

Existing Use: Two storey offices (Use Class B1) and place of worship (Use Class D1) with car parking.

Proposal: Demolition of existing buildings and erection of a part 7 storey & part 14 storey mixed use building comprising 880sq.m of ground floor commercial (A2/A3/B1) floorspace, 132 residential flats (C3), ground level public open space and associated underground parking.

Drawing Nos: 9511-T-00-0002-Z00 Revision 5; 9511-T-00-0099-ZB1 Revision 8; 9511-T-00-0100-Z00 Revision 9; 9511-T-00-0101-Z01 Revision 4; 9511-T-00-0102-Z02 Revision 04; 9511-T-00-0103-Z03 Revision 4; 9511-T-00-0104-Z04 Revision 4; 9511-T-00-0105-Z05 Revision 4; 9511-T-00-0106-Z06 Revision 4; 9511-T-00-0107-Z07 Revision 4; 9511-T-0108-Z08 Revision 4; 9511-T-00-0109-Z09 Revision 4; 9511-T-00-0110-Z10 Revision 4; 9511-T-00-0111-Z11 Revision 4; 9511-T-00-0112-Z12 Revision 4; 9511-T-00-0113-Z13 Revision 5; 9511-T-00-0114-Z14 Revision 4; 9511-T-00-0121-Z00 Revision 5; 9511-T-00-0122-ZXX Revision 4; 9511-T-00-0130-Z30 Revision 3; 9511-T-00-0200-ZEA Revision 4; 9511-T-00-0201-ZNO Revision 4; 9511-T-00-0202-ZSO Revision 5; 9511-T-00-0203-ZWE Revision 4; 9511-T-00-0301-ZAA Revision 3; 9511-T-00-0302-ZBB Revision 5; 9511-T-00-0303-ZCC Revision 5.

Approved Documents: Design and Access Statement Revision 3;
Technical Note – Response to LHA and TFL;
Bre Daylighting, sunlighting and overshadowing report;
Flood Risk Assessment Ref JBR1503;
Flood Management Plan Revision 1;
Verifiable photomontage images;
Planning and Impact Statement Vols. 1 and 2;

Applicant: Mr M J Hunt c/o Stiles Harold Williams

Owner: Mr Michael J Hunt

Historic Building: N/A

Conservation Area: N/A

2. SUMMARY OF MATERIAL PLANNING CONSIDERATIONS

- 2.1 The Local Planning Authority has considered the particular circumstances of this application against the Council's approved planning policies contained in the London Borough of Tower Hamlets Unitary Development Plan (1998), the Council's Interim Planning Guidance (2007), Adopted Core Strategy (2010), Draft Managing Development DPD (2011), Millennium Quarter Master Plan, associated supplementary planning guidance, the London Plan (2011) and Government Planning Policy Guidance and has found that:
- 2.2 The scheme will provide a residential led mixed-use redevelopment with appropriate replacement of employment uses. The scheme would therefore provide opportunities for growth and housing in accordance with the objectives as set out in the Millennium Quarter Master Plan; policies: SP02 of Core Strategy 2010; DEV3 of the Unitary Development Plan 1998; and DM3 of Draft Managing Development DPD 2011.
- 2.4 The building height, scale, bulk and detailed design are acceptable and enhance the character and appearance of the surrounding area, in accordance with height bands as identified in the Millennium Quarter Master Plan; saved policies: DEV1, DEV2 and DEV37 of the adopted Unitary Development Plan (1998), policies DEV1, DEV2 and DEV3 of the Interim Planning Guidance (2007), policies SP10 and SP12 of the Core Strategy (2010); and DM24 of the Draft Managing Development DPD 2011 which seek to ensure buildings and places are of high quality design and suitably located.
- 2.5 The proposal provides an acceptable amount of affordable housing and mix of units, as demonstrated through viability assessment. As such, the proposal is in line with Planning Policy Statement 3, policies 3.8, 8.10, 3.11, 3.12, 3.13 of the London Plan (2011), saved policy HSG7 of the Council's Unitary Development Plan (1998), policies HSG2 and HSG3 of the Council's Interim Planning Guidance (2007); policy SP02 of the Core Strategy Development Plan Document (2010); and DM3 of the Draft Managing Development DPD 2011 which seek to ensure that new developments offer a range of housing choices.
- 2.6 On balance the scheme provides acceptable space standards and layout. As such, the scheme is in line with saved policy DEV2 of the Council's Unitary Development Plan (1998), policy DEV1 of Council's Interim Planning Guidance (2007); policy SP02 of the Core Strategy Development Plan Document (2010); and DM4 of the Draft Managing Development DPD 2011 which seek to provide an acceptable standard of accommodation.
- 2.7 The proposed amount of amenity space is acceptable and in line with saved policy HSG16 of the Council's Unitary Development Plan (1998), policy HSG7 of the Council's Interim Planning Guidance (2007); policy SP02 of the Core Strategy Development Plan Document (2010), and of DM4 of the Draft Managing Development DPD 2011 which seek to improve amenity and liveability for residents.
- 2.8 On balance it is not considered that the proposal would give rise to undue impacts in terms of privacy, overlooking, sunlight and daylight, and noise upon the surrounding residents. Also, the scheme proposes appropriate mitigation measures to ensure a satisfactory level of residential amenity for the future occupiers. As such, the proposal is considered to satisfy the relevant criteria of saved policy DEV2 of the Council's Unitary Development Plan (1998), policy DEV1 of the Interim Planning Guidance (2007); policy SP10 of the of the Core Strategy Development Plan Document (2010) and DM25 of the Draft Managing Development DPD 2011, which seek to protect residential amenity.
- 2.9 Transport matters, including parking, access and servicing, are acceptable and in line with policies T16 and T19 of the Council's Unitary Development Plan (1998), policies DEV17, DEV18 and DEV19 of the Council's Interim Planning Guidance (2007); policy SP08 and SP09 of the Core Strategy Development Plan Document (2010) and DM20 and DM22 of the Draft Managing Development DPD 2011, which seek to ensure developments minimise parking and promote sustainable transport options.

2.10 Contributions have been secured towards the provision of affordable housing; education improvements; public realm improvements; community facilities; transportation; health care provision and access to employment for local people in line with Regulation 122 of Community Infrastructure Levy 2010, Government Circular 05/05, saved policy DEV4 of the Council's Unitary Development Plan (1998), policy IMP1 of the Council's Interim Planning Guidance (2007), and policies SP02 and SP13 of the Core Strategy Development Plan Document (2010), and in accordance with the Millennium Quarter Master Plan Tariff which seek to secure contributions toward infrastructure and services required to facilitate proposed development.

3. RECOMMENDATION

3.1 That the committee resolves to **GRANT** planning permission subject to:

A. Any **direction** by **The Mayor of London**

B. The prior completion of a **legal agreement** to secure the following planning obligations:

Financial Contributions

- a) £482,893 towards Education;
- b) £172,260 towards Health;
- c) £202,620 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) £17,155 monitoring fee (2%)

Non-Financial Contributions

- e) Car Free
- f) Local Labour in Construction
- g) Travel Plan
- h) Code of construction practice
- i) Provision of a pedestrian link (public walkway) between Millharbour and Millwall Inner Dock
- j) 37% affordable housing by hab rooms – split 27% shared ownership and 73% social rent
- k) A commitment to connect to the 'Barkantine' Heat Network

Total financial contribution: **£874,928**

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

3.3 That the Corporate Director Development & Renewal is delegated power to impose conditions and informatives on the planning permission to secure the following matters:

- 1) 3 year time limit for Implementation;
- 2) Submission of Material samples and detailed drawings;
- 3) Compliance with Flood Risk Assessment
- 4) Surface water drainage;
- 5) Contamination;
- 6) Verification report;
- 7) No infiltration of surface water drainage;
- 8) Piling/foundations;
- 9) Scheme of Highways works;

- 10) Delivery and Service Management Plan;
- 11) Construction Management and Logistics Plan;
- 12) Electric charging points;
- 13) Parking (vehicle, disabled, cycle);
- 14) Feasibility study on movement of freight by water;
- 15) Details of hard and soft Landscaping scheme, including details of brown roof and child play space;
- 16) Details of swift boxes and bat roost;
- 17) Detailed specification of minimum 10% wheelchair units;
- 18) Lifetime Homes;
- 19) Details of ventilation and extraction for A3 uses;
- 20) Refuse and recycling;
- 21) Means of access and egress for people with disabilities;
- 22) BREEAM Excellent;
- 23) Compliance with energy strategy;
- 24) Standard hours of construction;
- 25) Power/hammer driven piling/breaking (10am - 4pm Monday to Friday);
- 26) Approved plans; and
- 27) Any other planning condition(s) considered necessary by the Corporate Director Development & Renewal.

Informatives

- 1) Section 106 agreement required;
- 2) Definition of superstructure works
- 3) Section 278 Highways agreements required;
- 4) Contact Thames Water regarding installation of a non-return valve, petrol/oil-interceptors, water efficiency measures and storm flows;
- 5) Contact Environment Agency;
- 6) Contact Thames Water
- 7) Contact British Waterways
- 8) Any other informative(s) considered necessary by the Corporate Director Development & Renewal.

- 3.4 That if, within three months of the date of this committee the legal agreement has not been completed, the Corporate Director of Development & Renewal 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 erect a part 7 and part 14 storey mixed use building comprising 880sq.m. of ground floor commercial (A2/A3/B1), 132 residential flats, private roof gardens, ground level public open space and associated basement parking.

Site and Surroundings

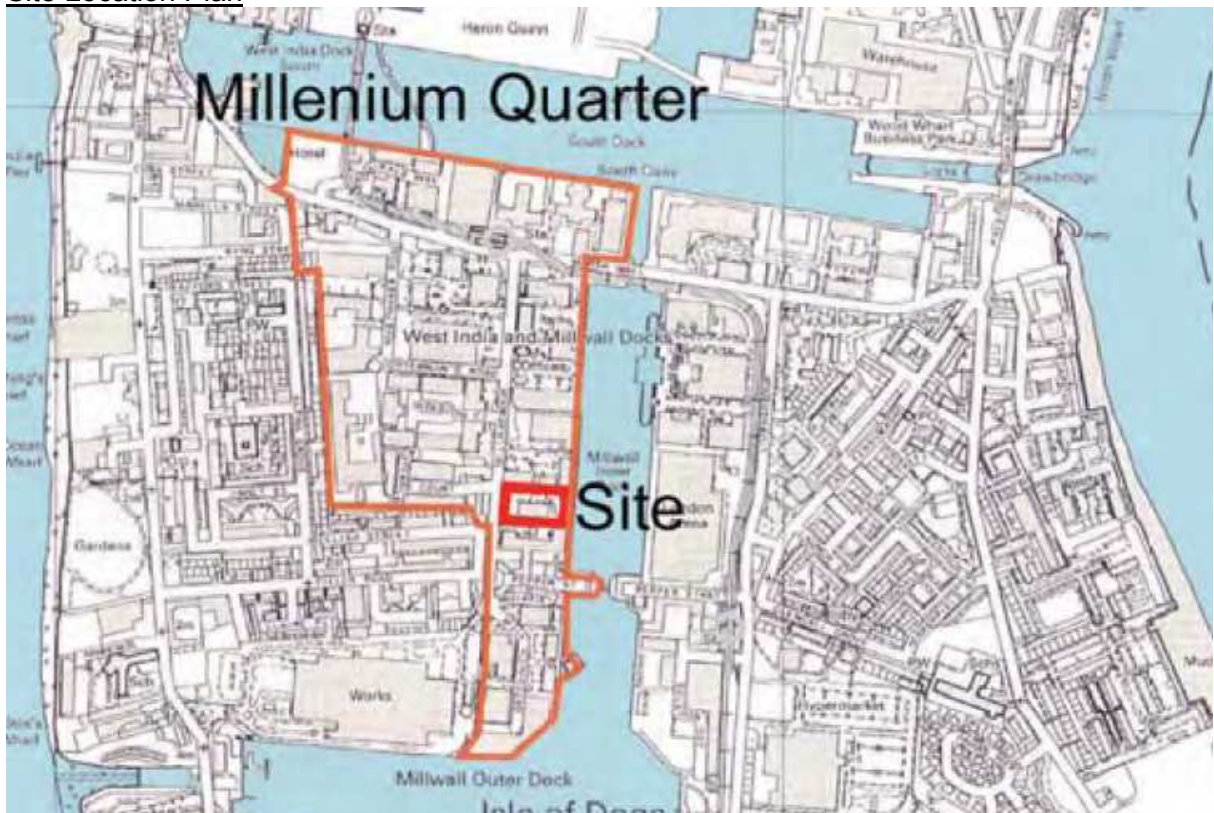
- 4.2 The application site is located in the centre of Isle of Dogs and falls within an area known as Millennium Quarter. The site is approximately 0.43ha and is bounded by 41-43 Millharbour to the north, Millwall Inner Dock to the east, 47 Millharbour to the south and Millharbour Road to the west.
- 4.3 The site is occupied by a two storey building and is currently being used as a light industrial/office use (B1). A part of the building, 400sq.m on the first floor of the unit, is being

used by a charity as a place of worship (Use Class D1) and initially obtained a temporary planning permission in 2005.

4.4 The site immediately to the south at No. 47 Millharbour benefits from an outline planning permission for redevelopment of 143 residential units in buildings ranging heights up to 10 storeys with A1 and A3 uses on the ground floor level. It recently had a time extension to implement the planning consent. Immediately to the north is 41-43 Millharbour, which has planning permission for 15 storey residential building comprising 352 units. On the opposite side of the site lies Lanterns Court, 21 Millharbour, which has planning permission for 651 residential units and is currently under construction.

4.5 The surrounding area has undergone major redevelopments and this is reflective of the rapidly changing urban and social environment in this part of the Millennium Quarter. This vision is outlined and planned out in the Millennium Quarter Master Plan.

4.6 Site Location Plan



Relevant Planning History

4.7 The following planning decisions are relevant to the application:

LBTH ref.	Description
PA/05/01269	Change of use of part of the first-floor from offices (B1) to a place of worship and for training purposes (D1 Use). Application was approved for a temporary 3 year period.
PA/07/1156	Outline application for demolition of existing buildings and erection of buildings up to 22 storeys to provide ground floor retail with 219 residential units above. Application was withdrawn.
PA/08/2590	Change of use of part of two storey office block (400sqm) from business use (Use Class B1) to a place of worship with ancillary uses (Use Class D1).

Application was approved.

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 this application:

Spatial Development Strategy for Greater London (London Plan)

- 1.1 Delivering the strategic vision and objectives of London
- 2.5 Sub regions
- 2.13 Opportunity areas and intensification areas
- 3.1 Ensuring equal life chances for all
- 3.2 Improving health and assessing health inequalities
- 3.3 Increasing housing supply
- 3.5 Quality and design for housing developments
- 3.6 Children and young people’s play and informal recreation facilities
- 3.8 Housing choice
- 3.9 Mixed and balanced communities
- 3.10 Definition of affordable housing
- 3.12 Negotiating affordable housing
- 3.13 Affordable housing thresholds
- 4.1 Developing London’s economy
- 4.2 Offices
- 4.3 Mixed use developments and offices
- 4.12 Improving opportunities for all
- 5.1 Climate change mitigation
- 5.2 Minimising carbon dioxide emissions
- 5.3 Sustainable design and construction
- 5.6 Decentralised energy in new developments
- 5.7 Renewable energy
- 5.8 Innovative energy technologies
- 5.9 Overheating and cooling
- 5.11 Green roofs and development site environs
- 5.12 Flood risk management
- 5.13 Sustainable drainage
- 5.14 Water quality and waste water infrastructure
- 5.15 Water use and supplies
- 5.21 Contaminated Land
- 6.3 Assessing effects of development on transport capacity
- 6.5 Funding Crossrail and other strategically important transport infrastructure
- 6.9 Cycling
- 6.10 Walking
- 6.13 Parking
- 7.1 Building London’s neighbourhoods and communities
- 7.2 Inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.5 Public realm
- 7.6 Architecture
- 7.7 Location and design of large and tall buildings
- 7.11 London view management framework
- 7.12 Implementing the LVMF
- 7.13 Safety, security and resilience to emergency

7.14	Improving air quality
7.15	Reducing noise and enhancing soundscapes
7.19	Biodiversity and access to nature
8.2	Planning obligations

Unitary Development Plan 1998 (as saved September 2007)

Proposals: Central Area Zone
Flood Protection Area

Policies:

DEV1	Design Requirements
DEV2	Environmental Requirements
DEV3	Mixed Use Developments
DEV4	Planning Obligations
DEV8	Protection of Local Views
DEV9	Control of Minor Works
DEV12	Provision Of Landscaping in Development
DEV46	Protection of Waterway Corridors
DEV50	Noise
DEV51	Contaminated Soil
DEV55	Development and Waste Disposal
DEV56	Waste Recycling
DEV69	Efficient Use of Water
EMP1	Promoting economic growth and employment opportunities
EMP3	Change of use of office floorspace
EMP10	Development Elsewhere in the Borough
HSG7	Dwelling Mix and Type
HSG13	Internal Space Standards
HSG16	Housing Amenity Space
T10	Priorities for Strategic Management
T16	Traffic Priorities for New Development
T18	Pedestrians and the Road Network
T21	Pedestrians Needs in New Development
S10	Requirements for New Shop front Proposals
OS9	Children's Playspace
U2	Development in Areas at Risk from Flooding

Interim Planning Guidance for the purposes of Development Control

Proposals: Development Site ID44

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
DEV13	Landscaping and Tree Preservation
DEV15	Waste and Recyclables Storage
DEV16	Walking and Cycling Routes and Facilities
DEV17	Transport Assessments

DEV18	Travel Plans
DEV19	Parking for Motor Vehicles
DEV20	Capacity of Utility Infrastructure
DEV21	Flood Risk Management
DEV22	Contaminated Land
DEV25	Social Impact Assessment
DEV27	Tall Buildings Assessment
EE2	Redevelopment/Change of Use of Employment Sites
HSG1	Determining Housing Density
HSG2	Housing Mix
HSG3	Affordable Housing
HSG7	Housing Amenity Space
HSG9	Accessible and Adaptable Homes
HSG10	Calculating Provision of Affordable Housing
CON5	Protection and Management of Important Views

Isle of Dogs Area Action Plan

IOD1	Spatial Strategy
IOD2	Transport and Movement
IOD3	Health Provision
IOD4	Education Provision
IOD5	Public Open Space
IOD6	Water Space
IOD7	Flooding
IOD8	Infrastructure Capacity
IOD9	Waste
IOD10	Infrastructure and services
IOD18	Employment uses in the Central sub-area
IOD19	Residential uses in Central sub-area
IOD20	Retail and leisure uses in the Central sub-area
IOD21	Design and built form in the Central sub-area

Millennium Quarter Master Plan

Supplementary Planning Guidance/Documents

London Housing Design Guide 2010

Core Strategy Development Plan Document (Adopted September 2010)

Policies:	SP01	Refocusing on our town centres
	SP02	Urban living for everyone
	SP03	Creating healthy and liveable neighbourhoods
	SP04	Creating a green and blue grid
	SP05	Dealing with waste
	SP06	Delivering successful employment hubs
	SP07	Improving education and skills
	SP08	Making connected places
	SP09	Creating attractive and safe streets and spaces
	SP10	Creating distinct and durable places
	SP11	Working towards a zero-carbon borough
	SP12	Delivering placemaking – Tower of London Vision, Priorities and Principles

Managing Development - Development Plan Document (DPD)

Draft Proposed Submission Version

Proposal Site 27 Millennium Quarter

Policies: DM3 Delivering Homes

DM4	Housing Standards and amenity space
DM8	Contributing to healthy and active lifestyles
DM9	Improving air quality
DM10	Delivering Open space
DM11	Living Buildings and biodiversity
DM12	Water spaces
DM13	Sustainable drainage
DM14	Managing Waste
DM15	Local job creation and investment
DM16	Office Locations
DM20	Integrating development with a sustainable transport network
DM21	Sustainable transport of freight
DM22	Parking
DM23	Streets and public realm
DM26	Amenity
DM27	Sustainable neighbourhoods and place-sensitive design
DM28	Tall buildings
DM29	Achieving a Zero-carbon borough and addressing climate change
DM30	Contaminated Land

Government Planning Policy Guidance/Statements

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS4	Planning for Sustainable Economic Growth
PPS9	Biodiversity and Geological Conservation
PPS12	Local Spatial Planning
PPS22	Renewable Energy
PPS23	Planning and Pollution Control
PPS25	Flood Risk

Draft National Planning Policy Framework

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

LBTH Biodiversity

- 6.3 The proposal include green roofs, but these are mostly formal terraces to provide open space and are proposed to be largely hard decking with limited planting. These will be of very limited biodiversity value. The design statement refers to brown roofs at a higher level and the provision of brown roofs on any roof space not occupied by the formal terraces or by plant should be secured by a way of condition. The provision should also include swift boxes and bat roosts.

[Officer's comment: An appropriately worded condition will be imposed]

LBTH Education

- 6.4 Based on the Council's Draft Planning Obligations SPD, the proposal would result in the need for 19 additional primary places at £14,830 per place, and 9 additional secondary school places at £22,347 per place. Accordingly, the total education financial contribution sought is £482,893.

LBTH Design and Conservation

- 6.5 Design and conservation have no objections to the proposed scheme. Details of materials should be secured as part of a condition.

LBTH Energy Efficiency

- 6.6 The proposal aim to achieve a Code for Sustainable Homes Level 4 rating and have a 45% improvement over baseline carbon emissions from energy efficiency and a connection to Barkentine Heat network. The proposal also includes PV installation on the rooftops of Block A and D which represents 3% Carbon Savings. Suitably worded condition should be imposed to ensure that the energy strategy as submitted is implemented.

[Officer's Comment: Appropriately worded condition will be imposed and connection to Barkentine Heat network has been secured through S106]

LBTH Environmental Health

Air Quality

- 6.7 No response received, however condition to secure air quality management plan considered acceptable.

Noise & Vibration

- 6.8 The Environmental Health section is satisfied with the proposal subject to sound insulation to be installed which would comply with Part E of the Building Regulations. This can be secured through condition.

Land Contamination

- 6.9 The proposal is likely to result in the excavation of a large amount of contamination. As such, a condition requiring further contamination investigation and mitigation works should be attached if planning permission is granted.

LBTH Highways and Strategic Transport

- 6.10
- The site has a PTAL rating of 2 which demonstrates that a moderate level of public transport service is available within the immediate vicinity of the site;
 - The proposed level of parking provision (42 spaces) would comply with the maximum standards, however the Highways section maintains that this should be reduced further, and the scheme should be car-free;
 - The proposal includes 16 disabled parking spaces, which the highways section accepts;
 - The proposal includes 8 spaces to be allocated to the Social Rented housing;
 - A Car-Free Agreement is recommended;
 - Servicing arrangements are proposed to take place within the basement level and service management plan is required to be secured via condition;

- Residential cycle parking provision of 272 cycle spaces (minimum 1:1) complies with policy and is therefore acceptable. 26 visitor spaces associated with the proposed commercial uses are provided within the public realm;
- The applicant should ensure that the cycle storage areas are secure;
- A Section 278 Highway Agreement is required;
- A full travel plan is to be submitted for approval prior to the occupation of the proposed development;

(Officer Comment: These comments are discussed in section 8 of this report)

LBTH Housing

6.11 Support the proposal for the following reasons:

- This development would produce 37% affordable housing by habitable rooms.
- Within the 37% affordable offer, the proposed tenure split between social rent and intermediate accommodation is 73:27 (by habitable rooms) This falls close to policy SP02(4) set out in the Council's Core Strategy.
- The unit mix within the social rented proposes 30% one beds against the Council's target of 25%, 38% two beds against the target of 25%, 25% three beds against a target of 30%. 13% of four bed units against target of 15%.
- This scheme delivers 38% family housing against our retained policy HSG2 target of 45%. This current amendment to the previous proposal scheme seeks to provide larger family units (4x4bed) within the scheme.
- The proposal includes 11% provision of wheelchair units within the scheme. The borough currently has a high demand for large family sized wheelchair units in the social rented tenure.
- The four bed units have incorporated a separate kitchen.

6.12 No comments received.

LBTH Waste Policy and Development

6.13 Separate refuse storage is provided within the proposed development. This is acceptable.

LBTH Primary Care Trust (PCT)

6.14 According to the HUDU model, the scheme would require a capital contribution of £177,414 to mitigate against additional impacts on health services.

Crossrail

6.15 No individual response received, however Crossrail is represented in TfL response.

Environment Agency (Statutory Consultee)

6.16 No objection subject to a conditions:

1. In accordance with submitted FRA
2. Surface water drainage
3. Contamination

4. Remediation Strategy
5. Verification plan
6. No infiltration of surface water drainage
7. piling and other foundations

Greater London Authority (GLA) (Statutory Consultee)

- 6.17
- Opportunity Areas: The principle of the proposed residential development within the Isle of Dogs Opportunity Area, would comply with the London Plan policy 2.13;
 - Social Infrastructure and community facilities: The applicant should provide evidence demonstrating that reasonable steps have been taken to facilitate the relocation of the existing place of worship at the site to ensure the application would accord with London Plan policy 3.1;
 - Urban Design: The applicant should provide justification for the location of the pedestrian route at the north, rather than the south, of the site, provide an accurate visual representation of the proposal from LVMF assessment point 5A.1, address concerns regarding roof terrace spaces and overshadowing of the linear open space to the north of the site. The applicant should also seek to ensure the west and east frontages are refined to present a strong building line at Millharbour, and to optimise the relationship with the dock, to ensure the application would accord with the London Plan policies on design.
 - Inclusive access: Proposed commitments for the provision of wheelchair accessible units and Lifetime Homes should be secured by planning condition.
 - Sustainable development: The proposal needs to address the concerns regarding district heating, active cooling, renewable energy, urban greening and minimising water use to ensure that the development complies with London Plan policies 5.5, 5.7, 5.9, 5.1 and 5.15;
 - Transport: The applicant should address concerns to parking provision, electric charging points, cycle parking, bus network contributions, delivery and service plan and construction and logistics plan, to ensure the application would comply with the London Plan policies 6.7, 6.13 and 6.14.

[Officer's comment: The applicant have addressed majority of concerns raised by the GLA which is discussed in Section 8 of this report]

National Air Traffic Services Ltd (NATS) (Statutory Consultee)

- 6.18 The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS Limited has no safeguarding objections to this proposal.

London Fire and Emergency Planning Authority (Statutory Consultee)

- 6.19 If existing water supplies are maintained the provision of water supplies for use by the Fire Services should be adequate. The submitted plan would also indicate that Brigade access should not be problematic. This specific matter will be discussed further at the Building Control consultation stage.

Metropolitan Police (Crime Prevention Officer)

- 6.20 Concern raised regarding the cycle storage located on the Basement level which does not include storage cages.

[Officer's comment: The cycle parking areas are now secured and storage cages are now proposed.]

Natural England (Statutory Consultee)

6.21 Natural England welcomes the ecological enhancement recommendations within the submitted ecological assessment, particularly the inclusion of a green or brown roof within the development. This would have multiple benefits for urban biodiversity and tie in with this area's Local Biodiversity Action Plan targets.

Thames Water

6.22 Thames Water has no objections in relation to water infrastructure, and recommend an informative to be added.

Transport for London (TfL) (Statutory Consultee)

- 6.23
- Accepts the reduced level of parking from 45 to 42 which represents 0.3 spaces per dwelling.
 - Electric vehicle provision confirmed and should be secured by a condition.
 - Car-free agreement is welcomed.
 - The existing floor space generates a theoretical charge higher than that which would be required by the proposed development. In such circumstances, no contribution towards Crossrail is required.
 - Cycle parking has been increased to 272 spaces which is welcomed.
 - The travel plan has been revised and will be secured by s106. As the service and delivery activity unlikely to be significant, the DSP could be included with the travel plan as opposed to being a standalone document.
 - Construction logistic plan is required to be secure via condition.
 - Contribution towards buses will be required.

British Waterways

6.24 British Waterways raises no objection subject to provision of conditions and the provision of a management service agreement for residents.

7. LOCAL REPRESENTATION

7.1 A total of 1979 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. 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: 11 Objecting: 11 Supporting: 0

No of petitions received: None

7.2 The following issues were raised in representations that objected to the proposal and are material to the determination of the application. These are addressed in the next section of this report:

- Excessive Height

[Officer Comment: The height bands as identified in the MQMP suggest 11-15 storeys for the application site location. The MQMP identifies reduction in height from North to South. The site is a storey lower than its neighbouring building at No 41]

- Privacy Issue

[Officer comment: As discussed in section 8 of this report, the separation distance between habitable rooms maintain 18m which is adequate]

- Removal of trees

[Officer comment: As discussed in section 8 of this report, a landscaping details which is to be secured through a condition will seek to have replacement trees]

- Range of colours proposed for the building is not in keeping with the character of any other buildings within the vicinity.

[Officer comment :The Council's design officer did not have any objections to the use of colours however detailed materials are reserved as condition]

- Too many residential/apartment developments along Millharbour

[Officer comment: The area within Millennium Quarter is an area of regeneration which supports residential use]

- Loss of employment

[Officer comment: As discussed within section 8 of this report, it is considered that the re-provision of employment space, and the area being recognised for residential led regeneration, the loss of employment floorspace is satisfactorily justified]

- Impacts of demolition and construction will include dust, noise and traffic

[Officer comment: This phase of the development would be closely monitored through an Environmental Management Plan and Construction Management Plan, thus this concern would be dealt with if planning permission were granted]

- Loss of Sunlight

(Officer comment: As discussed within section 8 of this report, on balance, it is not considered the proposal would have a detrimental impact on the neighbouring properties)

- Parking difficult to accommodate on site

(Officer comment: The amount and location of parking on site is considered acceptable, as discussed further in section 8 of this report)

- Insufficient social infrastructure

(Officer comment: Appropriate financial contributions have been secured for Health and education)

- Insufficient parking and bus capacity

(Officer comment: The proposal is to secure a car-free agreement and appropriate contribution towards buses through the Millennium Quarter Master Plan Tariff will be secured)

8. MATERIAL PLANNING CONSIDERATIONS

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

1. Land Use
2. Housing
3. Design
4. Amenity
5. Transport
6. Sustainability
7. Section 106 Agreement

Land Use

- 8.2 National, regional and local policy promotes a mixed use development approach on this site, subject to the following considerations.
- 8.3 In respect of national policy, PPS 1 'Creating Sustainable Development', promotes the more efficient use of land with higher density, mixed-use schemes. It suggests using previously developed, vacant and underutilised sites to achieve national targets. The effective use of land and the range of incentives/interventions to facilitate this are also encouraged in PPS3 'Housing'.
- 8.4 Planning Policy Statement 12 'Local Spatial Planning' iterates the importance of spatial planning in creating strong, safe and prosperous communities. It promotes spatial planning through the allocation of strategic sites, through masterplanning using an area action plan or through a supplementary planning document.
- 8.5 In respect of regional policy, the site lies within the Isle of Dogs Opportunity Area as identified in policies 2.13 of the London Plan (2011). The London Plan notes that parts of the Opportunity Area, South of Canary Wharf, have significant potential to accommodate new homes and there is scope to convert surplus business capacity to housing and to support a wider mix of services for residents, worker and visitors.

Loss of Office Use and D1 use

- 8.6 The 1200sq.m. of the existing floor space of the building is currently being used for offices (B1) and 400sq.m located on the first floor is being used by a charity as a place of worship.
- 8.7 The proposal would result in a net loss of the existing employment generating use and D1 use on this site. However, together with the re-provision of some employment generating activities, the proposal would meet the Spatial Strategy for the Isle of Dogs as outlined in the Isle of Dogs Area Action Plan. 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 and D1 use is acceptable in this instance. The site is also identified in the Millennium Quarter Master Plan and Site Allocations within the emerging draft Managing Development DPD (Proposed Submission Version) as an area for comprehensive mixed use development opportunity to provide a strategic housing development.
- 8.8 In terms of the existing D1 use on the site, it is worthwhile to note that the D1 use was initially granted temporary planning permission for a period of 3 years in 2005. It renewed its permission in 2008 however, it was considered at the time of determination that the use would not hinder the spatial plans for the area and therefore full planning permission was given. The occupiers of the D1 use are in full understanding that the lease arrangement with the applicant (owners) were on a temporary arrangement and have provided the Council with information that they are actively seeking alternative location for their relocation.
- 8.9 On balance, the proposed land use is considered to be beneficial to the area and follows the overall spatial plans for the Millharbour within Isle of Dogs.

A2, A3 and B1 uses

- 8.10 The application proposes commercial spaces on the ground floor, to include A2 (Financial and Professional Services) to Millharbour street frontage, A3 (restaurant/café) to Millwall Inner Dock, together with three SME's/office units. The provision of these uses will assist in

activating the ground floor, and in policy terms would provide re-provision of office uses on the site, and are therefore considered acceptable in the context of the overall development.

Residential Use

- 8.11 The site sits within the Isle of Dogs as an Opportunity Area identified in the London Plan (2011). Opportunity Areas across London have the capacity for 233,600 additional homes of which 10,000 new homes in Isle of Dogs Opportunity Area. Annex 1 of the London Plan states that parts of the Opportunity Area, south of Canary Wharf, have significant potential to accommodate new homes, and there is scope to convert surplus business capacity to housing, and to support a wider mix of services for residents, workers and visitors. Policy SP02 of the Council's Core Strategy (2010) states that the borough will seek to deliver 43,275 new homes (borough wide) from 2010 to 2025 in line with the housing targets set out in the London Plan.
- 8.12 Given the site's location, the proposed land uses are supported, in line with the spatial plan as set out in the Isle of Dogs Opportunity Area (London Plan 2011), and the Council's Core Strategy 2010, together with its Millennium Quarter Master Plan 2000.

Density

- 8.13 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.
- 8.14 London Plan (2011) policy 3.4 seeks to optimise housing potential, having regard to local context, design principles and public transport accessibility.
- 8.15 The site has a public transport accessibility level (PTAL) of 2, and its immediate setting is urban character. For urban sites with a PTAL range of 2, both the IPG and London Plan density matrix suggest a density of between 200-450 habitable rooms per hectare. The proposed density would be 904 habitable rooms per hectare which is above the density guidance range of the London Plan and IPG. However, the intent of the London Plan and Council's IPG is to maximise the highest possible intensity of use compatible with local context, good design principles and public transport capacity.
- 8.16 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.
- 8.17 It should also be noted that developments recently approved within the Millennium Quarter have comparable densities as the proposed scheme.
- 8.18 As detailed within this report, officers consider that on balance the subject site can accommodate a high density development in line with the suggested PTAL range, and the above symptoms of over-development are not prevalent in this case.

Housing

Affordable Housing

- 8.19 The Draft National Planning Policy Framework notes that "...where affordable housing is required, (local authorities should) set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities"
- 8.20 Policy 3.11 of the London Plan seeks the maximum reasonable amount of affordable housing, and to ensure that 60% is social housing, and 40% is intermediate housing. Policy 3.9 seeks to promote mixed and balanced communities, with a mixed balance of tenures.
- 8.21 Policies SO7 and SO8 of the Core Strategy (2010) seek to ensure that housing growth is delivered to meet housing demand in line with the London Plan, and ensure that housing contributes to the creation of socially balanced and inclusive communities, through delivery of housing reflecting the Councils priorities.
- 8.22 Policy SP02 of the Core Strategy (2010) 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 being sought. This policy seeks a split of 70% social rent to 30% intermediate housing provision.
- 8.23 Under a new national planning policy statement, PPS3, issued in June 2011, the definition of affordable housing has changed and now includes social rented, a new product called affordable rented, and intermediate housing.
- 8.24 Social rented housing is defined as: Rented housing owned and managed by local authorities and registered social landlords, for which guideline target rents are determined through the national rent regime. It may also include rented housing owned or managed by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Homes and Communities Agency as a condition of grant.
- 8.25 Affordable rented housing is defined as: Rented housing let by registered providers of social housing to households who are eligible for social rented housing. Affordable Rent is not subject to the national rent regime but is subject to other rent controls that require a rent of no more than 80% of the local market rent.
- 8.26 Intermediate affordable housing is defined as: Housing at prices and rents above those of social rent, but below market price or rents, and which meet the criteria set out above. These can include shared equity products (e.g. HomeBuy), other low cost homes for sale and intermediate rent but does not include affordable rented housing.
- 8.27 A total of 44 of the 132 residential units within the proposal would be affordable housing, which represents a total provision of 37% based on habitable rooms. Of the 44 units, 32 of the residential units would be Social Rented which represents 73% and 12 residential units would be Intermediate, representing 27%.
- 8.28 The affordable housing offer therefore generally accords with policies 3.9, 3.11 and 3.12 of the London Plan, Policy HSG3 of the IPG, and policy SP02 of the Core Strategy, in that it delivers the maximum reasonable amount of affordable housing particularly within the social rented tenure. The proposal will deliver a mix of housing tenures, and thus officers are satisfied that the proposal is delivering mixed and balanced communities.

Housing Mix

- 8.29 Planning Policy Statement 3 states that “key characteristics of a mixed community are a variety of housing, particularly in terms of tenure and price and a mix of different households such as families with children, single person households and older people”.
- 8.30 Pursuant to policy 3.8 of the London Plan, the development should “...offer a range of housing choices, in terms of housing sizes and types, taking account of the housing requirements of different groups’. Table 1 below shows the proposed unit mix on the Site.
- 8.31 Pursuant to saved policy HSG7 of the LBTH UDP (1998), new housing development should provide a mix of unit sizes where appropriate, including a substantial proportion of family dwellings of between 3 and 6 bedrooms. On developments of 30 dwellings or more, family dwellings should normally be in the form of houses with private gardens.
- 8.32 Policy SP02 of the Core Strategy Development Plan Document (2010) seeks to create mixed communities. A mix of tenures and unit sizes assist in achieving these aims.
- 8.33 According to policy HSG2 of the IPG, the family housing provision in the rented, intermediate and private sale components should be 45%, 25% and 20% respectively. Table 1 below sets out the proposed mix on the Site.

Table 1: Unit Mix

8.34

Unit size	Total units in scheme	Social Rent			Intermediate			private sale		
		units	%	target %	units	%	target %	units	%	target %
1 bed	50	8	25	20	3	25	25	39	44	50
2 bed	43	12	37.5	35	3	25	50	28	32	30
3 bed	35	8	37.5	45	6	50	25	21	24	20
4 bed	4	4								
TOTAL	132	32	100	100	12			88	100	100

- 8.35 Whilst the number of social rented family sized units falls short of the policy requirement, it is not considered to be a significant shortfall. Given that all the larger 4 bed units are within the social rented sector, on balance, officers consider this to be acceptable. Furthermore, there is double the provision of family units within the intermediate tenure which traditionally tends to underperform in this area. Overall, it is considered that the proposal offers a range of housing choice as promoted by national, regional and local policies identified above.

Wheelchair Housing and Lifetime Homes

- 8.36 Policy HSG9 of the Interim Planning Guidance requires housing to be designed to Lifetime Homes Standards including 10% of all housing to be designed to a wheelchair accessible or “easily adaptable” standard. The application incorporates these principles. Within the affordable housing cores (Core B and Core C) the units are serviced by one lift in each core. Whilst it is desirable to have two lifts servicing each core, due to physical constraints of blocks B and C re-designing of the cores would result in loss of affordable habitable rooms. Therefore, on balance, the provision of 10% wheelchair homes together with 100%

lifetime homes is acceptable in these circumstances.

- 8.37 If planning permission is approved, appropriate conditions should be attached to secure the delivery of accessible residential units, and parking spaces.

Floorspace Standards

- 8.38 Saved policy HSG13 'Conversions and Internal Space Standards for Residential Space' of the adopted UDP 1998 and Supplementary Planning Guidance 'Residential Space' (adopted 1998) set the minimum space standards for residential developments.
- 8.39 Policy 3.5 of the London Plan seeks to ensure that the design and quality of housing developments are of the highest standard internally, externally and to the wider environment. This includes new space standards from the London Housing Design Guide.
- 8.40 The proposal satisfies the minimum dwelling standards as set out in table 3.3 in the London Plan 2011.

Amenity Space

- 8.41 Pursuant to PPS3, paragraph 16 states that the matters to consider, when assessing design quality in housing developments, include the extent to which the proposed development *"provides, or enables good access to, community and green and open amenity and recreational space (including play space) as well as private outdoor space such as residential gardens, patios and balconies"*. Further still, paragraph 17 of PPS3 states that *"where family housing is proposed, it will be important to ensure that the needs of children are taken into account and that there is good provision of recreational areas, including private gardens, play areas and informal play space"*.
- 8.42 Saved policy HSG16 'Housing Amenity Space' of the adopted UDP (1998) requires schemes to incorporate adequate provision of amenity space. The Residential Space SPG (1998) sets the minimum space criteria. Similarly, Policy HSG7 'Housing Amenity Space' of the IPG (2007) sets minimum criteria for private as well as communal and children's playspace. It should be noted that the policy states that variation from the minimum provision of communal space can be considered where the Council accepts the provision of a high quality, useable and public accessible open space in the immediate area of the site. The amenity space standards and Child play space standards of the UDP and IPG are summarised in tables 2 and 3 below.

- 8.43 **Table 2: Amenity Space SPG 1998 and IPG 2007 standards**

Type	No.	Proposed (sq.m)	UDP (SPG) Minimum Standard (sqm)*	IPG Minimum Standard (sqm) [†]
Communal Space	132 units	1123	182	172

*Calculation based on 50sqm, plus an additional 5sqm per 5 units

[†]Calculation based on 50sq.m for the first 10 units, plus a further 5sq.m for every 5 additional units thereafter.

- 8.44 **Table 3: Child Play space Standards**

Type	No.	Proposed (sq.m)	UDP (SPG) Minimum Standard (sqm)*	GLA's standard (sq.m) [†]
Child Play	51	510		

space	Children	150	510
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*Calculation based on 3sqm per child

†Calculation based on 10sq.m per child.

Private Amenity Space

8.45 The scheme proposes 1633sqm of total combined private amenity space which is above the minimum total requirement for 132 residential units.

8.46 All of the units benefit from private space in the form of either a balcony or private terrace. Additionally, as noted below the scheme provides a substantial amount of communal amenity space for the use of residents, which is considered an appropriate response given the urban nature of the site.

Communal Amenity Space

8.47 A total of 1123sqm of communal amenity space is proposed on site. 440sq.m of the communal space is located on the street level as a linear landscaped area and can be accessible for the public. 643sq.m is provided on the 6th roof terrace which can only be accessed by Cores A and D within the development, which is considered acceptable. The linear landscaped area actually totals 990sq.m, however 510sq.m is allocated children's play area.

Public Open Space

8.48 The ground floor linear landscaped amenity space is accessible to the public and the proposal also creates a publicly accessible pedestrian link between Millharbour and Millwall Inner Dock.

8.49 Given the urban nature of the development site, provision of communal amenity space substantially in excess of Council policy, and proximity of several parks within 15 minutes walk of the subject site, with appropriate mitigation through a financial contribution towards the delivery of open space, the proposal is considered acceptable in this respect.

Play Space

8.50 Based on the Tower Hamlets Planning for Population Change and Growth Capacity Assessment 2009 the proposed mix would result in a child yield of 51 children. This yield calculation is evidence based and Tower Hamlets specific, and is therefore considered a more accurate representation than the yield used by the GLA as outlined within the Mayor's supplementary planning guidance 'Providing for Children and Young People's Play and Informal Recreation'.

8.51 The Councils UDP (1998) seeks a minimum 3sqm play space per child, however the Mayor's supplementary planning guidance 'Providing for Children and Young People's Play and Informal Recreation' seeks 10sqm per child. Accordingly, a figure between the 3sqm and 10sqm threshold should be accommodated.

8.52 510sq.m of children's play provision is proposed within the linear landscaped amenity area which meets the GLA's standards.

8.53 As detailed above, the application propose a total of 1633sq.m communal and play space areas with ground floor level providing public access, linking Millharbour and Millwall Dock. On balance, it is considered that the proposal satisfies the requirements of the Interim Planning Guidance, UDP and the London Plan.

Design

Introduction

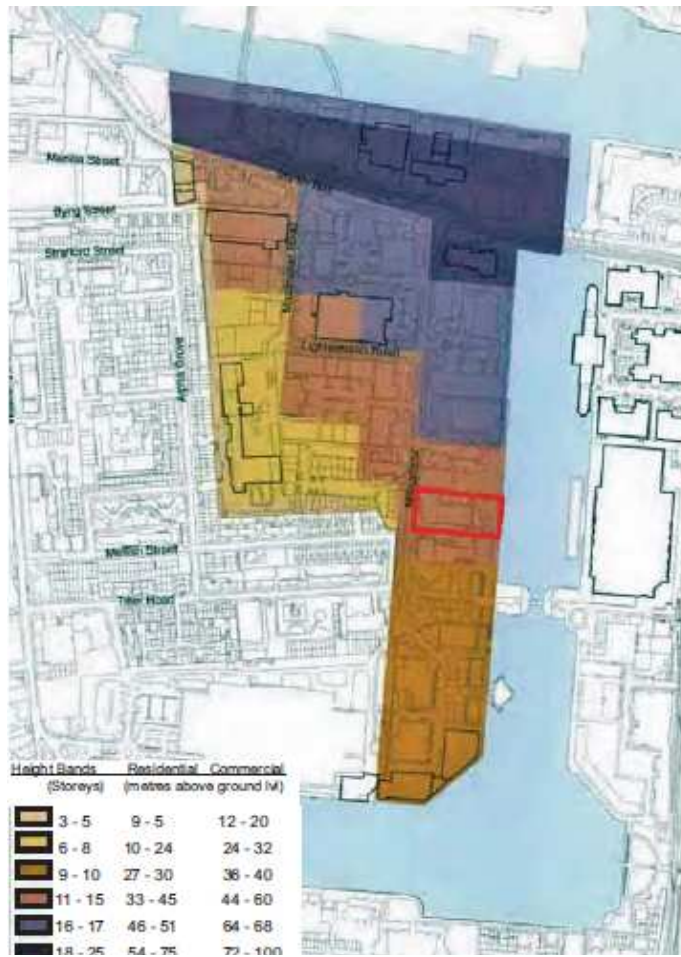
- 8.54 PPS1 promotes high quality and inclusive design, creating well-mixed and integrated developments, avoiding segregation, with well planned public spaces. The PPS recognises that good design ensures attractive, useable, durable and adaptable places and is a key element in achieving sustainable development.
- 8.55 Policy 7.1 of the London Plan 'Building London's Neighbourhoods and Communities' sets out over-arching design principles for London. Policy 7.6 seeks to ensure that new buildings are of the highest architectural quality. These principles are also reflected in policies DEV1 and DEV2 of the UDP and the IPG.
- 8.56 Policy 7.11 sets out the principles associated with the Mayor of London's View Management Framework.
- 8.57 Policy SP10 of the Core Strategy DPD (2010) seeks to promote and implement placemaking across the borough to ensure that the locally distinctive character and context of each place is acknowledged and enhanced. The policy also seeks to ensure that buildings and neighbourhoods promote good design principles to create buildings, spaces and places that are high-quality, sustainable, accessible, attractive, durable and well-integrated with their surrounds. The policy lists 8 criteria against which development proposals will be assessed in order to ascertain whether they achieve this.

Analysis

- 8.58 The application site is a rectangular and linear in shape, with an area of approximately 0.43 hectares. The surrounding area is undergoing transformation with residential-led mixed use development. The surrounding area includes a mix of land-uses and built form, predominately high density residential developments along Millharbour.

Scale, massing and layout

- 8.59 The MQMP designates application site area as suitable for residential led development and heights between 11 to 15 storeys (see figure 2). The MQMP further restricts building heights by defining a stepping down of scale from the north to the south.
- 8.60 Figure 2 Building height concept in MQMP



- 8.61 The neighbouring site to the north, at No 41-43 is a residential building of 15 storeys and to the south (No. 47) is an existing 8 storey commercial building with an approved Outline Planning Consent for a residential- led mixed use development for 10 storeys.
- 8.62 Whilst there have been some concerns from the neighbouring residential occupiers in relation to the height of the building, it is considered that the proposed 8-14 storey residential development is acceptable in this location and meets the height criteria of stepping down of scale from north to south as defined in MQMP.
- 8.63 The application site is linear in shape and the proposed building layout corresponds well with the site constraints and nearby buildings along Millhabour. The consented schemes along the eastern side of Millhabour all have similar layout and form as the proposed building, and it is considered that the proposal reflects the changing nature of the streetscene.

Figure 3 Scale and Massing



Note: No 47 massing and scale shown as the consented scheme

Design and Appearance

- 8.64 The proposals are considered to be well designed and of a good quality.
- 8.65 The proposed building has been broken down into three elements to reduce the bulk and massing. Two taller blocks A and D are located at the either ends of the building addressing the street and the dock area and the central area is lower in building height to ensure sunlight can be penetrated into the neighbouring block and to the linear amenity space on the ground floor level.
- 8.66 The proposal creates visual interest through the use of colours to define the three elements of the building. Each elevation is successfully articulated and executed through stepping the building and differentiating openings which further adds to the visual interest of the building.
- 8.67 Securing high quality materials is imperative to the success of this proposal, hence if planning permission is approved, a condition securing the submission of full details including samples of conditions is necessary.

Strategic Views

- 8.68 The site falls within the wider setting of the Maritime Greenwich World Heritage Site. London Panorama View 5: Greenwich Park, as identified within the London Mayor's London View Management Framework (July 2010). The view is protected to ensure that new development does not negatively impact on the outstanding universal values of the Maritime Greenwich World Heritage Site.
- 8.69 The GLA have commented that the assessment from View 5A.2 and 6A.1 is satisfactory, that the proposal would not impact on these views. However, further verifiable image from View 5A.1 was required following GLA's advice within their Stage 1 report. The applicant have now submitted further verifiable image and it is considered that the background of the view is not significantly altered and the proposal will form part of the cluster of buildings on

Millharbour as visible from View 5A.1. Therefore, the proposal accords with policy 7.12 of the London Plan and the Mayor's View Management Framework and

Design Conclusions

- 8.70 In terms of height and massing, the proposed development is considered acceptable given the surrounding context. The proposal has been designed in a manner which ensures relationship with its surrounding buildings is acceptable. The proposal is therefore supported by officers in design terms.

Amenity

Daylight and Sunlight

- 8.71 Policy DEV2 of the UDP seeks to ensure that adjoining buildings are not adversely affected by a material deterioration of their daylighting and sunlighting conditions. Supporting paragraph 4.8 states that policy DEV2 is concerned with the impact of development on the amenity of residents and the environment.
- 8.72 Policy DEV1 of the IPG states that development is required to protect, and where possible improve, the amenity of surrounding existing and future residents and building occupants, as well as the amenity of the surrounding public realm. The policy includes the requirement that development should not result in a material deterioration of the sunlighting and daylighting conditions of surrounding habitable rooms. This is supported by policy SP10 of the Core Strategy.
- 8.73 The submitted Sunlight and Daylight Assessment has identified that several residential developments are within range of the proposed development, so as to be considered 'sensitive receptors', which contain habitable rooms*.

The following neighbouring residential properties were tested:

- 41 Millharbour
- 47 Millharbour
- Lanterns Court
- 126 Mellish Street
- 159 Mellish Street
- 157 Mellish Street

* The UDP (1998) advises that habitable rooms include living rooms, bedrooms and kitchens (only where the kitchen exceeds 13sq.m.).

- 8.74 Daylight is normally calculated by three methods - the vertical sky component (VSC), Daylight Distribution (NSL) and the average daylight factor (ADF). BRE guidance requires an assessment of the amount of visible sky which is achieved by calculating the VSC at the centre of the window. The VSC should exceed 27%, or not exhibit a reduction of 20% on the former value, to ensure sufficient light is still reaching windows. In the event that these figures are not achieved, consideration should be given to other factors including the NSL and ADF. The NSL calculation takes into account the distribution of daylight within the room, and again, figures should not exhibit a reduction beyond 20% of the former value. The ADF calculation takes account of the size and reflectance of a rooms surfaces, the size and transmittance of its window(s) and the level of VSC received by the window(s). This is typically used to assess the quality of accommodation of new residential units, as opposed to neighbouring units.
- 8.75 British Standard 8206 recommends ADF values for residential accommodation as:

- 2% for kitchens;
- 1.5% for living rooms; and
- 1% for bedrooms.

8.76 *Daylight Results: Impacts on Neighbouring Properties*

The properties on Mellish Street will be fully BRE compliant as a result of the development and therefore require no further detailed consideration.

Of the total 760 windows tested, 475 windows indicate compliance the BRE guidelines for VSC, representing 63%. Additional hypothetical windows were also tested for the consented scheme with outline planning permission, but not yet built at No 47. The assessment had to assume the location of windows as the detail design is yet to be decided for the outline approved scheme. It was found that of the 161 windows tested, 152 would not meet the BRE guidelines for VSC.

- 8.77 The assessment indicates that where a VSC falls between 15% and 27%, larger windows and changes to room layout at details design stage could allow adequate daylight into the room. Nonetheless, the neighbouring sites benefit from a situation where the baseline conditions of very little obstruction due to the two storey nature of the existing building.
- 8.78 Whilst the proposal will result in reduced level of daylight (VSC) as a result of the development, given the urban context of the area, on balance officers consider that the impacts in terms of loss of daylight and sunlight do not outweigh the benefits of the overall scheme will deliver as a whole – being development on an under utilised site for housing.

Sunlight Assessment

- 8.79 Sunlight is assessed through the calculation of the annual probable sunlight hours (APSH). This method of assessment considers the amount of sun available in the summer and winter, for windows within 90 degrees of due south.

Sunlight Results: Impacts on Neighbouring Properties

- 8.80 A total of 596 windows which overlook the site were tested and 420 indicate compliance. For the windows on No 47 Millharbour, the windows face due north therefore the windows need not testing.
- 8.81 Whilst there are failures, on balance, and in the context of the whole development and the dense urban environment, the overall impact on sunlight is considered acceptable.

Shadow Analysis

- 8.82 The BRE report advises that for spaces to appear adequately sunlit throughout the year at least half of gardens or amenity areas should receive at least two hours of sunlight on the 21st of March. If this is not achieved, the result should not be more than 80% of it's former value.
- 8.83 Only one area has been identified as requiring a technical review which is the area of linear communal amenity space and area between the proposed building and No 41-43 Millharbour. Shadow analysis show that only 3.8% will be in permanent shadow of the whole area as combined. The courtyard within No 41-43 will not be in any permanent shadow as a result of this development and only small area would be in permanent shadow for the linear amenity space. Accordingly, the shadow impacts of the proposal are considered acceptable.

Air Quality

- 8.84 A condition is necessary to require the submission and approval of a further Air Quality Management Plan as part of the Construction Management Plan, to detail measures to reduce dust escaping from the site. Such matters are also covered by separate Environmental Health legislation.

Noise and Vibration

- 8.85 The Councils Environmental Health section reviewed the submitted information, and advised that the application is acceptable in terms of noise and vibration, provided conditions are attached should planning permission to secure a sound insulation which demonstrates compliance with Part E of the Building Regulations.

Sense of Enclosure/Loss of Outlook and Privacy

- 8.86 Policies SP10 of the Core Strategy, DEV2 of the UDP and DEV1 of the IPG seek to ensure that new development protects amenity, preventing the loss of privacy. This impact cannot be readily assessed in terms of a percentage or measurable loss of quality of outlook. Rather, it is about how an individual feels about a space. It is consequently difficult to quantify and is somewhat subjective.
- 8.87 The separation distance of the proposed building and its neighbouring building at No 45 Millharbour is 18.2m. Therefore, this is considered acceptable. The separation distance from the proposed building to No 49 Millharbour varies from 15m to 18m. Where the separation distance falls short of 18m, the building has been suitably designed to minimise direct overlooking through translucent walls. In the opinion of officers, the separation distances between the proposed development and directly facing neighbouring properties is considered acceptable given the urban context of the surrounding area.

Micro-Climate

- 8.88 Planning guidance contained within the London Plan 2011 places great importance on the creation and maintenance of a high quality environment for London. Policy 7.7 (Location and Design of Tall and Large Buildings) of the London Plan, requires that *“tall buildings should not affect their surroundings adversely in terms of microclimate, wind turbulence..”* Wind microclimate is therefore an important factor in achieving the desired planning policy objective. Policy DEV1 (Amenity) of the IPG also identifies microclimate as an important issue stating that:

“Development is required to protect, and where possible seek to improve, the amenity of surrounding and existing and future residents and building occupants as well as the amenity of the surrounding public realm. To ensure the protection of amenity, development should: ...not adversely affect the surrounding microclimate.”

- 8.89 The application is accompanied by a Wind Microclimate Desk Study and it assesses the likely impact of the proposed development on the wind climate, by placing an accurate model of the proposed building in a wind tunnel. The assessment has focused on the suitability of the site for desired pedestrian use (i.e. leisure walking at worst, with standing conditions at entrances and in retail areas, and sitting/standing conditions in public realm areas during summer) and the impact relative to that use.
- 8.90 The pedestrian level wind microclimate at the site was quantified and classified in accordance with the widely accepted Lawson Comfort Criteria.

- 8.91 Overall, the residual effect of the proposed development, with required mitigation measures in place, is expected to be minor adverse to moderate beneficial. The mitigation measures include soft landscaping and planting at street level around the proposed area of the linear landscaped area and on the 7th floor communal terrace area.
- 8.92 It is therefore considered that the proposed development would be acceptable in terms of the impact upon microclimate conditions surrounding the development and would not significantly impact on the pedestrian amenity on the site.

Transport

- 8.93 In consideration of national policy, PPG13 'Transport' seeks to integrate planning and transport from the national to local level. Its objectives include: promoting more sustainable transport choices; promoting accessibility using public transport, walking and cycling; and reducing the need for travel, especially by car. Both PPS1 'Delivering Sustainable Development' and PPS3 'Housing' seek to create sustainable developments.
- 8.94 London Plan Policy 6.3 seeks to ensure that new development does not adversely affect safety on the transport network. Policies 6.8, 6.9 and 6.10 seek to ensure that new developments make appropriate provision for cycles and the pedestrian environment. Policies 6.12 and 6.13 seek to ensure that new developments provide an appropriate level of car parking, whilst ensuring new developments result in a net benefit on road network capacity.
- 8.95 In respect of local policy, UDP saved policy T16 states that the consideration of planning applications will take into account the requirements of the proposed use and any impact posed. Policy T18 indicates that priority will be given to pedestrians in the management of roads and the design and layout of footways. Improvements to the pedestrian environment will be introduced and supported in accordance with Policy T19, including the retention and improvement of existing routes and where necessary, their replacement in new management schemes in accordance with Policy T21.
- 8.96 Having regard to the IPG, policy DEV17 states that all developments, except minor schemes, should be supported by a transport assessment. This should identify potential impacts, detail the schemes features, justify parking provision and identify measures to promote sustainable transport options. DEV18 requires a travel plan for all major development. DEV19 sets maximum parking levels. Policies SP08 and SP09 of the Core Strategy DPD (2010) seek to deliver an accessible, efficient and sustainable transport network.
- 8.97 The PTAL rating for the site is moderate (level 2), however the site is within a walking distance to South Quay and Crossharbour DLR Stations.
- 8.98 The proposal includes a total of 42 residential car parking spaces, 16 of which will be for disabled parking use. The applicant has also allocated 8 spaces for Social Rented housing. Eight parking spaces have been provided with electric charging points, with a further eight designed for passive provision. 15 motorcycle parking spaces and a maximum 226 cycle parking spaces proposed for residents, employees and visitors.

Vehicular Parking

- 8.99 Whilst the Council's Highways section would prefer to see a lower provision, the proposed 42 spaces comply with policy in numerical terms, and TfL have confirmed they also accept the proposed provision. The proposed 42 car parking spaces are considered acceptable on balance.

- 8.100 It is therefore considered that the vehicular parking provisions would be in accordance with policies 6.9 and 6.13 of the London Plan. A S106 legal agreement should be entered into in order that the Traffic Management Order can be amended to exempt occupiers of this site from obtaining parking permits. This will ensure no overflow parking on the public highway.

Cycle Parking

- 8.101 The application proposes a scheme whereby a maximum of 266 secure cycle parking spaces can be provided within the basement level and at ground floor level. The cycle parking areas are separated into 10 secure storage areas. In addition, a total of 26 cycle parking spaces for visitors and employees are proposed on the street level on Millharbour street front and on Millharbour Dock. This represents a provision in excess of 1 space per residential unit, and is therefore compliant with Planning Standard 3: Parking and policy DEV16 of the IPG. Commercial cycle spaces are proposed at ground level.

Servicing and Refuse Collection

Servicing

- 8.102 All servicing for the commercial units are proposed to take place on site in the basement car park which can accommodate transit type of vehicles. The proposal also includes a service lift which can easily transport deliveries and goods to the ground floor commercial units. The Council's Highways section is satisfied with this arrangement.

8.103 *Residential Refuse*

The scheme proposes the incorporation of a refuse storage space on the southern end of the building. The location is suitable as it is accessible to all the residents via a rear entrance door to each core. The storage area can accommodate approximately 22 euro bins, which should be 50% recycling and 50% general waste provision. An appropriately worded condition will be proposed to ensure that suitable provision of recycling and waste can be accommodated on site.

8.104 *Commercial Refuse*

The waste storage for commercial is separated and also location to the southern end of the building. Each commercial unit benefits from easy accessible through the rear doors. Recycling and general waste bins would be provided and this will also be secured by condition to ensure it can be delivered.

Delivery service plan and construction logistics plan

- 8.105 TfL have requested the submission of a delivery service plan and a construction logistics plan. Should permission be granted, conditions which secure the submission of a Construction Management Plan and a Delivery and Service Plan would satisfy this request.

Travel Plan

- 8.106 The applicant have submitted a Travel Plan and TfL have commented that the Plan contains clear modal split targets as well as a monitoring and funding framework. Should permission be granted, this travel plan will be secured by way of the s106 agreement.

Energy Efficiency and Sustainability

- 8.107 At a national level, PPS22 and PPS1 encourage developments to incorporate renewable energy and to promote energy efficiency.
- 8.108 The London Plan sets out the Mayor's energy hierarchy which is to:

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

- 8.109 The London Plan 2011 includes the target to achieve a minimum 25% reduction in CO2 emissions above the Building Regulations 2010 through the cumulative steps of the Energy Hierarchy (Policy 5.2).
- 8.110 Saved Policy DEV2 of the UDP (1998), DEV 6 of the IPG (2007) and SP02 of the Core Strategy (2010) seek to incorporate the principle of sustainable development, including use of energy efficient design and materials, and promoting renewable technologies. The London Borough of Tower Hamlets Policy SP11 requires all new developments to provide a 20% reduction of carbon dioxide emissions through on-site renewable energy generation.
- 8.111 The submitted energy strategy demonstrates that the proposal will have a 44% improvement over 2006 building regulations. This is equivalent to 25% over the current baseline, which is 2010 building regulation. This is achieved through the connection to the Barkantine heat district network and passive energy measures. The proposal satisfies policy 5.2 of the London Plan 2011 and it is proposed that the connection to the district heating network to be secured through S106, to ensure that the development delivers its commitment to 'be lean' and 'be clean'.
- 8.112 Photovoltaic cells are proposed to provide a source of on site renewable energy (Be Green). The technologies employed would result in a 3% carbon savings over the baseline. The PV's are proposed to be installed on the roofs of Block A and Block D with brown roofs. The applicant has demonstrated that the proposed CO2 emission reduction through PV's (3%) is the maximum that can be achieved from renewable energy technologies for the site. Whilst the proposed development is not meeting Core Strategy Policy SP11, the Council's Sustainable Development Team support the application as the development is in compliance with the London Plan (Policies 5.2 and 5.11).
- 8.113 It is recommended that the strategy is secured by Condition and delivered in accordance with the submitted Energy Statement dated April 2011 and its addendum.
- 8.114 In terms of sustainability, London Borough of Tower Hamlets requires all new residential development to achieve a Code for Sustainable Homes Level 4 rating and all commercial development to achieve a BREEAM 'Excellent' rating. This is to ensure the highest levels of sustainable design and construction in accordance with Policy 5.3 of the London Plan 2011 dated and Policy DEV 5 of the London Borough of Tower Hamlets Interim Planning Guidance which seek the highest standards of sustainable design and construction principles to be integrated into all future developments.
- 8.115 The submitted Energy Statement sets out the commitment to achieving a Code for Sustainable Homes Level 4 rating and targets a BREEAM Excellent rating. It is recommended that the achievement of these ratings is secured through an appropriately worded Condition.

Other Planning Issues

Flooding

- 8.116 The application site lies within Flood Zone 4 designed by Planning Policy Statement 25 as having a high probability of flooding. The applicant has submitted Flood Management Plan and Flood Risk Assessment. The Flood Risk Assessment demonstrates that the proposed development of the site is appropriate from the perspectives of flood risk and drainage. Environment Agency has reviewed the Flood Risk Assessment and the Management Plan and are satisfied with the submitted information subject to various planning conditions

being attached to planning permission.

Biodiversity

- 8.117 There are no significant biodiversity issues on the site and therefore, no adverse impacts on biodiversity. The proposals include brown roofs at a higher level which cannot be accessed by residents of the development which is considered acceptable by the Council's Biodiversity officer. It is recommended that the provision of brown style roof should be secured through condition together with nest boxes and roosting sites for bats to encourage biodiversity.

Demolition & Construction

- 8.118 Some concerns have been raised in relation to the nuisance from construction works. The typical hours of work, which would be secured by condition would be 08:00 – 18:00 weekdays; 08:00 – 13:00 Saturdays; and no working on Sundays or bank holidays. This is also covered by Pollution Prevention and Control Act 1999 and therefore the hours are regulated.
- 8.119 In addition, the applicants agree to the provision of an Environmental Management Plan (EMP) to be secured by condition. This plan would cover various operational aspects of the development phase, including air quality, noise, dust and vibration, as well as monitoring of impacts. The EMP would be reviewed by the Environmental Health section, and allow the Council to work with the developer to ensure that impacts associated with the build are closely monitored.

Section 106 Agreement

- 8.120 As set out in Circular 05/2005, planning obligations should only be sought where they meet the 5 key tests. The obligations should be:
- (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 and kind to the proposed development; and
 - (v) Reasonable in all other respects.
- 8.121 More recently, regulation 122 of the Community Infrastructure Levy Regulations 2010 brings into law policy tests for planning obligations which can only constitute a reason for granting planning permission where they are:
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Are fairly and reasonably related in scale and kind to the development.
- 8.122 Policies 8.2 of the London Plan (2011), Saved policy DEV4 of the UDP (1998), policy IMP1 of the IPG (2007) and policy SP13 in the Core Strategy (2010) seek to negotiate planning obligations through their deliverance in kind or through financial contributions.
- 8.123 The Council has recently published a draft Supplementary Planning Document on Planning Obligations in August 2011. This document which is currently out on public consultation; provides guidance on the policy concerning planning obligations set out in policy SP13 of the adopted Core Strategy. Within the document, the standard obligations area set out under the following headings:

Key priorities are:

- Affordable Housing
- Employment, skills, training and enterprise
- Community facilities
- Education

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 within the area.

In light of these, LBTH Officers have identified the following contributions to mitigate against the impacts of the proposed development, which the applicant has agreed. As such, it is recommended that a S106 legal agreement secure the following Heads of Terms:

Affordable Housing

- 2.124 Delivery of 37% affordable housing (a total of 44 units of which 32 are at target rent and 12 intermediate) on the Site.

MQMP infrastructure

- 8.125 A financial contribution of **£202,620** (index linked from April 2002 at a rate of £1,535 per unit) for 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.

Education

- 8.126 Increased residential development impacts on the demand for school places within the borough. Where there is a child yield output from a development, the Council would seek contributions towards additional primary and secondary school places across the borough. Financial contributions towards Education would be pooled in line with Circular 06/2005. This would allow expenditure on Education to be planned on a Borough wide basis to meet the Education need for its residents. Based on the Council's Draft Planning Obligations SPD, the proposal would result in the need for 19 additional primary places at £14,830 per place, and 9 additional secondary school places at £22,347 per place. Accordingly, the total education financial contribution sought is **£482,893**.

Health

- 8.127 The Tower Hamlets Primary Care Trust have requested a contribution of **£172,260** towards the development of health and wellbeing centres.
- 8.128 Due to the Borough wide impact, financial contributions towards Health Facilities would be pooled in line with Circular 05/2005. This would allow expenditure on health to be planned on a Borough wide basis to meet the need for its residents.

Employment and Training

- 8.129 In terms of non-financial obligations, the applicant has also been asked to use reasonable endeavours to ensure:
- 20% Local procurement at construction phase

This requirement would be captured in the S106 requiring the developer to include a 'local procurement clause' for their subcontracting supply chains. The developer would provide LBTH with a list detailing a package of works/trades, so that LBTH can match these requirements with appropriate suppliers within the Borough.

The Skillsmatch Service would also assist in local procurement through advertising upcoming contracts in the East London Business Place and facilitating an integrated consultation event with a number of developers to enable them to meet with prospective local suppliers.

8.130 • 20% Local labour in construction phase

This requirement would also be captured in the S106 where by Tower Hamlets would provide a full job brokerage service. The Skillsmatch team would have access to a database of entry-level operatives, experienced trades people and site managers and the team would develop a complete skills solution based on the developer's labour requirements.

This can also include pre-employment training for local jobseekers (e.g. Construction Skills Certification Scheme (CSCS) cards, Traffic Marshall certificates, Plant training tickets and other accreditations).

Total

8.131 A total financial contribution (including a monitoring fee of £17,155) of **£874,928** is therefore sought.

9 Conclusions

9.1 All other relevant policies and considerations have been taken into account. Planning permission should be approved 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.

