

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

## 1. SUMMARY

### 1.1 Registration Details

**Reference No:** PA/05/01294

**Date Received:** 01/08/2005

**Last Amended Date:** 01/08/2005

### 1.2 Application Details

**Existing Use:**

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

**Proposal:**

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

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

**Applicant:**

Sir Robert Ogden CBE LLD

**Ownership:**

Sir Robert Ogden Estates

**Historic Building:**

No

**Conservation Area:**

No

## 2. RECOMMENDATION:

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

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

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

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

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

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

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

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

B The following conditions and informatives:

Conditions:

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

Informatives:

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

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

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

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

### 3. **BACKGROUND**

#### **Site Description**

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

#### **Planning History**

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

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

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

#### **Current Application**

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

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

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

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

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

#### **4. PLANNING POLICY FRAMEWORK**

##### **Comments of Chief Legal Officer**

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

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

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

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

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

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

- (1) Flood Protection Areas

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

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

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

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

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

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

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

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

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

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

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

## 5. **CONSULTATION**

5.1 The following were consulted regarding this application:

- (1) **Greater London Authority**

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

by a legal agreement or planning conditions:

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

(2) **Transport for London**

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

(3) **CABE**

Stated that they wished not to comment.

(4) **Environment Agency**

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

(5) **Docklands Light Railway**

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

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

No objection in principle.

(7) **Crime Prevention Officer**

Satisfied with the proposals at this stage.

(8) **English Heritage**

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

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

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

(10) **Highways**

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

(12) **Cleansing Officer**

No objections at the outline stage.

(13) **Head of Building Control**

No objections in principle.

(14) **Social Housing Group**

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

(15) **Environmental Health**

No comments received

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

No comments received.

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

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

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

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

## 6. **ANALYSIS**

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

### **Land Use**

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

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

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

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

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



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

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

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

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

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

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

### **Residential Accommodation**

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

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

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

### **Affordable Housing**

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

### **Density and Built Form**

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

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

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

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

### **Highway, public transport and pedestrian linkages**

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

### **Planning Obligations**

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

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

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

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

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

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

### **Environmental Impact Assessment**

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

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

### **Responses to Comments From Neighbours**

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

## **7. SUMMARY**

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

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