



Meeting of the

DEVELOPMENT COMMITTEE

Wednesday, 30 November 2005 at 7.30 p.m.

A G E N D A

VENUE

Council Chamber, 1st Floor, Town Hall, Mulberry Place, 5 Clove
Crescent, London, E14 2BG

Members:	Deputies (if any):
Chair: Councillor Rofique U Ahmed Vice-Chair: Councillor Julian Sharpe	
Councillor Ray Gipson Councillor Khaled R Khan Councillor Muhammed Ghulam Mortuza Councillor Martin Rew Councillor Ashton McGregor Councillor Salim Ullah Councillor Motin Uz-Zaman Councillor Akikur Rahman	Councillor Janet Ludlow, (Designated Deputy for Councillors Martin Rew, Akikur Rahman & Ray Gipson) Councillor James Sanderson, (Designated Deputy for Councillors Martin Rew, Akikur Rahman & Ray Gipson) Councillor Azizur Rahman Khan, (Designated Deputy for Councillors Martin Rew, Akikur Rahman & Ray Gipson)
[Note: The quorum for this body is 4 Members].	

If you require any further information relating to this meeting, would like to request a large print, Braille or audio version of this document, or would like to discuss access arrangements or any other special requirements, please contact:
Brian Bell, Democratic Services,
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LONDON BOROUGH OF TOWER HAMLETS

DEVELOPMENT COMMITTEE

Wednesday, 30 November 2005

7.30 p.m.

1. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

2. DECLARATIONS OF INTEREST

To note any declarations of interest made by Members, including those restricting Members from voting on the questions detailed in Section 106 of the Local Government Finance Act, 1992.

Note from the Chief Executive

In accordance with the Council's Code of Conduct, Members must declare any **personal interests** they have in any item on the agenda or as they arise during the course of the meeting. Members must orally indicate to which item their interest relates. If a Member has a personal interest he/she must also consider whether or not that interest is a **prejudicial personal interest** and take the necessary action. When considering whether or not they have a declarable interest, Members should consult pages 181 to 184 of the Council's Constitution. Please note that all Members present at a Committee meeting (in whatever capacity) are required to declare any personal or prejudicial interests.

A **personal interest** is, generally, one that would affect a Member (either directly or through a connection with a relevant person or organisation) more than other people in London, in respect of the item of business under consideration at the meeting. If a member of the public, knowing all the relevant facts, would view a Member's personal interest in the item under consideration as so substantial that it would appear likely to prejudice the Member's judgement of the public interest, then the Member has a **prejudicial personal interest**.

Consequences:

- If a Member has a **personal interest**: he/she must declare the interest but can stay, speak and vote.
- If the Member has **prejudicial personal interest**: he/she must declare the interest, cannot speak or vote on the item and must leave the room.

When declaring an interest, Members are requested to specify the nature of the interest, the particular agenda item to which the interest relates and to also specify whether the interest is of a personal or personal and prejudicial nature. This procedure is designed to assist the public's understanding of the meeting and is also designed to enable a full entry to be made in the Statutory Register of Interests which is kept by the Head of Democratic Renewal and Engagement on behalf of the Monitoring Officer.

	PAGE NUMBER	WARD(S) AFFECTED
3. UNRESTRICTED MINUTES	1 - 6	
To confirm as a correct record of the proceedings the unrestricted minutes of the ordinary meeting of Development Committee held on 9 th November 2005.		
4. DEPUTATIONS		
To receive any deputations.		
5. PLANNING APPLICATIONS FOR DETERMINATION		
5 .1 "Floating Hotel", Mooring in Millwall Cutting and South Dock, Thames Quay, Marsh Wall, E14 (Report number DC027/056)	7 - 18	Blackwall & Cubitt Town
5 .2 Former Goodman Fields, Land North of Hooper Street and East of 99 Leman Street, E1 (Report number DC028/056)	19 - 28	Whitechapel
5 .3 Billingsgate Market, Trafalgar Way, London E14 (Report number DC029/056)	29 - 36	Blackwall & Cubitt Town
5 .4 East End Mission, 583 Commercial Road, London E1 (Report number DC030/056)	37 - 48	St Dunstan's & Stepney Green
5 .5 5-10 Corbridge Crescent, London E2 (Report number DC031/056)	49 - 62	Bethnal Green North
5 .6 Stour Wharf, Stour Road, E3 (Report number DC032/056)	63 - 88	Bow East
5 .7 Mooring, West India Pier, Cuba Street, E14 (Report number DC033/056)	89 - 96	Millwall

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LONDON BOROUGH OF TOWER HAMLETS

DEVELOPMENT COMMITTEE

9th NOVEMBER 2005

Minutes of the **DEVELOPMENT COMMITTEE** held at **THE TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT, LONDON E14 2BG** on **9th NOVEMBER 2005** at **7.30 PM**

Councillors present

Councillor Rofique Uddin Ahmed (Chair)
Councillor Julian Sharpe
Councillor Ray Gipson
Councillor Salim Ullah
Councillor Muhammad Ghulam Mortuza
Councillor Martin Rew

Officers Present

Mr Brian Bell (Clerk to the Development Committee)
Mr Michael Scott (Interim Head of Development and Building Control)
Mr Stephen Irvine (Development Control)
Mr Richard Humphreys (Development Control)
Ms Alison Thomas (Housing Development Group)
Mr Chris Proudley (Legal Advisor/Trowers and Hamblins)

1.0 APOLOGIES FOR ABSENCE

Apologies were received from Councillors Ashton McGregor and Motin Uz-Zaman.

2.0 DECLARATIONS OF INTEREST WHETHER UNDER SECTION 106 OF THE LOCAL GOVERNMENT FINANCE ACT 1992 OR OTHERWISE

Councillors Gipson and Sharpe declared a personal interest as Ward Members in relation to items 5.2 and 5.4, respectively.

3.0 PUBLIC MINUTES

The minutes of the Development Committee held on 12th October 2005 were confirmed as an accurate record and signed by the Chair.

4.0 DEPUTATIONS

The Chair advised that, with the agreement of the committee, he would be accepting the following deputation requests:

- agenda item 5.3, Marianne Fredericks for the objectors, and Helen Jenner, Education Department, for the applicant

- agenda item 5.4, Kate Webber for the objectors and Charles Cheesman, Corporation of London, for the applicant.

5.0 PLANNING APPLICATIONS FOR DETERMINATION

5.1 East End Mission, 583 Commercial Road, London E1 (Report number DC023/056)

Officers advised that the item had been withdrawn.

5.2 69 Fairfield Road, London E3 (Report number DC024/056)

Mr Stephen Irvine (Strategic Applications Manager, Development Control) introduced the report, explaining that the applicant had achieved an acceptable development including the required percentage of affordable housing, on a difficult site, bounded on three sides by railway lines. The previous use as an electro-plating factory was considered undesirable in what was becoming an increasingly residential area, and the operator now wished to relocate. The authority had to determine each application on a case by case basis but did have policies in place to protect employment use on more suitable sites.

It was unanimously **AGREED** that planning permission for the construction of a new residential development of 2 connected blocks of six and seven storeys, comprising 3 commercial units at ground floor level and 61 flats above together with associated car parking and landscaping, be **GRANTED** subject to the conditions and Section 106 Agreement set out below:

- 1 Permission valid for 5 years.
- 2 Details of external materials to be submitted for the Council's written approval prior to the commencement of construction of the development.
- 3 Details of hard and soft landscaping treatment to be submitted for the Council's written approval. The approved landscaping shall be implemented prior to the occupation of any part of the proposed development.
- 4 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and trees or plants which within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season.
- 5 Details of any proposed walls, fences and railings to be submitted for the Council's written approval.
- 6 Site investigation regarding any potential soil contamination to be carried out and any remedial work required to be agreed in writing by the Council and carried out as per agreement before construction works begin.

- 7 Details of sound insulation/attenuation measures, to protect future residents from noise and vibration, shall be carried out as specified in the applicant's consultant's supplementary information submitted to the Council unless otherwise agreed in writing.
- 8 Building, engineering or other operations including demolition shall be carried out only between the hours of 8.00am and 6.00pm on Mondays to Fridays, between the hours of 9.00am and 1.00pm on Saturdays and shall not be carried out at any time on Sundays or Public Holidays.
- 9 Any power/hammer-driven piling/breaking out of material required during construction/demolition shall only take place between the hours of 10.00am and 4.00pm Monday to Friday and at no other time, except in emergencies or as otherwise agreed by the Council in writing.
- 10 Details of any external lighting to be submitted to the Council for written approval.
- 11 The development of the site should not begin until a statement to minimise the impact on air quality is submitted to and agreed by the Local Planning Authority in writing.

Section 106 legal agreement:

1. The provision of affordable housing in accordance with the Council's policies at a ratio of 35% of the residential floorspace in the development which is not subject to grant funding, with 80% of the affordable housing for rent;
2. Section 278 agreement for remedial highway works associated with the development;
3. Use of local labour in construction;
4. A 'car free' agreement;
5. Financial contribution of £144,192 towards healthcare provision;
6. Financial contribution of £155,808 towards provision of school places.

5.3 Corner of Chandler Street and Meetinghouse Alley, London E1 (Report Number DC025/056)

Mr Michael Scott (Interim Head of Development and Building Control) introduced the report, drawing particular attention to the tabled plans and drawings. The application was for a Sure Start Children's Centre with ancillary community and training facilities above. It had been deferred at the previous meeting for further information, which was contained in the supplementary report on the agenda. He had also tabled copies of two recent objection letters received from residents of Vinegar Street.

The site had been designated as temporary open space in the 1998 UDP to be developed as an extension to the nearby school. However it was no longer needed for this purpose, and was not included as such in the emerging LDF. It was currently vacant with little amenity value. The proposed building was four storeys high at its northern elevation in line with the adjoining properties in Chandler Street, falling to two and one storeys towards the south of the site. He believed the possibility of any noise or other nuisance was limited because of the intended uses, and had been addressed by various design features including the careful siting of the two play areas.

The Chair then invited Ms Marianne Fredericks, to address the committee on behalf of the objectors.

Ms Fredericks reiterated that her main grounds of objection were the inadequacy of consultation with the local community, the loss of open space, and the possibility of noise and other nuisance. She continued to dispute whether discussion at the LAP and it's Steering Group, amounted to sufficient consultation. Residents felt the existing open space should have been properly developed and maintained by the council. She again queried whether adding to existing projects for children and young people in the area, had been adequately considered. The site adjoined that of the Wapping Health Centre and she understood that they had sought to acquire it to expand. She urged the committee to reject or defer the application.

The Chair then invited Ms Helen Jenner, to address the committee on behalf of the applicants.

Ms Jenner stated that delivery of a children's centre in Wapping was an integral part of several key strategies and plans, which had been developed with a range of partners including the health service. This site had been transferred to the council specifically designated for education use, and the proposal brought forward in co-operation with the PCT who would be providing complementary health services. Other options had been considered but discarded for the reasons detailed in the written report. For example, St Peter's Centre had only a single room available, while the former sports centre was contaminated land. She concluded by stating that there was no record of the PCT attempting to acquire the site, and they certainly weren't seeking to at present.

In response to Members' queries, she said that the community and training facilities had been added to the scheme after feedback at a LAP meeting, and that the LAP strongly supported the proposal. She did not foresee any further suitable sites coming forward, and highlighted the deadlines attached to achieving the establishment of children's centres.

Members asked that the Education Department continue to keep the LAP and the local community, involved and informed as the proposal was finalised and implemented.

On a vote of:
4 FOR
0 AGAINST
2 ABSTENTIONS

It was **AGREED** that planning permission for the erection of a part four, two and single storey building to provide a class D1 pre-school facility on the ground floor with ancillary community training facilities above, be **GRANTED** subject to the conditions and informatives set out below:

1. Full time.
2. Soundproofing of windows and boundary wall.
3. Contamination report to be submitted and approved before works commence.
4. Full details of the external finishes to be submitted and approved before work commences.
5. A Travel Plan shall be submitted and approved before the building is occupied.
6. Hours of construction.
7. Hours of operation.

Informatives

1. The emergency fire exit and door on the eastern wall of the site shall only be used in case of emergency and for no other reason.
2. With regard to condition 6 above (Travel Plan) the applicant be advised to discuss the scope of the report and mitigation measures with the Council's Transport Section, Mulberry Place, London E14 2BE, 0207 364 6926.

It was **AGREED** that the application be **REFERRED** to the First Secretary of State pursuant to the Town and Country Planning Direction 1999, as a departure application involving the loss of public open space.

5.4 **Billingsgate Market, Trafalgar Way, London E14** (Report number DC026/056)

Mr Richard Humphreys (Applications Manager, Development Control) introduced the report, explaining that it was an application from the Corporation of London for temporary use of part of the market car park, to park refuse and associated vehicles overnight. Since the report had been written the Corporation had supplied details of 13 alternative locations considered for this purpose.

At the invitation of the Chair, the objector and applicant addressed the committee. Among issues raised were

- a) height of fencing, roads and other features adjoining the site
- b) traffic flows on Trafalgar Way
- c) bulk of and noise emanating from, the type of refuse vehicle to be used

It was **AGREED** that consideration of the application be **DEFERRED** to enable a site visit to take place.

Close of Meeting

The meeting ended at 8.48 pm.

Councillor Rofique Uddin Ahmed
Chair: Development Committee

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Agenda Item 5.1

Committee: Development Committee	Date: 30 th November 2005	Classification: Unrestricted	Report Number: DC027/056	Agenda Item Number: 5.1
Report of: Director of Development and Renewal		Title: Town Planning Application		
Case Officer: Scott Hudson		Location: MOORING IN MILLWALL CUTTING AND SOUTH DOCK, THAMES QUAY, MARSH WALL, LONDON, E14		
		Ward: Blackwall and Cubbit Town		

1. SUMMARY

1.1 Registration Details

Reference No: PA/05/01227

Date Received: 20/07/2005

Last Amended Date: 08/11/2005

1.2 Application Details

Existing Use:

Dock

Proposal:

Permanent mooring of a vessel for a hotel with ancillary mixed uses including business function rooms, restaurants, bars, health spa, retail units, together with pontoons and new vehicular access from Marsh Wall and new pedestrian swing bridge across Millwall Cutting.

Applicant:

Aquiva Developments

Ownership:

British Waterways

Historic Building:

N/A

Conservation Area:

N/A

2. RECOMMENDATION:

2.1 That the Development Committee **grant** planning permission subject to the recommended conditions and S106 legal agreement outlined below:

2.1.1 Time period.

2.1.2 Construction hours (8am-6pm Mon to Fri, 8am-1pm Sat, no Sundays or Public Holidays).

2.1.3 Approval of Highways details prior to commencement of works.

2.1.4 Detailed landscape plan prior to commencement of works.

2.1.5 British Waterways conditions detailing surfacing materials, pontoon details and the means of securing/mooring of the boat to the quay.

2.1.6 Environment Agency conditions requiring ecological mitigation plan, pontoon design details, UK native planting, external lighting details and no storage on dock.

2.1.7 Servicing arrangements by water vehicles.

2.1.8 Disabled/bicycle parking to be permanently retained.

2.1.9 Restriction of use for external public decks (for restaurants/bar areas).

2.1.10 Use class restrictions (C1 hotel and ancillary uses).

2.1.11 Plant & associated equipment noise restrictions.

2.1.12 Extract Duct Fumes restrictions

2.1.13 Refuse and recycling facilities in accordance with plans.

2.1.14 Crossrail Safeguarding conditions.

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, supporting technical reports, UDP, PPGs.	√	Scott Hudson Development Control: -020 7364 5338

2.2 Section 106 Legal Agreement to secure the following:

2.2.1 Completion of a Management Plan to incorporate the following details;

- (i) Details of the day to day servicing arrangements for the vessel.
- (ii) Details of the proposed valet parking arrangements.
- (iii) Details of community liaison officer and a 24-hour liaison telephone number for local residents.
- (iv) Security details, including patrolling security staff to ensure visitors to the vessel do not disturb local residences and 24 hour manned security entrance.

2.2.2 **£100,000** financial contribution towards education and training initiatives within the Borough.

2.2.3 **£50,000** financial contribution towards a new pedestrian crossing on Marsh Wall.

2.2.4 **£30,000** financial contribution towards bus stops on Marsh Wall.

2.2.5 **£20,000** financial contribution towards the provision of cyclist and pedestrian facilities in the Isle of Dogs.

2.2.6 **£9,000** financial contribution to the London Docklands Angling Consortium.

3. **BACKGROUND**

Subject Site and Surrounds:

3.1 The subject site is located in the South Dock of West India Docks, alongside Thames Quay, E14. The area is accessed from Marsh Wall and adjacent to Mill Wall Cutting. The site is located within the Central Area Zone of the Adopted Unitary Development Plan and is partially contained within the Town and Shopping Areas within the 1st Deposit Draft Unitary Development Plan. The site area is under the ownership of British Waterways.

3.2 The proposed site location lies at the junction between Millwall Cutting and South Dock. Millwall Cutting is currently used as an essential navigation route for vessels between West India and Millwall Docks. The area currently provides deep water mooring for visiting vessels, which use the moorings on a temporary basis.

3.3 The site is located in a predominately commercial area. Immediately to the south of the site lies a seven-storey office building, known as Thames Quay. To the west of the site, across Millwall Cutting, is the Waterfront bar/restaurant. Meridian Place, a five storey residential development, is located further to the east of Thames Quay.

3.4 The area to the north of the dock consists of a number of redundant industrial and commercial warehouses. This area is covered by the Wood Wharf Master Plan, which was adopted as Supplementary Planning Guidance in 2004. This proposes a mixed-use development to create a new addition to Canary Wharf providing a range of employment floor space, retail, leisure and residential uses.

History

3.5 The Development Committee recommended the granting of permission (PA/99/0578) for the permanent mooring of a cruise ship and its use as a hotel on the 30 October 2000. This proposal consisted of a 250-cabin hotel with ancillary mix of uses including business facilities, restaurants, bars, health club and retail units. The vessel proposed was to be a converted historic cruise ship.

3.6 The consent issued by the Development Committee featured a S106 agreement which contained the following obligations:

- (i) Completion of a management plan which includes:
 - Serving arrangements;
 - Community liaison officer and 24 liaison telephone number;
 - Provision of security staff to patrol the dockside area; and
 - Provision of 24 hour manned entrance to be located at Marsh Wall.
- (ii) Local employment details.
- (ii) Work experience placements.
- (iii) Annual reporting of employees to the Council.

- (iv) A review of alternative berths on an annual basis.
- (v) Maintenance of vessel.
- (vi) Contribution towards the London Docklands Anglers Consortium.

3.7 The abovementioned S106 agreement is in draft form and to date has not been signed.

Proposal

- 3.8 The application is made jointly with British Waterways. The current application proposes a permanently moored purpose built yacht hotel, which includes ancillary uses of business conference facilities, function facilities, two restaurants, health spa and retail units. More specifically, the application consists of 5 decks plus bridge level to accommodate 181 luxury rooms to accommodate a total of 362 guests. The proposed ancillary uses would be open to the general public.
- 3.9 Access to the vessel would be gained through constructed pontoons attached to the existing dock walls. The pontoons would feature set down and pick up points and a turning circle together with 5 disabled car-parking spaces and bicycle parking. A viewing pier to the front of the vessel and a new pedestrian swing bridge over Mill Wall Cutting also form part of the application. In addition, a disabled access ramp and new vehicular access off Marsh Wall is also proposed.
- 3.10 The dimensions of the vessel would be as follows:
- Length: 170m
 - Beam: 23.75m
 - Height above waterline: 23m
 - Height above ground level: 22m
- 3.11 Amended plans were received on 8 November 2005 in relation to the coach drop off points. The original proposal incorporated the coach drop off point located at West Ferry Circus and then a water taxi would take coach passengers to the vessel. However, as a result of concerns raised by the Highways team, this part of the application was amended and the coach drop off was relocated on site, accessed via Marsh Wall.

4. PLANNING POLICY FRAMEWORK

Comments of Chief Legal Officer

- 4.1 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.
- 4.2 Decisions must be taken in accordance with sections 54A and 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 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.
- 4.4 The report takes account not only of the policies in statutory UDP 1998 but also the emerging plan, which reflect more closely current Council and London-wide policy and guidance.
- 4.5 In accordance with Article 22 of the General Development Order 1995 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. This analysis has been undertaken on the

balance of the policies set out below and any other material considerations set out in the report.

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

- (1) Central Area Zones
- (2) East West Crossrail
- (3) Flood Protection Areas
- (4) Sites of Nature Conservation Importance
- (5) Water Protection Areas

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

DEV1 Design
DEV2 Impact of new developments
DEV4 Planning Obligations
DEV5 Buildings in the Central Areas
DEV46 Protection of Water Corridors
DEV47 Development Affecting Water Areas
DEV48 Strategic Riverside Walkways and New Development
DEV49 Moored Vessels and Structures
DEV50 Noise
DEV57 Development Affecting Nature Conservation Areas
DEV58 Enhancement of Nature Conservation Areas
DEV61 Management of Nature Conservation Areas
CAZ4 Special Policy Areas
EMP1 New Employment Uses
EMP6 Employing Local People.
EMP9 Development in the Central Area Zones
T15 Location of New Development
T16 Traffic Priorities
T17 Planning Standards
ART7 Major Hotel Developments
ART8 Criteria for Major Hotel Developments
ART10 Encouraging Visitor Facilities.
U2 Development in Flooding Risk Areas
U3 Flood Protection Measures
U6 Consultation with the Environment Agency

4.8 The following New Unitary Development Plan 1st Deposit Draft **proposals** are applicable to this application:

- (1) Water Protection Area
- (2) Flood Protection Area
- (3) Nature Conservation Importance
- (4) Shopping/Town Centres (Partial)

4.9 The following New Unitary Development Plan 1st Deposit Draft **policies** are applicable to this application:

EMP1 Employment Opportunities
TC1 Network of Town Centres
TC6 Eating, Drinking and the Night Time Economy
TC7 New Development and the Sequential Approach
CC4 Hotel and Conference Centre Developments
TRN1 Transport and Development
TRN6 Parking and Servicing
TRN9 Linkages
TRN10 Pedestrian Permeability
UD1 Scale and Density
UD2 Architectural Quality
UD3 Ease of Access Through Design
UD4 Design and Access Statements

UD5 Safety and Security
UD8 Important Views
ENV1 Amenity
ENV2 Light Pollution
ENV3 Noise
ENV4 Plant Disturbance
ENV7 Air Pollution
ENV8 Energy Efficiency
ENV15 Protection of Biodiversity
ENV19 Protection of the Water Environment
ENV20 Flood Protection
ENV22 Waterside Walkways
ENV23 Moored Vessels and Structures
IOD1 Development Nodes
IOD3 Activity Nodes
IOD7 Waterfront
IOD8 Access

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

- Living safely.
- Living well.

5. CONSULTATION

5.1 The following were consulted regarding this application:

(1) **Development Design and Conservation**

No objections subject to an approved landscape plan.

(2) **Planning Policy**

Objects in principle on the basis of loss of mooring space for other vessels. It is not considered to create an increase in the recreational or education uses for the waterfront.

(3) **Environmental Health**

No objections. The Corporation of London will enforce the food safety requirements.

(4) **Highways**

No objections subject to the following;

- Approval of highways details prior to commencement of development.
- S278 agreement to carry out off site highway works.
- S106 contributions towards pedestrian crossing at Marsh Wall, contribution towards bus stop on Marsh Wall, and cycle and pedestrian facilities in the Isle of Dogs.

(5) **Docklands Light Railway**

No objections subject to no conflict of works with the relocation of the South Quay DLR station.

(6) **Transport for London - Street Management**

No comments offered.

(7) **British Waterways**

No objections subject to conditions relating to materials, pontoon detail and details

of the mooring of the boat.

(8) **Environment Agency**

No objections subject to recommend conditions relating to ecological impacts, pontoon details, landscaping, and external lighting details and storage of materials.

(9) **Port of London Authority**

No comments offered.

(10) **London Fire Brigade**

No comments offered.

(11) **Crossrail**

No objections subject to recommended Informatives relating to the disturbance of the dock area associated with Crossrail works.

(12) **London Docklands Angling Consortium**

Objections raised concerning loss of quayside fishing areas, restricted access, increase in traffic, disturbance to local residents, low skilled employment opportunities, detract from the historic heritage of the area and loss of mooring space.

(13) **Cleansing Officer**

No comments offered.

(14) **Corporate Access Officer**

No objections subject to recommended conditions.

5.2 Responses from neighbours were as follows:

No. Responses: 31 In Favour: 0 Against: 31 Petition: 0

5.3 A number of objections were received from surrounding residents and business within the area. These objections are summarised, under common headings as follows:

Amenity;

- Overshadowing to adjoining residents.
- Sense of enclosure.
- Overlooking.
- Impact on Amenity to Dock area.
- Increase in noise from hotel and ancillary uses.
- Engine/generator and general plant noise.
- Pedestrian access to hotel would cause disturbance.
- Impact of fumes to nearby properties.

Design;

- Out of character with the area.

Land Use;

- Impact to public realm.
- Loss of civic amenity space.
- Proposal would cause other visiting vessels to berth directly in front of existing residential properties.
- Inappropriate location for proposal.

Traffic/Highways;

- Construction and traffic noise.
- Increase in traffic and congestion.
- No proposed heavy goods vehicle access proposed.
- Lack of car parking proposed

Others;

- Loss of views.
- Increase in pollution.
- Impact of Wood Wharf in delivery and servicing to the proposed vessel.
- Waste disposal.
- Security.
- Loss of mooring space.
- Reduce the narrow waters of the Quay.
- Loss of wildlife to the area.
- Loss of quayside fishing space.
- Insufficient energy efficiency.
- Loss of trees.
- Proposed services are exclusive for guests only.
- No community facilities proposed.
- Over supply of hotels within the area.
- Increase in anti-social behaviour.
- Loss of safety to pedestrians.

5.4 An assessment and response to the above mentioned concerns will be discussed within Section 6 of this report.

6. ANALYSIS

Use/Principle of Development.

- 6.1 The proposal seeks to approve the permanent mooring of a luxury hotel at South Dock, Thames Quay, off Marsh Wall. The proposed use and its location are not new concepts considered by the Council, as a previous application for an almost identical use (floating hotel) has been previously considered. The previous application was known as the "Chrome Castle" proposal and was approved by the Council on the 30 October 2000.
- 6.2 The site falls within the Central Area Zone (CAZ) of the Adopted UDP which seeks to encourage core activities of a scale and type compatible with fostering London's role as a financial, commercial, tourist and cultural centre. This policy identifies tourism and in particular hotel and conference centres as appropriate activities for the CAZ. Policy ART7 specifically refers to hotel developments, which gives favourable consideration to major hotel developments within the CAZ, and subject to the criteria outlined within policy ART8.
- 6.3 In addition the site is partly contained within the Shopping/Town Centre of Canary Wharf. The town centre policies of the Draft UDP (TC1 and TC2) has identified that they offer a range of activities, which include shopping, recreational and community facilities. Furthermore, the site is contained with the Isle of Dogs Area Action Framework (AAP) of the Draft UDP. Policy IOD5 identifies Canary Wharf as a major town centre and the Isle of Dogs as a new district centre. This policy supports and reinforces increased levels of leisure/tourist/entertainment uses to help create a vibrant commercial centre. Policy IOD7 covers the waterfront areas in the Isle of Dogs, and requires development to respect the existing character, the existing and provision of public walkways fronting the water and encourage active uses along the waterfront such as cafes, bars and public leisure facilities.
- 6.4 It is considered that the current proposal accords with the above mentioned policies. The provision of new, unique 5 star hotel facilities (with associated ancillary uses) is considered an appropriate use for both the CAZ and the district centres. The development would not have an adverse impact upon the ecology of the dock. Comments from the Environment Agency have supported the proposal subject to an approved ecology report. Furthermore,

the proposal also allows for the setting down/pickup and servicing areas within the site, and it would not have any detrimental impact on the local environment. The hotel is considered appropriate as it accords with the requirement of policy ART8

6.5 Comments received from the Council’s Strategy team raised concerns to the principle of the development. The reason for concerns associated with the application was in relation to the loss of mooring space for other vessels and it was not considered to create an increase in the recreational or education uses for the waterfront.

6.6 The application is made on behalf of British Waterways, who have identified the site as being appropriate for a permanent mooring. The application has been designed in conjunction with British Waterways to ensure there is sufficient room within the dock for other visiting vessels (such as the north side, adjacent to Canary Wharf and the proposed Wood Wharf site). In addition there would be sufficient room next to the site to still allow for visiting vessels. Furthermore, the ancillary uses are considered to be for recreational purposes (which are open to the general public), and create active vibrant uses within this area of the dock. As a result, it is considered for reasons above, the principle of development to be appropriate in this instance.

Previous Application

6.7 As mentioned above, the site received approval for a similar floating hotel and was known as the Chrome Castle development. The Chrome Castle application featured a converted cruise ship and proposed a total of 250 rooms and similar ancillary uses.

6.8 The current proposal is of a lesser scale, in both size and appearance. The application features 69 less hotel rooms and is smaller in scale. In addition, the current proposed vessel would be located 16m from the quayside, compared with 11m for the Chrome Castle proposal. The table below highlights the difference in scale between the two proposals.

Principal Dimensions	Current Proposal (m)	Chrome Castle Proposal (m)
Length	170	175
Beam (width)	23.75	21.92
Height above Waterline	23	30
Height above Ground Level	22	29
Distance from Quayside	16	11

6.9 Moreover, the Council has previously considered the application and determined that the principle of development in this location to be appropriate. The Chrome Castle application features a S106 agreement in draft stages, which requires the signing of the agreement to issue the planning consent.

Amenity Issues and Consultation Responses

6.10 The consultation responses have been summarised in Section 5 of this report. A number of external consultees and organisations support the proposal.

6.11 However, there are a number of letters of objection from surrounding residents and businesses. In response to the concerns raised in the previous application and objections received, the proposal incorporates the following details to address the amenity concerns of the surrounding residents and businesses:

- Servicing arrangements to the north side of the vessel by silent electric (or similar) vessel.
- Water vessel servicing to occur during business hours.
- Rooms that feature external decks to have muting controls when external doors opened.
- Public areas (such as restaurants etc) to feature sound insulation measures (such as fixed double-glazing).
- Restriction of hours for public external decks.
- Provision of a detail management and security plan to deal with issues of on-going security and visitors arriving and leaving the vessel.
- Provision of security staff to ensure no disturbance to adjacent residents and

businesses.

- Location of public decks associated, as part of the restaurants is approximately 45m from the nearest residences.
- Vessel is “silent”, which features no engines. The vessel will be connected to the mains electricity supply.
- All plant rooms to be located below water level and to be sound proofed.
- Business conference and function rooms will be located within the bow of the vessel and completely sound proof.
- Provision of complementary water taxis to minimise the demand for vehicular traffic.
- Design of the new vessel is of a smaller scale than the previous Chrome Castle proposal.

6.12 A number of objections have made reference to the impact on views created by the proposal. However there are no protected view corridors affected by the development. Therefore the loss of views is not technically considered to be a material consideration. Furthermore, the current scheme is of a lesser scale in terms of height and bulk, particularly to the rear, adjacent to the nearest residential properties (Meridian Place). The design of the vessel features sloping, recessed upper levels by approximately 3m. The overall result is the upper level is approximately 34m from the rear of the boat and an additional 14m further from Meridian Place. As a result, allowing views across the top of each level, whereas the previous scheme further restricted views.

6.13 Consultation responses from the London Docklands Angling Consortium Ltd (LDAC) identified a number of concerns, particularly loss of quayside available to anglers. The application proposes a viewing pier and new swing bridge, which would provide additional areas for anglers. In addition, there is a gap between the dock and emergency exit pontoons, which would also leave existing angling space. It should be noted that it has been confirmed by British Waterways that the anglers do not have permits to park on the dockside. However, in accordance with the previous S106 agreement, the applicants have agreed to a contribution towards the LDAC to mitigate the impact of the vessel towards their anglers.

Traffic, Highways and Access

6.15 Discussions have been held between the applicants and the Council to address the access, highways and traffic concerns. The principle mode of transport to the vessel would be public transport and pedestrian access. South Quay DLR is close to the site and its relocation would place the station adjacent to the site. Canary Wharf station would be directly accessible via the dockside promenade, as a result of the proposed pedestrian swing bridge. In addition, the application proposes the use of complimentary water taxis to the vessel from Canary Wharf Station. As a result the application is considered to further utilising the docks and its pedestrian environment in accordance with policy DEV46 and DEV49 of the Adopted UDP and ENV22, ENV23 and IOD7 and IOD8 of the Draft UDP.

6.16 The application does not propose any parking with the exception of 5 disabled spaces and cycle parking located adjacent to the vessel. In addition, the application proposes a valet parking service whereby guest would utilise the set down/pickup turning circle adjacent to the vessel. Coaches would access the site via Marsh Wall and would have a direct drop off and turning circle contained within the curtilage of the site, in accordance with the Council policy ART8 of the Adopted UDP. Furthermore, the Council’s Highways team has raised no objections subject to recommended conditions relating to highway and pedestrian improvements and S106 contributions.

6.17 The pedestrian environment and access are improved as a result of the proposal. The proposal incorporates a new swing bridge crossing Millwall Cutting, allowing for a direct pedestrian route from Canary Wharf to the site and further east. Additional pontoons and viewing piers are also proposed which also allows for public access.

6.18 The vessel would feature ramped access from both the dockside and improved ramped access from Marsh Wall, allowing for improved disabled access to the vessel. Internal access to all floors can be gained via the lifts, allowing for unimpeded access. Conditions requiring rooms to be wheelchair compliant are recommended by the Council’s Access officer.

6.19 Refuse and waste management for the site would occur via existing systems and via a compacted, containerised on board collection system. This would then be collected from the north side of the vessel via the silent electric (or similar) servicing vessel. The applicants have indicated that the waste collection arrangements would occur during business hours. The servicing arrangements as noted above will form part of the overall management plan which the applicants have agreed to secure via a S106 agreement.

Other Issues

6.20 The proposal has the potential to create a large number of employment opportunities for the Borough, particularly in the service industry in accordance with policy EMP1 of the Draft UDP. The applicant has agreement to a contribution towards local employment initiatives and labour through Skillsmatch and Local Labour in Construction. This type of contribution together with the potential employment opportunities are welcomed and is considered to be a significant benefit for the Borough.

6.21 Concerns have been raised with respect to the design of the proposed vessel. The current application is of a contemporary 'yacht' design, where as the Chrome Castle proposal was refurbishment of an existing cruise liner. It is considered that the proposed design is not out of character for the contemporary style of Canary Wharf. The proposal is considered to be of a high quality, energy efficient design and one that is appropriate for the Canary Wharf dock area. Furthermore, the Council's Urban Design team supports the proposal subject to recommended conditions.

6.22 The freeholders of Meridian Place have objected on the grounds that vessels can not be moored next to or adjacent to their premises without their consents. Both British Waterways and the agents have confirmed that this is not the case. However, should planning permission be granted for the proposal, it is considered a legal matter between the two parties.

6.23 Other concern raised by objectors is that would insufficient room for clearance or manoeuvring around the proposed vessel in the dock. The proposal has been designed in accordance with British Waterways requirements. They previously advised that a permanent vessel of a larger size than currently proposed would not impact to vessel manoeuvres.

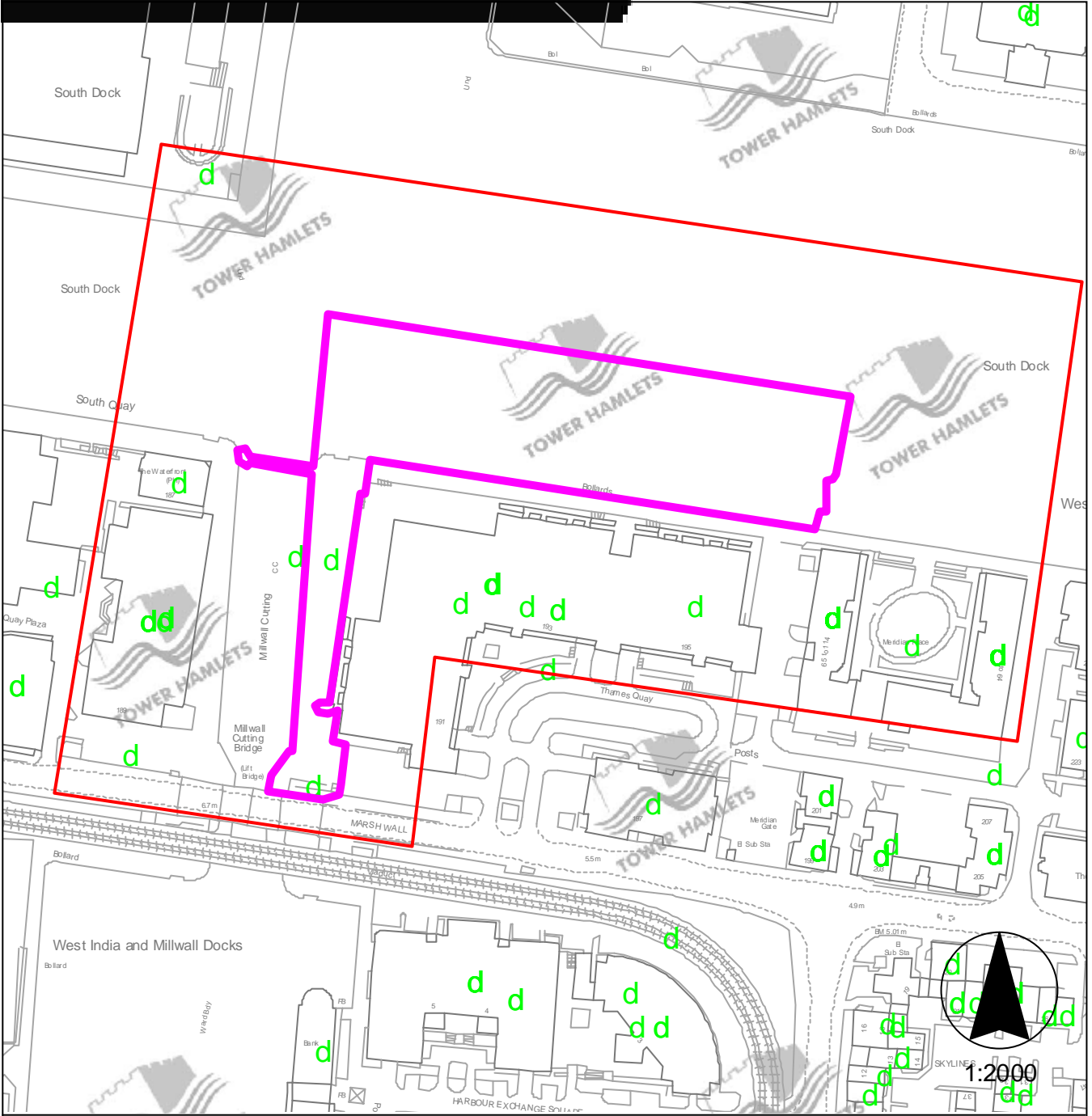
7. SUMMARY

7.1 The proposal is for a unique, floating 5 star hotel, which would provide an attractive development in the docks. The contemporary design is of a lesser scale than the previous Chrome Castle proposal, and is considered to be consistent with the contemporary character of Canary Wharf.

7.2 The applicants have been in discussion with residents, businesses and local organisations with regards to the impact of the proposal to the dock and surrounds. It is considered that, subject to conditions and S106 mitigation measures, it would not have a detrimental impact to local residents, businesses and adjacent area.

7.3 It is considered that the proposal accords with the policies outlined in both the Adopted and Draft UDP. Accordingly, it is recommended that the Development Committee grant planning consent, subject to the recommended conditions and a S106 legal agreement as detailed in Section 2 of this report.

Site Map



Legend

- Planning Application Site Boundary
- Consultation Area
- d 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. London Borough of Tower Hamlets LA086568

MOORING IN MILLWALL CUTTING AND SOUTH DOCK, THAMES QUAY, MARSH WALL, LONDON, E14

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Agenda Item 5.2

Committee: Development Committee	Date: 30 November 2005	Classification: Unrestricted	Report Number: DC028/056	Agenda Item Number: 5.2
Report of: Director of Development and Renewal Case Officer: Scott Hudson		Title: Town Planning Application Location: FORMER GOODMAN'S FIELDS, LAND NORTH OF HOOPER STREET AND EAST OF 99 LEMAN STREET, HOOPER STREET, LONDON, E1 8BP Ward: Whitechapel		

1. SUMMARY

1.1 Registration Details

Reference No: PA/04/1916

Date Received: 22/12/2004

Last Amended Date: 7/10/2005.

1.2 Application Details

Existing Use:

Car park

Proposal:

Proposed amendments to phase 1 of the Goodmans Fields Masterplan to form 266 residential units with associated works.

Applicant:

DTZ PIEDA CONSULTING.

Ownership:

Royal Bank of Scotland Development Group

Historic Building:

N/A

Conservation Area:

N/A

2. RECOMMENDATION:

2.1 That the Development Committee **grant** Full Planning permission subject to the conditions and S106 legal agreement outlined below:

2.1.1 Conditions:

- (1) Time limit for commencement (5 years)
- (2) Construction hours (8am-6pm Mon to Fri, 8am-1pm Sat, no Sundays or Public Holidays)
- (3) External Materials & Finishes sample.
- (4) Landscaping plan/Maintenance
- (5) External lighting plan
- (6) Sound insulation between flats/external noise.
- (7) Contamination investigations
- (8) Environmental Agency conditions
- (9) Implementation of a program of archaeological work.
- (10) Refuse/recycle facilities
- (11) Residential Parking Only.
- (12) Vehicular Access
- (13) Wheel Cleaning.

2.1.2 Section 106 Legal Agreement to secure the following:

1. 25% (62 units/5,184sq.m.) of the dwellings proposed in this application are to be made available for affordable housing provision.

**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, supporting technical reports, UDP, PPGs.	√	Development Control: -020 7364 5338

2. Car-free agreement (strictly limiting the availability of on-street residents car parking permits to those persons holding a disabled person's badge issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970).
3. Introduction of car share club to assist in reducing car usage and ownership.

3. **BACKGROUND**

Subject site and Surrounds:

- 3.1 Goodmans fields is a 3.75 hectare, roughly rectangular site owned by the Royal Bank of Scotland. The site is bounded by Leman Street to the west, Hooper Street to the south, Gower's Walk to the east and Alie Street to the north. Modern and unsympathetic office buildings occupy the majority of the Goodmans Fields site, including the 1970's red brick ancillary and operations facility. The exception to this is the Leman Street frontage, including the Grade II Listed 99 Leman Street, which provide the only interest and grandeur on the Goodmans Fields site and the warehouse topography that characterises the locality.
- 3.2 The site covered by this application is the vacant land in the south eastern corner of the Goodmans Fields site and is currently used as a surface car park by employees of the Royal Bank of Scotland.

History

- 3.3 The Development Planning Committee issued Outline Planning Consent (PA/02/0678) on the 14 January 2004, which establishes a masterplan identifying areas for particular land uses. The outline masterplan approval allows for the siting and means of access only in association with the redevelopment of the whole site. The outline scheme indicated use for residential, financial and professional uses (A2), restaurant/public house (A3), retail (A1), offices (B1), live/work and ancillary services. A S106 legal agreement (signed 26 September 2005) secures the following:
 - Affordable housing provision (25% of dwellings across the whole site).
 - Provision of 9% key worker housing (for the whole site).
 - Highway improvements.
 - Car-free agreement.
 - TfL requirements – improved signage to stations and cycle routes, open space improvements and Aldgate East/City Fringe Study.
 - Provision of primary health care (local doctor's surgery).
 - Employment opportunities for the Borough.
 - Public access to main square.
 - Adequate television reception.
 - Introduction of a car-share club.
 - Green Transport Strategy.
- 3.4 The conversion of the listed 99 Leman Street (PA/03/0585) was the first trio of approved applications to be issued following the outline consent being determined. The applications are all linked through the s106 affordable housing provisions. This application allowed for the conversion of the existing building into 43 flats and was approved by the Development Committee on the 8 October 2003. A signed S106 agreement (28 October 2004) secured the following:
 - Affordable housing provision to be provided within the adjacent Gowers Walk/Hooper Street consent (PA/03/1305). In the event of this proposal not being implemented, 25% affordable housing would be required on this site.
 - Car free agreement.
- 3.5 Planning Consent (PA/03/1056) for the site at the rear of 75-79 Leman Street and adjacent to 7 Hooper Street (known as "1 & 2 Goodmans Square") was issued by the Development Committee on the 14 January 2004. This consent allows for erection of a six-storey plus basement building to provide 40 flats, landscaping, new vehicular access and basement car parking. A S106 agreement was signed on the 28 October 2005 which secured the following:
 - Provision of affordable housing to be provided within the adjacent Gowers Walk/Hooper Street (PA/03/01305). In the event of this proposal not being implemented, 25% would be required on this site.
 - Car free agreement.
 - Highways works.
- 3.6 The Development Committee issued full planning permission (PA/03/01305) for part of the subject site on

the 11 February 2004. This application (known as "Gowers Court") sort the approval of detailed matters relating to the erection of 212 flats in one 5-storey building, two 6-storey buildings and one 7-storey building together with a basement car park providing 112 car parking spaces, 23 motorbike spaces and 104 bicycle spaces. This application is known as Phase 1 of the overall masterplan (Outline Planning Consent PA/02/00678). A S106 legal agreement was signed on the 28 October 2004 which secured the following in relation to this site:

- Affordable housing provision of 25% across all three of the Phase 1 sites (which includes 99 Leman Street).
- Car free agreement.
- Introduction of a car-share club.
- Highway works.

3.7 Two further planning applications (and associated Listed Building Consents) have been submitted to the Council for the amendments to the approved scheme at 99 Leman Street (application numbers PA/05/1396, PA/05/1397, PA/05/1398 and PA/05/1400). The amendments seek to change the use of the ground and basement floors of the existing building (from vacant offices) and internal amendments to incorporate 40 flats and 42 flats separately. The two applications relate to the potential subdivision of the 5th floor, which was originally the ballroom for the existing building. These applications are yet to be determined.

Proposal

3.8 The current application incorporates amendments to the two larger sites, Gowers Court (PA/03/1305) and 1 & 2 Goodmans Square (PA/03/1056), and is now known as "City Quarter". The proposed amendments incorporate the following:

- The provision of 266 residential units (an additional 14 units to the previously approved total of 252 units).
- A total provision of 76 affordable housing units (28% of total units for this site, 25% across all Phase 1 sites). Previous approval allowed 72 units
- Provision of a single basement across the Phase 1 sites (previously two separate basements).
- The blocks known as "The Square" and "Hoopers Yard" moved 440mm east and 100mm north.
- Additional storey (3200mm) to Block C, to 8 storeys.
- Additional height of 30mm to Block A.
- Additional height of 120mm to Block B.
- Additional height of 120mm to Block D.
- Addition of projecting louvers at roof level to the south elevation of Block A.

3.9 The plans were amended on the 12 August 2005 to incorporate alterations to the affordable housing provisions. The proposed studio units were deleted and the number of one bedroom units reduced. This resulted in an increase in the number of two and three bedroom units. As result, this required internal alterations and a reduction in the total number of affordable housing units (76 units to 62 units). However, the floor area of the affordable housing units (5,184 sq.m.) has not altered. The proposed mix is as follows:

- 22 x 1 bedroom.
- 19 x 2 bedroom.
- 21 x 3 bedroom.

3.10 Further amendments were received on 12 October 2005, which incorporated alterations to the basement, a reduction in car parking numbers and location of waste/recycling storage areas. These amendments included the following:

- A reduction of the car parking spaces to 108 (previously approved of 150).
- Internal layout alterations to the basement car park.
- Relocation of waste/recycling areas for Block A, situated closer to the lift core.
- Flat A0.01 reduced to 1 bedroom flat and flat A0.02 increased to a 2 bedroom flat (private sale component).

4. PLANNING POLICY FRAMEWORK

Comments of Chief Legal Officer

4.1 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.

- 4.2 Decisions must be taken in accordance with sections 54A and 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 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.
- 4.4 The report takes account not only of the policies in statutory UDP 1998 but also the emerging plan, which reflect more closely current Council and London-wide policy and guidance.
- 4.5 In accordance with Article 22 of the General Development Order 1995 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. This analysis has been undertaken on the balance of the policies set out below and any other material considerations set out in the report.

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

Archaeological importance or potential
Central Area Zones

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

DEV1: Design Requirements
HSG2: Location of New Housing
HSG3: Affordable Housing
HSG7: Dwelling Mix and Type
HSG8: Wheelchair and Mobility Standards
HSG9: Density in Family Housing
HSG13: Standard of Dwellings
HSG16: Housing Amenity Space
T17: Planning Standards (Parking, Cycle Provision & Pedestrians)

- 4.8 The following New Unitary Development Plan 1st Deposit Draft **proposals** are applicable to this application:

Mixed Use Site No. 60.
Central Activities Zone.
Archaeological Importance/Potential.

- 4.9 The following New Unitary Development Plan 1st Deposit Draft **policies** are applicable to this application:

EMP3: Central Activities Zone.
TC7: New Developments and the Sequential Approach.
HSG1: Housing Provision
HSG2: New Housing Developments.
HSG4: Affordable Housing Target
HSG5: Affordable Housing Ratio and Mix
HSG8: Dwelling Mix and Type.
HSG9: Housing Density.
HSG10: Lifetime Homes & Wheelchair/Mobility Housing.
HSG12: Amenity Space
TRN1: Transport and Development.
TRN10: Pedestrian Permeability.
TRN11: Bicycle Facilities.
UD1: Scale and Density.
UD2: Architectural Quality.
ENV1: Amenity.

ENV6 Sustainable Construction Materials.
ENV7: Air Pollution.
ENV8: Energy Efficiency.
ENV11: Waste Disposal and Recycling Facilities.
CFR1: Development Nodes
CFR2: Master Plans
CFR3: Activity Nodes.

4.10 The following **Planning Standards** are applicable to this application:

(1) Planning Standard No.3: Parking, Loading, Circulation and Access/Parking

4.11 The following Supplementary Guidance Notes (**SPGs**) are applicable to this application:

(1) Supplementary Planning Guidance for Residential Space

5. **CONSULTATION**

5.1 The following were consulted regarding this application:

(1) **Conservation & Urban Design**

No objections raised.

(2) **Environmental Health**

No objection subject to standard conditions being included in any permission granted.

(3) **Highways**

No objections subject to a car-free agreement and agreed highway works to Gowers Walk and Alie Street.

(4) **Housing**

No objections on the basis that the proposal is considered an amendment, and that there is additional family housing provided.

5.2 The application has been advertised in the press and on site. In addition, notices of the proposals were sent to owners/occupiers of adjoining properties. The submissions received as a result of this process are summarised below. Further re-consultation occurred with the submission of amended plans.

5.3 Responses from neighbours were as follows:

No. Responses: 4 In Favour: 0 Against: 4 Petition: 0

5.4 The issues raised by objections are summarised below

(1) Insufficient car parking and traffic congestion.

6. **ANALYSIS**

Proposal

6.1 The applicant is requesting permission for the erection of 266 dwellings to be accommodated within five blocks arranged around a central courtyard at varying heights ranging between five and eight storeys on land at the south west corner of Gower's Walk and Hooper Street, London E1.

Land Use/Density.

6.2 The use of the site for residential purposes was considered in the report for the Outline Permission (PA/02/00678) granted permission on the 14 January 2004. Therefore the use of the site has been established in accordance with Policy HSG2 and no objection is raised on policy grounds. Further planning consents for residential use for the site area was issued on 11 February 2004 (PA/03/01305) and 14 January 2004 (PA/03/01056).

6.3 In addition, the density of the site (approximately 642 habitable rooms per hectare) was previously considered to be appropriate on the consent applications as detailed in paragraph 6.2. The current proposal sees a marginal increase in the density for the site (additional 14 units). As a result, the amendments with regards to density are considered to be appropriate in this instance.

Housing

6.4 The current application originally proposed a total of 266 flats, with a total provision of 76 affordable housing units, which consisted of the following mix:

- 12 x studio.
- 38 x 1 bedroom.
- 7 x 2 bedroom.
- 19 x 3 bedroom.

6.5 However, the application was later amended to address the affordable housing needs of the Borough as detailed in the Council’s Housing Need Survey (2004). As a result the studios were deleted and a larger number of family accommodation provided. The revised affordable housing would consist of the following:

- 0 x studio.
- 22 x 1 bedroom.
- 19 x 2 bedroom.
- 21 x 3 bedroom.

6.6 Although the total number of affordable housing units had been reduced from 76 to 62 to allow for larger family units, the total floor area has remained at 5,184sq.m. This is compared with the approved scheme, which approximately had 4,872sq.m. of affordable housing floor space. A direct comparison of the amendments as follows in the table below:

Affordable Accommodation Type	As Approved PA/03/1305 (Feb 2004)		Originally submitted Proposal (Dec 2004)		As Proposed (Aug 2005)	
	Unit No.	sq.m.	Unit No.	Floorspace sq.m.	Unit No.	sq.m.
Studio	14		12		0	
1 Bed	34		38		22	
2 Bed	6		7		19	
3 Bed	18		19		21	
Total	72	4,872	76	5,184	62	5,184
% of Total	25	21	25	21	21	21

6.7 Policy HSG3 of the UDP states that Council will seek a reasonable provision of affordable housing on large housing developments with a capacity for 15 dwellings or more, consistent with the merits of each case and with the strategic target of 25% affordable housing outlined in policy ST21. However, policies HSG4 and HSG4 of the 1st Deposit Draft UDP seek to have 35%, based on floor area and a mix that meets the needs of the Borough. As a result, there is a different measurement for calculating the affordable housing levels between the two different applications (percentage of unit numbers as compared to percentage of floor area). Moreover, the whole of the Goodmans Fields site has a signed s106 legal agreement for the provision of 25% affordable housing, with an additional 9% key worker, giving a total of 34% across the sites.

6.8 It is acknowledged that the provision of affordable housing does not meet the current Council Policy HSG4 of the Draft UDP for 35% of the floor area. However the amended provision complies with the requirements of HSG5 of the Draft UDP, by better meeting the needs of the Borough as detailed in the Council’s Housing Need Survey (2004). This has been achieved through the deletion of studio units and a total increase in larger family units. As a result, the amended scheme is considered to be an improvement to the consent scheme by better meeting the needs of the Borough through the revised housing mix.

6.9 Furthermore, the total floor space of the affordable housing provision has increased from the previously approved scheme. The consented scheme allows for a total of 4,872sq.m. of affordable housing. However, the amended scheme would provide a total of 5,184sq.m of affordable housing. Therefore it is considered

that the provision of affordable housing is seen as an improvement to the previously consent scheme, through the increase in floor space and the provision of additional family units. As a result, the revised provision and mix was considered to be acceptable by the Housing team.

Bulk and Scale

- 6.10 The proposal incorporates five residential blocks, which are centres around communal amenity spaces. The size of the blocks range from 5 storeys to 8 storeys. The siting of these buildings was previously approved through the outline planning consents for the site. The current application seeks to amend these blocks as noted in paragraph 3.2.
- 6.11 Policy DEV1 of the UDP stipulates that proposals are sensitive to the character of the surrounding area in terms of design, bulk, scale and use of materials. Policies UD1 and UD2 of the Draft UDP all have regard to the scale and mass, and architecture quality. It is considered that proposed amendments in this instance do not greatly alter the approved massing, scale, bulk and design of phase one of Goodmans Fields. The amendments would be considered minor and would not have any impact to the built scheme. The additional height, where one additional floor to Block C is located within the centre of the site and would have no detrimental impact to any adjoining properties. Furthermore, the additional heights would not impact upon the listed building at 99 Leman Street, as they are situated on the blocks furthest away from this building.

Archaeology

- 6.12 The site is located within a Zone of Archaeological Importance or Potential and an archaeological study was undertaken as part of the outline planning application for the entire site. This study has revealed that the site has low archaeological potential. However, in recognition of the extent of historic human activity within the locality, it is considered that a relevant archaeological condition would be prudent so that any artefacts that may come to light during below surface construction activity will be satisfactorily protected.

Access and Parking

- 6.13 Pedestrians access remains unaltered since the previous consents and is therefore considered to be appropriate.
- 6.14 There has however, been alterations to the vehicular entrance of the basement car park and the car parking numbers proposed. The amendments incorporate a single vehicle entrance (all via the basement ramp access from Gowers Walk) and a total of 108 car-parking spaces (previous total of 150). The proposed number of bicycle and disabled spaces remains unaltered.
- 6.15 In line with environmental objectives within the UDP and strategic objectives, parking is identified below the specified maximum standard in order to encourage alternative means of travel. In addition, the applicant is looking towards creating a 'car club' arrangement in the first phase of the Goodmans Fields development, which will be located within the basement parking area and available to all residents of the development.
- 6.16 Additional objections were received from surrounding properties with regards to a reduction in car parking and potential traffic concerns associated with Phase 1 of Goodmans Fields. The original application saw a greater number of car-parking spaces, which received no objection from the Council's Highways team. The amendments would see a reduction in the number of spaces, which would in turn also reduce the amount of traffic within the area.
- 6.17 Furthermore, the Council's Highways team has offered no objection to the proposed amendments, subject to a car-free agreement and further highway works to Gowers Walk and Alie Street.

Daylight & Sunlight

- 6.18 Additional daylight and sunlight reports were supplied with the amendments. Discussions between Council's Environmental Health team and the agents occurred to identify the extent and degree of any impacts to adjoining properties and future occupiers of the site.
- 6.19 It was determined that the amendments would have no greater impact than the approved developments on site. Furthermore, the submitted reports also indicated that the units within the site would receive adequate sunlight and daylight. No objections were offered to the amendments from the Environmental Health team.

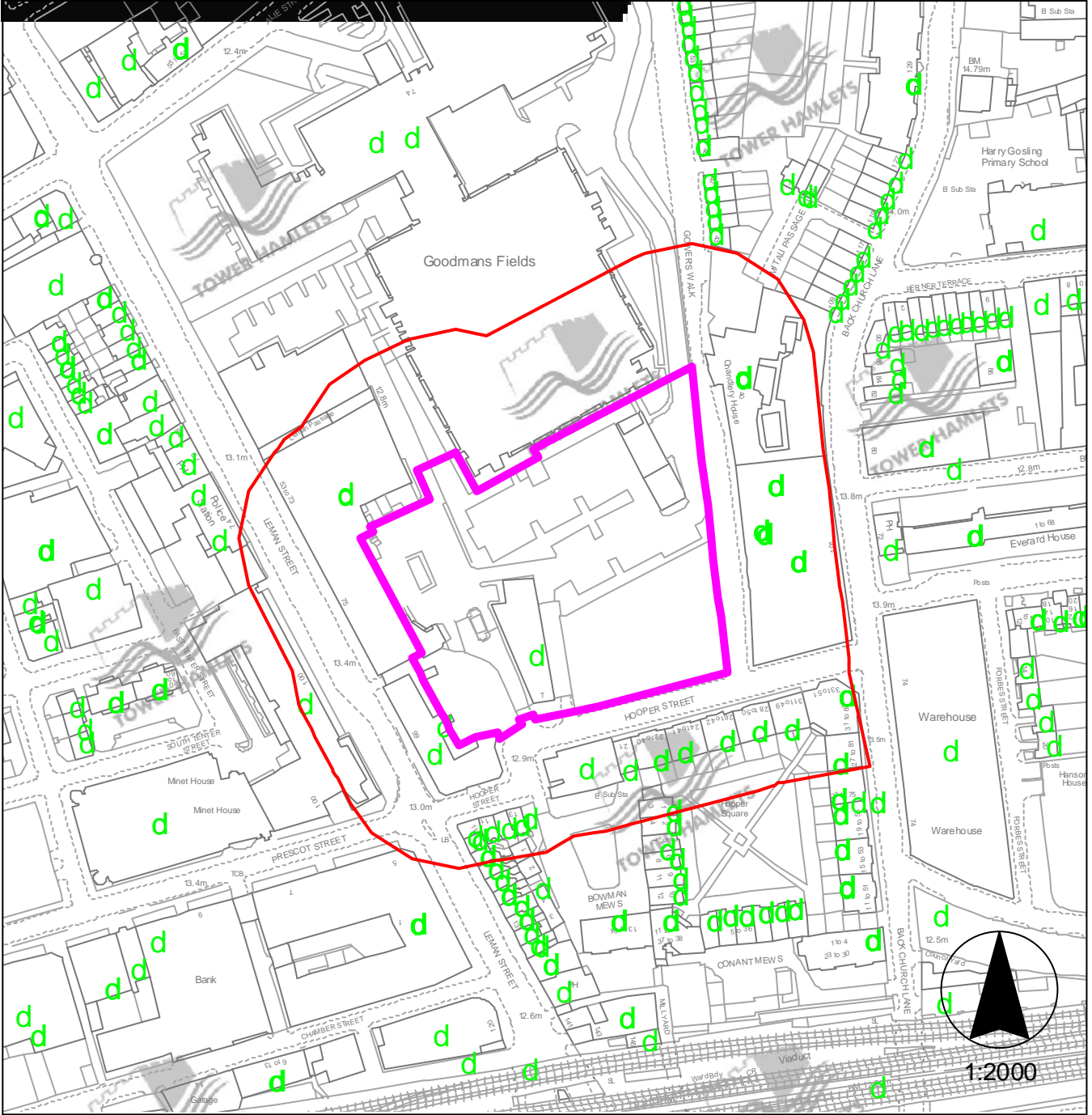
7. EQUAL OPPORTUNITY CONSIDERATIONS

- 7.1 The access requirements of people with mobility problems are to be fully taken into account in the provision of the various elements of the development proposed. Furthermore it will provide affordable housing.

8. SUMMARY

- 8.1 The proposal will contribute to the regeneration of an under utilised site that presently detracts from the quality of the townscape within the locality. The introduction of residential units within high quality buildings on the site will contribute to the formation of a sustainable and high density mixed use development that will enhance the vitality of the surrounding area.
- 8.2 This application seeks to provide a level of affordable housing for this and other parallel schemes as part of an overall strategy for the Goodmans Fields site in accordance with the Council's affordable housing strategy as detailed in Policy HSG3 of the adopted UDP and HSG5 of the Draft UDP.
- 8.2 It is recommended that the Development Committee grant planning consent subject to the recommended conditions and a S106 legal agreement as detailed in Section 2 of this report.

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. London Borough of Tower Hamlets LA086568

SITE KNOWN AS GOODMAN'S FIELDS, BOUNDED BY ALIE STREET, GOWERS WALK, HOOPER STREET AND LEMAN STREET, LONDON, E1

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Agenda Item 5.3

Committee: Development Committee	Date: 30 th November 2005	Classification: Unrestricted	Report Number: DC029/056	Agenda Item Number: 5.3
Report of: Director of Development and Renewal Case Officer: Karen Page		Title: Town Planning Application Location: BILLINGSGATE MARKET, TRAFALGAR WAY, LONDON, E14 5ST Ward: Blackwall and Cubitt Town		

1. SUMMARY

- 1.1 The following report was deferred by the committee at its meeting of 9th November 2005 for a site visit. At the meeting officers advised that two additional letters had been received from neighbours objecting on similar grounds to those reported at paragraph 5.3 below.
- 1.2 The site visit took place at 12.30pm on Thursday 17th November. Members and officers inspected the site, and had the opportunity to observe two Corporation of London refuse vehicles in situ.

FOR DECISION

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

Brief Description of background paper:
Application case file, plans, UDP, PPG's.

Tick if copy supplied for register

Name and telephone no. of holder
Development Control 020 7364 5201

Committee: Development Committee	Date:	Classification: Unrestricted	Report Number:	Agenda Item Number: Appendix
Report of: Director of Development and Renewal Case Officer: Karen Page		Title: Town Planning Application Location: BILLINGSGATE MARKET, TRAFALGAR WAY, LONDON, E14 5ST Ward: Blackwall and Cubitt Town		

1. SUMMARY

1.1 Registration Details

Reference No: PA/05/01362

Date Received: 10/08/2005

Last Amended Date: 17/08/2005

Drawing Numbers for Decision

4-C-7470 and 7455

1.2 Application Details

Existing Use:

Car park ancillary to market

Proposal:

Temporary use of part of market on-site parking area for the parking of non-market related Corporation of London owned cleansing vehicles for a period of 24 months.

Applicant:

Corporation of London

Ownership:

Corporation of London

Historic Building:

No

Conservation Area:

No

2. RECOMMENDATION:

2.1 That the Local Planning Authority **grant** planning permission subject to the conditions outlined below:

1. Temporary planning permission for 24 months.
2. No washing and servicing of cleansing vehicles to be carried out within the Billingsgate Market site.

3. BACKGROUND

Site description

3.1 The proposal relates to a triangular piece of land of 0.2 ha located within the Billingsgate Market site. Billingsgate Market is a large site comprising a number of buildings and associated vehicle parking and loading bays, the site also houses a grade II listed Accumulator Tower. The application site is located on the eastern side of the market to the west of Trafalgar Way and is currently used as part of the market's ancillary parking space. Although much of the site is surrounded by the market itself, there are residential properties to the east on Broadwalk Place which are divided from the site by Trafalgar Way, a busy distributor road leading to Canary Wharf from Aspen Way a strategic road. The application site is accessed from the roundabout on Trafalgar Way adjoining McDonalds.

Proposal

3.2 The application proposes to use the site as a parking area for non-market related cleansing vehicles owned by the Corporation of London, for a temporary period of 24 months. The Corporation of London wishes to utilise the site while construction works are carried out to its Walbrook Wharf Waste Transfer Station in the City where the vehicles are currently parked and serviced. The Corporation has undertaken a wide search for alternative sites but has been unable to find an alternative site that is suitable both operationally and within reasonable distance of the City.

- 3.3 The proposed cleansing vehicle fleet would comprise 30 refuse collection vehicles, 23 street cleaning vehicles and 8 small support vehicles. The fleet's main functions will be to collect refuse (mainly office based) and street cleaning in the City. The majority of the vehicles would leave the site at 5.30 am and return at approximately 3 pm.

Relevant planning history

- 3.3 A condition was placed on the original planning permission for Billingsgate Market that restricted parking on the site to vehicles used ancillary to the market only. It is for this reason that the Corporation of London requires planning consent to park its vehicles within the market site.
- 3.4 There is no other planning history relevant to this application.

4. PLANNING POLICY FRAMEWORK

Comments from the Council's Chief Legal Officer

- 4.1 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.
- 4.2 Decisions must be taken in accordance with sections 54A and 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 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.
- 4.4 The report takes account not only of the policies in statutory UDP 1998 but also the emerging plan, which reflect more closely current Council and London-wide policy and guidance.
- 4.5 In accordance with Article 22 of the General Development Order 1995 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. This analysis has been undertaken on the balance of the policies set out above and any other material considerations set out in the report.
- 4.6 The following Unitary Development Plan **proposals** are applicable to this application:
1. Central Area Zones
 2. East West Crossrail
 3. Flood Protection Areas
 4. Sites of Nature Conservation Importance
- 4.2 The following Unitary Development Plan **policies** are applicable to this application:
1. DEV1 Design and Environment
 2. DEV2 Impact on Adjoining Buildings
 3. DEV50 Noise
 4. T16 Traffic Impact

5. CONSULTATION

5.1 The following were consulted regarding this application:

(1) **Head of Highways Development**

Advises that there will be no significant affect on the local road network.

(2) **Environmental Health**

No objections. Is satisfied that the Corporation of London has proposed sufficient measures to minimise noise and odour nuisance. Should there be any complaints, the provisions under the Environmental Protection Act 1990 will enable remedial action.

(3) **Transport for London (TfL) - Street Management**

TfL have no objection regarding impact on the strategic highway network.

5.2 Responses from neighbours were as follows: 10 letters and a petition received

No. Responses: 0 In Favour: 0 Against: 10 Petition: 29 signatures

5.3 The reasons for objection are as follows:

- The cleansing/refuse vehicles will produce foul smells, which is of particular concern given their close proximity to the residential accommodation in Broadwalk Place.
- The parking of the refuse vehicles will have a significant impact on what is currently a pleasant living environment.
- The proposed vehicles will be leaving the site very early in morning, which will cause undue noise disturbance and light disturbance to neighbouring residents.
- If the Corporation of London cannot find a new site during the temporary duration of the planning consent, it is highly likely they will be able to apply for planning consent to park the vehicles on site for longer, or even on a permanent basis.
- The proposal will exacerbate further the odour nuisance caused by the fish market.
- The refuse trucks will exacerbate further the existing rodent problems in the area.
- Trafalgar Way experiences a high volume of traffic and the slow movement of cleansing vehicles are likely to have a detrimental impact on traffic flow.
- The parking of the proposed vehicles will have a detrimental impact on the visual appearance of the area, and the setting of a number of listed buildings.
- The proposed vehicles could create an environmental hazard with waste, cleaning and fuel substances escaping into the nearby dock affecting local wildlife.

6. **ANALYSIS**

6.1 It is considered that the main issues arising from this application are land use, amenity and highway considerations.

Land use considerations and principle of development

6.2 There is adequate provision remaining on site to meet the parking needs of the Fish Market and the temporary loss of parking space is not considered to be an issue. In addition, the Billingsgate Market trustees have not objected to the proposal.

Amenity considerations

Noise

6.3 Concerns have been raised by local residents, particularly those living on Broadwalk Place to the east about the amount of noise disturbance that would be generated by vehicles entering and leaving the site at unsociable hours, particularly early in the morning.

6.4 The vehicles will enter and leave the site from Aspen Way via the eastern end of Trafalgar Way. Aspen Way is a major thoroughfare, constantly busy and generates noise levels in

excess of those anticipated from the proposed cleansing vehicles. Given the number of cleansing vehicles, it is not considered that they would be perceptible over and above the existing traffic noise on Aspen Way.

- 6.5 In addition, large articulated container lorries make deliveries to the Fish Market throughout the evening and night on a daily basis using the same route. Such vehicles generate far higher noise levels than the proposed smaller (engined) cleansing vehicles, and it is again considered that they will be imperceptible from noise generated by these much larger vehicles.
- 6.6 Whilst parked in the Market, the Corporation has proposed measures to minimise noise generated by the proposed cleansing vehicles. These include:
- Not leaving the vehicle engines running when they are stationary
 - Parking the vehicles as far as possible on a drive-in/drive out pattern to avoid reversing on site thus minimising the operation of vehicle reversing beepers
 - Moving the cleansing vehicles only twice daily, once to go off site, and once to return to park.
- 6.7 In addition, the area of the market site chosen for the temporary parking abuts a boundary wall, which raises from 2.5m to 4m where it meets Trafalgar Way adjoining. This will act as a buffer and dampen the majority of noise from the parking area and reducing any disturbance to properties along Broadwalk Place.
- 6.8 As mentioned, the Council's Environmental Health Department is satisfied that the cleansing vehicles will not raise the noise level in the area above the current background noise level and the proposal would not cause undue noise disturbance to those living in the residential properties to the east of Trafalgar Way.

Odours

- 6.9 The second main concern raised by local residents related to the potential odour nuisance. The cleansing vehicles would continue to undertake their current functions within the City, and all refuse will continue to be handled at the Corporation's Walbrook Wharf Waste Transfer Station. The vehicles would be serviced at the Transfer Station and their interiors washed thoroughly on a daily basis before returning to Billingsgate Market to park. No such activity will take place at the Billingsgate Market site at any time.
- 6.10 It should also be noted that the majority of City waste is office-based paper and is therefore less odorous than refuse collected from more residential areas. With these factors in mind it is not considered that the cleansing vehicles would produce any significant odours when parked at Billingsgate Market. Therefore no odour nuisance to local residents is foreseen.

Highway considerations

- 6.11 Billingsgate Market operates 24 hours a day with approximately 250 delivery vehicle movements onto/off-site daily. Vehicles begin arriving from 6pm and continue throughout the night until departing by 5.00am when trading starts.
- 6.12 The majority of the cleansing vehicles would depart from the site at 5.30 am (after the container lorries have left) so as not to conflict with buyers entering the market, and return at approximately 3.00 pm (after market trading has ceased and before the container lorries begin arriving). Only the smaller pavement cleansing vehicles propose to depart and arrive at different hours, but given their low number (eight) these would not impede the movement of trading vehicles arriving and departing the Market.
- 6.13 The Market was constructed to cater for heavy traffic volumes and it is not considered that the parking of the proposed cleansing vehicles would disrupt its operation given the proposed arrival and departure times.

Other considerations

Impact on local environment

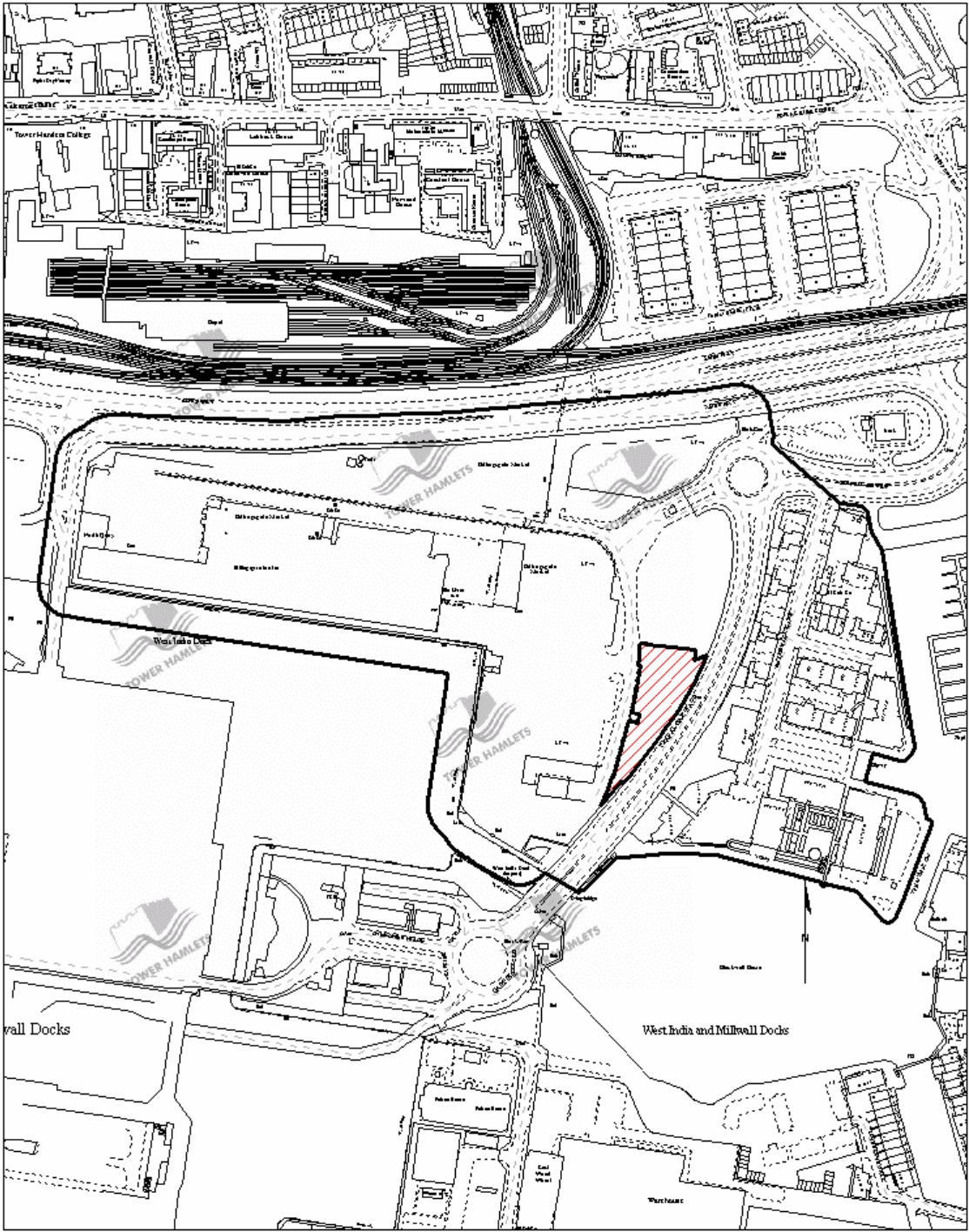
- 6.14 As the cleansing vehicles propose to be cleaned thoroughly off-site on a daily basis, it is not considered likely that the proposal would pollute the local environment or harm wildlife.



Visual implications

- 6.15 As large vehicles are already parked on the site, the proposal would make little difference to the visual appearance of the market site and the setting of the listed Accumulator Tower. In addition, the site is partially obscured from Trafalgar Way by a relatively high wall. It is not considered that the proposal would have any detrimental impact on the visual appearance of the surrounding area compared to use by market trading vehicles.

7. SUMMARY

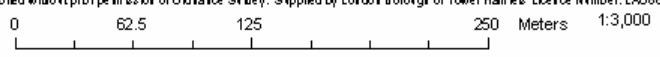
- 7.1 It is not considered that the proposed temporary use of part of Billingsgate Market for the parking of street cleansing vehicles would harm the amenity of those living in the residential properties in the surrounding area, or have a negative impact on traffic flow along Trafalgar Way or Aspen Way. The proposal is considered acceptable for a limited period.



- Legend**
-  Planning Application
 -  Consultation Area

Billingsgate Market, Trafalgar Way, Site Location Map

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BILLINGSGATE MARKET, TRAFALGAR WAY, LONDON, E14 5ST

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Agenda Item 5.4

Committee: Development Committee	Date: 30th November 2005	Classification: Unrestricted	Report Number: DC030/056	Agenda Item Number: 5.4
Report of: Director of Development and Renewal		Title: Town Planning Application and Conservation Area Consent		
Case Officer: Scott Hudson		Location: EAST END MISSION, 583 COMMERCIAL ROAD, LONDON, E1 0HJ		
		Ward: St Dunstan's and Stepney		

1. SUMMARY

1.1 Registration Details

Reference No: PA/05/00485 (Full Planning Application) & PA/05/00488 (Conservation Area Consent).
Date Received: 31/03/2005
Last Amended Date: 09/11/2005

1.2 Application Details

Existing Use: Vacant. Previously community, residential and retail.
Proposal: Refurbishment of buildings on Commercial Road for community and retail use on the ground floor with residential above. Demolition of buildings at rear and erection of two, four to five storey plus basement buildings to provide 104 residential units.
Applicant: Goldcrest Homes
Ownership: Methodist Church Trustee
Historic Building: N/A
Conservation Area: York Square

2. RECOMMENDATION:

2.1 The applicant has lodged an **appeal** for non-determination on the **19 October 2005** for both the planning and Conservation Area Consent applications. In these circumstances, the committee cannot determine whether the application is acceptable or determine refusal of the applications. Instead, they are now asked to consider whether they are minded to grant the planning applications subject to the recommended conditions contained in paragraph 2.2 of this report.

PA/05/00485 – Full Planning Application:

2.2 That the Director of Development and Renewal is instructed to inform the Planning Inspectorate that had the Council been empowered to make a decision on the application, it would have **GRANTED** full planning permission, subject to the following conditions and S106 legal agreement:

Conditions;

- 2.2.1 Time Limit
- 2.2.2 Development in accordance with submitted amended plans.
- 2.2.3 Amending condition, prior to the commencement of development, detailing;
 - All room and unit sizes to accord with the Council's SPG Residential Space.
- 2.2.4 Amending condition, prior to the commencement of development, detailing;
 - Provision of security gates to secluded entrances, or deletion of secluded entrances to units located in the Bromley Street Wing.

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, supporting technical reports, UDP, PPGs.	✓	Scott Hudson, Development 020 7364 5338

- 2.2.5 Amending condition, prior to the commencement of development, detailing;
 - Details of CCTV and secure entrance from Commercial Road.
- 2.2.6 Amending condition, prior to commencement of the development, detailing;
 - Conservation design conditions requiring full details of materials, joinery and repairs to the existing building.
- 2.2.7 Contaminated land reporting.
- 2.2.5 Air quality reporting.
- 2.2.6 Facing material details required.
- 2.2.7 Sound insulation between individual units required.
- 2.2.8 Sound insulation to protect against external noise required.
- 2.2.9 Wheel cleaning during construction required.
- 2.2.10 Provisions for disabled access and cycle facilities.
- 2.2.11 Provision for cycle facilities

2.3 Section 106 Legal Agreement to secure the following:

- 2.3.1 Provision of 19 units (1,276sq.m and the following mix: 4 one-bed, 7 two-bed, 6 three-bed, and 2 four-bed) of the dwellings proposed in this application, to be made available for affordable housing provision.
- 2.3.2 Car-free agreement (strictly limiting the availability of on-street residents car parking permits to those persons holding a disabled person's badge issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970).
- 2.3.3 Management of ground floor retail units.

PA/05/00488 – Conservation Area Consent:

2.4 That the Director of Development and Renewal is instructed to inform the Planning Inspectorate that had the Council been empowered to make a decision on the application, it would have **GRANTED** Conservation Area Consent, subject to the following conditions:

- 2.2.1 Time Limit
- 2.2.2 Demolition shall not be carried out until a valid Full Planning Consent is issued.

3. BACKGROUND

Subject Site and Surrounds

3.1 The subject site is located on the northern side of Commercial Road, situated between Westport Street and Bromley Street, E1. The site is also within in the York Square Conservation Area. Contained on the frontage of the site is a red brick building with stone detailing, four stories in height designed symmetrically around a central bay which features a square domed roof and arched entrance. Lastly there are small turrets at either end of the front elevation. The buildings were opened in 1907 as the central hall and headquarters of the Wesleyan East End Mission. The site is currently vacant.

3.2 There are a series of small shop-fronts at ground level on either side of the main entrance. Some of these have been altered. However, many of them retain a significant amount of original joinery and which offer the potential for sympathetic restoration. The building has two wings fronting Bromley Street and Westport Street. These are generally smaller in scale and height and are of three stories and semi basement. They are finished in a yellow stock brick with red brick arches spanning rectangular, arched and round windows, and feature moulded brick courses, raised and recessed panels of brickwork. Overall it represents a prominent building of considerable quality, which contributes positively to the Conservation Area and is a significant building in this part of Commercial Road.

Planning History

3.3 Full planning consent (PA/02/01751) and conservation area consent (PA/02/01752) was recommended for approval by the Development Committee on the 17 March 2004. The consent allows for the refurbishment of buildings fronting Commercial Road for community and retail use on the ground floor with residential above. More specifically this includes the demolition of buildings at the rear and the erection of two, four-storey residential buildings to provide a total of 48 flats (6 one bedroom, 37 two bedroom and 3 three bedroom) with basement parking. The approval provides for a total of 12 affordable housing units on site. The signing of the S.106 legal agreement occurred on the 30 September 2005, and subsequent consents were issued.

Proposal

3.4 The current proposal is similar to the previous scheme in that it proposes the refurbishment of buildings on Commercial Road for community and retail use on the ground floor with residential above. However, the submitted application sees the demolition of buildings at rear and erection of two, four to five storey plus basement buildings to provide 104 residential units. Specifically this incorporate the following:

- 45 x studio
- 41 x one-bedroom.
- 10 x two-bedroom
- 8 x three-bedroom.
- A1 (retail) and D1/D2 (community) uses at ground and basement level, fronting Commercial Road.
- A total of 26 affordable housing units.
- 104 bicycle parking spaces.
- No on-site car parking is proposed.

3.5 Amended plans were received on the 8 August 2005, which:

- increased the size of the windows to the basement flats;
- decreased the size of the rooms to these flats; and
- material amendments to the external stairwell.

3.6 Further amended plans were received on the 1 November 2005, which revised the external staircase structure within the courtyard. The amendments incorporated a smaller, spiral staircase, which features glazing to the exterior. In addition, further revisions were received on the 10 November 2005, which altered the basement flats internally to provide a separate kitchen (previously open plan).

3.7 A revised accommodation schedule was received by the Council on 9 November 2005, which incorporates the following;

- Flats A5 and A6 are combined to create a three bed unit (instead of 2 studios).
- Flats A7 and A8 are combined to create a four bed unit (instead of 2 studios).
- Flats A9 and A10 are combined to create a four bed unit (instead of 2 studios).
- Flats B43 to B47 are rearranged to provide 2 three bed and 2 four units (instead of 1 three bed, 2 two bed, 1 one bed and a studio).
- Flats A32, B52 and B57 are now studio flats (previously one beds).
- Flats C96, C97, C102 and C103 are now two bed flats (instead of three bed).

3.8 Further to above, the following flats are now allocated as **affordable units**;

- A4, A5, A07, A09, A33;
- B43, B44, B45, B46, B48, B49, B50, B51, B53, B54, B55, B56 and B58; and
- C59.

As a result, the revised affordable housing provision would now be 25% by net floor area (1,276sq.m.), with the following revised unit mix;

- 4 x one bed (21%)
- 7 x two bed (37%)
- 6 x three bed (32%)
- 2 x four bed (11%)

4. PLANNING POLICY FRAMEWORK

Comments of Chief Legal Officer

4.1 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.

- 4.2 Decisions must be taken in accordance with sections 54A and 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 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.
- 4.4 The report takes account not only of the policies in statutory UDP 1998 but also the emerging plan, which reflect more closely current Council and London-wide policy and guidance.
- 4.5 In accordance with Article 22 of the General Development Order 1995 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. This analysis has been undertaken on the balance of the policies set out below and any other material considerations set out in the report.
- 4.6 The following Unitary Development Plan **proposals** are applicable to this application:
- Department of Transport Strategic Roads.
- 4.7 The following Unitary Development Plan **policies** are applicable to this application:
- DEV1 General principles for new development
 - DEV2 Impact of new developments
 - DEV3 Mixed use developments
 - DEV25 Development in conservation areas
 - DEV29 Demolition in conservation areas
 - ST25 Infrastructure provision for new housing
 - HSG2 New housing for sites in non residential use
 - HSG3 Affordable housing
 - HSG6 Access to residential over commercial uses
 - HSG7 Housing mix
 - HSG8 Wheelchair and mobility housing
 - HSG9 Density
 - HSG14 Special needs housing
 - HSG16 Amenity space
 - T13 Essential parking needs
 - T15 Capacity of transport system
 - T16 Operational requirements of proposed use
 - T17 Parking standards
 - SCF9 Loss of community use
- 4.8 The following New Unitary Development Plan 1st Deposit Draft **proposals** are applicable to this application:
- Strategic Roads.
- 4.9 The following New Unitary Development Plan 1st Deposit Draft **policies** are applicable to this application:
- EMP2 Mixed Use Development
 - HSG1 Housing Provision
 - HSG2 New Housing Provision
 - HSG4 Affordable Housing Target
 - HSG5 Affordable Housing Ratio and Mix
 - HSG8 Dwelling Type and Mix
 - HSG9 Density

HSG10	Lifetime Homes and Wheelchair/Mobility Housing.
SF1	Social Facilities
TRN1	Transport and Development
UD1	Scale and Density
UD2	Architecture Quality
UD3	Ease of Movement and Access Through
UD4	Design and Access Statements
UD5	Safety and Security
UD22	Conservation Areas
UD23	Demolition in Conservation Areas.
ENV1	Amenity
ENV8	Energy Efficiency
ENV13	Waste Management Facilities.

- 4.10 The following Community Plan **objectives** are applicable to this application:
 Living safely.
 Living well.

5. **CONSULTATION**

- 5.1 The following were consulted regarding this application:

(1) **Design and Conservation**

Concerns with elements of the design as proposed. Recommend conditions prior to commencement development.

(2) **Environmental Health**

Contaminated Land

Standard conditions prior to commencement required.

Air Quality

An Air Quality assessment is required from the applicant, prior to the commencement of the development.

Sunlight/Daylight

Ongoing discussions between the applicant's consultant and Environmental Health regarding daylight/sunlight to the basement units have occurred. Environmental Health has determined that the basement flats receive adequate daylight/sunlight.

(3) **Housing**

Discussions and negotiations have occurred between the agents and the Housing team. It is considered in light of the previous approval and the amended affordable housing provision, that the application is acceptable in this instance.

(4) **Head of Planning Policy**

Concerns raised in relation to affordable housing and mix.

(5) **Horticulture Officer**

No comments.

(6) **Highways**

No objections subject to a S106 car free agreement and a S278 agreement for Highway works to Bromley and Westport Streets.

(7) **Education**

No comments.

(8) **English Heritage (Archaeological)**

No objection subject to recommended conditions.

5.2 Responses from neighbours were as follows:

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

5.3 One objection letter was received from 23 Bromley Street, E1. The concerns raised by the residents were as follows.

- Development will further overshadow the adjoining properties.
- Precedent for similar developments in the area.
- Loss of natural light to property.
- Loss of privacy.
- Application should not be considered, as it is located in a conservation area.

6. ANALYSIS

Land Use

6.1 The proposal seeks the redevelopment and refurbishment of an existing vacant premises for the purposes of a mixed use development comprising of housing and a mix of A1 (retail), A2, B1 (offices), D1 and D2 (community uses).

6.2 The principle of a mixed-use development on the site has previously been supported and approved by the Committee under the previous planning consent (PA/02/01751). Furthermore, the proposal for a mixed-use development is encouraged within the adopted UDP Policy DEV3 subject to four considerations. These are the character and function of the area; the scale and nature of development; the physical constraints of the site; and other policies in the plan. In addition, Draft UDP policies EMP2 and HSG2 also seek to encourage mixed-use housing developments within the Borough.

6.3 However, concerns from the Council's Environmental Health team have identified potential conflict between the proposed D1 & D2 uses (community uses) within the basement. These concerns relate to the noise disturbance generated by such uses to potential residents on site. However, this concern could be overcome through the inclusion of noise conditions relating these uses, not to disturb future residents of the site.

Housing

6.4 The originally submitted application proposed a total of 104 flats on site, which included the following mix:

- 45 x studio.
- 41 x 1 bed.
- 10 x 2 bed.
- 8 x 3 bed.

Of this total provision, 26 units (25% based on unit numbers) are proposed for the provision of affordable housing. This featured the following mix:

- 4 x studio.
- 16 x 1 bed.
- 4 x 2 bed.
- 2 x 3 bed.

In addition, all of the 26 units allocated for the affordable housing provision would be for shared ownership.

6.5 The previous application (PA/02/01751) saw a provision of 12 affordable units to be provided on site. The accompanying S106 agreement signed on 30 September 2005 has secured this

provision. However this application was assessed wholly on the adopted UDP (1998) as it was lodged and assessed prior to the adoption of the Draft UDP. As a result, the then affordable housing policy was 25% based on unit numbers, which the previous application complied with.

6.6 The affordable housing policy of the Draft UDP (HSG4) requires that all developments over 10 units or more are required to provide 35% of the gross floor space of the development. This will increase to 50% if provided off site. In addition, policy HSG5 requires a ratio and mix in accordance with the Council's Housing Need Survey (2004). This requires a social rented to intermediate split of 80:20 and the following housing mix:

- 20% 1 bed.
- 35% 2 bed.
- 30% 3 bed.
- 15% 4 bed.

6.7 In support of the Agent's affordable housing provision, a Toolkit report was submitted as part of the original application. The Toolkit is financial analysis reporting program produced by the Greater London Authority (GLA) to help determine the levels of affordable housing a particular site can produce. This toolkit has been produced for the purposes as a guide only and is not considered the opinion of the GLA. In response to the concerns raised by the Council, further information with regards to the Toolkit was received which further detailed input data uses (such as build costs, values, sale costs etc).

6.8 Amended plans received by the 9 November 2005 seek to address the Council's policy HSG5 for affordable unit mix. The amended proposal now incorporates the following mix for affordable housing;

- 4 x one bed (21%)
- 7 x two bed (37%)
- 6 x three bed (32%)
- 2 x four bed (11%)

This proposed mix would result in a total of 19 units, equating to 19% based on unit numbers, 25% based on floor area and 32% by habitable rooms.

6.9 Although the mix as detailed above, does not meet the 35% affordable housing as required by HSG4 of the Draft UDP, the proposed affordable housing mix accords with HSG5 of the Draft UDP. The amended provision complies with HSG5 by better meeting the needs of the Borough as detailed in the Council's Housing Need Survey (2004). This has been achieved through the deletion of studio units and an increase in the family unit provision (approximately 43%). As a result, the amended scheme is considered to be an overall improvement to the consented scheme.

6.10 Although the affordable housing provision tenure fails to accord with the current Council's policy HSG5 by providing a Social Rented to Intermediate ratio split of 80:20. The agents however, argue that in accordance with the ODPM Circular's 7/91 and 6/98, the local authorities can not determine affordable housing tenure. More specifically the baseline position, established in Circular 7/91 is that "planning conditions and agreements cannot normally be used to impose restrictions on tenure, price or ownership" although "they can properly be used to restrict the occupation of property for people falling within particular categories of need". Circular 6/98 elaborated government's position suggesting that affordable housing may be defined in so far that it is either 'subsidised' or 'low cost'. But beyond these parameters local authorities in principle may not stray.

6.11 Therefore, it is considered that the Council can not determine the specific tenure for affordable housing in accordance with the ODPM Circulars as discussed above. However, the Council can determine the need for affordable housing provision. As a result, the Council has required the agents to provide additional family accommodation in accordance with the Housing Needs Survey (2004) and policy HSG5.

6.12 In light of these issues, it is considered the overall provision of affordable housing to be an

improvement on the previously consent scheme on site. The current application provides additional units and an increase in family accommodation generally in accordance with the Borough's need. It is therefore considered that the provision of affordable housing in this instance to be appropriate.

Daylight/Sunlight

- 6.13 The design of the proposed additions to the existing building creates a U shape courtyard, where an area (approximately 40m by 12m) of communal open space is proposed within the centre. The two additional wings are a total of 6 storeys in height. The lowest level of residential accommodation is below natural ground level. The units (8 in total) all feature bay type windows and are single aspect units.
- 6.14 Comments received from the Council's Environment Health Team, who raised initial concerns from the outset to the proposed use of the basement for residential use. It was also considered that the submitted daylight/sunlight report was inadequate, based on its calculations. Furthermore, concerns were also raised concerning the quality of the communal courtyard with regards to the amount of sunlight it would receive.
- 6.15 Additional concerns were raised by the Council's Environmental Health Team as to the amount of daylight and sunlight the basement units would receive and as to whether these units were suitable for residential use. The Agent's submitted a sunlight/daylight report prepared by Gordon Ingram Associates, which stated that four of the living rooms and four bedrooms of the basement flats would have levels below the BRE recommendations. In addition the report failed to have regard to the daylight/sunlight levels to the habitable rooms (living rooms/kitchens) of the basement flats. The locations of the proposed kitchens are the furthest away from these windows (approximately 6.5m).
- 6.16 A revised daylight/sunlight report was submitted on the 23 May 2005 providing additional calculations. However it was considered that this report still failed to address the concerns of the Council's Environmental Health Team as stated above. Amended plans were also received on the 8 August 2005, which marginally increased the window sizes to the basement flats. In addition, a number of the room sizes of these flats were also reduced. Comments received from the Environmental Health Team again stipulated that there would be insufficient light to the kitchens and insufficient methods/formulae have been provided.
- 6.17 Further amended plans received by the Council on the 1 and 10 November 2005 seeking to address the concerns raised with regards to daylight and sunlight. The amendments incorporated a revised external stair structure (smaller spiral stairs proposed) and kitchen layout alterations.
- 6.18 The internal alterations to the living/kitchen areas within the basement unit sees the kitchens become a separate room from the living area and thus technically not a habitable room. As a result, the living areas are reduced in size and the requirement for separate kitchens to receive daylight is no longer applicable. Revised daylight/sunlight calculations from the agents consultants have indicated that these rooms now comply with the BRE requirements. Discussions with the Council's Environmental Health team confirm that the recent amendments accords with the BRE guidelines and residential use in the basement is now considered appropriate.

Design

- 6.19 The proposal incorporates the refurbishment of the existing East End Mission building fronting Commercial Road (4 storey commercial building) and the addition of two, six-storey wing buildings running north-south across the site with an internal courtyard. The width of the internal courtyard is approximately 13m. The buildings feature an external stair and lift access and walkways across the façades facing into the courtyard. An external stairwell structure (5 storeys) is proposed towards the northern end of the site and is required for fire regulation requirements as a means of escape.
- 6.20 The amended plans in reference to the external stairwell seek to address the Council's concerns on its location and its impact in the internal courtyard/amenity space. The originally submitted application featured a large, triangle shape external stairwell with external cladding, protruding into the internal courtyard. The overall result was an imposing structure, which created a sense of enclosure for both the courtyard and flats adjacent. The revisions see the

stairwell drastically reduced in size and of a spiral form. The result is a less imposing structure to the courtyard and adjacent units. This in turn allows adequate daylight/sunlight to the adjacent flats, particularly at the basement level, which has been confirmed by Environmental Health.

- 6.21 The height of the additional wing fronting both Westport Street and Bromley Streets are considered appropriate in this instance as they are approximately up to one-storey lower than the approved consent (PA/02/01751). However, little attempt has been made to ensure the elevations of the wing buildings relate to the existing scale proportions of the building on site
- 6.22 Comments received from the Design and Conservation Team consider that the proposal is mediocre and lacks any form of character and fails to preserve or enhance the character of the conservation area. However it is acknowledged that the existing consent also failed to respect the existing character of the adjacent buildings and/or enhance the conservation area. Therefore, a refusal on design and conservation grounds would not be practical. As a result, it is recommended that conditions requiring the following shall be imposed;
- Samples of materials, to include brick, brick bond, mortar colour, and external stairwell.
 - Full details of joinery to include doors and windows. To include head and sill detail, reveals and the details of the joinery.
 - Full details of attic storey and eaves detail.
 - Full details of full bay of each of the blocks to determine the detail.
 - Full specification of proposed repairs to the existing building.
 - Details of the proposed timber repairs for the existing shop-fronts (if proposed).
 - Full joinery details for new shop-fronts (if proposed).
 - Full details of the method of cleaning the existing building (if proposed).
- 6.23 In light of the amended plans received and recommended amending conditions, it is considered that the proposal accords with the policies DEV1 of the Adopted UDP and UD1 and UD2 of the Draft UDP relate to the urban design and quality of the proposal.
- 6.24 In addition, concerns are also raised with regards to the general sense of security within the proposal, particularly with the new wing buildings. Many of the units feature a secluded entrance setback of approximately 4m and by width of approximately 1m. This results in a number of entrances that are obscured from view and are some distance from any means of escape. Policy UD5 (Safety and Security) of the Draft UDP clearly identifies safety and security with a development as a key design issue. However, it is considered that this issue could easily be addressed through a minor design alteration, which could incorporate either individual security gates or flush entry doors to the walkway. Therefore an amending condition is recommended to address this concern. Furthermore, the applicants have confirmed that the building will be totally secure through the use of CCTV and security entrances from Commercial Road.
- 6.25 The proposed development also incorporates Conservation Area Consent. The requirement for assessment against the conservation area consent is the suitability of the proposed demolition. Under the previous Conservation Area Consent (PA/02/1752) approved by the Committee, the demolition of the rear side wings were considered to be appropriate. As a result, the demolition is again considered appropriate in this instance. However, a condition requiring a Full Planning Consent prior to the demolition of the buildings is recommended. This is to ensure demolition can not occur without a valid planning consent.

Density/Accommodation Standards.

- 6.26 The proposal would incorporate a density of 903 habitable rooms per hectare (hrph). The site is in a moderate (level 5) Public Transport Accessibility Level (PTAL). The Density policy (HSG9) of the Draft UDP, which is based on the approach of the London Plan, stipulates a density range of between 400-700 hrph. However, in certain instances the Council can consider higher densities, which demonstrate good access to services and facilities. In addition, an increase in density is only considered acceptable dependant on the quality of the environment proposed.
- 6.27 It is considered that the amendments to the proposal seek to address the concerns which are generally associated with an over-development (inadequate dwelling mix; poor outlook; dwelling size; lack of light and increased sense of enclosure to new flats; poor level of quality

amenity spaces). These amendments have addressed the concerns in relation to affordable housing, daylight/sunlight, and sense of enclosure. Therefore, given the sites location and accessibility levels, it is considered that the application can not be recommended for refusal solely on density grounds.

- 6.28 Concerns are also raised with the room and unit sizes proposed within some of the flats (flat No.'s: C66, C69, C72, B43, B45, B46, B47, B50, B51, B52, C93, C96, C97, B52, B55, B56, B57, C101, C102, and C103). A number of the flats proposed feature room sizes that are below the minimum requirements outlined in the Council's Supplementary Planning Guidance (SPG) Residential Space. However, the applicants have agreed to an amending condition requiring the unit and room sizes accord with the SPG.

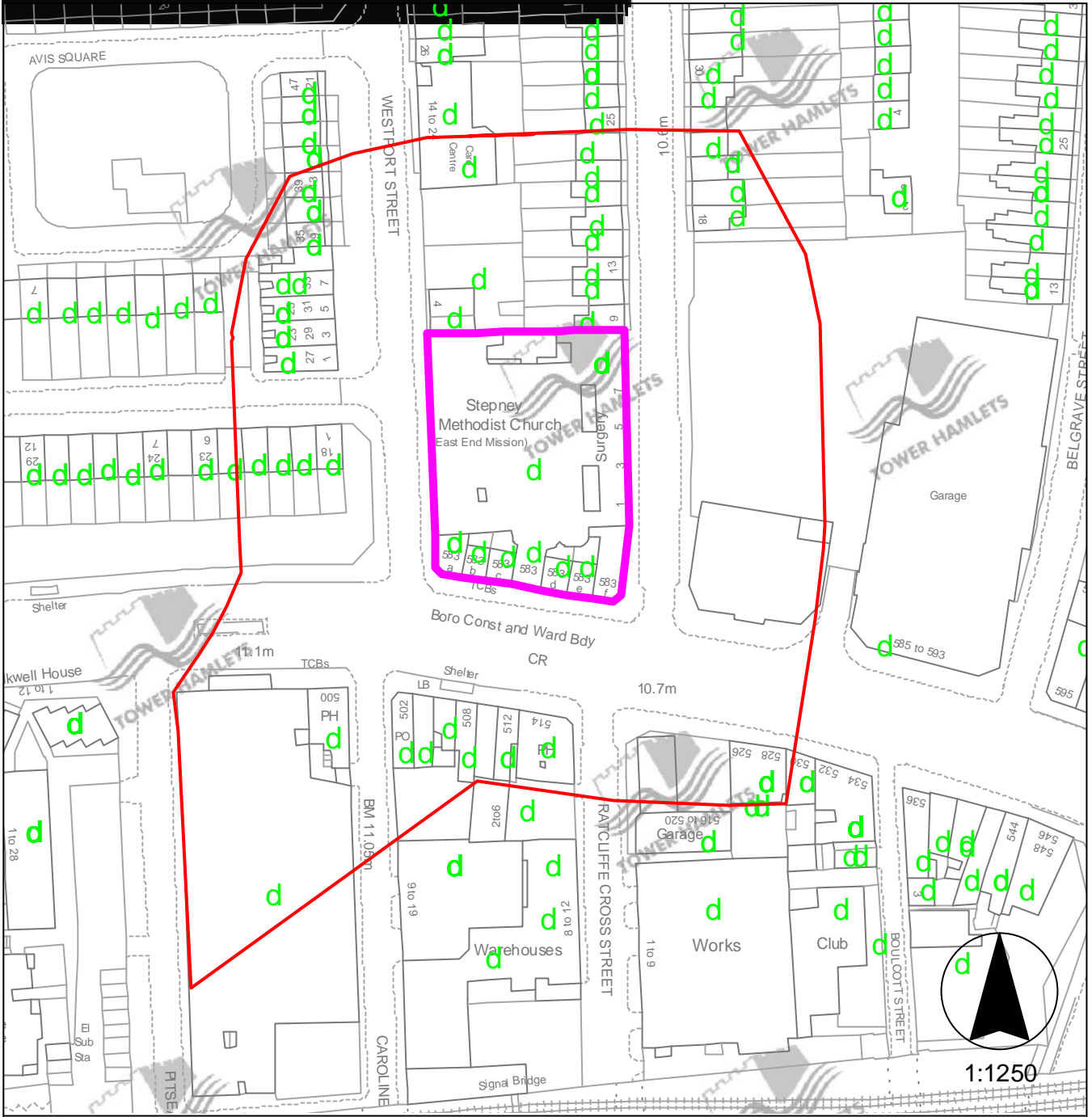
Planning Obligations

- 6.29 In regards to Planning Obligations, the Council can generally require contributions for residential development on affordable housing, education, highways and public realm improvements, health, and community and social facilities. The agents have submitted a number of viability reports (Toolkit) to the Council as part of their application. In response to this and in light of the previous approval, the Council has accepted their provision of affordable housing (refer to discussions above). It is considered that the overall affordable housing provision an improvement to the previous scheme. If the Council were in this instance to pursue additional S106 contributions (in addition to affordable housing), it could potentially render the site un-viable. Therefore, it is considered that the affordable housing to be an appropriate planning obligation in this instance.

7. SUMMARY

- 7.1 The application proposes a mixed-use scheme comprising of retail and community uses at the ground and basement levels, 104 residential units and 104 bicycle parking spaces. A total of 26 affordable housing units are also proposed.
- 7.2 The proposal has been assessed against the Council's Adopted and Draft UDP, where it has been determined that the application accords with policies relating to affordable housing, urban design and conservation, amenity, density and safety and security.
- 7.3 It is therefore considered in light of the analysis of the proposal as discussed in Section 6 that the Council supports the proposal and the Committee would have been minded to grant planning consent as recommended in Section 2 of this report.

Site Map



Legend

- Planning Application Site Boundary
- Consultation Area
- d 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. London Borough of Tower Hamlets LA086568

EAST END MISSION, 583 COMMERCIAL ROAD, LONDON, E1 0HJ

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Agenda Item 5.5

Committee: Development Committee	Date: 30 th November 2005	Classification: Unrestricted	Report Number: DC031/056	Agenda Item Number: 5.5
Report of: Director of Development and Renewal Case Officer: Noel Serrano		Title: Town Planning Application Location: 5-10 CORBRIDGE CRESCENT, LONDON, E2 Ward: Bethnal Green North		

1. SUMMARY

1.1 Registration Details

Reference No: PA/04/00640

Date Received: 30/04/2004

Last Amended Date: 05/09/2005

Drawing Numbers for Decision

2702/P/100, 101, 102, 103, 104, 105, 106, 107 & 108.

1.2 Application Details

Existing Use:

Vacant (previous printing works has been demolished)

Proposal:

Demolition of existing buildings and the redevelopment of the site to provide a nine storey building comprising Class B1 (business) accommodation on the ground floor, and 72 self-contained flats on the upper floors.

Applicant:

HBC Investments Ltd

Ownership:

Private

Historic Building:

N/A

Conservation Area:

N/A

2. RECOMMENDATION:

2.1 That the Development Committee considers the amendments now being proposed to the proposals for this site, as summarised in Section 4 of this report, and agrees to **GRANT** planning permission for the amendments subject to a Section 106 legal agreement to secure:-

1. Affordable housing in line with Policy HSG3 of the Adopted UDP, and Policy HSG4 of the First Deposit Draft UDP.
2. Car-free agreement
3. Financial contribution of £108,000 for environmental improvement works within the immediate vicinity of the site (to include works to the canal/towpath, repaving/highways works, and any changes deemed necessary to on-street parking restrictions within the vicinity of the site).

2.2 **GRANT** planning permission subject to the following conditions:-

1. Five year time limit
2. Reserved matters:- (i) details (samples) of external materials; (ii) lighting to all external areas; (iii) balconies; (iv) shopfront details (to scale 1:20).

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

3. Construction works restricted to between 8.00 am to 18.00 pm on Mondays to Fridays and 8am to 1pm on Saturdays only, and not on Sundays or Public Holidays. Any driven piling shall only occur between 10am and 4pm Mondays to Fridays.
4. Archaeological access to be provided for investigation.
5. Site investigation regarding any possible soil contamination to be carried out and any remedial works to be agreed in writing by the Council.
7. No doors to open over or across the public highway.
8. Details of cycle facilities, which are to be provided before the flats are occupied.
9. Details of scheme of opaque glazing for the rear external staircases to be approved in writing, and shall (i) be fitted before the occupation of any of the flats; (ii) be permanently fixed so that the windows do not open, and (iii) thereafter be permanently retained occupied.
10. Details of sound insulation/noise attenuation measures, including for windows to be submitted.
11. Details of surface water drainage works to be submitted and approved before works are carried out on site.
12. No solid matter shall be stored within 10m of the banks of the canal during construction works.

3. **BACKGROUND**

- 3.1 On **13th December 2004** the Development Committee considered the report that is attached as Appendix A, and resolved to approve the submitted proposals for the site, subject to the planning obligations and conditions set out in paragraphs 2.1 and 2.2 of the attached report.
- 3.2 The progress of the Section 106 legal agreement has been held in abeyance by the applicant, who has been involved in discussions to dispose of the site to Genesis Housing Association. Further to these negotiations, a request was made on behalf of Genesis Housing Association to substitute amendments to the proposed scheme to reflect the mix and type of units which the housing association require. The applicant was advised that because of the extent of the changes being made, the application would have to be reported back to the Development Committee.
- 3.3 This report seeks to inform Members of the Development Committee of the nature of the proposed changes, and to obtain the Members' agreement to substitute the amendments in place of those previously considered by the committee.

4. **PROPOSED AMENDMENTS TO THE APPLICATION SCHEME**

The December 2004 Scheme

- 4.1 The proposals considered by the Development Committee on 13th December 2004, comprised the redevelopment of the site to provide a nine storey building providing five Class B1 (business) units on the ground floor (totalling approximately 703m² floorspace), and 72 no. self-contained flats on the upper floors comprising the following dwelling mix:-
 - * 6 no. studio flats (8%)
 - * 20 no. one bedroom units (28%)
 - * 35 no. two bedroom units (48%)
 - * 11 no. three bedroom units (15%)
- 4.2 The affordable housing contribution, of 22 no. units, comprised a mix of 12 no. one bedroom

units (54.5%), 6 no. two bedroom flats (27.3%), and 4 no. three bedroom flats 18%). This provision represented 30.5% of the total number of units provided, 30% of the habitable rooms and 30% of the residential floorspace. However, prior to the Development Committee's consideration of the application, the applicant agreed to increase the level of provision to 35% of the total number of units.

Proposed amendments

- 4.3 As explained above, amendments are now being proposed to reflect the mix and type of units that Genesis Housing Association require. The changes largely relate to the internal layout of the proposed Class B1/residential accommodation, and for the most part the 'envelope' of the proposed development remains unchanged. For example, the number of internal staircase cores providing access to the upper floors has been reduced, which has resulted in changes to the design and appearance of the rear elevation. The height of the proposed development remains unchanged.
- 4.4 The Class B1 (business) accommodation now provides one single unit, totalling 700m² floor space. Various (minor) changes have been made to the layout of the ground floor in terms of the cycle storage areas, the refuse storage facilities, and there are now two entrance lobbies for the residential accommodation (previously there were four).
- 4.5 The main changes have been in relation to the proposed residential accommodation, which now comprises:-
- * 23 no. one bedroom units (31%)
 - * 30 no. two bedroom units (42%)
 - * 19 no. three bedroom units (26.4%)
- 4.6 The accommodation is also now to be 100% 'affordable' in the form of 'rented' and 'shared-ownership', with 22 no. of the total number of units being 'rented', comprising a mix of 5 no. one bedroom units (23%), 6 no. two bedroom flats (27.3%), and 11 no. three bedroom flats (50%). This level of provision represents 30.6% of the total number of units, 34% of the total number of habitable rooms, and 33.6% of the residential floorspace.
- 4.7 There are no objections to the amended layouts for the flats. Each unit provides an acceptable level and standard of accommodation, taking into account the Council's minimum floorspace guidelines. The revised affordable housing proposals are also considered to be acceptable, bearing in mind that the number of three bedroom units has increased (from 4 no. to 11 no.). The Committee will also note that the proportion being provided as 'rented' accommodation has also increased in comparison to the previous scheme – 17 no. of the units would have been provided as 'rented' affordable accommodation, based on the 80:20 split between that provided as 'rented' (80%) and that provide as 'intermediate/shared-ownership' accommodation (20%).
- 4.8 The revised scheme also retains a number of key features, e.g. each of the flats would have access to an external balcony, the units on the seventh floor have access to an external terrace, and a communal amenity area is being provided on the rear part of the first floor.

Design

- 4.9 The external appearance of the development has been amended, but the design approach is in keeping with that of the previous scheme. The changes being proposed to the elevational treatment are considered acceptable.

SUMMARY

- 5.1 The proposed amendments to the application scheme are largely internal, and as such they would not result in any harm to the amenities of local/adjoining residents. The changes are supported as they would result in the productive and beneficial use of this 'brown-field' site, and retain employment generating uses for the site. There are no planning objections to the proposed amendments.

APPENDIX A

Committee: Development Committee	Date:	Classification: Unrestricted	Report Number:	Agenda Item No: Appendix
Report of: Corporate Director of Development and Renewal		Title: Town Planning Application		
Case Officer: Noel Serrano		Location: 5-10 CORBRIDGE CRESCENT, LONDON, E2		
		Ward: Bethnal Green North		

1. SUMMARY

1.1 Registration Details

Reference No: PA/04/00640

Date Received: 30/04/2004

Last Amended Date: 27/10/2004

Drawing Numbers for Decision

101, 202A, 300B, 301A & 400, 401, 402, 403, 404 & 405.

1.2 Application Details

Existing Use:

Vacant (printing works - Class B2)

Proposal:

Demolition of existing buildings and the redevelopment of the site to provide a nine storey building comprising five Class B1 (business) units on the ground floor, and 72 self-contained flats on the upper floors.

Applicant:

HBC Investments Ltd

Ownership:

Private

Historic Building:

N/A

Conservation Area:

N/A

2. RECOMMENDATION:

2.1 GRANT planning permission subject to a Section 106/278 legal agreement to secure:-

1. Car-free agreement.
2. Repaving/highways works; and any changes deemed necessary to on-street parking restrictions within the vicinity of the site.
3. Environmental works to areas adjoining the site, including to the canal/towpath, in line with an agreed specification of works (and to value of at least £108,000).

2.2 GRANT planning permission subject to the following conditions:-

1. Five year time limit
2. Reserved matters:- (i) details (samples) of external materials; (ii) lighting to all external areas; (iii) balconies; (iv) shopfront details (to scale 1:20).
3. Construction works restricted to between 8.00 am to 18.00 pm on Mondays to Fridays and 8am to 1pm on Saturdays only, and not on Sundays or Public Holidays. Any driven piling shall only occur between 10am and 4pm Mondays to Fridays.
4. Archaeological access to be provided for investigation.
5. Site investigation regarding any possible soil contamination to be carried out and any remedial works to be agreed in writing by the Council.
7. No doors to open over or across the public highway.

8. Details of cycle facilities, which are to be provided before the flats are occupied.
9. Details of scheme of opaque glazing for the rear external staircases to be approved in writing, and shall (i) be fitted before the occupation of any of the flats; (ii) be permanently fixed so that the windows do not open, and (iii) thereafter be permanently retained.e occupied.
10. Details of sound insulation/noise attenuation measures, including for windows to be submitted.
11. Details of surface water drainage works to be submitted and approved before works are carried out on site.
12. No solid matter shall be stored within 10m of the banks of the canal during construction works.

3. BACKGROUND

- 3.1 In **September 2001**, planning permission was granted for the retention of the existing printing works on the ground floor, and the erection of two/three additional storeys to create eight live/work units. This permission was never implemented.
- 3.2 In **December 2002**, planning permission was granted for the demolition of the existing building, and the erection of a new part four, part five storey building providing three Class B1 units and 10 live/work units on the upper floors. This permission has also not been implemented.
- 3.3 In **August 1988**, planning permission was refused for the rehabilitation of mooring space to accommodate two Regents Dumb Lighters converted for use as a restaurant/wine bar/brasserie.
- 3.4 In **September 2004**, an application for the redevelopment of Nos. 5-6 Corbridge Crescent, was approved under delegated authority, to provide a five storey building comprising Class B1 use on the ground floor, and 14no. flats on the upper floors. The approval is subject to a Section 106 legal agreement to secure (i) a car-free agreement, (ii) repaving/highways works, and (iii) a financial contribution of £21,000 towards environmental improvement works along Canal/towpath. The legal agreement has not yet been signed.

Other relevant decisions/applications

- 3.5 In **March 2000**, planning permission was granted for the redevelopment of the former Council depot site in **Marion Square/Ada Place**, to provide a 2no. six storey buildings, and a three storey building, comprising 50 residential units (40 flats and 6 houses) and 300m² of commercial/workspace.

4. PLANNING POLICY FRAMEWORK

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

- | | | |
|------|----------|--|
| (1) | DEV1 & 2 | General design and environmental requirements. |
| (2) | DEV3 | Mixed use development |
| (3) | DEV4 | Planning obligations. |
| (4) | DEV41-43 | Archaeology |
| (5) | DEV46-48 | New development proposals adjacent to canals |
| (6) | DEV50 | Development and noise. |
| (7) | DEV51 | Contaminated land. |
| (8) | EMP2 | Protection of employment floorspace |
| (9) | HSG1 | Strategic housing target |
| (10) | HSG2 | Location of new housing |
| (11) | HSG3 | Affordable Housing. |

- (12) HSG7 & 8 Dwelling mix/type and dwellings to mobility standards
- (13) HSG9-10 Housing Density
- (14) HSG13 Internal space standards
- (15) HSG15 Residential Amenity
- (16) HSG16 Amenity space.
- (17) T15& T16 New development and traffic impact
- (18) T17 Parking and servicing standards
- (19) Planning Standard No. 5 (parking standards)
- (20) Supplementary Planning Guidance (residential space)

4.2 The following New Unitary Development Plan 1st Deposit Draft **policies** are applicable to this application:

- (1) SP1 Promote job creation
- (2) SP4 Strategic housing target
- (3) SP5 Affordable housing target
- (4) SP10 Reducing the Need to Travel
- (5) SP11 Sustainable Transport and inclusive development & SP12
- (6) SP13 Urban Design
- (7) SP15 Safety in the Community
- (8) EMP1 Promoting economic growth and employment opportunities
- (9) EMP10 Redevelopment of employment sites
- (10) HSG1 Strategic Housing Target
- (11) HSG2 New Housing Developments
- (12) HSG4 Affordable housing target
- (13) HSG5 Affordable housing ratio and mix
- (14) HSG7 Retention of affordable housing
- (15) HSG8 Dwelling mix and type
- (16) HSG9 Housing density
- (17) HSG10 Lifetime homes and wheelchair/mobility housing
- (18) HSG12 Amenity space
- (19) TRN1 Transport and Development
- (20) TRN5 The Road Network
- (21) TRN6 Parking and Servicing
- (22) TRN11 Bicycle Facilities
- (23) UD1 Scale and Density
- (24) UD2 Architectural Quality
- (25) UD5 Safety and Security
- (26) UD11 Landscaping
- (27) ENV1 Amenity
- (28) ENV5 Disturbance during demolition and construction
- (29) ENV6 Sustainable construction materials
- (30) ENV8 Energy efficiency
- (31) ENV9 Development of contaminated land
- (32) ENV11 Waste Disposal and Recycling Facilities
- (33) ENV22 Waterside walkways
- (34) IM1 Planning agreements
- (35) Planning Standard No. 2 – Density Standards
- (36) Planning Standard No. 3 – Lifetime homes and wheelchair/mobility housing
- (37) Planning Standard No. 7 – Parking Standards
- (38) Planning Standard No. 11 – Noise
- (39) Planning Standard No. 12 – Recycling Facilities

4.3 The Corbridge Crescent/Oval area has been identified in Schedule A of the Deposit Draft UDP, as an area requiring the preparation of a development brief for a mix of B1, residential, retail, A3 and social uses.

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

- (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.

5. CONSULTATION

5.1 The following comments have been received in relation to the application:-

- (1) **Highways Development:** Any general redevelopment in the Oval area should be conditioned for upgrading the footways and possibly the granite sett carriageway.

Highways Development are of the view that the concerns raised by the owners of No. 3 Corbridge Crescent are not justified; because of the narrowness of Corbridge Crescent obstructions could occur now but they do not, because vehicles causing an obstruction would be towed away by the Police. Furthermore, the proposed development will be subject to a 'car-free' legal agreement, so the *"risk of this sort of parking would be diminished"*.

Highways Development are also opposed to reopening Corbridge Crescent at the junction with Cambridge Heath Road, on safety grounds, as it would increase the likelihood of accidents here, and would create a 'rat run' from Hackney Road.

- (2) **Environmental Health:** Some noise disturbance may be caused by adjoining commercial and light industrial premises in the area, apart from that, traffic noise levels are generally low. Adequate sound insulation must be provided to protect habitable rooms against external noise (details to be approved by Environmental Health); construction and demolition hours of work and noise levels to be agreed with Environmental Health; the development must comply with their statutory requirements and those under the Building Regulations.

A condition should be imposed requiring a site investigation report to identify the extent of any possible contamination on the site, and also to include proposals for any necessary remedial works to contain, treat or remove any contamination; any required/approved measures must be carried out before the site is occupied.

Environmental Health have also confirmed that they are satisfied with the daylight/sunlight assessment methodology employed by the applicant, i.e. the application of the 'average daylight factor' test.

- (3) **Environment Agency:** Have no objections in principle, provided the following planning conditions are imposed (i) during construction works, no solid matter shall be stored within 10m of the banks of the canal; and (ii) a detailed site investigation is carried out to assess the degree of any soil contamination. They also request that an informative is attached advising the applicant of the need to ensure that any waste generated on the site is stored in a safe and secure manner.
- (4) **Urban Design:** No objections to the proposed development, and in particular the overall scale, bearing in mind the height of the gasworks (equivalent to 12 storeys) which forms the backdrop to the development. Suggested various amendments to improve the elevational treatment of the building, and these were passed onto the scheme architect (and have for most part been incorporated into their amendments to the scheme).
- (5) **British Waterways:** Have no objections to the change of use, nor to the height, bulk, massing or design of the proposed scheme. The proposal represents an opportunity to regenerate the area, and enhance the public's appreciation and use of the waterways. They are requesting a financial contribution via Section 106 agreement to secure (i) the preparation of a waterside design strategy for this part of the canal (from Corbridge Crescent to Goldsmith's Row); and (ii) the provision of environmental improvements along the Canal/towpath. They estimate that cost of the above will be around £80,300 (the study will cost between £10-15,000, and the improvement/landscaping works approx. £65,300).

They have also requested that an informative be attached to any planning permission issued, advising the developer that (a) any discharge of surface water into the waterways will require British Waterway's written permission; (ii) any works adjacent to the waterways must comply with their code of construction; and (iii) any closures of the towpath during construction must be agreed with British Waterways.

- (6) **London Borough of Hackney:** Have concerns about the “*excessive height and bulk of the proposed development*”, and feel that the “design would have an adverse impact on the character of the Regent Canal, which is considered an Area of Special Landscape Character in the Hackney Unitary Development Plan 1995”. They also feel that the development is contrary to the London Canals Committee Guidelines.

5.2 Responses from neighbours were as follows:

No. Responses: 3 In Favour: 0 Against: 2 Petition: 0

5.3 Representations have been received from the owner-occupiers of **Nos. 38/40 The Oval**. They feel that the proposal is an over-development of the site, and is unrepresentative of the scale of buildings in the vicinity of the site. The development will also lead to a substantial increase in vehicle movements (from residents' vehicles and deliveries to the proposed commercial units), and will therefore exacerbate existing parking/traffic congestion. They are also concerned that (i) the introduction of residential accommodation could prejudice the continued use of their business, from complaints from future residents; (ii) that access to their yard for deliveries, etc could be hindered by additional parking congestion; (iii) construction/demolition works could cause a nuisance and disrupt their business; and (iv) the development could prejudice the redevelopment potential of their site.

5.4 Representations have been received on behalf of the owner-occupiers of **No. 3 Corbridge Crescent ('Empress Coaches Limited')**. They have no in principle objections to the proposals, but they are concerned that the proposed development does not jeopardise the day-to-day operation of their business. Specifically, their concerns relate to the possible obstruction of Corbridge Crescent by construction or residents' vehicles (bearing in mind that this part of the highway is one-way, and they need to have uninterrupted 24 hour access for coaches returning to their site). They are therefore suggesting (i) that 'double-yellow' lines are introduced along the length of Corbridge Crescent and the Oval; and (ii) the removal of the barrier preventing access from the eastern part of Corbridge Crescent onto Cambridge Heath Road, so that their coaches do not have to pass through The Oval. They are also concerned that the development should not prejudice the redevelopment potential of their site, as they are intending to submit an application for the site – they are seeking to ensure that the building is either set-back or measures are introduced to ensure that there is no direct over-looking of their site.

5.5 Representations have also been received (in relation to both the original scheme, and following amendments to the scheme) on behalf of the owner/occupier(s) of **Nos. 43 & 59 Andrews Road**, stating that whilst a mixed-use scheme is generally acceptable, they object to the submitted proposals for the following reasons:-

- * the application is contrary to housing policy – the environment is unsuitable; insufficient amenity space has been provided, particularly for families; and the proposed affordable housing falls below the London Plan (50%) provision.
- * the development would adversely affect living conditions of nearby residents – the height of the building and the provision of balconies will result in direct over-looking, and would thus have an adverse affect on privacy.
- * the development would adversely affects daylight/sunlight to nearby residents – they also state that the applicant's daylight/sunlight asesment has not been carried out in accordance with the 'Building Research Establishments' (BRE) guidelines, as the assessment fails to assess the daylight distribution within No. 53 Andrews Road.
- * the scheme represents an over intensive use of the site – the proposed density exceeds the Council's UDP maximum, and the guidelines set out in

the London Plan; and the site lies more than 100m from Cambridge Heath railway station.

- * the proposal is contrary to employment policy – the scheme does not provide a reasonable density of employment.
- * there is insufficient provision off-street parking/servicing – a ‘car-free’ scheme will create further parking pressures in the area.
- * the effect on Regents Canal (a site of Nature Conservation Importance) – the development will create a shadow across the canal, and thus have a significant detrimental effect on the ecology of the canal (contrary to Policy DEV26); a full investigation of the ecology of the canal should be undertaken.
- * the design/scale is inappropriate – the height would be incongruous with surrounding buildings, and would also impinge on the streetscape, particularly views through to Canary Wharf and the City of London; the development will also create a barrier to public access to the canal.
- * the development would create a precedent for similar schemes.

5.6 At the time of drafting this report no further responses have been received. Any comments subsequently received will be reported orally to the Development Committee.

6. ANALYSIS

- 6.1 The application site comprises two single storey buildings that adjoin the southside towpath of the Regents Canal, along the southside of Corbridge Crescent by its junction with The Oval (west side). Nos. 5/6 is currently vacant but was until very recently used as a printers, and Nos. 7/10 Corbridge Crescent, is a slightly taller single storey building, that was also previously used as a printers, but is also currently vacant.
- 6.2 Adjoining the application site to the west are the Pritchards Road gas works site, that is still, it seems, partially in use. Adjoining the application site to the south is Nos. 38/40 The Oval, a site that comprises a two storey building (and service yard), that is used as a printers. Opposite the site to the east, is ‘Nos. 4/4A The Cottages’ (Corbridge Crescent), a vacant three storey building that was previously used for industrial/printing purposes.
- 6.3 Directly opposite the site, on the northside of the Regents Canal, within the London Borough of Hackney, are Nos. 47-53 Andrews Road, a group of four storey properties that are used for a mix of commercial and live/work purposes. The wider Corbridge Crescent/Oval area is overwhelmingly commercial in character.

The proposed scheme

- 6.4 The application proposes the demolition of the existing building, and redevelopment of the site to provide a nine storey building comprising five Class B1 (business) units on the ground floor, and 72 self-contained flats on the upper floors (comprising 6no. studio flats, 20no. one bedroom units, 35no. two bedroom, and 11no. three bedroom units). The average size of the Class B1 units would be approximately 140m². Three of the units incorporate the possibility of providing internal loading bays.

Land use considerations

- 6.5 The application would involve a reduction in the amount of commercial floorspace provided on the site, resulting from the need to incorporate the entrance lobbies and staircases/lifts to the upper floors, and the refuse and cycle storage facilities. However, the resultant loss of floorspace is not considered sufficient in this instance to warrant a refusal of the application, as the scheme provides the (resultant) maximum possible use of the ground floor for employment generating purposes. The accommodation being proposed would also be suitable for small and medium size businesses. The Committee will note that the residential accommodation on the upper floors does not involve the loss of existing employment

generating floorspace. The application is therefore considered to be consistent with the objectives underpinning UDP Policy EMP2. In addition, the scheme is in line with Central Government's policy (and that of the London Plan) of encouraging the re-use of under utilised 'brownfield' sites for housing/mixed use purposes.

- 6.6 The service yard to the adjoining property at Nos. 38/40 The Oval, provides a degree of separation between the proposed flats and the adjoining commercial building. The activities within the adjoining property would not therefore prejudice the provision of an acceptable residential environment for the prospective residential occupiers, particularly if sufficient sound insulation is provided. In addition, and for these reasons, I do not feel that the introduction of a residential use would prejudice the continued commercial use of the adjoining sites. The Committee will note that the introduction of residential uses in this locality, has previously been accepted by the Council, albeit as part of live/work accommodation, following the decisions in September 2001 and December 2002 (referred to in paragraphs 3.1 and 3.2). There are therefore no objections to the part use of the site for residential purposes.
- 6.7 No alternative proposals have been submitted to the Council for the future/redevelopment of Nos. 38/40 The Oval, and it would be unreasonable to refuse this application on the basis that the scheme could prejudice proposals that at this stage do not exist. The Development Committee will note that the upper floors of the proposed building have been set-back from the boundary with the adjoining site. A similar arrangement would be sought with any future proposals that are submitted for Nos. 38/40 The Oval. I therefore do not feel that the proposed development would prejudice the redevelopment potential of the adjoining site.
- 6.8 Preliminary proposals have been discussed concerning the possible future redevelopment of the 'Empress Coaches' site (No. 3 Corbridge Crescent), but these discussions have not progressed beyond very preliminary/concept sketches. The current application scheme extends to the back-edge of the existing pavement, but I do not feel that it would result in a prejudicial relationship with the adjoining site, and therefore I do not feel that the development would prejudice the redevelopment potential of the adjoining site.
- 6.9 The proposed residential units each exceed the Council's minimum floorspace guidelines, and the proposed layouts and mix of units is acceptable, given the character of the area. Only seven of the proposed units would have single facing aspects.
- 6.10 Each of the proposed flats would have access to an external balcony, whilst the units on the seventh floor would have an access to an external terrace, and 7no. of the first floor units would have access to an external area, in addition to their external balconies. A communal amenity area is also being proposed on the rear part of the first floor. The level of external amenity space being proposed is acceptable, bearing in mind the constraints of the site, and the fact that the site adjoins Regents Canal.

Affordable Housing

- 6.11 The affordable units would comprise of 12no. one bedroom units, 6no. two bedroom flats and 4no. three bedroom flats, which represents 30.5% of the total number of units provided, 30% of the habitable rooms and 30% of the residential floorspace. The affordable provision has been increased from the original application submission, which was at the time 25% of the units, in line with Policy HSG3 of the Adopted UDP. The proposed levels of provision are considered acceptable given the current transition period from adopted policy of 25% to the emerging draft policy of 35%.

Scale/design

- 6.12 The design approach adopted for the site is acceptable, bearing in mind the amendments that have been made to the elevational treatment of the proposed building, and in view of the variety of building forms/architecture that exists in the locality, none of which are of any special architectural merit.
- 6.13 The proposed nine storey height is considered to be acceptable, given the canal-side setting of the site, and moreover, that the local context is dominated physically and visually by the Pritchards Road gasholders which directly adjoin the west of the site, and whose height/scale

is closer to 12 storeys in height. The proposed height needs to be also considered in the context of the six storey heights of Imperial Wharf and Alexander Wharf, two blocks of flats situated in Darwen Place, which also front onto Regents Canal, and which are less than 100m to the west of the application site.

- 6.14 In support of the application, the applicant has undertaken a daylight/sunlight assessment study. The study has been carried out in accordance with the methodology and advice set out in the 'Building Research Establishment's' (BRE) guidance report, "*Site Layout Planning For Daylight and Sunlight*". In summary, the BRE report sets out numerical guidelines on how to assess the impact of development proposals in terms of daylight and sunlight, by seeking to compare existing daylight and sunlighting conditions, with the degree of change that would occur as a result of a development proposal. The BRE report states that provided the loss of daylight or sunlight is kept above minimum percentage values and changes, then the occupants of adjoining buildings are not likely to notice the change in daylighting or sunlighting conditions.
- 6.15 The methodology employed as part of the assessment is considered to be consistent with the guidelines set out in the BRE, which ultimately seek to ensure that the interior daylighting conditions of an adjoining building will not be so severely affected as to be harmful to the living conditions of the occupiers of the affected properties. The Development Committee will note that Environmental Health have no objections to the approach adopted for the assessment.
- 6.16 The applicant's daylight/sunlight impact study has been carefully considered, and the approach adopted for the assessment is in line with the methodology and guidance set out in the BRE report. The daylight/sunlight assessment demonstrates that there is some impact on the amount of light to some of the occupants of Nos. 47-53 Andrews Road, in particular the ground floor occupier of No. 53 Andrews Road. However, the impact is not so severe as to result in a serious deterioration of the daylight currently enjoyed by adjoining occupiers, bearing in mind the separation distance with the application site, and that the majority of the properties are used for live/work and commercial purposes. The separation distance with the Andrews Road properties (22m-30m) is also sufficient to ensure that the provision of windows and balconies would not have an adverse impact on the privacy of those occupiers.
- 6.17 The proposed development would result in a plot ratio (7:1) that substantially exceeds the (2:1) maximum set out in the Adopted UDP. However, in this instance a high plot ratio is an acceptable consequence of officers' design-led assessment, which has sought in the first instance, to establish an appropriate 'landmark' scale of development for this locality. The UDP plot ratio standard is not an absolute maximum, but rather it provides a general indicator of the intensity of development that may be suitable for a site. The Development Committee will note that Planning Standard No. 1 (Plot Ratio) of the Adopted UDP specifically states that the failure to comply with the standards does "*not constitute grounds for refusal of planning permission*". In the case of the current application, there are no objections to the resultant high plot ratio, bearing in mind the absence of any other significant planning/policy failings, and taking into account the circumstances of the site, and the merits of the proposals, i.e. (i) the canal-side setting of the site; (ii) the site is located within an area of good public transport accessibility; (iii) the residential accommodation complies with the Council's minimum floorspace guidelines; (iv) the proposed mix of flats is acceptable; (v) the development makes provision for an acceptable level of external amenity for each flat; (iv) the height of the development is acceptable; and (vi) a high intensity (mixed-use) development is supported by the guidance in PPG3 and PPG13, and the London Plan.
- 6.18 The Development Committee will note the representations from British Waterways, whose responsibilities include a commitment to protect the natural environment of canals and waterways, and they have not raised any objections concerning the impact of the development on the ecology of the canal. In fact, they have specifically stated that they have no objections to the height, bulk or massing of the scheme. The development is therefore complies with the applicable criteria set out in Policy DEV47, in that also:-
- * the development does not involve the loss of buildings that are of local architectural or historic interest.
 - * the scheme does not involve the loss of any historically important artifacts or features.

- * the proposed scale and form is considered to be appropriate to the character of the canal-side.
- * the development would not infringe or obstruct any designated local views of importance; and neither would it obstruct or remove any existing means of access to the canalside - indeed the requirement for environmental improvements, as suggested by British Waterways, would allow for the possibility of ensuring better and improved access to the canal.
- * the development would not obstruct or remove any existing means of access to the canalside - indeed the requirement for environmental improvements, as suggested by British Waterways, would allow for the possibility of ensuring better and improved access to the canal.

Parking

- 6.19 A 'car-free' scheme is acceptable in this locality, in view of the site's good links to public transport facilities, such as the nearby bus routes operating along Hackney Road and Cambridge Heath Road/Mare Street, and the proximity of the Cambridge Heath mainline railway station. The scheme provides off-street servicing possibilities for the ground floor units, and therefore, particularly if a car-free legal agreement is secured, the development would not add pressure to on-street (business) parking opportunities in the locality, nor hinder access to the service yard of Nos. 38/40 The Oval. There are no objections on traffic/parking grounds.

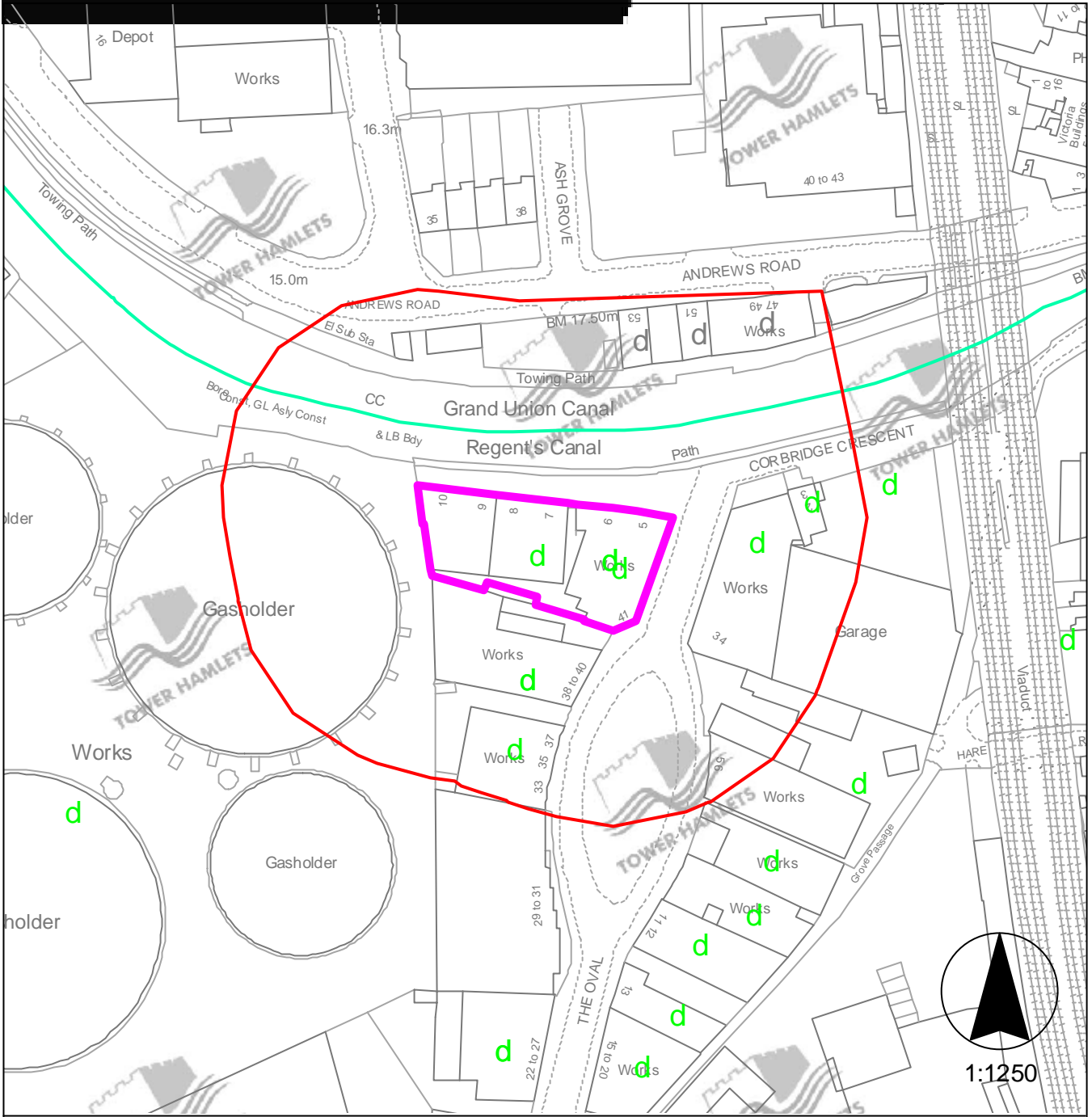
Planning Obligations

- 6.20 The applicants have confirmed that they would have no objections to providing a financial contribution towards environmental improvements along the canal towpath, and within the vicinity of the site. The recommendation for approval is therefore subject to a Section 106 obligation to provide £108,000 (£1,500 per residential unit) towards improvement works, the nature/extent of which would be agreed with British Waterways.

7. SUMMARY

- 7.1 The proposed scheme is supported as it would result in the productive and beneficial use of a previously developed 'brown-field' site, whilst retaining employment generating uses for the site. The proposals would contribute to the regeneration and vitality of the area, whilst significantly improving the visual amenities of the area, without causing serious harm to the amenities of local/adjoining residents. There are no planning objections to the proposals.

Site Map



Legend

- Planning Application Site Boundary
- Consultation Area
- d 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. London Borough of Tower Hamlets LA086568

5-10 CORBRIDGE CRESCENT, LONDON, E2

Agenda Item 5.6

Committee: Development Committee	Date: 30 th November 2005	Classification: Unrestricted	Report Number: DC032/056	Agenda Item Number: 5.6
Report of: Director of Development and Renewal		Title: Town Planning Application		
Case Officer: Renee Goodwin		Location: STOUR WHARF, STOUR ROAD, LONDON, E3 2MT		
		Ward: Bow East		

1. SUMMARY

1.1 Registration Details

Reference No: PA/04/00937

Date Received: 22/06/2004

Last Amended Date: N/A

1.2 Application Details

Existing Use:

Vehicle repair workshop

Proposal:

Demolition of existing vehicle repair buildings and redevelopment by the erection of three buildings (Blocks A, B & C), part 5 and part 6 storeys high to form 64 live-work units and 1126sqm of B1 (Business) accommodation plus 32 parking spaces.

Applicant:

Edgewater (Stratford) Ltd c/ Stock Woolstencroft Architects

Ownership:

Helen Humphreys

Historic Building:

N/A

Conservation Area:

N/A

2. BACKGROUND

2.1 The applicant lodged an appeal on the 8th December 2004, against the non-determination of the planning application at Stour Road, Stour Wharf (PA/04/9337). Consequently, Members cannot direct approval or refusal of the planning application. Instead, the Members of the Development Committee are only allowed to give an indication on what view they may have reached, had they been allowed to make a decision. As such, the Members of the committee are asked to consider the officers 'mined to refuse' recommendation outlined below.

2.2 The appeal is to be heard at an inquiry on the 10th January 2006 (Appeal Ref: APP/E5900/A/04/1169874). At the inquiry, the Planning Inspectorate will consider the planning application taking into account, the case put forward by the Council, the case put forward by the appellant, and the consultation responses received with respect to the application.

2.3 The Planning Inspectorate will determine the outcome of this planning application at the inquiry.

3. 'MINDED TO REFUSE' RECOMMENDATION:

3.1 That the Director of Development and Renewal is instructed to inform the Planning Inspectorate that had the Council been empowered to make a decision on the application, it would have **REFUSED** planning permission for the following reasons:

- 1) The proposed development represents a loss of employment generating uses in the industrial employment location. As such the proposal is contrary to:

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, supporting technical reports, UDP, PPGs.	√	Renee Goodwin Development Control: -020 7364 5338

- (a) Policy EMP1, EMP2, and EMP13 of the London Borough of Tower Hamlets UDP (1998), which seeks to ensure that an adequate supply of land is safeguarded to enhance employment opportunities within the Borough;
 - (b) Policy EMP7 of the First Draft Deposit UDP, which seeks to ensure that composites of business and residential space in the same self-contained unit are resisted;
 - (c) Policy EE2 of the Draft LDF: Preferred Options: Core Strategy and Development Control Development Plan, which seeks to ensure that any development that includes a change of use from B1 and B2 is strongly resisted and any development that is proposed in the vicinity of a Strategic Employment Location that may give rise to pressure to curtail the industrial use is resisted; and
 - (d) Policy 2A.7 of the London Plan, which requires Boroughs to identify Strategic Employment Locations in UDP's; and the Draft Sub Regional Development Framework – East London, which seeks to protect East London's strategic reservoir of land for industrial type activities.
- 2) The proposed non-industrial use would detrimentally affect the continued ability to use this area for industrial uses. The non-industrial may give rise to pressure to curtail the industrial use. As such, the proposal is contrary to:
- (a) Policy EMP5 and EMP13 of the London Borough of Tower Hamlets UDP (1998), which seeks to ensure that incompatible development in the vicinity of existing industrial use is not normally permitted;
 - (b) Policy EMP7 of the First Draft Deposit UDP which states that composites of business and residential space in same self contained unit will be resisted;
 - (c) Policy EE2 and EE5 of the Draft Core Strategy and Development Control Development Plan (CSDCD) which seeks to safeguard the retention, expansion and growth of employment provided by general industrial uses, resist the change of use from B1 and B2 uses, and resist development that may give rise to pressure to curtail the industrial uses.
- 3) The premises would provide sub-standard accommodation due to:
- (a) evidence that suggests that live/work units are being used purely as residential units;
 - (b) the lack of appropriate transport and social (education, health, shopping and open space facilities) infrastructure in the locality expected in an environment where people live; and
 - (c) the amenity problems associated with adjoining industrial uses, such as noise, vibration, dust, odour, fumes, heavy vehicle traffic, safety and security, and hours of operation.
- As such, the non-industrial use is incompatible with the industrial employment location and is therefore contrary to:
- (a) the policies referred to in 2) above;
 - (b) Policy DEV2 of the UDP (1998), which seeks to ensure that amenity of occupiers is protected; and
 - (c) Policy ENV1 of the First Draft Deposit UDP, which seeks to ensure that the development that causes demonstrable harm to the amenity of occupiers or neighbours is not permitted.
- 4) The proposal is contrary to Olympic Precinct OLY1 under the proposals for the new Olympic stadium. Stour Road will be extended across the canal via bridge "R11" to provide access for emergency services to the Olympic precinct during the construction

phase. The bridge will also provide vehicle, pedestrian and cycle access across the Hackney Cut to serve the post Olympic legacy development. Therefore the proposed bridge fundamentally conflicts with the development as proposed. As such the proposed development is considered to be premature and in direct conflict with the planning permission issued for OLY1.

4. APPLICATION BACKGROUND

Location

- 4.1 The site is located within the Fish Island Central Precinct on the south-eastern side of Stour Road at the corner of Bream Street. The site is an arrow-shaped allotment fronting the Hackney Cut and has a total area of 3164sqm. It is currently utilised for a vehicle repair workshop, with access from three points along Stour Road.
- 4.2 The existing buildings are 3-4 storeys in height and are of low architectural quality. Plans of the existing building show two workshops on the ground floor, offices and workshops on the first floors and offices on the second floor. The third floor office occupies only a small space protruding above the roofline. The current gross floorspace of the buildings is approximately 1660sqm.
- 4.3 The Fish Island Central Precinct area comprises a mix of industrial uses that vary in size and a number of regenerated sites comprising predominantly mixed live/work and B1 uses. The heights within the area currently range from 4-8 storeys.
- 4.4 The site is not particularly accessible to public transport, with Hackney Wick Station situated some 500m to the north. A pedestrian bridge at the northern end of Roach Road across the River Lee has been constructed. However, it is at present not accessible. Bus routes in the area are currently limited.
- 4.5 The site is earmarked as part of the scheme for the Olympics, with a bridge proposed over the Hackney Cut to directly affect the site. The proposal is thus contrary to Olympic Precinct OLY1 in accordance with the proposed Olympic Stadium. Stour Road will be extended across the canal via bridge "R11" to provide access for emergency services to the Olympic Precinct during the construction phase. The bridge will provide vehicle, pedestrian and cycle access across the Hackney Cut to serve the post Olympic legacy development. Consequently, the proposed development is considered to be premature and in direct conflict with the planning permission issued for OLY1.

Proposal

- 4.6 The proposal includes the demolition of existing vehicle repair buildings and redevelopment of the site for 64 live/work units and 1126sqm of B1 accommodation. Live/work can be defined as "the provision of segregated living and working accommodation in a single, self-contained unit".
- 4.7 A total of 69 units are proposed across the three buildings on the site, comprising of 64 live/work units and five B1 commercial units. Proposed buildings include three blocks, with Blocks A & C fronting onto Stour Road and Block B fronting onto the Hackney Cut.
- 4.8 Block A comprises 185sqm of B1 business space at ground floor with two live/work units on each level over four storeys, totalling eight units. Each live/work unit is 92.5sqm. The total height proposed is five storeys.
- 4.9 Block B along the Hackney Cut comprises two B1 units of 89sqm and 275sqm at ground floor, these being physically separated by an enclosed area for bicycle storage and a 4m single storey access way from the central courtyard through to the Cut. Above the ground floor, live work units extend over five levels, with five per level on the first four levels and four per level on the upper floor, totalling 24 units. Each live/work unit in Block B is 90sqm. The total height is six storeys.
- 4.10 Block C extends along the main Stour Road frontage and wraps around into Bream Street. Two B1 units of 372sqm and 205sqm are proposed on the ground floor with four levels of

live work units above, including eight on each level, totalling 32 units. Each live/work unit is either 95sqm or 91sqm. The total height is five storeys.

- 4.11 Each unit has a balcony ranging from 3.75sqm for smaller balconies to 20sqm at the roof terrace level. Access to all units is by either lifts or stairs via an access deck.
- 4.12 Vehicular entrance to the site is from Stour Road with a centrally located carpark at grade incorporating 32 spaces. This total number includes three disabled spaces. A total of 48 bicycle spaces are provided, 24 of which are covered (adjacent to the canal access) and 24 are uncovered, with seven motor cycle spaces.

Brief History of the Applications over the Subject Site

- 4.13 There are two 'similar' applications that have been lodged over the subject site, being, PA/04/937 and PA/04/78. The applications sought full planning permission for the following:
Demolition of existing vehicle repair buildings and redevelopment of site by erection of three buildings (Blocks A, B & C) in part 5 and part 6 storey to form 64 live-work units with the addition of 1126sqm of B1 commercial accommodation plus provision of 32 parking spaces.
- 4.14 However, the appealed application (PA/04/937) did not include the following:
- Internal layout amendments necessary to ensure compliance with the Council's draft Live/Work SPG; and
 - Appropriate open space provision.

Both of the above points were key amendments that rendered the scheme (PA/04/78) acceptable enough to be reported to the Development Committee.

- 4.15 A report recommending that the Development Committee grant planning permission was on the agenda for the Development Committee on 15th September 2004. However, the committee meeting ran over time. The report was thus rescheduled for the 6th October 2004 Development Committee meeting.
- 4.16 The report was heard at the committee meeting on 6th October 2004 (agenda item 7.2). At the meeting:

"Members expressed their discontent, that yet another live/ work scheme was being proposed on Fish Island. They wanted clarification of the status of such schemes in terms of the Council's UDP, The Mayor's London Plan and any other Government Guidelines.

Mr Michael Scott (Head of Development and Building Control) suggested that Members might wish to defer consideration of the application to allow for further consideration of proposals for the site.

It was unanimously agreed to defer consideration of the report to allow further consideration of proposals for the site".

Refer to Appendix A for a copy of the case officer's report.

- 4.17 Following the deferral of the application, the applicant lodged an appeal over application (PA/04/937) on 8th December 2004.
- 4.18 On the 3rd November 2004, the case officer entered into pre-application discussions with the applicant to discuss the way forward to enable the applicant to lodge a new application comprising of residential uses within a similar envelope, with commercial use on the ground floor. The last pre-application discussions were held on the 20th May 2005. The Council has not received a revised scheme to date.
- 4.19 However, since the discussions in May 2005, the policy position applicable to the appeal site has changed. The London Plan Draft East London Sub-regional Development Framework

(SRDF) was published for consultation with all stakeholders including the community and voluntary sectors in May 2005. The three month consultation period closed in September 2005. The draft SRDF will be modified to reflect comments and ideas prior to being published in final form. The implications of the Draft SRDF on the appeal site are outlined in 'The London Plan' section of the report below.

5. PLANNING POLICY FRAMEWORK

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

- (1) Archaeological importance or potential
- (2) Flood Protection Areas
- (3) Industrial Employment Areas
- (4) Green Chains

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

- DEV1 Design requirements
- DEV2 Environmental requirements
- DEV3 Mixed Use development
- DEV4 Planning obligations
- DEV12 Landscaping
- DEV46 Protection of Waterways
- DEV47 New Development on Waterways
- DEV48 Waterfront walkways
- DEV51 Contaminated land
- DEV56 Recycling
- DEV66 Green Chains
- EMP1 Encouraging New Employment Uses
- EMP2 Retaining Existing Employment Uses
- EMP5 Development in the vicinity of existing Industrial Use
- EMP8 Small Business
- EMP10 Business Uses
- EMP11 Industrial Employment Areas
- EMP12 Business uses within Industrial areas
- EMP13 Residential uses within Industrial Areas
- HSG9 Density
- HSG16 Amenity
- T17 Standards for parking and vehicular circulation
- U2 Flooding

5.3 The following New Unitary Development Plan 1st Deposit Draft **proposals** are applicable to this application:

- (1) Archaeological importance or potential
- (2) Flood Protection Areas
- (3) Lee Valley Regional Park
- (4) Green Chains
- (5) Mixed Use and Opportunity Site - Central and South Fish Island

5.4 The following New Unitary Development Plan 1st Deposit Draft **policies** are applicable to this application:

- EMP1 Promoting economic growth and employment opportunities
- EMP2 Mixed use development
- EMP4 Office Development
- EMP6 Range of Unit sizes and managed workspaces
- EMP7 Working from home
- TRN6 Parking and servicing
- TRN10 Pedestrian permeability
- TRN11 Bicycle Facilities
- UD1 Scale and density
- UD2 Architectural Quality

UD4 Design Statements and Access Statements
 UD5 Safety and security
 UD11 Landscaping
 UD12 Urban Design, the Blue Ribbon Network and the Thames Policy Area
 ENV1 Amenity
 ENV8 Energy efficiency
 ENV9 Development on Contaminated Land
 ENV11 Waste Disposal and recycling facilities
 ENV16 Enhancement of Biodiversity
 ENV19 Protection of the water environment
 ENV20 Flood Protection
 ENV22 Waterside Walkways
 IM1 Planning Agreements
 LS1 Development nodes
 LS6 Townscape Quality and Character
 LS8 Access
 LS9 Open Space and leisure

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

- (1) A better place for living safely - reduction in crime and improved safety.
- (2) 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.

London Plan

- 5.6 The London Plan, which provides the strategic planning policy framework for London, was adopted on 10 February 2004. The application was thus post the adoption of this plan.
- 5.7 Under the London Plan, the site is within the London Plan Draft East London Sub-regional Development Framework (SRDF), which designates the site as a “Strategic Employment Location” within the Lower Lee Valley Opportunity Area. The SRDF was published for consultation with all stakeholders in May 2005. The three month consultation period closed in September 2005. The draft SRDF will be modified to reflect comments received prior to being published in final form.
- 5.8 The SRDF has thus informed the development of the ‘emerging’ Local Development Framework: Preferred Options: Leaside Area Action Plan.

Local Development Framework: Preferred Options: Leaside Area Action Plan

- 5.9 The London Borough of Tower Hamlets is currently preparing key documents to guide the future development within the Borough to 2016 and beyond. The documents will make up the Local Development Framework (LDF), which replaces the existing 1998 Unitary Development Plan (UDP). The consultation on the preferred options commenced on 30th September 2005. Formal submissions to the consultation can be received from 11th November to 23rd December 2005. From the 23rd December 2005, the LDF will have the same status as the Council’s First Deposit Draft UDP and will be adopted by the Council as a material consideration when determining planning applications.
- 5.10 The LDF documents include the Statement of Community Involvement, the Core Strategy and Development Control policies, and Action Area Plans for three parts of the Borough, the ‘City Fringe’ ‘Isle of Dogs’, and the ‘Leaside’ area. The ‘core strategy’ will set out key elements of the planning framework for the area, including broad locations for the delivery of housing, employment, retail, leisure, community, essential public services and transport development. These documents, together with the Mayor’s London Plan will provide the essential framework for planning in the Borough.
- 5.11 The following LDF ‘Preferred Options’ (Draft Proposals Map: 1st Statutory Consultation, LDF ‘Preferred Options’) **proposals** are applicable to this application:

- (1) Strategic Employment Location
- (2) Strategic Riverside Walkway
- (3) Flood Protection Area
- (4) LBTH Sites of Nature Conservation
- (5) Area Action Plan

5.12 In particular, the following Draft Local Development Framework: Preferred Options: Core Strategy and Development Control Development Plan Document **policies** relate to the land use designation of the appeal site:

- EE2 Strategic Employment Location (SELS)
- EE5 Mixed Use Development
- EE7 Redevelopment/ Change of use of Employment Sites (including office and industrial use)

6. CONSULTATION

6.1 The following were consulted with regard to the application which is under appeal (PA/04/937):

(1) Thames Water

Conditions have been recommended to obtain on site drainage details, water infrastructure plans and anticipated flow rates.

6.2 Comments from consultees for the 'similar' application i.e., PA/04/78 have been included as in many cases; these consultees did not provide additional comments for PA/04/937. The following consultations were received with regard to the 'similar' application (PA/04/78):

(1) Environment Agency

The Environment Agency initially objected to the proposal for the following reasons:

- The site is located within the indicative tidal flood plain of the Thames;
- The development proposed would have a negative impact on the ecology and landscape of the river corridor.

The applicant addressed these concerns in accordance with advice from the Environment Agency. The Environment Agency withdrew their objection and recommended that conditions be imposed.

(2) British Waterways Board

Initially objected to the proposal for the following reasons:

- The proposal will have a detrimental impact on the character of the waterway by virtue of its height, mass and bulk.
- The development fails to respect the Waterway's heritage by failing to respect the design principles of the adjacent warehouse.

The proposal has been reduced in height by one storey, with the floor to ceiling heights amended to relate to the adjacent warehouse building fronting the Hackney Cut. British Waterways has now withdrawn their objection.

(3) English Heritage

English Heritage recommended that the archaeological position be reserved until by attaching a condition to any consent granted.

(4) Environmental Health

Conditions have been recommended for contamination, noise and air quality.

(5) **Head of Highways Development**

Public transport in the area is limited to buses No.8, 339, S2 and a night bus. The site is remote from other residential areas and in an industrial area of declining activity. Under the proposals for the new Olympic stadium, Stour Road is due to be extended across the canal to provide an access route to the stadium. This conflicts with the application. It may be appropriate to modify this application to take account of the Olympic proposals.

(6) **Cleansing Officer**

Where bulk refuse containers are required to be accessed across the public highway, suitable drop kerb crossovers should be provided, constructed by the Council on a rechargeable basis. Storage shown appears adequate.

(7) **Housing Strategy Group**

No comment received

(8) **Access Officer**

No Comment received

(9) **London Development Agency (LDA)**

Part of the northern portion of the application site falls within the red line boundary of the main Olympic Precinct Oly1 application (Ref: PA/04/0001). This area of land to the west of the Hackney Cut is required to deliver road bridge R11, as shown in drawing number LLV/OL/MMA/05/P/100-A. Subject to planning approval, this bridge would be constructed in advance of the Olympic Games phase and would be used to provide access for emergency services to the Olympic Precinct during the Olympic phase. The bridge would also provide vehicular, pedestrian and cycle access across the Hackney Cut to serve the post-Olympic Legacy development.

From the current application plans, the proposed bridge R11 would impact directly on the canal-side soft landscaping, Block B, the landscaped courtyard and the loading area. The requirement to connect the proposed road bridge R11 into the existing highway at Stour Road is also likely to impact on Block A. Essentially, the proposed R11 bridge included within the Oly1 planning application conflicts fundamentally with the development as proposed within the current application.

Given that the application site falls within a Strategic Employment Location in the London Plan as well as an area allocated for employment in the adopted UDP, the London Borough of Tower Hamlets should ensure that the proposed development and in particular the mix of uses are appropriate in terms of the relevant policies in the London Plan and the Mayor's draft Supplementary Planning Guidance on Industrial Capacity as well as taking account of Council policies. In particular the borough should manage the release of employment land, across the borough based upon a detailed strategic and local assessment of supply and demand for employment use in accordance with London Plan Policy 3B.5 and PPG3. This is an important issue also for Sub-regional Development Framework and the co-ordination of release across the Lower Lea as a whole. Such an assessment is relevant to consideration of the application for this site given that the proposals are predominantly for live work units rather than B1, B2 or B8 uses.

(10) **Olympics Joint Planning Authorities Team**

The subject site is within the Olympic application boundary. A bridge across the Hackney Cut is proposed as part of the Olympic application, with its western landing point on the subject site.

6.3 Responses from residents are summarised below:

No. Responses: 3

In Favour: 1

Against: 0

Petition: 0

10 Stour Road

- Sought to confirm the design details on the boundary wall and satisfactory design of refuse stores, lift cores and access decks.

Fish Island Business Club (FIBC)

- Pleased to see that the proposed development retains industrial working space albeit in smaller units than existing.
- Concerned about the low provision of car parking spaces especially as the site is poorly served by public transport.
- FIBC does not object to this development in principle, but believes it displays little architectural merit and does little to complement its surroundings especially along the water frontage.
- FIBC sees a need to enhance the business environment of the island especially for these numerous new small businesses located in the 'live work' units. The Clubs proposing to set-up manage and run a Business Community Centre as the premier business focal point for business and community activity on the Island. The Island at present has no social or business infrastructure of any kind. FIBC request £70,000 of Section 106 money be allocated towards the Fish island FIBC Centre.

Florida Street E2

- Thames Water cannot currently maintain a satisfactory water supply in this area and any additional dwellings will only aggravate the situation.

7. ANALYSIS

7.1 Land Use

Tower Hamlets UDP 1998

- 7.1.1 The current use of the site is for the purposes of a motor vehicle workshop, although the site is also partially vacant. The site is designated "Industrial Employment Area" under the Council's UDP 1998.
- 7.1.2 Policy EMP1 of the UDP encourages employment growth through the re-use of vacant land and derelict buildings. In accordance with Policy EMP2, on sites such as this where the site was last used, for employment generating uses, the Council will oppose development that results in a loss of employment generating uses.
- 7.1.3 The site is currently occupied by a total of 1660sqm of employment (gross) floor space. The proposed office floor space (B1 ground floor commercial units) is 1126sqm. The proposal thus represents a loss of 534sqm of employment floor space on the site with a total area of 3164sqm.
- 7.1.4 The proposal is contrary to Policy EMP5 which states development will not normally be permitted in the vicinity of an existing industrial use where it is felt to be incompatible with that use and may give rise to pressure to curtail the industrial use. Consequently the Council, in assessing planning applications within the vicinity of an existing industrial occupier, will consider whether the particular proposal is likely to be incompatible with the existing industrial activities. The juxtaposition of incompatible uses can cause problems for existing occupiers; this may be the case particularly where residential accommodation is proposed.
- 7.1.5 Policy EMP13 states that within the industrial employment areas shown on the proposals map, residential development will be permitted only where the loss of industrial land is justified, subject to the other policies in the plan. In this instance, the loss of the industrial land has not been justified and is considered inappropriate in accordance with the Industrial Employment area, which seeks to promote and retain employment generating uses.

7.1.6 The proposed development is thus in direct conflict with the relevant policies of the UDP.

Tower Hamlets First Deposit Draft UDP, May 2004

7.1.7 In accordance with the Council's 1st Draft Deposit UDP 2004, the site is designated as "Mixed Use: No. 87: Central and South Fish Island". This includes mixed use development, including residential use. In particular, "LS3" of the Leaside Area Action Framework, states, "*Residential development concentrated alongside the waterways, with commercial and other uses facing inwards and acting as a buffer between the existing industrial uses and new residential uses*".

7.1.8 The First Deposit Draft UDP represents a shift in Council policy away from live/ work. Instead, the new policy intends to support the provision of living and working either through the C3 use class (i.e. working from home) or in mixed use development combining separate but proximate B1 and C3 units.

7.1.9 Policy EMP7 – working from home of the First Draft Deposit UDP, states:

"The Council will permit small scale business uses to operate from a residential premises, provided that:

- a) there would be no detriment to the local environment including the amenity of neighbours;*
- b) there would be continued residential occupation of the residential premises concerned and it will still be used principally as a private residence.*

*Where proposals do meet the requirements of Part 1 above, **composites of business and residential space in the same self contained unit will be resisted**". [my emphasis added]*

The London Plan

7.1.10 Policy 2A.7 of the London Plan requires boroughs to identify Strategic Employment Locations (SELs) in UDP's. The reconciliation and demand and supply of industrial land and the extent of these locations should be refined through SRDFs and specified in UDP's. These locations are to be kept under review to ensure that the right locations are safeguarded in relation to need and utility.

7.1.11 The site is included in the East London sub-region of the London Plan. Paragraph 5.70 notes that within the Lower Lea Valley, the exact boundaries of the SELs will need to be defined through the planning framework for this area to optimise the utility of the industrial offer and release surplus land for mixed use development. Since the publication of the London Plan in February 2004, the GLA has produced the Draft SDRF – East London in May 2005.

7.1.12 The Borough has released a significant amount of industrial employment land for mixed use development. In accordance with the Draft SRDF, the site is designated as a Strategic Employment Location, in order to safeguard East London's strategic reservoir of land for industrial activities.

Draft Sub Regional Development Framework (SRDF) – East London

7.1.13 The site is designated as a Strategic Employment Location (SEL) in the Draft Sub Regional Development Framework – East London. In particular, paragraph 147 of the SRDF states:

"Strategic Employment Locations (SELs) are East London's strategic reservoir of land for industrial type activities... The London Plan anticipates that they should be promoted as the sub region's prime locations for these activities and designated in development plans. [sic] Draft SPG suggests that local guidelines should be produced to manage and enhance the district offers of different types of SEL and that other than as part of a strategically co-ordinated process, development of significant non-business uses within them should be resisted".

LDF: Preferred Options: Leaside Area Action Plan

7.1.14 Since the publication of the Council's 1st Draft Deposit UDP, the Council has included the site in the LDF: Preferred Options: Leaside Area Action Framework, and in particular, the "Fish Island – Safeguarded Industrial Land" designation. The site is designated as "LS3: Fish Island Central: Industry (B2/ B1c/ B8) Mixed Use: Retention as Strategic Employment Location". This reflects the London Plan Draft SRDF.

Previous Policy Position – Land Use

7.1.15 In September 2004, the officer report on the 'similar' scheme (PA/04/78) considered the scheme in light of the UDP as follows:

- Policy EMP2 of the UDP opposes development that will result in a loss of employment generating uses and policy EMP12 aims to encourage B2 and B8 uses within Industrial Employment Areas. Policy EMP 13 states that residential development will only be permitted where the loss of industrial land is justified.
- The 1126sqm of business floorspace (B1) proposed would be less than 50% of the existing employment generating floorspace. However, the live/work units would provide additional employment on the site. There are precedents in the area, set in the last 12 months, with planning permission granted for the redevelopment of former employment sites on Fish Island including Roach Works, Crown Wharf, Crown Wharf Ironworks and 417 Wick Lane.
- Both the live/work and the B1 uses proposed for the site are considered to be consistent with the surrounding uses. The replacement of employment generating floor space is considered to satisfy Council's economic policy EMP2.

Current Policy Position – Land Use

7.1.16 The policy position and the subsequent implications on the appeal site have changed significantly since the lodgement of the appeal on the 8th December 2004. Consequently, the proposed development is inappropriate in land use terms as the proposal conflicts with the London Plan and the Draft SRDF for East London which designates the site as a "Strategic Employment Location" (SEL).

7.1.17 Policy LS2 of the Draft Leaside Area Action Plan states that, "*no loss of employment land will be permitted on sites within Fish Island*". The subject site and the surrounding area (i.e. Fish Island Central) are to be retained as a Strategic Employment Location.

7.1.18 Policy EE2 of Draft Core Strategy and Development Control Development Plan (CSDCD) specifies that in the SEL:

- land will be safeguarded for the retention, expansion, and growth of employment provided by general industrial uses;
- the change of use from B1 and B2 will be strongly resisted; and
- development proposed in the vicinity of an SEL that may give rise to pressure to curtail the industrial use will be resisted.

7.1.19 Further Policy EE5 of the Draft CSDCD states that "*Applications for employment and residential uses in the same self-contained unit will not be supported*". Consequently, the Draft LDF framework does not encourage the development of live/work schemes.

7.1.20 The Borough has released a significant number of employment schemes for the purpose of live work schemes. In accordance with the Draft SRDF, the site is designated as a Strategic Employment Location, in order to safeguard East London's strategic reservoir of land for industrial activities. Tower Hamlets is therefore required to retain the better quality industrial areas in Strategic Employment Locations.

7.2 Advantages and Disadvantages of Live/Work

7.2.1 It was determined in the previous recommendation to the Development Committee that the application (PA/04/78) could comply with the Council's Draft Live/Work SPG.

7.2.2 Live/work development has been permitted on sites within the vicinity of the site as follows:

Roach Works Phase 1 – 57 live/work units
Roach Works Phase 2 – 65 live/work units
Crown Wharf Ironworks – 77 live/work units
Crown Wharf – 86 live/work units
417 Wick Lane – 75 live/work units
Total – 360 live/work units

7.2.3 Evidently, the Council has released a significant number of employment sites for the purpose of live/work schemes on Fish Island. In addition, the Borough has allowed the release of a number of other employment sites in the Borough.

7.2.4 These schemes were permitted in accordance with applicable policy framework in an attempt to regenerate the Fish Island area and transfer some of the then available vacant commercial floorspace (22% vacant floorspace in 2002).

7.2.5 Despite some of the regeneration advantages associated with the promotion of live/work schemes, an analysis of live/ work developments in Tower Hamlets (February 2005) has been undertaken. In summary, the report identified a number of disadvantages as a result of live/work schemes, as follows:

- Evidence suggests that live/work units are being misused as purely residential units;
- Evidence suggests that the live/work designation is being potentially used to evade protective employment policies;
- Evidence suggests that the live/work designation is being potentially used to evade affordable housing obligations;
- The extent to which live/work units make an effective contribution to local regeneration is also unclear as often the appropriate social and/ or transport infrastructure is not provided;
- Many units are priced in line with residential premises, pricing out many potential genuine users and contributing to an increase in local property values;
- There may be amenity problems where live/work developments are adjacent to general industrial (B2) or warehousing (B8) uses;
- Attempts to regulate live/work usage in other Boroughs and in Tower Hamlets have generally proved problematic, not least due to considerable resources issues, and legal problems associated with enforcing usage patterns; and
- Evidently, the Borough has released a significant number of sites for the purpose of live/work schemes.

7.2.6 The above issues represent the key considerations which lie behind the shift in local planning policy framework for live/work, and which are reflected in the First Deposit Draft UDP and the Draft LDF documents.

7.3 Other Planning Issues

7.3.1 The previous case officer determined that the 'similar' application, in terms of height, bulk and scale was acceptable. The provision of a riverside walkway is proposed to link with future development of adjacent sites. Parking provision would accord with the advice of the Council's Highway Department.

7.3.2 Two key amendments were made to the similar scheme (PA/04/78) that rendered the scheme acceptable enough to be reported to the Development Committee. The application as appealed does not include the following key amendments as follows:

- The internal layout; and
- On site open space.

7.3.4 The proposal is thus contrary to the Council's Draft Live/Work SPG as the internal walls that physically separate the live areas from the work areas are not included. In addition, the breakdown on live/ work/ common areas has not been altered. If necessary, this matter could be addressed via a condition.

7.3.5 The on site open space for the similar scheme (PA/04/78) was increased from 60sqm within the courtyard area, increasing the amount of open space per unit from 12sqm to 13sqm. This was not undertaken for the appealed scheme. Despite this, it is considered that the onsite open space requirements for the 'non-family' component of the scheme are met.

8. SUMMARY

8.1 The submitted plans indicate that the development is acceptable in terms of height, bulk and scale.

8.2 However, the proposed loss of employment is contrary to the "Industrial Employment Areas" designation and Policy EMP1 of the UDP (1998), which seeks to promote and retain industrial employment land. This is further supported by the change in policy position. The appeal proposal is contrary to the Strategic Employment Location as identified in the Draft Sub Regional Development Framework – East London and the Council's Draft LDF and in particular the Draft Leaside Area Action Plan.

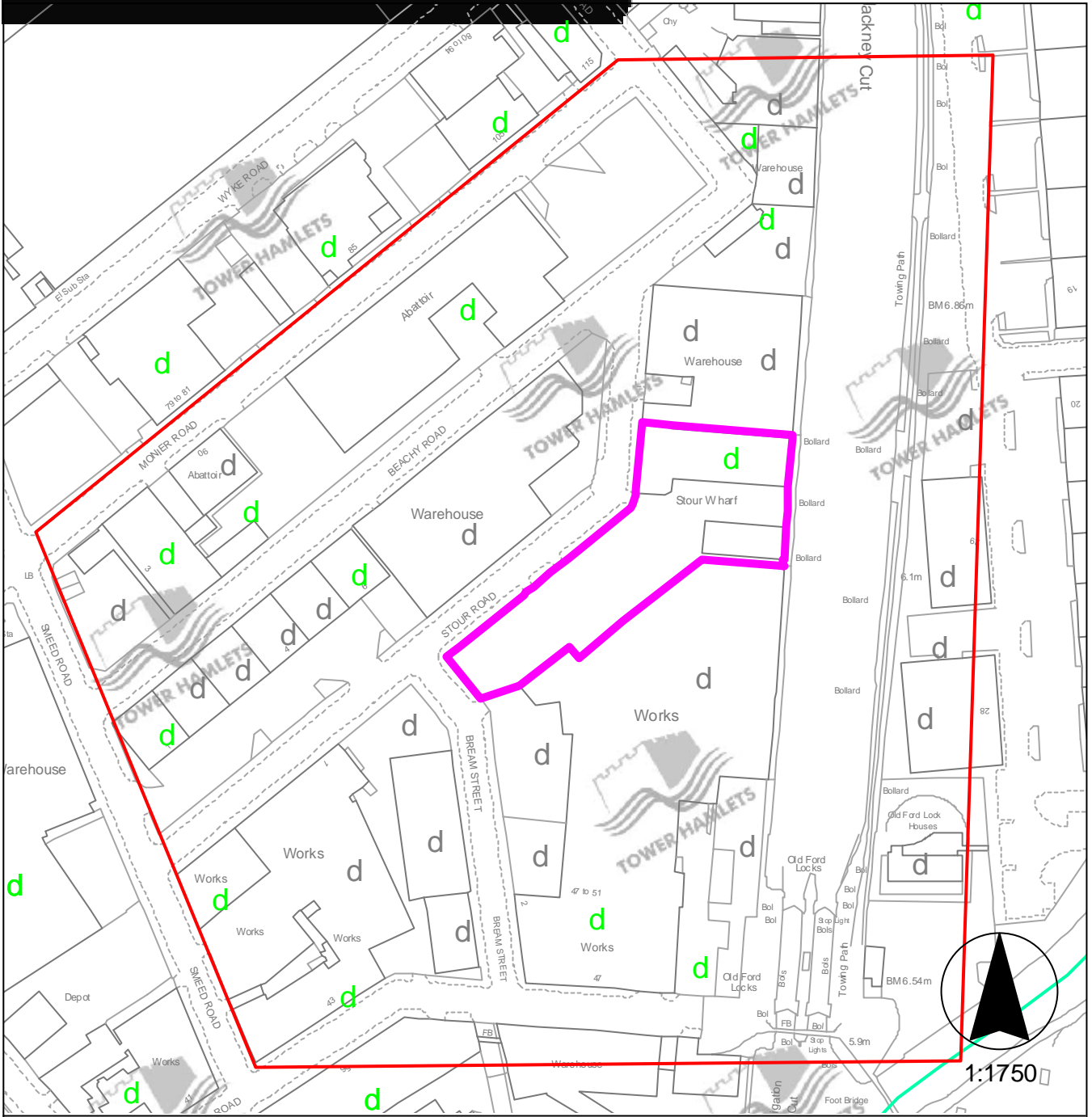
8.3 The disadvantages associated with live/ work schemes represent the considerations which lie behind the shift in local planning policy framework for live/work, and which are reflected in the First Deposit Draft UDP and the Draft LDF documents.

8.4 As identified by the London Development Agency, the proposed bridge R11 conflicts fundamentally with the development as proposed within the current application. The application is thus premature to the implementation of OLY1.

8.5 In addition, the LDA acknowledge that the site falls within a Strategic Employment Location in the London Plan as well as an area allocated for employment in the adopted UDP. In particular the Borough should manage the release of employment land, based upon a detailed strategic and local assessment of supply and demand for employment use.

8.6 The proposal is thus contrary to the policies and objectives of the Council and the objectives of the London Plan. It is thus recommended that the application be refused on the grounds referred to above.

Site Map



Legend

- Planning Application Site Boundary
- Consultation Area
- d 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. London Borough of Tower Hamlets LA086568

STOUR WHARF, STOUR ROAD, LONDON, E3 2MT

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Committee: Development Committee	Date:	Classification: Unrestricted	Report Number:	Agenda Item No: Appendix
Report of: Corporate Director of Development and Renewal		Title: Town Planning Application		
Case Officer: Vanessa James		Location: STOUR WHARF, STOUR ROAD, LONDON, E3		
		Ward: Bow East		

1. SUMMARY

1.1 Registration Details

Reference No: PA/04/00078
Date Received: 19/01/2004
Last Amended Date: 25/06/2004

1.2 Application Details

Existing Use:

Vehicle repair workshop

Proposal:

Demolition of existing vehicle repair buildings and redevelopment by the erection of three buildings (Blocks A, B & C) in part 5 and part 6 storey to form 64 live-work units and 1,126 sq m of B1 (Business) accommodation plus 32 parking spaces.

Applicant:

Stock Woolstencroft Architects

Ownership:

Edgewater (Stratford) Ltd

Historic Building:

N/A

Conservation Area:

N/A

2. RECOMMENDATION:

2.1 That the Development Committee **grants** planning permission, subject to the completion of a legal agreement pursuant to Section 106 of the Town & 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.

Legal Agreement

2.2 To secure the following:

- (1) A £128,000 contribution for infrastructure improvements in the area including transportation, the public realm, environmental improvements, waterway improvements and community facilities.
- (2) To provide, cleanse, light and maintain a riverside walkway together with an access to the walkway from Stour Road, with the walkways to be made available for unrestricted public access 365 days per year.
- (3) Section 278 agreement for crossover and footway works
- (4) A car free agreement.
- (5) The use of local labour in the construction of the development.
- (6) Live/work units to be used for such a purpose only.

**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

- (7) To permit reasonable inspection by the Council of the live work units.

Conditions

- 2.3 (1) Time Limit for Full Planning Permission
- (2) Details of following to be agreed in writing with Council prior to commencement of development:
- I. external materials (materials indicated on applications plans not agreed),
 - II. A hard and soft landscaping scheme for the site to include any walls, fences, railings and gates, walkways, riverside strip and external lighting,
 - III. boundary treatment
 - IV. disabled access – Accessibility Statement
 - V. provision of suitable riparian life saving equipment along the riverside walkway
 - VI. Site foundation details
 - VII. Archaeological -Investigation/Excavation.
 - VIII. Contamination – Detailed site examination and remedial measures
 - IX. Surface and foul water drainage details
 - X. Storage, collection and disposal of refuse including recycling
 - XI. Noise insulation
- (3) Approved landscaping scheme to be implemented
- (4) Parking – Maximum Cars
- (5) Soakways
- (6) Hrs of Construction -Mon - Sat
- (7) Pile Driving
- (8) Wheel Cleaning
- (9) Restrictions to works adjacent to River Lee
- (10) Sewerage and Water Capacity Study
- (11) No noise, smell, dust etc (B1 condition)
- 2.4 The following informatives:
- (1) Contact the Highway Authority regarding any alteration to the public highway.
 - (2) Contact Cleansing for advice about refuse storage and recycling requirements.
 - (3) Contact Environment Agency for requirements
 - (4) Contact British Waterways Board for requirements
 - (5) Contact Environmental Health with regard to air quality and decontamination
 - (6) Contact English Heritage with regard to archaeological investigation
 - (7) Contact Thames Water regarding sewerage and water supply requirements

3. BACKGROUND

Location

- 3.1 The site is located within the Fish Island Central Precinct on the south-eastern side of Stour Road at the corner of Bream Street. The site is an arrow-shaped allotment fronting the Hackney Cut and has a total area of 3,164 sq m. It is currently utilised for a vehicle repair workshop, with access from three points along Stour Road.
- 3.2 The existing buildings are 3-4 storeys in height and are of low architectural quality. Plans of the existing building show two workshops on the ground and first floors with offices on the second floor. The third floor office occupies only a small space protruding above the roofline. The current floorspace is approximately 2,319 sqm.
- 3.3 The Fish Island Central Precinct area comprises a mix of industrial uses that vary in size and a number of regenerated sites comprising predominantly mixed live/work and B1 uses. The heights within the area currently range from 4-8 storeys.
- 3.4 The site is not particularly accessible to public transport, with Hackney Wick Station situated some 500m to the north. Council has identified a location at the northern end of Roach Road for a pedestrian bridge across the River Lee and this should improve the site's access

to the station. Bus routes in the area are currently limited.

- 3.5 The site is earmarked as part of the scheme for the Olympics, with a bridge proposed over the Hackney Cut to directly affect the site.

Proposal

- 3.6 The proposal includes the demolition of existing vehicle repair buildings and redevelopment of the site for 64 live/work units and 1,126 sq m of B1 accommodation. Proposed buildings include 3 blocks, with Blocks A & C fronting onto Stour Road and Block B fronting onto the Hackney Cut.
- 3.7 Block A comprises 185 sqm of B1 business space at ground floor with two live/work units on each level over four storeys, totalling eight units. The total height proposed is five storeys.
- 3.8 Block B along the Hackney Cut comprises two B1 units of 89 sqm and 275 sqm at ground floor, these being physically separated by an enclosed area for bicycle storage and a 4m single storey access way from the central courtyard through to the Cut. Above the ground floor, live work units extend over five levels, with five per level on the first four levels and four per level on the upper floor, totalling 24 units. The total height is six storeys.
- 3.9 Block C extends along the main Stour Road frontage and wraps around into Bream Street. Two B1 units of 372 sqm and 205 sqm are proposed on the ground floor with four levels of live work units above, including eight on each level, totalling 32 units. The total height is five storeys.
- 3.10 Each unit has a balcony ranging from 3.75 sqm for smaller balconies to 20 sqm at the roof terrace level. Access to all units is by either lifts or stairs via an access deck.
- 3.11 Vehicular entrance to the site is from Stour Road with a centrally located carpark at grade incorporating 32 spaces. This total number includes three disabled spaces. A total of 48 bicycle spaces are provided, 24 covered and 24 open air, with seven motor cycle spaces.
- 3.12 A 160sqm landscaped courtyard is proposed between Blocks A and B, with a 290 sqm landscaped strip along the Hackney Cut. Trees are also proposed interspersed within the carpark area. A landscape plan will be required as a condition of consent.

4. PLANNING POLICY FRAMEWORK

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

- (1) Archaeological importance or potential
- (2) Flood Protection Areas
- (3) Industrial Employment Areas
- (4) Green Chains

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

- DEV1 Design requirements
- DEV2 Environmental requirements
- DEV3 Mixed Use development
- DEV4 Planning obligations
- DEV12 Landscaping
- DEV46 Protection of Waterways
- DEV47 New Development on Waterways
- DEV48 Waterfront walkways
- DEV51 Contaminated land
- DEV56 Recycling
- DEV66 Green Chains
- EMP1 Encouraging New Employment Uses
- EMP2 Retaining Existing Employment Uses
- EMP8 Small Business

EMP10 Business Uses
EMP11 Industrial Employment Areas
EMP12 Business uses within Industrial areas
EMP13 Residential uses within Industrial Areas
HSG9 Density
HSG16 Amenity
T17 Standards for parking and vehicular circulation
U2 Flooding

4.3 The following New Unitary Development Plan 1st Deposit Draft **proposals** are applicable to this application:

- (1) Archaeological importance or potential
- (2) Flood Protection Areas
- (3) Lee Valley Regional Park
- (4) Green Chains
- (5) Mixed Use and Opportunity Site - Central and South Fish Island

4.4 The following New Unitary Development Plan 1st Deposit Draft **policies** are applicable to this application:

EMP1 Promoting economic growth and employment opportunities
EMP2 Mixed use development
EMP4 Office Development
EMP6 Range of Unit sizes and managed workspaces
EMP7 Working from home
EMP8 New Build Residential/Employment Mixed-use proposals
TRN6 Parking and servicing
TRN10 Pedestrian permeability
TRN11 Bicycle Facilities
UD1 Scale and density
UD2 Architectural Quality
UD4 Design Statements and Access Statements
UD5 Safety and security
UD11 Landscaping
UD12 Urban Design, the Blue Ribbon Network and the Thames Policy Area
ENV1 Amenity
ENV8 Energy efficiency
ENV9 Development on Contaminated Land
ENV11 Waste Disposal and recycling facilities
ENV16 Enhancement of Biodiversity
ENV19 Protection of the water environment
ENV20 Flood Protection
ENV22 Waterside Walkways
IM1 Planning Agreements
LS1 Development nodes
LS6 Townscape Quality and Character
LS8 Access
LS9 Open Space and leisure

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

- (1) A better place for living safely - reduction in crime and improved safety.
- (2) 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.

5. CONSULTATION

5.1 The following were consulted regarding this application:

(1) **Environment Agency**

The Environment Agency initially objected to the proposal for the following reasons:

- The site is located within the indicative tidal flood plain of the Thames;
- The development proposed would have a negative impact on the ecology and landscape of the river corridor. Shading would be excessive and the buildings are inappropriately large in relation to their proximity to the watercourse.

The applicant addressed these concerns in accordance with advice from the Environment Agency through the following:

- The applicant provided a topographical survey of the site that was compared with the modelled flood levels to indicate that the site is not at risk of flooding from the 1 in 100 year event.
- A plan was provided to indicate an 8m setback between the proposed buildings and the top of the riverbank/ riverwall.

The Environment Agency withdrew their objection but recommends that conditions be imposed.

(2) **British Waterways Board**

Initially objected to the proposal for the following reasons:

- The proposal will have a detrimental impact on the character of the waterway by virtue of its height, mass and bulk. To mitigate this concern, the development should be reduced by one storey, with the top two floors set back from the canal.
- The development fails to respect the Waterway's heritage by failing to respect the design principles of the adjacent warehouse. To mitigate the detrimental impact, the proposed development should incorporate a number of design principles associated with the adjacent warehouses, including: window style, dimensions, locations and rhythms; fenestration; building heights; and railing details fronting the canal.

The proposal has been reduced in height by one storey, with the floor to ceiling heights amended to relate to the adjacent warehouse building fronting the Hackney Cut. British Waterways has now withdrawn their objection.

(3) **English Heritage**

The site is located within an Archaeological Priority Zone. The site is located close to the Roman settlement Old Ford, immediately to the north of the line of the London to Colchester Roman Road. Recent excavations at Crown Wharf, Dace Road have revealed remains dating from the Roman period. It is therefore possible that similar remains may be present on this site. The survival of archaeological deposits will largely depend on the extent of disturbance caused by previous activity on the site and the nature of the underlying alluvial deposits. The applicant was requested to provide a geotechnical or soil report and a foundation layout to English Heritage. In lieu of this information, English Heritage has recommended that their archaeological position be secured with a condition.

(4) **Thames Water**

Conditions have been recommended to obtain on site drainage details, water infrastructure plans and anticipated flow rates.

(5) **Environmental Health**

Contamination - Given that the site was previously utilised as an Engineering Works and is located adjacent to a Gas Works site, Environmental Health has recommended that the developer carry out a site investigation to identify potential contamination. A condition has been imposed to enforce this requirement.

Noise - This site is near a number of industrial businesses that have potential to cause nuisance. These activities and vehicular movements early in the morning could adversely affect future residents. In respect of the proposal being for 'mixed

use', it is recommended that residential units be protected from noise from contiguous 'work-use areas' beyond the Building Regulation standards, with a condition for noise insulation in these areas of 60DNTW. All plant and equipment ancillary to the use of the 'work units' should be designed and selected so as to not lead to an increase in background noise levels at residential facades or be audible in habitable rooms. Hours of operation of work activities and commercial vehicle movements should be restricted. Usual restriction of construction activities should apply.

Air quality – Recommends conditions to reduce impacts on local air quality.

(6) **Head of Highways Development**

Public transport in the area is limited to buses No.8, 339, S2 and a night bus. The site is remote from other residential areas and in an industrial area of declining activity. Because of the remote location some off street parking is appropriate. The proposal to provide approximately 0.5 parking spaces per unit is acceptable. The provision of 3 disabled parking bays is acceptable. The provision for parking spaces for cycles and motorcycles is welcome. Under the proposals for the new Olympic stadium, Stour Road is due to be extended across the canal to provide an access route to the stadium.

(7) **Cleansing Officer**

Where communal bulk refuse containers are to be provided for household premises they should ideally be provided at a ratio of one container for each five dwellings to give a once per week refuse collection service. This may be relaxed to give a twice per week collection service where space is at a premium, and with the prior approval of the Street Environment section. Where bulk refuse containers are required to be accessed across the public highway, suitable drop kerb crossovers should be provided, constructed by the Council on a rechargeable basis. Storage shown appears adequate.

(8) **Housing Strategy Group**

No comment.

(9) **Access Officer**

No Comment.

(10) **London Development Agency (LDA)**

Part of the northern portion of the application site falls within the red line boundary of the main Olympic Precinct Oly1 application (Ref: PA/04/0001). This area of land to the west of the Hackney Cut is required to deliver road bridge R11, as shown in drawing number LLV/OL/MMA/05/P/100-A. Subject to planning approval, this bridge would be constructed in advance of the Olympic Games phase and would be used to provide access for emergency services to the Olympic Precinct during the Olympic phase. The bridge would also provide vehicular, pedestrian and cycle access across the Hackney Cut to serve the post-Olympic Legacy development.

From the current application plans, the proposed bridge R11 would impact directly on the canal-side soft landscaping, Block B, the landscaped courtyard and the loading area. The requirement to connect the proposed road bridge R11 into the existing highway at Stour Road is also likely to impact on Block A. Essentially, the proposed R11 bridge included within the Oly1 planning application conflicts fundamentally with the development as proposed within the current application.

Notwithstanding this conflict, the LDA recognises in principle the potential economic and regeneration benefits that could arise from the proposed development. The LDA expects any approval to be subject to a legal agreement that requires developer contributions to the provision of general infrastructure improvements,

transport infrastructure, the public realm, community facilities and environmental enhancements.

(11) Olympics Joint Planning Authorities Team

The subject site is within the Olympic application boundary. A bridge across the Hackney Cut is proposed as part of the Olympic application, with its western landing point on the subject site.

5.2 Responses from neighbours were as follows:

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

5.3 Twenty-one letters were sent to surrounding property owners on two occasions. There was three responses with comments summarised as follows:

10 Stour Road

- The response is from an adjacent site and seeks to confirm the design details on the boundary wall and satisfactory design of refuse stores, lift cores and access decks.

Fish Island Business Club (FIBC)

- Pleased to see that the proposed development retains industrial working space albeit in smaller units than existing. Concerned about the low provision of car parking spaces especially as the site is poorly served by public transport.
- FIBC does not object to this development in principle, but believes it displays little architectural merit and does little to complement its surroundings especially along the water frontage.
- FIBC sees a need to enhance the business environment of the island especially for these numerous new small businesses located in the 'live work' units. The Clubs proposing to set-up, manage and run a Business Community Centre as the premier business focal point for business and community activity on the Island. The Island at present has no social or business infrastructure of any kind. FIBC request £70,000 of Section 106 money be allocated towards the Fish island FIBC Centre.

Florida Street E2

- Thames Water cannot currently maintain a satisfactory water supply in this area and any additional dwellings will only aggravate the situation.

6. ANALYSIS

6.1 Land Use

- 6.1.1 The current use of the site is for the purposes of a motor vehicle workshop, although the site is also partially vacant. The site is within an Industrial Employment Area under the Council's UDP 1998. However, the Council's 1st Deposit UDP 2004 designates the site within a mixed use zone under the Leaside Action Area Framework. This includes a mix of housing and the potential for light industrial. Whilst the emerging UDP offers no specific such development is not precluded by the Plan.
- 6.1.2 Policy EMP2 of the UDP opposes development that will result in a loss of employment generating uses and policy EMP12 aims to encourage B2 and B8 uses within Industrial Employment Areas. Policy EMP 13 states that residential development will only be permitted where the loss of industrial land is justified.
- 6.1.3 The 1126 sqm of business floorspace proposed would be less than 50% of the existing employment generating floorspace. However, the live/work units would provide additional employment on the site. There are precedents in the area, set in the last 12 months, with

planning permission granted for the redevelopment of former employment sites on Fish Island including Roach Works, Crown Wharf, Crown Wharf Ironworks and 417 Wick Lane.

6.1.4 Both the live/work and the B1 uses proposed for the site are considered to be consistent with the surrounding uses. The replacement of employment generating floor space is considered to satisfy Council's economic policy EMP2.

6.2 Live/Work

6.2.1 • The Council's draft Live/Work Supplementary Planning Guidance states that live/work units will be permitted on employment sites, providing that certain design and servicing guidelines for the live/ work accommodation are followed. These include the following requirements:

- The floorspace should be split into 60% work and 40% live.
- The workspace should be greater than 50-sq.metres.
- The total floorspace should be a minimum of 90-sq.metres.
- The workspace and residential elements should be identified separately.
- No more than two bedrooms should be included.
- Workspace should be on the ground floor in appropriate units.
- Floor loading should be sufficient to enable an employment use.

6.2.2 The application complies with the above criteria. Conditions have been attached to ensure that a split of 60% work and 40% live can be enforced. Adequate floor loading will also be enforced through condition.

6.2.3 Live/work development has recently been permitted on similar sites on Fish Island as follows:

Roach Works Phase 1- 57 live/work units
Roach Works Phase 2 – 65 live/work units
Crown Wharf Ironworks - 77 live/work units
Crown Wharf – 86 live/work units
417 Wick Lane - 75 live/work units
Total – 360 live/work units

6.2.4 These schemes have been permitted as Fish Island was suffering severe dereliction with some 22% of available commercial floorspace vacant in 2002. The approval of live/work schemes on Fish Island also accords with Leaside Regeneration's Fish Island Regeneration Framework that advocates live/work as a regeneration tool for riverside sites.

6.3 Scale and Design

6.3.1 The live/work element would result in a density of some 256 habitable rooms per hectare. This has been calculated including both residential components and two 'workspace' rooms per unit. This is above the London Plan's density range of 150-200 hrph for sites with a public transport accessibility index of 2-1, but within the 200-300 hrph proposed by the 1st Deposit UDP for the Leaside Area Action Framework.

6.3.2 The proposal is for five storeys fronting Stour Road and Bream Street and six storeys fronting the Hackney Cut. This is considered appropriate given the other development approved and constructed along the Cut, ranging in height from four to eight storeys.

6.3.3 Council's Urban Design Department initially had concerns regarding the design, height, bulk and scale of the proposal. The height of Block B along the Hackney Cut did not address the form and character of the surrounding buildings, in particular the existing industrial building to the north, which has some architectural merit. It was suggested that this could be achieved through utilising more open, spacious industrial architectural elements. Changes were made to the design to address these concerns.

6.3.4 The architectural design of the buildings has been varied to break up the bulk of the facades and add interest to the roofline. Floor to ceiling heights have been adjusted to accord with the adjacent building. Placement of windows along the Stour Road frontage at ground floor

has resulted in a more active street frontage. The applicant also agreed to reduce the height along the Hackney Cut by one floor.

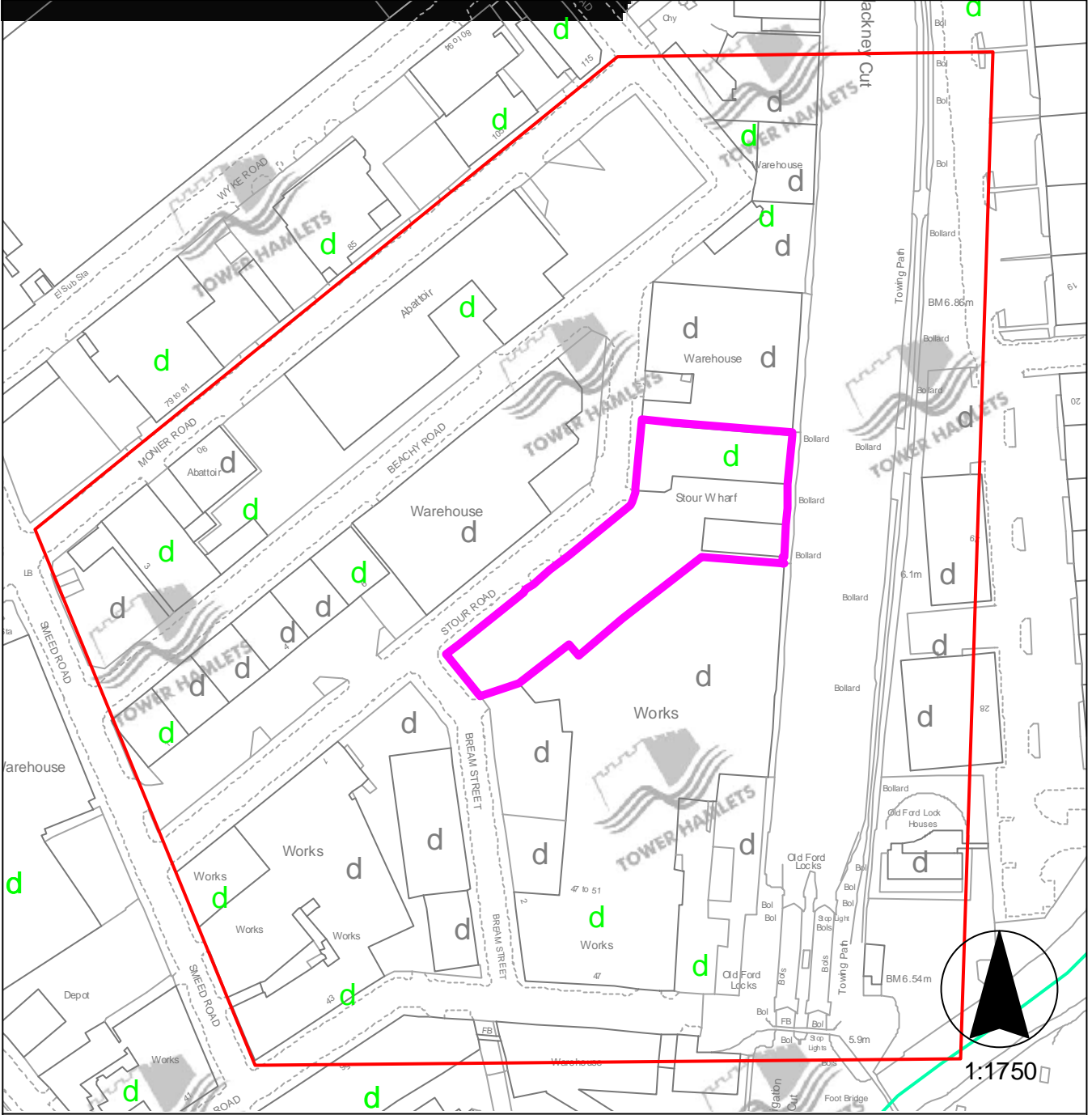
6.4 Amenity

- 6.4.1 In accordance with Policy HSG16, all units will have balconies providing adequate private open space, with the larger units including private terraces. In addition, there are two areas of common open space, one 160 sqm space within the central courtyard between Blocks A and B and a strip of open space along the Hackney Cut of 290 sqm. This is in compliance with Policies DEV 48 of the 1998 UDP.
- 6.4.2 The proposal complies with DEV1, DEV2 and DEV3, in terms of minimising impacts on the local amenity and environment. At present there are no sensitive uses in the vicinity of the site. It is anticipated that further regeneration of the area will take place within the next five years, given that the 1st deposit UDP now designates the area for mixed uses.

7. SUMMARY

- 7.1 The 1st Deposit UDP does not preclude live/work development and there are a number of precedent developments in the immediate area. This application has been subject to negotiations with respect to design and use. Overall the design is considered to be appropriate to this location.
- 7.2 The proposed mix of accommodation is considered satisfactory. The submitted plans indicate that in terms of height, bulk and scale the amount of development sought could be satisfactorily accommodated on the site with satisfactory amenity achieved. The provision of a riverside walkway is proposed to link with future redevelopment of adjacent sites. Parking provision would accord with the advice of Council's Highways Department.
- 7.3 Part of the northern portion of the application site falls within the red line boundary of the main Olympic Precinct Oly1 application. This area of land to the west of the Hackney Cut is required to deliver road bridge R11. Subject to planning approval, this bridge would be constructed in advance of the Olympic Games phase and would be used to provide access for emergency services to the Olympic Precinct during the Olympic phase. The bridge would also provide vehicular, pedestrian and cycle access across the Hackney Cut to serve the post-Olympic Legacy development. Essentially, the proposed bridge conflicts fundamentally with the development as proposed within the current application. Notwithstanding this, the application must be determined without reference to the Olympic Applications. The London Development Agency will liaise with the owners of the site once future plans for the area become clear.
- 7.4 The proposal would meet the Council's strategic regeneration objectives through the provision of a mixed use development incorporating commercial and live/work uses as well as a contribution towards the environmental improvement of the area.

Site Map



Legend

- Planning Application Site Boundary
- Consultation Area
- d 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. London Borough of Tower Hamlets LA086568

STOUR WHARF, STOUR ROAD, LONDON, E3 2

Agenda Item 5.7

Committee: Development Committee	Date: 30 November 2005	Classification: Unrestricted	Report Number: DC033/056	Agenda Item Number: 5.7
Report of: Director of Development and Renewal		Title: Town Planning Application		
Case Officer: Gillian Nicks		Location: WEST INDIA PIER, CUBA STREET, LONDON, E14		
		Ward: Millwall (February 2002 onwards)		

1. SUMMARY

1.1 Registration Details

Reference No: PA/05/01322

Date Received: 04/08/2005

Last Amended Date: 06/09/2005

1.2 Application Details

Existing Use:

Disused pier

Proposal:

The installation of a pontoon to enable the mooring of a residential vessel, and the change of use of the pier to provide access.

Applicant:

Mark Andrew Williams

Ownership:

Sunset Moorings

Historic Building:

Not applicable

Conservation Area:

Not applicable

2. RECOMMENDATION:

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

- 1 Limited time period for one year
- 2 No houseboat – being a structure without means of propulsion, which rests on a floating raft or pontoon – shall be moored from a pier.
- 3 Only one vessel is to be moored at the site at any one time.
- 4 The vessel shall not be used as temporary sleeping accommodation or for holiday lets.
- 5 Reserved matters:
 - a. Any material alterations at the pier
 - b. Details of the means for storage and collection/disposal rubbish
 - c. Details sewage disposal.
- 6 There shall be no discharge of sewage to the river.

2.2 Informatives

- 1 Works to pier may require planning permission.
- 2 Prior consent from Environment Agency required for works within 16 metres of the tidal flood defence structure.
- 3 River works license from Port of London Authority required for all works in, on or over mean high water.

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

Brief Description of background papers:
Application, plans, London Plan. Adopted
and Deposit Draft UDP

Tick if copy supplied for register

Name and telephone no. of holder
Gillian Nicks
Development Control 0207.364-5338

3. BACKGROUND

Site and surroundings

- 3.1 West India Pier is situated to the western side of the Isle of Dogs, at the end of Cuba Street which is used as access to the residential developments at Millennium Harbour. An access way or brow, from which access to the existing pier is provided, leads directly off the Thames Path.
- 3.2 The Docklands River Bus served the pier until 1993 when the lack of passenger numbers saw its closure with the operator going into liquidation. The pier has been out of use ever since, but Canary Wharf Pier, a five minute walk away, has since been opened operating a commuter river bus service. West India Pier has an extensive history. Originally constructed back in the mid-1870's it was replaced in the late 1940's after being destroyed by enemy fire during World War Two. The pier can be used for river bus services without planning permission.
- 3.3 The pier projects approximately 35 metres from the river wall. At present the pier is part enclosed, but much of the protective material used to provide shelter has worn down or been removed. A small structure is in place on the riverside that was used as the main entrance point for the riverbus. This has fallen into disrepair and in the long term the applicant proposes to refurbish it and remove railings and signage etc associated with its former use.
- 3.4 The surrounding area is predominately residential. To the pier's immediate eastern side are the residential developments of Anchorage point (9 storeys) and the Waterman building (10 storeys) within Millennium Harbour. Anchorage Point is approximately 10 metres away from the entrance to the pier, and the Waterman Building is approximately 12 metres away.
- 3.5 The Thames is tidal at this point.

Relevant Planning History

- 3.6 PA/02//1795 – 16 July 2003
Planning permission refused for the repair and replacement of an existing pontoon and the permanent mooring of a 47-metre yacht to be used for a Yacht Club House.
Reasons for refusal can be summarised as follows:
1. By virtue of its close proximity to residential properties a detrimental impact on the amenity of the adjoining properties contrary to DEV49 (8) of the LBTH UDP 1998.
 2. Permanent mooring of a yacht club/ restaurant boat would, by virtue of its size, mass and close proximity would have a detrimental impact on residential amenity and the setting of the waterside environment contrary to Policies DEV2 (1) and DEV49 (1) of the LBTH UDP 1998.
 3. Applicants failed to submit information to enable the Council to fully assess the scheme against adopted UDP policies including –
 - a. Transport assessment including details of disabled accessibility and servicing of the club to allow full assessment of the yacht club's impact on the area;
 - b. Detailed plans regarding design, location and extent of replacement pontoon and of the proposed mooring;
 - c. Details of proposal impact on hydrology of River Thames and potential impact on nature conservation area.
- 3.7 PA/00/1624
The applicant was granted planning permission for residential mooring at Masthouse Pier/ Great Eastern Pier, Maritime Quay (to the Southeast side of the Isle of Dogs). The Development Committee approved the proposal subject to limited time period and car-free agreement.

Proposal

- 3.8 Application is now made for the change of use of the existing pier and the adjoining river bed from serving river buses to serve a permanently moored residential vessel. In order to

accommodate the vessel, the original pontoon would be brought out of storage and returned. This would result in the boat being moored 39 metres away from the river wall. Once moored, the vessel would protrude from the river wall by some 48 metres, free to rise and fall with the tide. At both low and high tide the depth of the river ensures that the vessel would float. A hinged ramp from the pontoon would allow access to the deck.

- 3.9 The vessel itself has been used in the past as a passenger ferry. It is not a houseboat. It has been converted to provide accommodation for a single family (4-berths). The vessel is 5.8 metres tall from bottom of mast to the waterline and 33.54 metres in length. Water, electricity and telephone services are to be provided from the existing lockable superstructure at the top of the pier. Black water will be collected in a holding tank and disposed of to a collection vessel rather than a connection to shore.

4. PLANNING POLICY FRAMEWORK

- 4.1 The relevant policy framework against, which the Committee is required to consider planning applications include the Government's regional planning guidance, the London Plan 2004, the Council's Community Plan and the adopted Unitary Development Plan (UDP) 1998.
- 4.2 Decisions must be taken in accordance with sections 54A and 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 and the London Plan 2004 comprise the statutory development plan, the UDP will be replaced by a more up to date set of plan documents which will make up the Local Development Framework (LDF) which has recently been published for public consultation.
- 4.4 The report takes account of the policies in Government advice, the London Plan 2004 and the statutory UDP 1998.
- 4.5 In accordance with Article 22 of the General Development Order 1995, 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. This analysis has been undertaken on the balance of the policies set out below and any 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
 - (2) Sites of Nature Conservation Importance
- 4.7 The following Unitary Development Plan **policies** are applicable to this application:
- (1) DEV1 and DEV2 – General Design and Environmental Requirements
 - (2) DEV4 – Planning Obligations
 - (3) DEV9 – Minor works
 - (4) DEV46 – Protection of waterway corridors
 - (5) DEV47 – Development affecting water areas
 - (6) DEV48 – Strategic Riverside walkways and New Development
 - (7) DEV49 – Moored vessels
 - (8) DEV50 – Noise
 - (9) DEV55 – Development and waste disposal
 - (10) DEV56 – Waste Recycling
 - (11) DEV57 – Development affecting nature conservation areas
 - (12) DEV62 – Development adversely affecting nature conservation areas
 - (13) DEV69 – Efficient use of water
 - (14) HSG1 – Provision for housing development
 - (15) HSG23 – Residential moorings
 - (16) T4 – River Bus Service
 - (17) T16 – Traffic priorities for new development

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

- (1) A better place for living safely
- (2) A better place for living well

5. **CONSULTATION**

5.1 The following were consulted regarding this application:

(1) **Environmental Health**

No objection to proposal

(2) **Cleansing Officer**

No representation received

(3) **Development Design and Conservation**

No objection unless London River Authority has any serious concerns – condition should be attached to ensure the upkeep of the moored vessel.

(4) **Environment Agency**

Object to proposal as contrary to the Environment Agency's Tidal Thames encroachment policy, and proposals for a non-river dependent use of the pier. Advises that the London Ecology Unit has designated river Thames Corridor as a Site of Metropolitan Importance. Should planning permission be granted, the applicant should be informed that prior written consent of Environment Agency is required for any proposed works affecting or within 16 metres of the tidal floor defence structure.

(5) **Port of London Authority**

The proposal would prejudice its potential reuse as a passenger pier. Residential moorings can result in wash complaints against commercial river traffic, leading to pressure to introduce speed restrictions on vessels navigating the Thames. Existing river traffic downstream of Wapping is generally free of speed restrictions and there is concern that the introduction of 'wash sensitive' uses might compromise viability of cargo and passenger services on the Thames.

(6) **London Borough of Southwark**

No representation received

(7) **Head of Highways Devpt**

No objection.

(8) **Transport for London - Street Management**

No objection.

(9) **London Rivers Association**

No representations received.

5.2 The proposal has been advertised on site and the following neighbours have been consulted:

2-85 Anchorage Point, 42 Cuba Street and 212-249 Waterman Building, 14 Westferry Road.

Responses from neighbours was as follows:

No. Responses: 140 In Favour: 1 Against: 137 Petition: 2

The petitions have 312 signatures.

5.3 The reasons for objection may be summarised as follows:

- (1) Pier should be returned to its former use for public transport purposes.
- (2) Potential noise from vessel.
- (3) Noise created by wash because proximity of boat to the riverside.
- (4) Potential egress problems for residents of Anchorage Point.
- (5) Lack of parking in area, Cuba Street very narrow road that results in damage to underground entrance at Anchorage Point which may be exacerbated by vehicles servicing boat.
- (6) Ample residential moorings within Isle of Dogs.
- (7) Allowing a single dwelling to encroach upon a shared resource favours one person to the detriment of many.
- (8) Pollution of the river due to waste discharge.
- (9) No details of means of refuse disposal.
- (10) Unsuitable mooring location because part of the tidal river.
- (11) Loss of privacy– direct overlooking into lower ground and ground apartments and loss of light.
- (12) Discharge/smells (petrol fumes and marsh gases) would exacerbate existing stench of Thames.
- (13) Use not river dependent.
- (14) In future may be more than one boat moored.
- (15) Impact on the habitat of river birds.
- (16) Detailed design of the pier, dolphins and mooring not acceptable.
- (17) Shipping would be disrupted with potential for collisions with other vessels.
- (18) Approval would encourage other boats to follow suit, which would downgrade the residential properties adjacent to the mooring.
- (19) Security to Anchorage Point would be compromised.
- (20) May change riverbed level.
- (21) Detrimental to the aspirations of riverside development and the achievements of the regeneration of Docklands in the last 20 years.
- (22) Possibility of short term lettings likely to generate parties.

5.4 Reasons for support can be summarised as follows:

1. Benefits would be gained for local environment from restoration of the pier from its current derelict state and be beneficial to the area as a whole.

5.5 24 comment slips have also been received suggesting alternative uses for the pier.

6. ANALYSIS

Land Use

6.1 The adopted (2004) London Plan Blue Ribbon Network (BRN) policy 4C.18 states:

“new support facilities, infrastructure and activities that support use and enjoyment of the BRN should be encouraged, especially in areas of deficiency”.

The policy advises that these activities include mooring sites (para 4.114). The PLA's website advises that there is a deficiency of residential moorings within Tower Hamlets. Consequently, it is considered that the proposal accords with the London Plan. The objection on the grounds that there are ample residential moorings elsewhere on the Isle of Dogs is considered unreasonable. Similar guidance is set out in the Government's RPG3: Annex B: Strategic Guidance for the Thames (1997) which states that “local planning authorities should evaluate the availability of, and potential demand for” facilities that include

mooring sites within their stretch of the river. Policy DEV49 of the Council's UDP supports proposals for residential moorings that are outside of areas of Metropolitan Open Land or the Lee Valley Regional Park. The site is not MOL or within the Regional Park.

- 6.2 The surrounding area is predominately residential, and the UDP notes that "moorings can provide a low cost housing option" (para 5.43).
- 6.3 UDP policy HSG23 says the Council will consider applications for temporary and permanent residential moorings providing they meet the policies for riverside development set out in policies DEV46 to DEV49.
- 6.4 The position of the vessel would have minimal impact on existing shipping. Shipping is directed to fairways towards the middle of the river and with the vessel being moored on the outer edge of the river, safety is considered to not be an issue and has not been raised by the PLA, the appropriate statutory authority.
- 6.5 Whilst the London Plan and policy T4 of the UDP seek to encourage the re-introduction of passenger services on the river including the protection of access to piers, previous commercial use at the pier has proved unsuccessful. Alternative locations have been brought forward (i.e. Canary Wharf Pier) for such uses and are capable of expansion. It is considered that the introduction of a residential mooring would not compromise the viability of cargo and/or passenger services on the Thames.

Design

- 6.6 Planning permission is not required for the particular vessel itself. However, it is considered that the vessel is of a scale and design that is appropriate to the location. Further, it is newly renovated which complies with criterion 1 of UDP DEV49 that the vessel shall be in a good state of repair. Any permission can be conditioned to control the type of boat moored at the pier and a condition is recommended to preclude houseboats.
- 6.7 Further, the vessel is an old passenger boat. It is considered that the vessel would draw on the heritage of the pier and provide a focal point of visual interest that is absent at present.
- 6.8 The dolphins and pier are existing and the objections to the lack of detailed design are not understood. Nonetheless, it is recommended that the applicant be advised that alterations to the pier may require future planning permission.

Amenity

Overlooking/ Loss of privacy and sunlight/daylight

- 6.9 The entrance to the pier is 10-12 metres away from the closest residential units. The vessel itself would be sited some 45 metres from neighbouring occupiers. In accordance with the UDP's guideline that recommends an 18-metre separation between habitable rooms and policies DEV2 and DEV49 criterion 8, it is considered that the proposed separation is adequate to maintain residential privacy.
- 6.10 Due to the distance that the vessel is to be positioned from Millennium Harbour, there would be minimal impact on existing sunlight and daylight levels to adjoining apartments and satisfactory conditions would ensue.

Noise

- 6.11 Objection has been raised on the ground of potential noise increases generated by a residential boat. The Thames is a 24/7 river – with night cruises, commercial shipping and the like making use of the waterway. At this point the river is sufficiently wide to ensure that there would be minimal reverberation of sound and in addition, any noise would be diffused by other background noise. Further, the Council has powers under environmental health legislation to serve abatement notices should noise (or any other nuisance) occur.
- 6.12 It is also considered that the introduction of a single residential vessel would not be detrimental due to the impact of noise from wash and backwash above existing noise levels

at the river wall, pier and dolphins.

- 6.13 Nevertheless, it is recommended that in the first instance only a limited period permission be granted to enable an assessment of the situation in twelve months time.

Visual Amenity

- 6.14 It is not the duty of the planning system to protect views except where the public interest would be adversely affected. In this case, the vessel would be moored a considerable distance away from residential property and the vessel would not materially impinge any public view of acknowledged importance. It is considered the vessel would be visually appropriate and that visual amenity would not be adversely affected. There is concern that the Thames should be a vibrant and active river and not just a water feature held by new waterfront dwellers.

Environment, conservation and bio-diversity

- 6.15 Objection has been raised regarding encroachment into the river and the effect on bio-diversity. However, the vessel will not reduce the storage volume of the river; change its flow; damage flood defences; result in the loss or damage of river habitats; reduce the river corridor in terms of open space; impact the river bed or pollute the wider environment. Specific concern has been raised that cormorants habitat the pier. It is considered that the proposal will have no detrimental impact upon the habitat patterns of these birds.

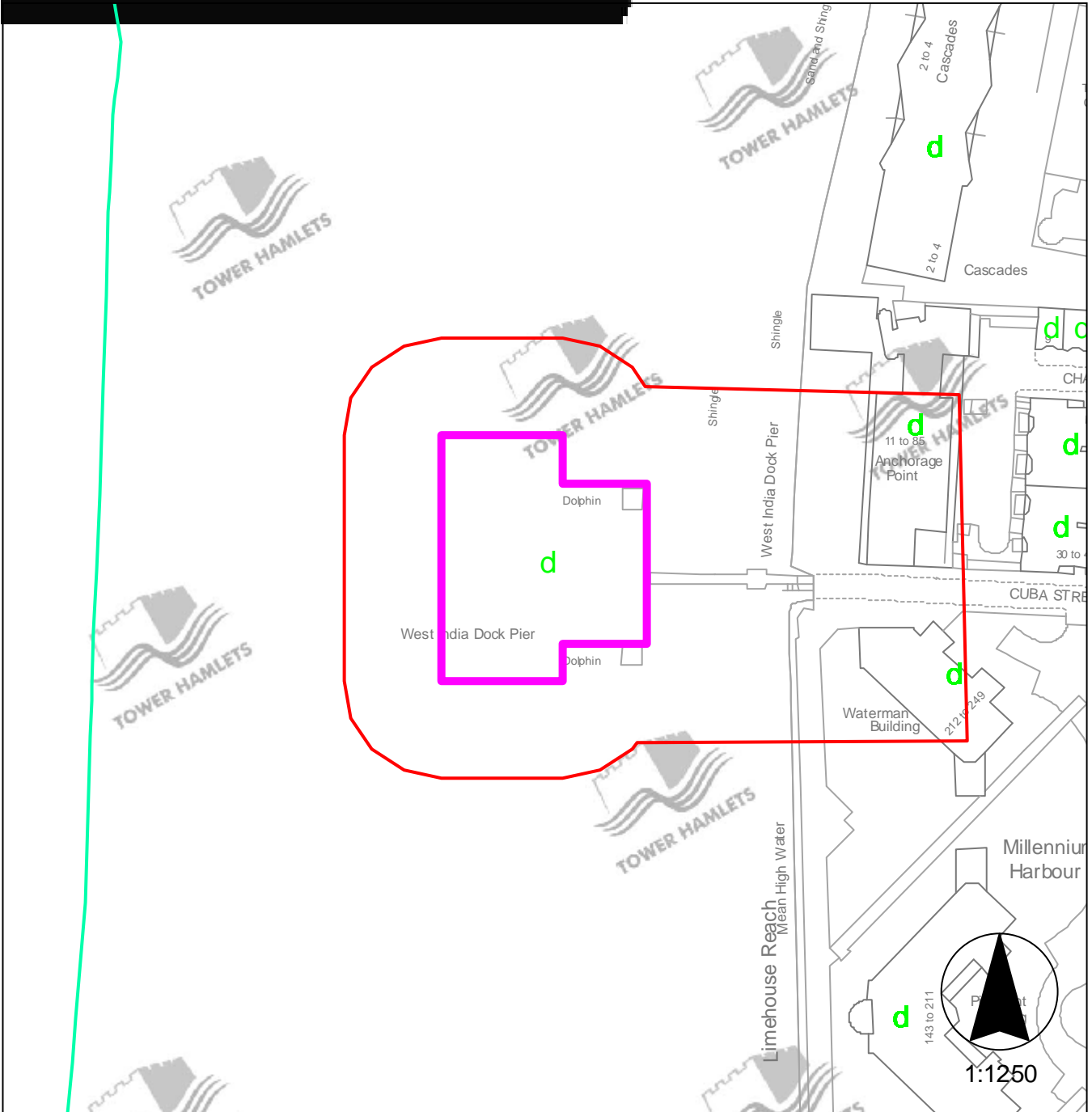
Highways

- 6.16 There is limited access to the site by road. Cuba Street is a dead end, has no on-street car parking, with double yellow parking prohibition. It is therefore not possible to service the boat from Cuba Street, and the development would not impede the access to residents at Millennium Harbour or the pedestrian right of way along the Thames Path.

7. SUMMARY

- 7.1 Overall the proposal is considered to comply with Council policy for residential moorings and the GLA's policies for the Blue Ribbon Network. However, it is recommended that a limited period permission be granted in the first instance to enable further assessment of its impact on residential amenity at a later date.

Site Map



Legend



Planning Application Site Boundary



Consultation Area

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 map was reproduced from the Ordnance Survey mapping with the permission of Her Majesty's Stationery Office © Crown Copyright. London Borough of Tower Hamlets LA086568

WEST INDIA PIER, CUBA STREET, LONDON, E14