

Committee: Development Committee	Date: 12 October 2005	Classification: Unrestricted	Report Number: DC022/056	Agenda Item Number: 5.3
Report of: Director of Development and Renewal		Title: Town Planning Application		
Case Officer: Ms K Phillipson		Location: SOUTHERN PART OF SUTTONS WHARF, PALMERS ROAD, LONDON E2		
		Ward: Mile End and Globe Town		

1. SUMMARY

1.1 Registration Details

Reference No: PA/05/00801

Date Received: 25/05/2005

Last Amended Date: 8/08/2005

1.2 Application Details

Existing Use:

Vacant warehouse

Proposal:

Demolition of warehouse at south end of existing cash and carry premises and construction of a 9 and a half story building containing 169 residential units, 2620sq.m of office, and a café/bar/shop, together with a semi underground car-park, access road and landscaped areas including public open space and canalside walk.

Applicant:

Toynbee Housing Association

Ownership:

Toynbee HA and Universal Properties

Historic Building:

n/a

Conservation Area:

n/a

2. RECOMMENDATION:

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

A. The conditions outlined below:

1. Details of: materials; landscaping of estate, parkland and canalside; walls, fences etc; lighting including the avoidance of light disturbance to canal wildlife; refuse system; bicycle parking to UDP standards; communal TV reception facilities;
2. Details of external treatment and screening to minimise impact of raised car park;
3. Design details, including surface treatment and lighting, of access road;
4. Bins and parking to be retained for benefit of residents of development;
5. No outward opening gates onto highways/estate roads;
6. Car park to have dedicated spaces - 3 for office occupier, 1 for cafe occupier, 22 for the 3 bedroom dwellings;
7. Details of protection of canal, trees and nature area on this and adjoining sites during construction;
8. Standard hours of construction (powered pile driving restricted to 10-4 Mon to Fri only);
9. Hours of operation for restaurant 9am – 11pm Mon-Sat, 10am- 10.30pm Sunday and Public Holidays;
10. Details of extract flue for restaurant and any other external plant required for building in general, flue to be provided before restaurant occupied and maintained thereafter;
11. Maintenance of planting;
12. Site Management Agreement, to include avoidance of bird nesting periods;
13. Further investigation of contamination and proposals for remediation. To include prevention of pollution of ground and surface water;
14. Archaeological investigation;
15. Noise/vibration remediation;

**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

16. No storage of solid matter within 10m of canal bank during construction or thereafter;
17. Air Quality Assessment Report to minimise impact of the development; and
18. Development should achieve at least a 'good' ecohomes rating.

B. A section 106 agreement to secure:

1. Car-free development;
2. A minimum of 35% affordable housing;
3. Area of new public open space (approx. 500sq.m) to be landscaped by developer and transferred to LBTH as a further addition to Meath Gardens. Scheme to include lighting and requirement for developer to maintain planting for the first 2 years;
4. £27,500 for highway improvements in Palmers Road;
5. £17,500 for works to existing Meath Gardens such as refurbishment of children's playground;
6. £155,000 towards the cost of the canal footbridge proposed for adjoining site;
7. Public pedestrian access - 24 hour from the development to Roman Road, through Suttons Wharf North and across the development to park, canal walkway and proposed canal bridge; dawn to dusk from secondary links from development to park; and
8. Local labour during construction

3. BACKGROUND

Site and surroundings

- 3.1 The L shaped application site measures approx. 5440 sq. m and consists of the southern part of a large warehouse premises known as Suttons Wharf, at the south end of Palmers Road, together with a strip of land, not owned by the applicant, which is needed to provide access to Palmers Road across the northern part of the wharf. A single 3700sq.m. building almost entirely covers the site. It was used, in conjunction with the rest of the wharf, by a cash and carry business until vacated in 2004.
- 3.2 The site is bounded on the east by the Regent's Canal with Mile End Park beyond. To the south and west is the old Warley Street Goods Yard, now a development site. To the north west is the Council's Meath Gardens Park and to the north east the larger part of Suttons Wharf, now subject to a separate planning application. Palmers Road, a turning off Roman Road and the only access to the site, has several new mixed use developments currently being occupied for the first time.

Planning history

- 3.3 On 12th April 2004 the Development Committee considered the first planning application for the redevelopment of this site and a resolution to grant planning permission subject to conditions and a s106 planning obligation agreement was made. The proposed development was for construction of a 9 storey mixed use building containing 169 dwellings (41 affordable) 15 live/work units and one unit for office/retail/cafe, together with underground parking, access road via the adjoining Goods Yard site and landscaped areas including an element of public open space and canalside walk.
- 3.4 The site was subsequently acquired by Toynbee HA and this, together with a now abandoned proposal by the Crossrail Project to use the Goods Yard as a spoil dump, resulted in revisions to the access arrangements/car parking for the planned development. The revised application was considered by the Development Committee on 15th December 2004 and a new resolution made to grant permission, subject to amendments to the previously agreed conditions and s106 requirements.

Proposal

- 3.5 The current scheme is a modification of that considered by the Committee in 2004. The main differences are offices instead of live/work units on the upper ground and 1st floor and the redesign of the lower levels and an increase in height of 2 metres.
- 3.6 The proposal is for construction of a 9 and a half storey building in the form of a single, curved block running east/west across the width of the site. The block widens at the canalside end to create an atrium. The main 9 storeys are raised on a podium 2 to 2.5m high, which encloses a semi-underground car park, accessed on the north side by a temporary road across Suttons Wharf north.

The majority of the upper ground floor and first floor would contain a single office unit, plus a canalside

- 3.7 café. This application does not propose any change to the previously agreed layout of the residential floors but 164 of the 169 flats would now be 'affordable'. The podium is reached from the north by two sets of stairs and a series of ramps. At podium level there would be access under the main building and down to the park and entrances to the residential floors within this covered way. A broad terrace on the north side would serve the office entrance and continue along a canalside walkway, designed to link with adjoining sites giving public pedestrian access to the canal bridge proposed south of the application site.
- 3.8 The design is similar to that proposed on the Warley Street Goods Yard site and includes a mix of glazed elements, render, timber, copper and aluminium claddings.

4. PLANNING POLICY FRAMEWORK

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

- (1) Archaeological importance or potential
- (2) Green Chains
- (3) Metropolitan Open Land (adjacent site)
- (4) Sites of Nature Conservation Importance (adjacent site)

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

DEV1 Avoid overdevelopment, disabled access, security by design, development to be sensitive to character of surrounding area in terms of design, bulk, scale, materials etc. include landscaping
DEV2 daylight, sunlight, privacy
DEV4 planning obligations
DEV6 high buildings
DEV11 communal TV systems
DEV12-13 provision of landscape and trees
DEV42-45 archaeology
DEV44-48 sites with water frontages enhance/public access
DEV51 contamination
DEV57-58 protection of nature conservation areas
EMP2 existing employment sites
ST20-25 housing targets, affordability and quality
HSG7 mix of unit sizes including family units
HSG8 Mobility/disabled access for ground and lift accessible floors
HSG9 density
HSG13 unit and room sizes
HSG16 amenity space
T15 new development assessed in relation to ability of existing traffic system to cope
T16 impact on other road users
T17 parking
OS2-3 improvements to public open space

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

A better place for living safely - reduction in crime and improved safety
A better place for living well - quality affordable housing
A better place for creating and sharing prosperity - jobs for local people

5. Comments of Chief Legal Officer

- 5.1 The relevant policy framework against which the committee is required to consider planning applications includes the Adopted London Plan, the draft Mayor of London Affordable Housing Supplementary Planning Guidance, the Council's Community Plan, Adopted Unitary Development Plan ('UDP'), the Draft UDP, and Interim Planning Guidance Note 6 'Affordable Housing'
- 5.2 While the Adopted UDP is the statutory development plan for the Borough, it will be replaced by a

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. The report takes account of the policies in the emerging plan, which reflect more closely current Council and London-wide policy and guidance, including that on affordable housing.

- 5.3 Policy HSG5 of the Draft UDP states that in all new residential, mixed-use developments affordable housing should comprise a mix of affordable and intermediate market housing.
- 5.4 The Interim Planning Guidance defines Intermediate Housing as housing which is above Housing Corporation Target rents but substantially below open market rent levels and is affordable by families on incomes of less than £40,000. This can include shared ownership housing as well as key worker housing and low-cost housing for sale and rental units.
- 5.5 In accordance with Policy HSG7, the proposed legal agreement would provide that affordable housing provision remains available for successive occupiers as well as initial occupiers of the property.
- 5.6 The material considerations in this case are the changes compared with the Committees last decision i.e. the offices instead of live/work and the redesign of the lower levels.

6. CONSULTATION

6.1 The following have been consulted regarding this application:

- (1) **Head of Highways Development.** Traffic impact assessment acceptable. Car-free agreement required plus contribution to highway improvements.
- (2) **Environmental Health.** Standard comments re hours of construction, mechanical ventilation etc. Need to condition more details of A3 use and flue and more details of contamination remediation. Air Quality Officer - area has high PTAL score and provision of on site car park should be discouraged and more bicycle stores provided. Air quality report required. Sustainability Officer - planting below deck will receive insufficient light canalside construction should avoid bird nesting period.
- (3) **Corporate Access Officer.** The current proposal is less accessible than the original because of the change in levels. Revisions have improved access but there are still many ramps, which are a barrier to movement in and around the site.
- (4) **Landscape Section.** No comments received. Involved in direct discussions with applicant re new open space.
- (5) **Mile End Park Director.** Welcomes extra park security from overlooking. Welcomes canal bridge contribution. Concern re the potentially unattractive view of the building's car park level from Mile End Park and towpath. Requests reservation of details.
- (6) **British Waterways.** Welcomes bridge contribution and retention of hard edge to canal. Concerns re canalside elevation and lack of opportunity for boat mooring. Requests reservation of detail of screening to car park level.
- (7) **Environment Agency.** Concerns re viability of planting below raised boardwalk. Provides conditions to be attached re water pollution and avoidance of storage of materials within 10m of canal edge and details of surfacing and lighting of canalside buffer strip.
- (8) **English Heritage Archaeology.** Desk top study reveals potential for remains. Condition required.
- (9) **Greater London Authority.** The mayor has considered the application at stage 1 referral and advised that the LA may determine the application but should bear in mind the concerns of GLA regarding lack of 4 bedroom units, provision of ground level parking, insufficiency of bicycle parking and absence of a sustainability statement. Also suggests s106 contain requirement for local employment initiatives and related employment benefits such as childcare.

6.2 Responses from neighbours were as follows
Responses: 1 In favour 0 Against 1 Petition 0

Press notice 4/7/05

One letter has been received from a resident of Palmers Road concerned about construction traffic and disturbance which will last several years.

7. ANALYSIS

- 7.1 The current proposal is very similar to that previously considered by the Committee. There is no significant change to the siting, the footprint, the general design concept or the number and mix of dwellings in the proposed development. The changes relate to the use and appearance of the lower levels of the building and its relationship with adjoining land and these issues are addressed below.

Use

- 7.2 The live/work units have been replaced by a single office. The applicant intends to occupy this but any B1 activities could occupy the space. Given that policy encourages the retention of employment uses on existing business sites this use is considered acceptable and the doubling of employment floorspace in this revised scheme is welcome. The retail/café area has been reduced in size but at 140sq.m is of an acceptable scale. The alterations to the elevations of the office area are, following amendments, considered acceptable.

Housing

- 7.3 The overall mix remains as in the scheme approved in principle in 2004 and is as follows:

42 x 1 bedroom = 25%
105 x 2 bedroom = 62%
22 x 3 bedroom = 13%

This was considered to meet the policy requirement for a substantial number of family houses on suitable sites.

- 7.4 The current scheme, which is from a registered social landlord, provides almost entirely affordable housing, with only 5 of the 169 units for private sale. The proposed tenure breakdown is now:

41 social rented = 25%
123 intermediate (rent and shared ownership) = 73%
5 private sale = 3%.

The scheme approved in December 2004 provided just 25% affordable housing (34 units for social rent and 8 for shared ownership). The revised scheme provides more than the 35% minimum. This significant increase in affordable housing in the area is considered a welcome change..

- 7.5 The scheme has received an ecohomes rating of 'pass with potential to be very good' and it is recommended that a condition be attached seeking at least a 'good' rating, to encourage the development to achieve its potential.

Vehicle access

- 7.6 The proposed access road has been re-routed since the scheme was last considered by the Committee, to serve a car park entrance in a more central location on the north face of the development. The changes relate to ongoing proposals for the development of the north part of Suttons Wharf as the intention is that a new permanent road to serve both sites will be constructed on the north site. The current proposal is considered acceptable subject to submission of details of surfacing, lighting etc. and public access along it to the park when the development is complete is included in the proposed s106.

Height

- 7.7 Previously under 30m high, the current proposal raises the building by about 2m. The extra height is mainly due to the proposed car park being lifted further out of the ground so that the entrance level of

the building is raised by up to 2.5m above the surroundings.

- 7.8 The increased height in itself is considered acceptable, particularly in the context of the proposal for Suttons Wharf North, which includes significantly higher buildings, but the introduction of a raised ground floor affects the proposed building's appearance, accessibility and the relationship with its surroundings. Some reduction in height of the podium has reduced its impact but details are needed of ways to improve the transition between levels e.g. ground modelling, intermediate levels and wider staircases. Relocation and redesign of ramped access and provision for a wheelchair lift have brought the accessibility up to an acceptable standard.

Canal frontage

- 7.9 The treatment of the area between the building and the canal has changed quite significantly. The original proposal showed a 5m wide terrace, about 0.5m above the canal bank, stretching from the façade of the building, the location of the proposed café, to the canal. Beneath part of the terrace the canal bank was to be cut back creating an additional water area and planting was to be provided at walkway level. The current scheme has a walkway in the form of a bridge 2.5m above ground, pulled away from the façade of the building and reduced to 2m wide.
- 7.10 The various options for use of waterside locations, such as nature conservation, boat mooring and public access, are not always compatible and the proposal is therefore something of a compromise. It is however, following amendments, considered an acceptable solution.
- 7.11 The area of car park below the deck contains bicycle storage and the plant and archive space for the offices. Concerns about this exposed façade have been expressed by several consultees and detailing of screens and planting to soften this façade are crucial to the acceptability of the scheme. Other conditions, relating to nature conservation aspects of the canalside area, have been requested by the Environment Agency and the Council's Sustainability Officer and are outlined in para 2.1 above.
- 7.12 Access from the walkway to the future canal bridge has been improved by the reduction in height of the podium and is now step free. The submitted arrangement is considered acceptable in principle. Changes are likely as the exact location of the bridge is not yet certain.

Park

- 7.13 Those western parts of the site outside the footprint of the proposed building were to have been landscaped and passed to the Council, to be added to Meath Gardens Park. However the current scheme introduces mounding to disguise the car park and this would extend into the proposed parkland. Leisure Services do not wish to become responsible for the maintenance of these 'bunds', which do not provide useable open space, and it is therefore proposed that the small NE section of landscaping will be retained by the applicant and that the SW area transferred will be smaller.
- 7.14 This is considered acceptable because, unlike the large park extension approved on part of the Warley Street Goods Yard, these areas of Suttons Wharf are not zoned Public Open Space and any addition would be a windfall planning benefit. The retention of some of the green space within the boundary of the development would act as a buffer between public and private space and the reduction in transferred area would not reduce the visual extent of landscaping. The exact extent of the mounding and the transfer of land will be secured through the submission of details and the s106.
- 7.15 As regards the concerns of the local resident, some disturbance during building works is unavoidable. The limited access to the site means that Palmers Road is the only route for construction traffic. Standard conditions regarding hours of work, a site management agreement and the controls available under Environmental Health legislation will provide the basis for enforcement if necessary.

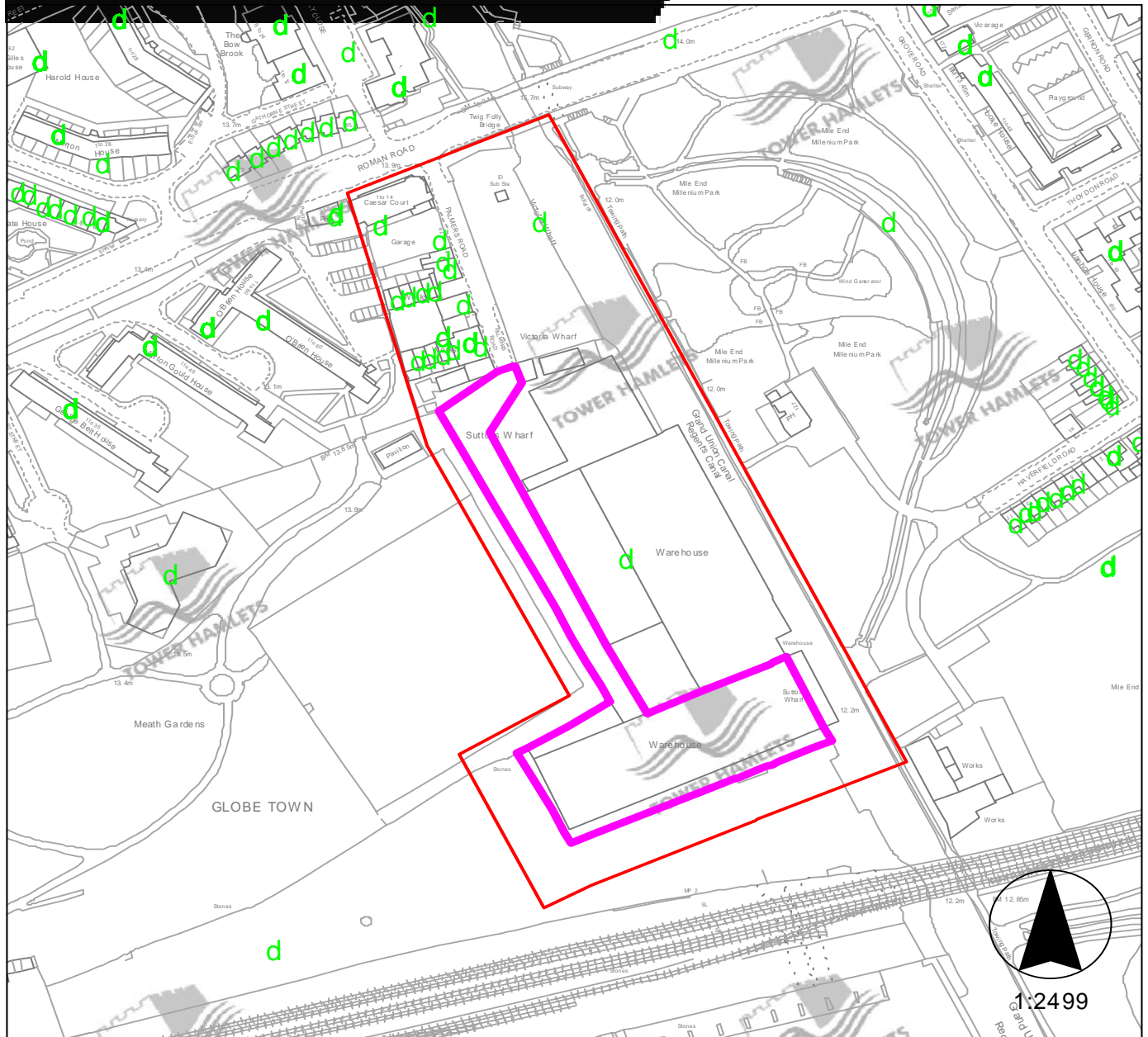
8. SUMMARY

- 8.1 The revised development would provide greater employment opportunities, increase the quantity of social housing and also provide a significant quantity of intermediate affordable housing in addition.
- 8.2 The increase in height and amendments to the design of the building do not significantly change the overall appearance of the proposed development or detrimentally affect the amenity of neighbours.

Other aspects, such as car parking provision, density, housing mix and amenity space, and the benefits to be secured by s106, are the same as for the scheme approved in principle in December 2004.

- 8.3 Grant of planning permission is recommended subject to conditions and the planning obligation agreement as set out 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

SOUTHERN PART OF SUTTONS WHARF, PALMERS ROAD, LONDON E2