

Committee: Development Committee	Date: 29 th June 2005	Classification: Unrestricted	Report Number: DC011/056	Agenda Item No: 6.6
Report of: Corporate Director of Development and Renewal Case Officer: Richard Humphreys		Title: Town Planning Application Location: 1 WICK LANE (FORMERLY KNOWN AS 413, 415, 417, 417A AND 417B, OLD FORD ROAD), LONDON, E3 2NA Ward: Bow East		

1. SUMMARY

1.1 Registration Details

Reference No: PA/04/0076

Date Received: 19/01/2004

Last Amended Date: 25/10/2004

1.2 Application Details

Existing Use:
Proposal:

Part general industry (vehicle repairs) part open storage. In outline, the erection of a 3,464-sq. m training and leisure centre together with 924 units of student accommodation (18,810-sq. m) in three blocks of 20, 22 and 24 storeys.

Applicant:

Point Deal Ltd.

Ownership:

Point Deal Ltd.

Historic Building:

N/A

Conservation Area:

N/A

2. RECOMMENDATION:

2.1 That the Development Committee **refuse** planning permission for the following reasons:

- 1 The proposal would be an over-development of the site substantially in excess of the density guidelines provided Policy HSG9 of the Tower Hamlets Unitary Development Plan 1998, Policy 4.3B of the London Plan 2004 including the Density, location and parking matrix at Table 4B.1 together with Policy HSG9 and Planning Standard No. 2 of the Draft Tower Hamlets Unitary Development Plan 2004.
- 2 The proposed development would conflict with Policies DEV1 and DEV2 of the Tower Hamlets Unitary Development Plan 1998 and Policies UD1 and UD2 of the Draft Tower Hamlets Unitary Development Plan May 2004. It would fail to take proper account of and be insensitive to the surrounding area by reason of design, mass, scale and height, exceed the development capabilities of the site and adversely affect adjoining land, including the Greenway long distance footpath, due to overshadowing.
- 3 The submitted plans fail to demonstrate that the tall buildings proposed would be satisfactory in terms of design, siting and the character of the locality both existing and emerging contrary to Policy DEV6 of the Tower Hamlets Unitary Development Plan 1998. The site is also not identified as an appropriate location for tall buildings in the Draft Tower Hamlets Unitary Development Plan 2004.

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

Brief Description of background paper:	Tick if copy supplied for register	Name and telephone no. of holder
Application case file, plans and & UDP		Development Control 020 7364 5338

- 4 The proposed development would conflict with Policies EDU3, EDU4, T15 and T16 of the Tower Hamlets Unitary Development Plan 1998 and Policy TRN1 of the Draft Tower Hamlets Unitary Development Plan 2004 due to the site having poor public transport accessibility.

3. BACKGROUND

Site and surroundings

- 3.1 This 0.8 ha site lies on the northeastern side of Wick Lane with two frontages to the road. It surrounds No. 411 Wick Lane, an open area of land used as a van hire depot. The centre of the application site is occupied by a single storey building used for vehicle repairs. The remainder is vacant and was last used for open storage.
- 3.2 The Greenway long distance footpath, part of the Lea Valley Regional Park, bounds the site to the north. Beyond the Greenway are low-rise commercial premises in Dace Road and the site of Crown Wharf that is being partially redeveloped by 7 and 9 storey live/work and office buildings. Adjoining to the east, No. 417 Wick Lane is also being redeveloped by buildings up to 9 storeys to provide live/work units and business floorspace. On the opposite side of Wick Lane are the site of a former furniture factory now demolished and the large warehouse of the Big Yellow Box Company. The River Lea runs some 60 metres to the east beyond No. 417 Wick Lane.
- 3.3 Wick Lane is an unclassified local distributor that provides access to the A12 East Cross Route some 750 metres to the west. The site adjoins the Wick Lane / Crown Close roundabout.
- 3.4 The site lies within the line defining the site of the OLY4 Olympic Bid proposed temporary coach park but is shown as being unaffected by the proposal.

Planning history

- 3.5 At its meeting of 4th April 2000, the Development Committee decided to grant planning permission for the redevelopment of the site by a 3 storey building to provide an 1,860 sq. metre training facility for construction industry students with 37 residential units each to house between five to eight students. The permission (PA/99/1493) was issued on 10th February 2005, when an agreement was executed with the Council to secure the funding of repairs to the public highway and a contribution of £25,000 towards the provision of facilities for cyclists and pedestrians on Fish Island.

Proposal

- 3.7 Application is now made for outline planning permission for the redevelopment of the site by the erection a 3,464 sq. metre training and leisure centre together with 924 single bedroom units (18,810 sq. metres) of residential accommodation for students in three blocks 20, 22 and 24 storeys high. It is requested that all matters are reserved i.e. siting, design, external appearance, means of access and landscaping.
- 3.8 An illustrative drawing, a massing study and an Environmental Impact Assessment support the application. The drawing and massing study show a two-storey oval shaped training and leisure centre at the eastern end of the site with the three tower blocks running alongside the Greenway on the western part. The plan indicates 17 car-parking spaces for users of the training / leisure centre accessed from Wick Lane just east of the Wick Lane roundabout.

4. PLANNING POLICY FRAMEWORK

- 4.1 The following Unitary Development Plan **proposals** apply:
 - (1) Area of archaeological importance or potential
 - (2) Flood protection area
 - (3) Lea Valley Industrial Employment Area

(4) Green chain adjoining within Lea Valley Regional Park

4.2 The following Unitary Development Plan **policies** apply:

DEV1 & DEV2 – General design and environmental requirements
DEV3 – Mixed use developments
DEV4 – Planning obligations
DEV6 – High buildings outside central area zones
DEV45 – Proposals involving ground works in areas of archaeological importance or potential
DEV51 – Contaminated land
EMP1 – Employment growth
EMP11 and 13 – Industrial Employment Areas
HSG1 – Quantity of housing
HSG2 – New housing development
HSG9 – Density
HSG14 – Special needs accommodation
OS10 & OS11 – Indoor and outdoor sports and leisure facilities
EDU4 – Proposals for further education
EDU5 – dual use of educational facilities
T15 –T17 – Transport and development

4.3 The following Draft Unitary Development Plan 2004 **proposals** apply:

1. Proposal 94 – Mixed Use
2. Flood protection area
3. Area of archaeological importance or potential
4. LS4 – Leaside Action Framework - Fish Island South
5. Green chain adjoining

4.4 The following Draft Unitary Development Plan 2004 **policies** apply:

EMP1 – Promoting Economic Growth and Employment Opportunities
EMP2 – Mixed-Use Development
EMP10 – Redevelopment of Employment Sites
HSG1 – Housing provision
HSG2 – New housing developments
HSG9 – Housing density
TRN1 – Transport and development
TRN6 – Parking and servicing
TRN7 – Transport assessments
TRN11 – Bicycle facilities
UD1 – Scale and density
UD7 – Tall buildings
UD16 – Areas of archaeological importance
IM1 – Planning agreements
LS6 – Townscape quality and character
Planning Standard No. 2 – Density Standards

4.5 The following Community Plan **objectives** apply:

1. A better place for living safely – reduction in crime and improved safety.
2. A better place for living well – quality affordable housing and access to health care.
3. A better place for creating and sharing prosperity – a international centre for business and trade, more jobs for local people, community involvement in planning, and higher living standards.
4. A better place for learning, achievement and leisure – improved education for children and mature aged students, excellent and accessible arts and leisure facilities

Comments of the Chief Legal Officer

- 4.6 The relevant policy framework against which the Committee is required to consider planning applications includes the adopted London Plan 2004, the Council's Community Plan, the adopted Unitary Development Plan (UDP) 1998, the Draft UDP and Interim Planning Guidance Notes 4 (Public Transport), 7 (Environmental Sustainability Initiatives), 8 (Employment Initiatives and Local Labour) and 9 (Education).
- 4.7 Decisions must be taken in accordance with sections 54A and 70(2) of the Town and Country Planning Act 1990. Section 70(2) of the Town and Country Planning Act 1990 is particularly relevant here, 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.
- 4.8 Whilst the adopted UDP 1998 is the statutory development plan for the Borough, it will be replaced by a more up to date set of plan documents which will make up the Local Development Framework (LDF). The emerging policies in the Draft UDP and the Interim Planning Guidance will inform the LDF and, as the replacement plan documents progress towards adoption, they will gain increasing status as a material consideration in the determination of planning applications.
- 4.9 The report takes account of the policies in the emerging plan which reflect more closely current Council and London-wide policy and guidance on residential/employment mixed uses, proposals, transport and density levels.
- 4.10 The report also refers to an extant planning permission granted in 2005 for a low rise training facility with associated student accommodation. While this forms part of the planning history of the site and is a material consideration, the report concludes at paragraph 7.2 that other than in terms of land use, it should be given little weight as it is a scheme of wholly different magnitude.

5. CONSULTATION

5.1 The following have been consulted:

- (1) **Government Office for London.** No representation received.
- (2) **Greater London Authority.** The application is referable to the Mayor as the development does not accord with the development plan and involves more than 2,500 sq. m of floorspace, it involves more than 500 residential units in buildings more than 30 m high.

If the Council is minded to approve the application, the Mayor has asked to be given 14 days to decide whether or not to direct the Council to refuse permission. At Stage 1 referral, the Mayor has concluded that:-

- The application provides inadequate justification for a loss of employment land and could undermine the adjacent Lower Lea Valley Strategic Employment Location.
 - The density far exceeds the suggested range in the London Plan Density Matrix.
 - The proposal does not meet the London Plan's aspirations for tall buildings as it lacks architectural quality and would relate poorly to the surrounding urban context. The proposed residential towers fall well short of the design expectations of the London Plan and are contrary to strategic planning policy.
 - Shading of the adjacent Greenway would constitute a significant adverse impact on a Site of Importance for Nature Conservation.
- (3) **Environment Agency.** No objection in principle but requests that any permission is conditioned to secure decontamination, the approval of details of foundations and surface and foul water drainage.
 - (4) **English Nature.** No representation received.

- (5) **Countryside Agency.** No representation received.
- (6) **London Borough of Newham.** No objection.
- (7) **BBC – Reception Advice.** No representation received.
- (8) **Head of Highways Development.** Is concerned about potential trip generation and the impact on the No. 339 bus route that serves Wick Lane. Any permission should be conditioned to require an impact assessment and possibly a contribution towards bus frequency enhancement. The 17 parking spaces for the training / leisure centre is considered acceptable. Details of the parking layout and bicycle storage should be provided at the detailed planning stage. The developer should enter into an agreement under section 278 of the Highways Act to fund associated repairs to the public highway.
- (9) **Environmental Health.** Recommends that any permission be conditioned to require a contamination assessment and remediation, an energy assessment, noise survey and mitigation measures.
- (10) **English Heritage Archaeology.** Recommends that any permission be conditioned to secure an archaeological investigation.
- (11) **Fish Island Business Club.** Considers the scale of the proposal is excessive and does not complement either existing or permitted development in the area. The current infrastructure on Fish Island (no shops and only one bus service) is incapable of supporting the proposed number of residents. If the Olympic bid succeeds the proposed buildings would be surrounded by a car park, an environment not conducive to education. The vehicular access appears too close to the Wick Lane roundabout.
- (12) **Housing Development Team.** No observations given the type of accommodation proposed.
- (13) **Transport for London.** Does not wish to comment.
- (14) **British Waterways.** Does not consider buildings of the height proposed are appropriate alongside navigational canals. However, given the location some distance from the river, no objections are raised but the development should not become a precedent for building height.
- (15) **Lea Valley Regional Park Authority.** Objects. The height of the proposal would have a detrimental visual effect on the Park.
- (16) **London Development Agency.** No representation received.
- (17) **EDAW Ltd.** No representation received.
- (18) **Leaside Regeneration.** No representation received.
- (19) **Thames Water Authority.** No representation received.
- (20) **National Air Traffic Services Ltd.** No objection.
- (21) **London City Airport.** Advises the height of the buildings are theoretically acceptable but requests that any permission be conditioned to ensure there is no infringement of the airport's safeguarded surfaces (154.95 m) by cranes and the approval details of external lighting and landscaping.

5.2 The application has also been advertised on site and in the press and consultation undertaken with adjoining owner/occupiers.

No. Responses 4

In Favour 1

Against 3

Petition 0

- 5.3 Percy Dalton Holdings Limited (who occupy premises on the northern side of the Greenway in Dace Road) object on the grounds that 22-24 storey buildings would be out of scale and character. They would cause loss of light to buildings on Dace Road that are occupied as artist's studios and would prejudice the redevelopment of the area.
- 5.4 Two letters have been received from local residents objecting on grounds that may be summarised as follows:
- Scale of development not in keeping with the area, would dwarf current new development on Fish Island and would reverse the trend towards making the area feel more of a community
 - Excessive density would impose an unbearable load on local facilities
 - A large transient student population would not assist social cohesion
 - Inadequate car parking
 - Wall of tower blocks would be an eyesore
- 5.5 Two letters in support of the proposal has been received from Meridian Delta Ltd, a joint venture company undertaking the redevelopment of the Greenwich Peninsula with English Partnerships and Ducane Housing Association. Meridian Delta advises that construction skills gaps at all levels are evident at present. The volume of development planned in East London and Thames Gateway is such that unless appropriate action is taken real skills gaps will emerge and threaten the deliverability of the regeneration agenda. Specialist training facilities as proposed are therefore a key element in ensuring the agenda's delivery. Ducane say they are specialist west London based housing association that have been providing high quality homes for medical students and key workers for over 30 years. Ducane propose a partnering arrangement with the applicant and would be responsible for the letting and management of the student accommodation.

6. **ANALYSIS**

- 6.1 It is considered that the main matters arising from this application are land use in an Industrial Employment Area, density and high buildings policy, the resultant impact on the environment and highway considerations.

Land use

- 6.2 The site lies within the Lea Valley Industrial Employment Area defined on the Proposals Map of the statutory 1998 UDP. **Policy EMP2** of the Plan seeks to retain existing employment uses and **policy EMP12** promotes Use Classes B2 (General Industry) and B8 (Storage and distribution) within industrial employment areas. **Policy EMP 13** states that residential development will only be permitted where the loss of industrial land is justified.
- 6.3 The site lies within Proposal 94 of the 2004 Draft UDP. It is identified as a 'Mixed Use Opportunity Site' within the Leaside Action Area Framework and part of LS4: Fish Island South which is again designated area for mixed-use development, including medium to high density residential at 200-300 habitable room per hectare.
- 6.4 1998 UDP **policy HSG14** encourages special needs accommodation including student housing and **policy EDU4** supports new facilities for higher education. Further, in 2000 the Development Committee considered that the redevelopment of the site by a training facility for the construction industry with 37 residential units for the students would have been biased towards employment generation. On that ground, it was decided that the scheme was justified within the Lea Valley Industrial Employment Area.
- 6.5 In land use terms, the current proposal is not considered materially different from that eventually permitted in February 2005. The training building now proposed would provide approaching twice the floorspace of the facility for the construction industry previously permitted. Moreover, given the proposed mixed-use allocation in the new draft UDP 2004, it is considered that a departure from the statutory UDP could be justified. The GLA's concerns about loss of employment land are not shared.
- 6.6 It is not clear what the extent of the leisure facility would be or how this would operate. The applicant merely says it would be a small, ancillary part of the development. UDP **policy**

EDU5 however normally permits the dual use of educational facilities for recreational use and the extent and method of operation of the leisure element could if necessary be controlled by condition.

Density and high buildings

- 6.7 The proposed student accommodation would result in a density of 2,275 hrph. This substantially exceed the normal guideline of 247 hrph for new residential development provided by Policy HSG9 of the 1998 UDP. Policy HSG9 sets out four circumstances where higher densities may be acceptable:
1. The development would be for special needs housing or non-family housing
 2. The development is located within easy access to public transport, open space and other local facilities
 3. The dwellings are part of a substantial mixed use development or are a small in fill
 4. It can be demonstrated that the development meets all other standards for new dwellings in the Plan and does not conflict with the Council's policies for the environment.
- 6.8 Whilst some increase in density above the UDP guideline might be acceptable under Criteria 1 above, for the reasons set out below, it is considered that a development more than nine times the statutory guideline cannot be justified due to conflict with other policies in the Plan.
- 6.9 Although still statutory, UDP policy HSG9 has largely been superseded by the density policies of the London Plan 2004 and the Council's draft UDP 2004. These both involve the implementation of a Density, location and parking matrix that links density to public transport availability that is defined by PTAL scores. The site is not well served by public transport and has a PTAL 2 on a scale of 1-6. **Policy 4B.3** of the London Plan says that development proposals should achieve the highest possible intensity of use compatible with the local context. For 'urban' sites with a PTAL range 2 to 3, the Plan says appropriate density for residential developments of flats with low parking provision (as proposed) should be within the range 300-450 hrph. As mentioned, the draft UDP suggests Fish Island South should accommodate mixed-use development including residential use in medium to high density with a minimum 200-300 hrph.
- 6.10 The proposed density of 2,275 hrph net, would be over five times that envisaged by the London Plan and seven times in excess of that suggested in the Council's draft UDP. It is considered the issue raised in this case is whether a scheme of such magnitude is justified by the local context and meets the Council's policies for the environment.
- 6.11 The illustrative drawings show a two-storey oval shaped training and leisure centre at the eastern end of the site with three tower blocks of 20, 22 and 24 storeys high running alongside the Greenway on the western part.
- 6.12 In this case, it is considered that the amount of accommodation sought carries over to a built form that demonstrates that a major over-development of the site is proposed. There would conflict with the environmental **policies DEV1 and DEV2** of the 1998 UDP and also Draft UDP **Policy UD1** that says proposals must ensure the bulk, height and density of development relates to that of the surrounding building plots and blocks, and the scale of the street. Instead, buildings would ensue that would be insensitive to the character of the surrounding area, the development capabilities of the site and would adversely affect the natural light reaching premises in Dace Road.
- 6.13 UDP **Policy DEV6** says outside the Plan's central area zones, high buildings may be acceptable subject to considerations of design, siting, the character of the locality and their effect on views. Draft **Policy UD7** says that locations for tall buildings are identified in the Action Area Frameworks and Schedule A of the Plan.
- 6.14 In this case, the three tower blocks would not impact on important views or the setting of historic assets. Whilst the surrounding area will undergo substantial change in the future, there is nothing in any permitted scheme or emerging proposal that indicates that buildings up to 24 storeys would accord with the character and context of the area. It is considered that buildings of the magnitude suggested would relate poorly to both the existing and

emerging context and in particular would adversely affect The Greenway (part of a green chain) due to shading. The applicant estimates this would be up to 6 hours a day. The proposed towers would also overshadow premises in Dace Road throughout the year and concerns about the effect on the amount of natural light reaching adjoining premises together with any new development are shared due to conflict with BRE Guidelines.

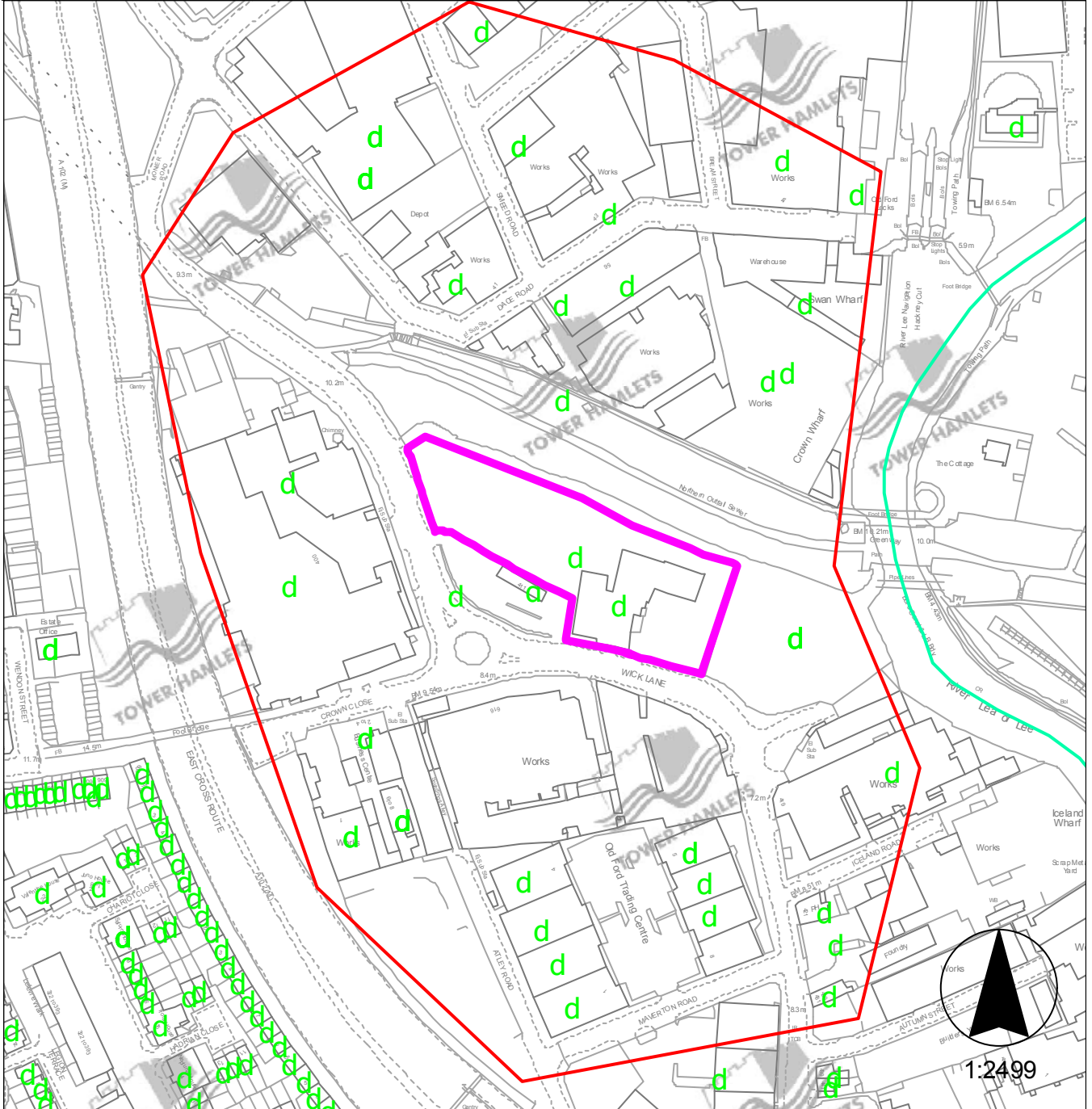
- 6.15 The site falls within site LS4: Fish Island South of the Leaside AAF and within Proposal 94 of Schedule A. Both the AAF and Schedule A suggest that the site is appropriate for mixed-use development including residential use in medium to high density minimum 200-300 hrph. It is not identified as a site suitable for tall buildings in either the AAF or Schedule A.
- 6.16 It is considered that the supporting illustrative material fails to demonstrate how the amount of accommodation proposed could be satisfactorily provided on the site. One of the towers is shown rising directly off the back edge of Wick Lane footway and the individual buildings within the cluster would be in very close proximity. The scheme also fails to comprehensively address the redevelopment of the immediate area as the site of 411 Wick Lane is not included and would be left lying between the towers and the road.
- 6.17 In summary, it is considered that the proposal would amount to a significant over-development of the site and neither the density proposed nor the resultant high buildings are justified in this location.

Transport and highway considerations

- 6.18 1998 UDP **policy EDU4** supports proposals for new higher education purposes provided the criteria of **policy EDU3** are met. Criterion 1 of policy EDU3 requires new education facilities to be located on sites easily accessible by public transport. UDP **policy T15** requires new development proposals to be assessed against the ability of the existing and proposed transport systems to accommodate the additional traffic likely to be generated. UDP **policy T16** requires consideration to be given to a development's operational requirements and the impact of traffic likely to be generated. UDP **Policy T17** provides standards for car parking and bicycle storage.
- 6.19 The 2004 draft UDP provides similar transport policies. **Policy TRN1** says the Council will focus high-density development in areas of high public transport accessibility. **Policy TRN6** says the Council will minimise both on and off street parking within the Borough. Policies **TRN7 and TRN8** say all large developments will be assessed for their impact on the surrounding transport network and require the submission of transport assessment and travel plans.
- 6.20 The Environmental Impact Assessment that supports the application includes a Transport Assessment that concludes that the profile of the users as students militates against any need to provide parking spaces.
- 6.21 The site is served solely by bus route No. 399 that operates a 20-minute service (no Sunday service) from Wick Lane to Mile End and Shadwell Stations. Other public transport in the area comprises:
- Bus route S2 from Wansbeck Road to Stratford some 4 minutes walk from the site.
 - Bus route 8 and from Parnell Road to Victoria some 5 minutes from the site.
 - Bus routes 25,108 and D8 on Bow Road some 20 minutes from the site.
 - Bow Road and Mile End Underground Stations respectively some 20 and 30 minutes from the site.
 - Pudding Mill Lane DLR station some 25 minutes from the site.
 - Hackney Wick station some 15 minutes from the site.
- 6.22 The Transport Assessment is silent on the adequacy of the public transport service in the locality. Whilst it is agreed that a development of this nature need not provide parking facilities for students, it is not accepted that public transport in the area is adequate to serve an estimated student population of 1,386 adults. TfL has assessed the PTAL as 2 i.e. low. Whilst the frequency of bus route 399 might be increased, a scheme of the size now contemplated is considered to conflict with the locational criteria provided by both the statutory UDP and the draft plan as the site does not have high public transport accessibility.

7. SUMMARY

- 7.1 The proposal would conflict with the statutory UDP in that the site lies within the Lea Valley Industrial Employment Area. However, there is an extant planning permission for redevelopment to provide a training facility and residential accommodation for students. The draft UDP suggests the site could be suitable for mixed use, including residential. Both the 1998 UDP and the draft plan support the provision of education facilities. In principle, the land uses proposed are therefore considered satisfactory.
- 7.2 The current proposal however is of a wholly different magnitude to the permitted scheme. The density would significantly exceed the density guideline of the 1998 UDP, the Density, location and parking matrix of the London Plan 2004 and the draft UDP 2004. No justification is seen for such a proposal in an area defined as having poor public transport accessibility. It is considered a major over-development would ensue. This is evidenced by a proposed series of buildings that would not respect the local context either existing or emerging. There would also be unacceptable overshadowing of the adjoining long distance footpath and land to the north.
- 7.3 It is considered that the scheme produces significant planning difficulties and refusal of permission is recommended for the reasons set out above.



1 WICK LANE (FORMERLY KNOWN AS 413 ,415,417,417A AND 417B, OLD FORD ROAD), LONDON, E3 2NA