

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

## 1. SUMMARY

### 1.1 Registration Details

**Reference No:** PA/05/01782

**Date Received:** 20/01/2005

**Last Amended Date:** 15/05/2006

### 1.2 Application Details

**Existing Use:** Vacant

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

The application is supported by an Environmental Impact Assessment.

**Applicant:** Ballymore Millharbour Ltd C/- GVA Grimley

**Ownership:** Docklands Light Railway Limited  
Springfield Limited

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

## 2. RECOMMENDATION:

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

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

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

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

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

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

### **Legal Agreement**

#### **2.2 Section 106 agreement to secure the following:**

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

### **Conditions**

#### **2.3 That the following conditions be included:**

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

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

## 2.4 Informatives

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

## 3. EXECUTIVE SUMMARY

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

### Relevant Background

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

### Proposed Amendments

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

The principal changes are as follows:

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

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

### **Summary of the Assessment**

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

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

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

## **4. BACKGROUND**

### **Location**

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

### **Description of Site**

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

### **Surrounding Land Use**

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

#### **Description of the Proposal**

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

#### **Summary of Amendments**

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

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

## 5. **PLANNING POLICY FRAMEWORK**

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

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

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

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

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

### **Millennium Quarter Master Plan**

5.4 The Millennium Quarter Master Plan (MQMP) was agreed by the council's Policy and Implementation Committee on 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.

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

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

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

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

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

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

(3) A place for living safely

## **6. CONSULTATION**

6.1 The following were consulted regarding this application:

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

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

(2) **Environment Agency**

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

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

(3) **English Heritage**

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

(4) **British Waterways**

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

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

(5) **Thames Water**

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

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



(6) **City of London**

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

(7) **London Borough of Greenwich**

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

(8) **London Borough of Newham**

No comment received

(9) **Cabe**

No comment received

(10) **Countryside Agency**

No formal representation

(11) **English Nature**

No comment received

(12) **London City Airport**

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

(13) **Head of Highways Department**

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

(14) **Environmental Health**

No response received

(15) **Housing Development**

Awaiting comments

(16) **Head of Building Control**

No objections in principle

(17) **Corporate Access Officer**

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

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

No. Responses: 3

In Favour: 0

Against: 3

Petition: 0

### 6.3 Comments:

#### Height

- Object to the excessive height of the buildings

#### Transport

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

#### Construction Impacts

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

#### Light

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

#### Thames Water Right of Way and Vehicle Car Lifts

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

## 7. **ANALYSIS**

### 7.1 **Land Use**

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

accordance with both the adopted UDP and emerging LDF.

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

## **7.2 EIA**

- 7.2.1 The Council's consultants, Casella Stanger undertook a review of the Environmental Statement. The review highlighted a number of areas where additional information or clarification should be provided. Further to the Council's request, the applicant submitted information under Regulation 19, which was re-advertised in accordance with the legislation and again reviewed by Casella Stanger.
- 7.2.2 The Environmental Statement has been assessed as satisfactory, with mitigation measures to be implemented through conditions and/ or Section 106 obligations.

## **7.3 Height, Design and Density**

### **Height and Design**

- 7.3.1 In terms of scale, UDP Policy DEV6 specifies that high buildings may be acceptable subject to considerations of design, siting, the character of the locality and their effect on views. Considerations include, overshadowing in terms of adjoining properties, creation of areas subject to wind turbulence, and effect of all tall buildings on television and radio interference.
- 7.3.2 Policy UD1 of the Draft LDF Core Strategy specifies that the bulk, height, and density of development must consider the surrounding building plots, scale of the street, building lines, roof lines, street patterns and the streetscape. The development must also respond in a sustainable manner to the availability of public transport, community facilities and environmental quality. Policy UD2 of the Draft LDF Core Strategy states that tall buildings will be permitted in identified clusters, as detailed in the Area Action Plans, and subject to a number of criteria. additionally, the site is included in the “Proposed Tall Buildings Areas” in the Draft AAP.
- 7.3.3 The Council's Urban Design Officer considered the height of the amended scheme as follows:
- Tower 1 has increased in height by 8m and Tower 2 has marginally reduced in height. These changes are acceptable and the additional height of Tower 1 would serve to enhance its proportions as the designated “landmark” building in the corner of the Millennium Quarter. The revised floor-to-floor residential heights will improve the appearance of the towers;
  - The revised massing at the top of Tower 2 produces an improved and varied skyline profile. Moving Block 1 further from the dock wall will improve the public realm along the water frontage; and
  - Internal changes are proposed to the podium, which becomes higher and wider. New (kiosk) style retail is introduced along Marsh Wall. The Health club is moved to Level 1 from the Ground Floor and the plant areas above are increased in area and volume, with greater areas of external louvres, so that the podium is now a very substantial building in its own right.
- 7.3.4 It is considered that the increased plant room levels could be visually dominant on both Marsh Wall and the southern elevations. The urban design officer also expressed concern over the proposed treatment of these levels and recommended that further design development would be required to improve their appearance. Therefore, it is recommended that a condition be included to ensure that the treatment of the plant room levels is given further design consideration, in order to improve their appearance, and ensure that the plant rooms are not visually dominant.
- 7.3.5 The GLA concluded with regard to design that, as the proposed redevelopment of 1

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

### **Density**

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

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

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

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

### **7.4 Open Space**

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

### **7.5 Housing**

#### **Overall Housing Mix (1 Millharbour)**

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

	<b>Total</b>	<b>% of Total</b>
Studio	253	33%
1 Bed	253	33%
2 Bed	236	31%
3 Bed	18	2.5%
4 Bed	3	0.5%
<b>TOTAL</b>	<b>763</b>	<b>100%</b>

#### **Affordable Housing**

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

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

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

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

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

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

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

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

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

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

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

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

7.5.8 The GLA conclude

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

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

#### **Social Rented/ Intermediate Ratio**

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

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

### **Housing Mix**

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

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

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

- 7.5.12 It is considered that by providing the off site affordable housing at 4 Mastmaker Road, more family homes will be delivered. The offsite affordable housing will benefit from the generous provision of amenity space.
- 7.5.13 A total of 38% (calculated on a unit basis) and 53% (calculated on a habitable room basis) of the total affordable housing provision is provided as 3 and 4+ bedroom units and is thus considered to accord with the Council's emerging LDF.

## **7.6 Access and Transport**

### **Access**

- 7.6.1 Vehicular access for drop offs/ pickups and valet parking is provided within a turning area within the site with an access directly onto Millharbour, at the current location. This turning area provides access to the basement car park lifts, for cars and motorcycles. Servicing, refuse collection and deliveries are proposed to be undertaken within the loading bay area accessed from Marsh Wall on the north facing section of Tower 1. Cycle parking is proposed to be undertaken from a lift located on the south west corner of Tower 2. It also gives access to the basement cycle storage area. Visitor cycle parking is proposed at ground level and is to be designed into the landscaping.
- 7.6.2 Pedestrian access will be provided along Millharbour and Marsh Wall as well as along the dock edge. A new bridge link is proposed across South Dock, which could potentially provide an additional pedestrian access way from the North. A linkage is also proposed running east-west through the site.
- 7.6.3 The main pedestrian entrances to the building will be from Marsh Wall to the north via a central walkway, and from Millharbour to the west via an east-west walkway. This walkway will provide pedestrian access west of the proposed development to the waterfront at Millwall Inner Dock adjacent and to the east. The building lobby will be glazed and of open form to maximise views from the ground levels to the South Quay.

## **Parking**

7.6.4 The application proposes a total of 242 car parking spaces for the residential accommodation located at basement level. No parking is proposed for the non residential uses in accordance with the Millennium Quarter Master Plan. The basement carparking area utilises a mechanical vertical stacking car park system. Valets will park the cars within the basement as part of the overall carpark management and security regime. It is proposed that mobility impaired people would park their cars at ground level and enter the main foyer whilst their car is being parked. Access to the basement parking area is via two car lifts located in the base of Tower 1, directly from the turning area. The valet parking management will monitor the use of the two car lifts.

7.6.5 The following are also proposed in the basement:

- 30 motorcycle spaces (3% of the units) are provided at the basement mezzanine level;
- 400 secure cycle spaces.

The cycle parking will be from a lift located on the south west corner of tower 2 with direct access at ground level through its own lobby on the southern face of the building. Visitor cycle parking is provided at ground level within the landscaping areas.

7.6.6 Thames Water Property objected to the above proposals stating concerns with regard to the overall operation of the carparking facility and its impact on capacity and the impact on Thames Water's right of way access agreement.

7.6.7 The applicant provided additional justification at the request of the Council's highways officer, including a Car Management and Operation Strategy and detailed specification for the proposed car lifts. The Council's Highways officer provided a response stating that they were satisfied with the conclusions of the 1 Millharbour – Car Park Access Control, Demand and Management Report (dated March 2006) and the additional surveys of comparative sites within the Millennium Quarter provided by the applicant regarding the operation of the proposed car lifts. However, the officer agrees that there may occasionally be some extra demand but that would not be so excessive as to warrant a change in the design. Any dispute regarding the right of way between neighbours is not a highway issue. It is recommended that a condition be included to ensure that the Car Park Management and Operation Strategy is secured as part of the development.

7.6.8 It is recommended that the S106 agreement include a clause to ensure that the development is 'car free', ensuring that no controlled parking permits are issued to the new residents of the development and thus alleviating additional pressure on the surrounding streets. Overall, the car parking provisions are in accordance with the standards set out within the UDP and are at a level, which supports current Government guidance on encouraging trips by other means. TFL supports the carparking provision for the proposed development.

## **Public Transport**

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

## **7.7 Access and Inclusive Design**

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

7.7.2 The applicant has advised that resident and visitor cars will be parked by the valet service

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

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

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

## **7.9 Construction Programme**

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

## **7.10 Planning Obligations**

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



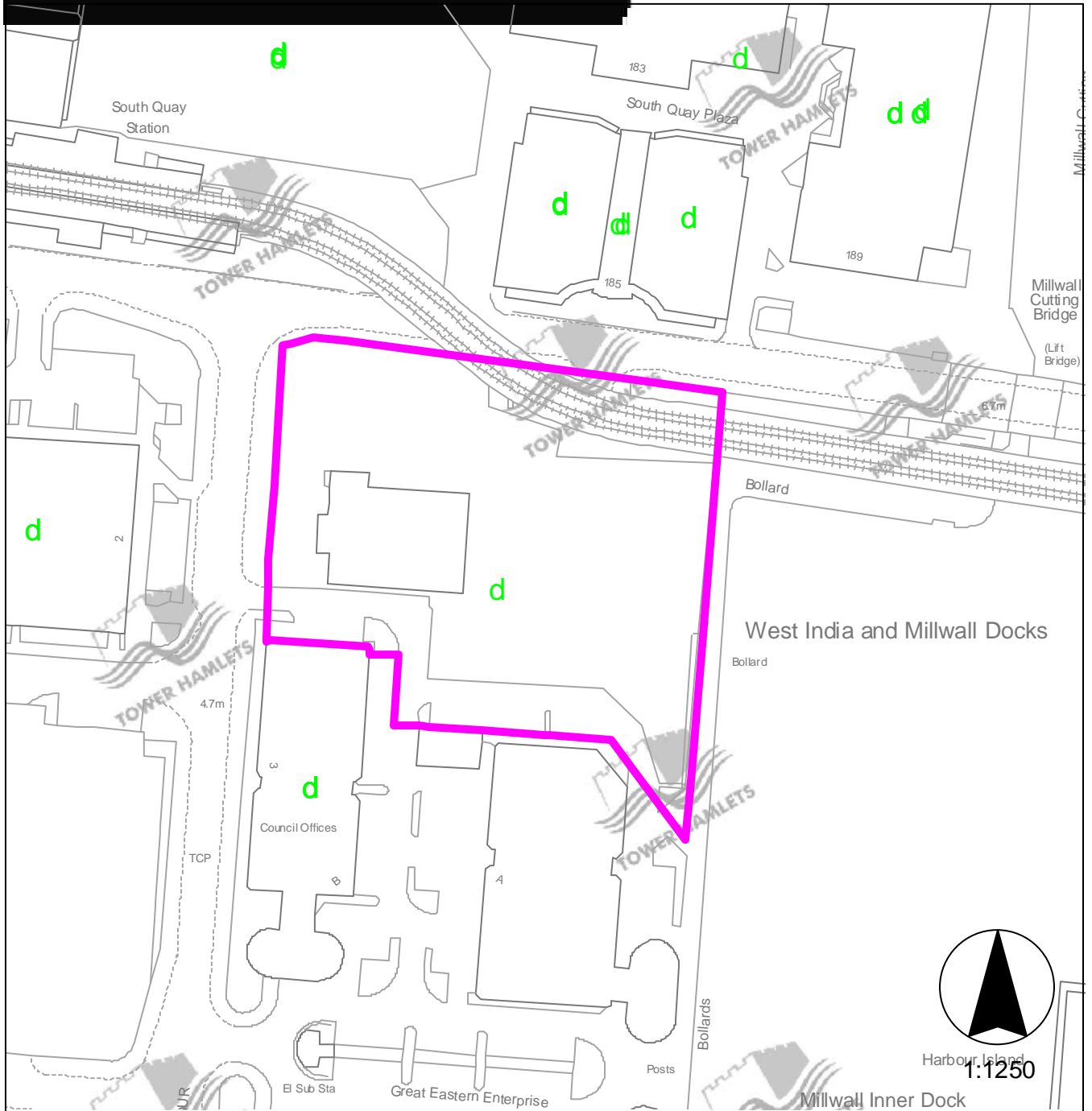
- 9) *The use of local labour in the construction and occupation of the development*  
10) *A 'Car Free' agreement, to restrict the occupants from applying for residents parking permits in the area."*

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

## **8. SUMMARY**

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

# Site Map



## Legend



Planning Application Site Boundary



Consultation Area



Land Parcel Address

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