

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 Case Officer: Renee Goodwin		Title: Town Planning Application 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 'minded 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.

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.

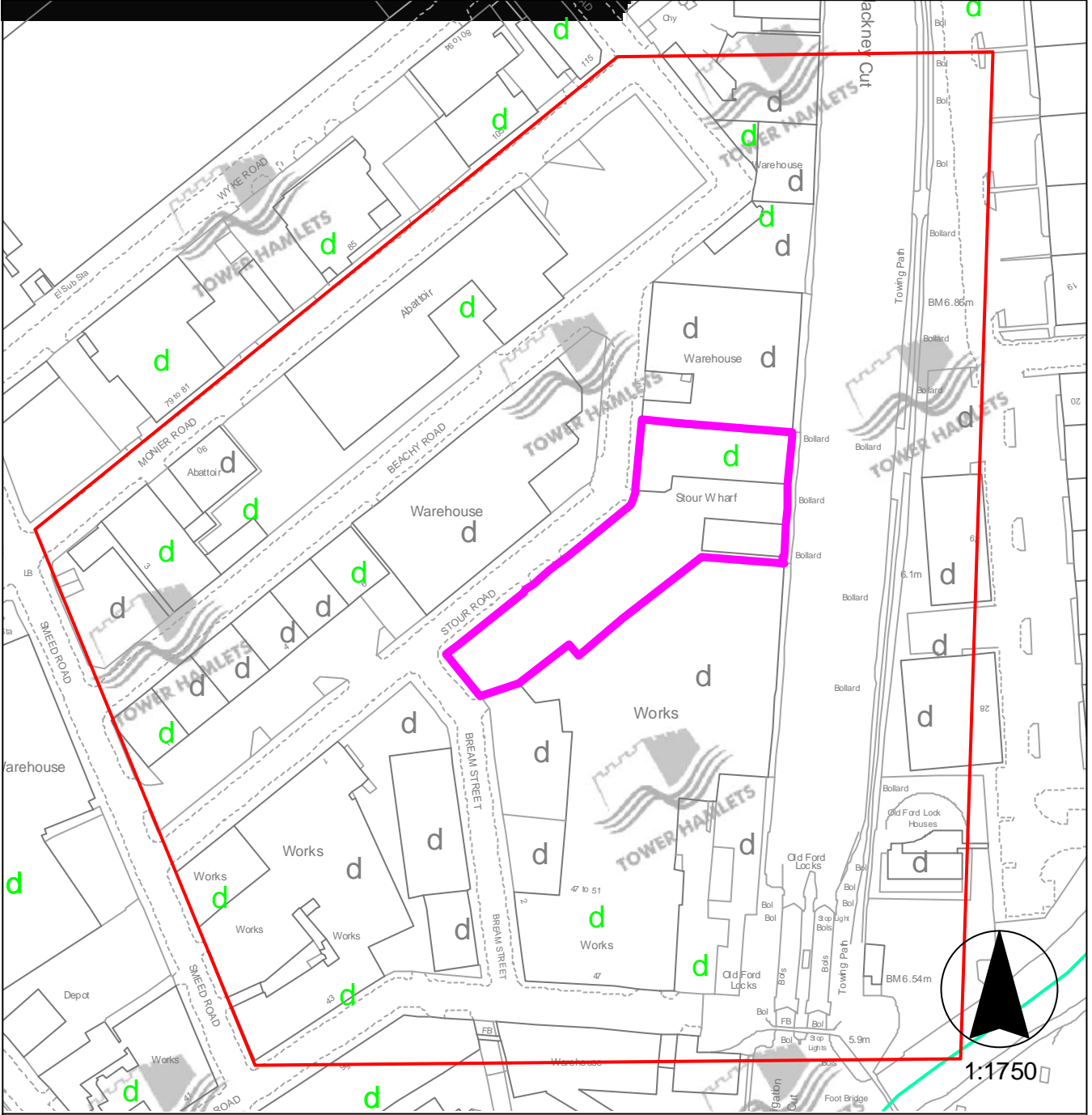
8.3 The disadvantages associated with live/ work schemes represent the considerations which lie behind the shift in local planning policy framework for live/work, and which are reflected in the First Deposit Draft UDP and the Draft LDF documents.

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

