

AGENDA

For a meeting of the
STRATEGIC DEVELOPMENT COMMITTEE
to be held on
THURSDAY, 5 JANUARY 2006
At
7.30 P.M.
in the
M71, 7TH FLOOR, TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT, LONDON, E14 2BG
Christine Gilbert, Chief Executive

Committee Members:	Councillor Rofique U Ahmed (Chair), Councillor Abdul Asad, Councillor David Edgar, Councillor Janet Ludlow, Councillor Julia Mainwaring, Councillor Hilary Phelps and Councillor Julian Sharpe
Committee Support Officer:	Brian Bell, Democratic Services
020 7364 4878	brian.bell@towerhamlets.gov.uk

Members of the Committee are invited to attend the above meeting to consider the items of business listed below.

- 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.

3. **MINUTES OF 3.11.5 MEETING** (Pages 1 - 8)
To confirm a correct record of the meeting of the Strategic Development Committee held on 3rd November 2005.
4. **DEPUTATIONS**
Members may agree to receive deputations.
5. **ICELAND WHARF, ICELAND ROAD, LONDON E3 2JP (REPORT NUMBER SDC007/056)** (Pages 9 - 22)
6. **SUTTONS WHARF, PALMERS ROAD, LONDON E2 0SF - PA/04/01666 (REPORT NUMBER SDC008/056)** (Pages 23 - 48)
7. **SUTTONS WHARF, PALMERS ROAD, LONDON E2 0SF - PA/05/01727 (REPORT NUMBER SDC009/056)** (Pages 49 - 80)

LONDON BOROUGH OF TOWER HAMLETS

STRATEGIC DEVELOPMENT COMMITTEE

3rd NOVEMBER 2005

Minutes of the STRATEGIC DEVELOPMENT COMMITTEE held at THE TOWN HALL, MULBERRY PLACE, 5 CLOVE CRESCENT, LONDON, E14 2BG on 3RD NOVEMBER, 2005 at 7.30 PM in ROOM 71.

Councillors Present

Councillor David Edgar (in the Chair)
Councillor Janet Ludlow
Councillor Julia Mainwaring
Councillor Martin Rew
Councillor Julian Sharpe

Officers Present

Mr Michael Scott (Interim Head of Development Control and Building Control)
Mr Stephen Irvine (Planning Applications Manager)
Ms Renee Goodwin (Planning Officer)
Ms Alison Thomas (Housing Development Manager)
Ms Helen Randall (Legal Advisor, Trowers and Hamlins)
Mr Alan Ingram (Democratic Services)

1.0 APOLOGIES FOR ABSENCE

Apologies were submitted on behalf of Councillors Rofique Uddin Ahmed and Abdul Asad.

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

No declarations of interest were made.

3.0 PUBLIC MINUTES

The minutes of the Strategic Development Committee held on 8th September 2005 were confirmed as an accurate record and signed by the Chair.

4.0 DEPUTATIONS

With the agreement of Members of the Strategic Development Committee, the Chair invited Mr M. Jenkins, of Purple Property Holdings, to address the Committee during consideration of agenda item 5.1 – “10 to 20 Dock Street, London, E1 8JP”.

5.0 PLANNING APPLICATIONS FOR DETERMINATION

5.1 10 to 20 Dock Street, London, E1 8JP (Report Number SDC006/056) (St Katharine’s and Wapping Ward)

Mr Irvine introduced the report and summarised the terms of the application. He outlined the reasons why the proposal was considered contrary to the policies and objectives of the Council and the objectives of the London Plan. He also tabled an addendum report detailing the events leading to the applicant lodging an appeal with the Planning Inspectorate against non-determination of the application.

Mr Irvine added that, as a public inquiry had been scheduled, the Inspector conducting that inquiry would approve or refuse the planning application, rather than the Council. Members were consequently being asked to indicate whether they would be minded to refuse the application, if they had been in a position to make a decision.

Mr Irvine further commented that the addendum contained views and concerns expressed by the Mayor of London, following consideration of the matter by the Greater London Authority, although the Mayor had also lost the opportunity to make representations due to the appeal being lodged.

At this point (7.40 pm), Councillor Sharpe joined the meeting.

Mr Irvine additionally tabled plans and photographs illustrating the proposed development, and how it would affect the surrounding area.

Following an invitation from the Chair for Members to put questions to the officer’s report, Mr Irvine responded in detail regarding the position which had arisen since the application had been originally received in July 2004 and the subsequent appeal against non-determination, despite negotiations with the applicants on various proposals.

Councillor Sharpe queried his eligibility to vote on the application, given his late arrival. Ms Randall made the point that the committee was not actually making a decision at the meeting, in the light of the pending appeal (as explained above).

The Chair then invited Mr Jenkins to address the committee for a period of five minutes. Mr Jenkins tabled for all Members written details of his presentation, which referred in particular to the concerns raised regarding: affordable housing contribution; streetscape; design and bulk. He put forward the opinion that all issues had now been dealt with.

The Chair then indicated that Members could pose questions to the applicant. Queries were put in connection with:

- the assertion that the scheme would not be economically viable without the proposed height and density. Mr Jenkins stated that all efforts had been made to achieve the residential mix required by LBTH and the scheme was now the optimum for the site.
- the outstanding need for a revised GLA's Toolkit Appraisal. Mr Jenkins commented that only 12 days' notice had been given of LBTH comments but a design was now in place that would comply with all requirements. A Toolkit could not be re-run until 7th November and would be in place on 8th November.
- the nature of problems for financial viability, as 35% affordable housing had been achieved on other sites. Mr Jenkins expressed the view that, following discussions with the GLA, a number of similar schemes in that part of the borough had been unable to meet that target. In fact, the target should be regarded as an objective across the board borough-wide. Building costs on the site were relatively high, in that this was an inner city location, closely adjoining other properties. He added that the GLA also recognised that its objective of 50% affordable housing applied across all schemes was an aspiration, and that many individual schemes would fail to meet that level.

The Chair then requested comments from officers on the points made. Mr Irvine stated that the Council also had consultants' advice on the scheme that did not agree with Mr Jenkins' comments. He did not agree with significant elements of the toolkit and did not agree that it was now satisfactory, referring also to concerns raised by the GLA and English Heritage. Officers felt that the proposed design was not acceptable and showed classic symptoms of an over-developed site. The size of the site would impact the area significantly and no account had been taken of listed buildings situated across the road. Most of the reasons for a recommendation for a "minded to refuse" decision were supported by the GLA.

Replying to further queries on Councillor Sharpe's eligibility to vote, Ms Randall stated that a decision on the application was now out of the Committee's hands. However, there was nothing to prevent the

Committee putting forward comments to be taken into account by the Planning Inspectorate. The Chair added that, nevertheless, the report was not simply for noting and Mr Scott confirmed that the report was the basis of the case to be made on the Council's behalf at the hearing.

The Chair pointed out that no declaration of interest had been made and Ms Randall continued that, if a decision were to be made and Councillor Sharpe felt that he had not been able to take account of all relevant considerations, it might be best to decline to vote. Councillor Sharpe stated that, in view of the circumstances, he would not participate in the voting.

The Chair then asked for overall comments on the issues raised. Mr Scott indicated that Mr Irvine had presented a comprehensive case against the application. He pointed out that concerns did not apply only to the affordable housing aspect of the application, as the scheme failed to meet a range of policies and affected adjoining properties, the townscape and future residents of the site. In other cases, proposals could be weighed against each other for approval but this scheme involved a whole cross-section of issues that were not met and not simply a matter of housing quantum.

On a vote of

4 FOR

0 AGAINST

0 ABSTENTIONS

(Councillor Sharpe not participating in the vote)

It was **RESOLVED:**

That the Director of Development and Renewal be 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 application does not include evidence of marketing with respect to the loss of employment floor space to justify the loss of employment floor space in this location. In light of this, it is considered that the proposed change of use could result in an unacceptable loss of employment floor space. As such the proposal is contrary to Policies EMP2 and CAZ3 of the Tower Hamlets Unitary Development Plan (adopted 1998) and EMP3 and EMP10 of the 1st Deposit Draft (May 2004) of the Tower Hamlets Unitary Development Plan, which seek to ensure that an adequate supply of land is safeguarded to enhance employment opportunities within the Borough.

- 2) The percentage of affordable housing proposed does not accord with the Council's targets to ensure the continued delivery of affordable housing in the Borough. The proposal is thus contrary to Policy HSG3 of the Tower Hamlets Unitary Development Plan (adopted 1998), and Policy HSG4 of the 1st Deposit Draft (May 2004) of the Tower Hamlets Unitary Development Plan, which seek to ensure that affordable housing is provided on-site to ensure the continued delivery of affordable housing in the Borough.
- 3) Details of the location, ratio and mix of the proposed affordable housing units has not been provided. In these circumstances, the Council consider that the proposed development is contrary to Policy HSG5 of the 1st Deposit Draft (May 2004) of the Tower Hamlets Unitary Development Plan, which seeks to ensure that an appropriate mix of social rented to intermediate market housing for affordable housing to reflect the Borough's needs identified in the 2004 Housing Needs Survey is provided and to ensure that affordable housing is integrated with the rest of the development.
- 4) A significant number of studios (26%) and one bedroom flats (41%) and a limited number of family housing, being three or more bedroom units is proposed. The dwelling mix and type of the proposed housing does not accord with the housing types and sizes identified to meet local needs. The proposal is thus contrary to Policy HSG7 of the Tower Hamlets Unitary Development Plan (adopted 1998), and Policy HSG8 of the 1st Deposit Draft (May 2004) of the Tower Hamlets Unitary Development Plan, which seek to ensure that housing accommodation in new residential developments and mixed-use schemes include those housing types and sizes to meet local needs and promote balanced communities in accordance with the Government's sustainable community agenda.
- 5) A number of the proposed unit/ room sizes (including those proposed to be located in the basement), by reason of their proposed internal layout would constitute an undesirable form of development, giving rise to a poor living environment for future occupiers as a result of:
 - (a) poor outlook;
 - (b) lack of natural light and ventilation; and
 - (c) cramped bedroom sizes.

The proposal is thus contrary to Policy DEV1 of the Tower Hamlets Unitary Development Plan (adopted 1998), Policy ENV1 of the 1st Deposit Draft (May 2004) of the Tower Hamlets Unitary Development Plan and the Council's Supplementary Planning Guidance 'Residential Space', which seeks to ensure a quality living environment for future occupiers.

- 6) It is considered that the height of all elements of the scheme are excessive in this context and:

- (a) would seriously and detrimentally challenge the spire of St Paul's Church (Ecclesiastical Grade C Listed Building);
- (b) would detrimentally effect the setting of St Paul's Church;
- (c) would be inconsistent with the prevailing urban character of the area, the tower being the significantly higher than the predominant roof height in Dock Street, and
- (d) would significantly alter the character of the street by replacing the existing dominant architectural feature of St Paul's Church spire with a 13 storey tower

As such, the proposal is contrary to Policy DEV1, DEV5, and DEV39 of the Tower Hamlets Unitary Development Plan (adopted 1998) and Policy UD7 and UD17 of the 1st Deposit Draft (May 2004) of the Tower Hamlets Unitary Development Plan, which seek to support tall building proposals in appropriate locations and resist development that would harm the setting of a listed building.

- 7) The proposal represents an undesirable form of overdevelopment of the site by reason of its excessive density, resulting in:
 - (a) loss of light to adjacent residents, including Blocks A, B and C of the Peabody Housing Estate;
 - (b) increased sense of enclosure to adjacent residents, including Blocks A, B and C of the Peabody Housing Estate;
 - (c) loss of privacy/ overlooking to adjacent residents, including Blocks A, B and C of the Peabody Housing Estate; and
 - (d) would provide a poor living environment for the prospective occupiers, i.e. generally cramped site layout, lack of natural light and ventilation, poor outlook, deficient unit/ room sizes and lack of on site amenity space.

The proposal is thus contrary to Policy HSG9 of the Tower Hamlets Unitary Development Plan (adopted 1998) and Policy HSG9 and UD7 of 1st Deposit Draft (May 2004) of the Tower Hamlets Unitary Development Plan, which seek to ensure that high densities are only supported where consistent with other Plan policies.

- 8) The development, because of its height, bulk and proximity to adjacent occupiers, will result in an unacceptable adverse impact on the sunlight/ daylight conditions of Blocks B and C of the Peabody Housing Estate. The proposal is thus contrary to Policy DEV5 of the Tower Hamlets UDP (adopted 1998) and Policy UD7 of the 1st Draft Deposit (May 2004) of the Tower Hamlets Unitary Development Plan, which seeks to mitigate the impacts of tall buildings on the immediate surroundings.
- 9) Insufficient information has been submitted to fully ascertain the microclimate (sunlight/ daylight and wind) impacts of the proposed

development, and in the absence of detailed assessments, an informed judgement of the impacts cannot be made. The proposal is thus contrary to Policy DEV5 of the Tower Hamlets UDP (adopted 1998) and Policy UD7 of the 1st Draft Deposit (May 2004) of the Tower Hamlets Unitary Development Plan, which seek to mitigate the impacts of tall buildings on the immediate surroundings.

- 10) The proposal by reason of its height, bulk and proximity to the opposite habitable rooms (being, the ground to fourth floors of Block A and B of the Peabody Housing Estate) would result in:
- (a) an unacceptable loss of privacy/ overlooking to the detriment of the occupiers and adjoining residents; and
 - (b) an increased sense of enclosure to the detriment of the occupiers and adjoining residents.

It would therefore cause a material loss of amenity to the occupiers and adjoining residents and is thus contrary to Policy DEV1 of the Tower Hamlets Unitary Development Plan (adopted 1998) and ENV1 of the 1st Deposit Draft (May 2004) of the Tower Hamlets Unitary Development Plan, which seek to protect the amenity of occupiers and neighbours.

- 11) The proposed residential development provides an inadequate amount of private open space for use by individual dwellings to the detriment of the amenity of the proposed dwellings. It is therefore considered that the proposal is contrary to Policy HSG16 of the Tower Hamlets Unitary Development Plan (adopted 1998) and Policy HSG12 and UD7 of the 1st Deposit Draft (May 2004) of the Tower Hamlets Unitary Development Plan, which seek to ensure the provision of adequate amenity space.

Close of meeting

The meeting ended at 8.30 pm

_____ Date ___/___/___
Councillor Rofique Uddin Ahmed
Chair, Strategic Development Committee

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Agenda Item 5

Committee: Strategic Development Committee	Date: 5 January 2005	Classification: Unrestricted	Report Number:	Agenda Item Number:
Report of: Corporate Director of Development and Renewal Case Officer: Michael Bell		Title: Town Planning Application Location: ICELAND WHARF, ICELAND ROAD, LONDON, E3 2JP Ward: Bow East		

1. SUMMARY

1.1 Registration Details

Reference No: PA/05/01339
Date Received: 4/10/2005
Last Amended Date: N/A

1.2 Application Details

Existing Use:
Proposal:

Metal recycling yard and car wash.
Full application - demolition of the existing buildings.
Erection of 5 new blocks consisting of a basement, ground
and up to 8 upper storeys. Use of the new blocks as 205
residential units (42 x studio, 47 x one-bedroom, 108 x two-
bedroom and 8 x three-bedroom), 67 car parking spaces
and 2 offices (Class B1)

Applicant: Henley Homes plc
Ownership: Kingsview Solutions
Historic Building: N/A
Conservation Area: N/A

2. RECOMMENDATION:

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

1. The site lies within the Lea Valley Industrial Employment Area and Lower Lea Valley Strategic Employment Location and the proposed non-industrial use would conflict with Policies EMP2 and EMP13 of the Tower Hamlets Unitary Development Plan 1998, Policy EE2 of the Preferred Options: Core Strategy and Development Control Development Plan Document 2005, Policy LS2 of the Preferred Options: Leaside Area Action Plan 2005 and Policy 3B.5 of the adopted London Plan 2004.
2. The proposal would amount to an over development of the site substantially in excess of the density guidelines provided by Policy HSG9 of the Tower Hamlets Unitary Development Plan 1998, Policy HSG1 of the Preferred Options: Core Strategy and Development Control Development Plan Document 2005 and Policy 4.3B of the adopted London Plan 2004 (including the Density, location and parking matrix at Table 4B.1).
3. The development would conflict with Policies DEV1, DEV2 and DEV57 of the Tower Hamlets Unitary Development Plan 1998 and Policies UD1 and OSN1 of the Preferred Options: Core Strategy and Development Control Development Plan Document 2005 as it would be insensitive to the context of the surrounding area and the River Lea by reason of design, mass, scale and height, fail to take account of the development capabilities of the site and adversely affect the development potential of adjoining land.
4. The affordable housing contribution measured by habitable rooms and floorspace would fail to meet either the target set by Policy 3A.7 of the London Plan 2004 or

Policy HSG3 of the Preferred Options: Core Strategy and Development Control Development Plan Document 2005.

5. Both the development as a whole and the proposed affordable housing provision would fail to provide a proper mix of accommodation to meet the needs of the Borough contrary to Policy HSG7 of the Tower Hamlets Unitary Development Plan 1998 and Policy HSG6 of the Preferred Options: Core Strategy and Development Control Development Plan Document 2005.
6. The proposed ratio between affordable rental and intermediate housing would fail to meet either the London Plan's objective at Policy 3A.7 that 70% of the affordable housing should be rental and 30% intermediate or Policy HSG5 of the Preferred Options: Core Strategy and Development Control Development Plan Document 2005 that stipulates a rental to intermediate ratio of 80:20 for all grant-free housing.
7. The development would fail to provide a satisfactory standard of residential accommodation. In a number of instances internal space would be below that recommended by the Council's Supplementary Planning Guidance 'Residential Space' and there would be inadequate amenity space contrary to Policies HSG13 and HSG16 of the Tower Hamlets Unitary Development Plan 1998 and Policy HSG13 of the Preferred Options: Core Strategy and Development Control Development Plan Document 2005. The applicant has also failed to demonstrate that all of the dwellings meet Lifetime Homes Standards and that 10% are wheelchair accessible contrary to Policy 3A.4 of the adopted London Plan 2004 and Policy HSG.2 of the Preferred Options: Core Strategy and Development Control Development Plan Document 2005.
8. The development would fail to provide adequate turning facilities for service or emergency vehicles on Iceland Road in accordance with Planning Standard No. 3 of the Tower Hamlets Unitary Development Plan 1998 and consequently would fail to comply with Policy T17 of the Plan.
9. The proposal is located within the Olympic OLY4 site, which has outline consent for an Olympic car and coach parking facility. As such the proposal is not considered to be compatible with the approved OLY4 development.

3. BACKGROUND

Site and surroundings

- 3.1 Iceland Wharf comprises a 0.49 hectare site lying on the western bank of the River Lea and the southern side of Iceland Road. The site also has a 15 metre frontage to Wick Lane and abuts the Iceland Public House on the corner of Wick Lane / Iceland Road. It is currently used for the metal recycling and a car wash. There is a fall in level of about 3 metres from Wick Lane to the Lea.
- 3.2 To the north, on the opposite side of Iceland Road, No. 419 Wick Lane comprises a vacant industrial building where in September 2004, the Development Committee decided to grant planning permission for redevelopment by a lower ground plus 7-storey building comprising 104 live/work units, 1,123 sq. m of business floorspace and a shop. The S106 agreement in respect of this development was subsequently signed in October 2005. North beyond No. 419, No. 417 Wick Lane is being redeveloped by a building up to nine storeys high (seven storeys to the River Lea) to provide 75 live/work units, 960 sq. m of B1 (Business) and a riverside walk.
- 3.3 To the south, alongside Iceland Wharf, lies a distribution warehouse and business premises that run the length of Autumn Street from Wick Lane to the Lea. Nos. 429-431 Wick Lane, a former foundry, intervenes along half of the boundary between Iceland Wharf and the properties along Autumn Street.
- 3.4 Opposite, on the western side of Wick Lane lies the modern low rise Old Ford Trading Estate.
- 3.5 The principle vehicular access to Iceland Wharf is from Iceland Road. There is also a secondary access from Wick Lane to an open yard. Iceland Road is a local access road. Wick Lane is an unclassified distributor road providing access to the A12 East Cross Route some 500 metres to the west.

Planning history

- 3.6 In 1967, planning permission was granted for the use of Iceland Wharf for the storage, sorting and smelting of non-ferrous metals. A 1999 application for redevelopment by a waste transfer station went undetermined.
- 3.7 In 2004 an application was submitted for an identical scheme to the current full application (PA/04/1621). This application was subsequently withdrawn.
- 3.8 The site lies within the OLY4 Olympic site, which will provide a temporary coach drop-off facility together with coach and Olympic family car parking. The Olympic proposals were granted outline planning permission in 2004.

Proposal

- 3.9 Application is now made for full planning permission to redevelop Iceland Wharf by demolition of the existing buildings and erection of 5 new blocks consisting of a basement, ground and up to 8 upper storeys. Use of the new blocks as 205 residential units (42 x studio, 47 x one-bedroom, 108 x two-bedroom and 8 x three-bedroom), 67 car parking spaces and 2 offices (Class B1)
- 3.10 The submitted drawings show the development would comprise five blocks mostly inter-linked. The business accommodation would occupy the ground floor Wick Lane frontage of a nine storey affordable housing block that would wrap around the Iceland P.H. Two nine-storey blocks would be laid out in a crescent fronting the Lea and Iceland Road. At ground level between the two blocks facing Iceland Road there would be a pair of 'water features.' Recessed from the water features, a link block would span the two buildings facing Iceland Road between 1st and 5th floor levels.
- 3.11 The building would be set back a minimum of 8 m from the River Lea with a riverside walk provided. Pedestrian access would be from Wick Lane and at two points on Iceland Road.

There would be a semi-basement/lower ground car park accessed from Iceland Road. The car park would contain 67 car spaces (10% for use by disabled people) and accommodation for 17 motor cycles and 72 bicycles.

4. PLANNING POLICY FRAMEWORK

4.1 The following Unitary Development Plan **proposals** are applicable:

1. Archaeological importance or potential
2. Flood Protection Area
3. Green Chain
4. Lea Valley Industrial Employment Area
5. Sites of Nature Conservation Importance

4.2 The following Unitary Development Plan **policies** are applicable:

DEV1 and DEV2 – General design and environmental requirements
DEV3 – Mixed use developments
DEV4 – Planning obligations DEV47 – New development adjacent to rivers
DEV45 – Proposals involving ground works in areas of archaeological importance or potential
DEV48 – Walkways within new development adjacent to a waterway frontage
DEV51 – Contaminated land
DEV57 – Nature conservation and ecology
DEV58 and DEV63 – Enhancement of Green Chains
EMP1 – Employment growth
EMP2 – Loss of employment sites
EMP11 and 13 – Industrial Employment Areas
HSG1 – Quantity of housing
HSG2 – New housing development
HSG9 – Density
HSG16 – Amenity space
T15-17 – Transport and development

4.3 The following Preferred Options: Core Strategy and Development Control Development Plan Document / Leaside Area Action Plan 2005 **proposals** are applicable:

1. Strategic Employment Location (subject to change due to the Olympics / Paralympics)
2. Flood protection area
3. Green chain
4. Site of Nature Conservation Importance
5. Area of archaeological importance or potential
6. LS4 –Fish Island South

4.4 The following Preferred Options: Core Strategy and Development Control Development Plan Document / Leaside Area Action Plan 2005 **policies** are applicable to this application:

EE2 – Strategic Employment Locations (SELs)
EE5 – Mixed-Use Development
EE7 – Redevelopment / Change of Use of Employment Sites
HSG1 – Housing Density
HSG2 – Lifetime Homes
HSG3 – Affordable Housing Provisions
HSG4 – Calculating Affordable Housing
HSG5 – Social rented/intermediate ratio
HSG6 – Housing Mix
HSG13 – Housing Amenity Space
HSG14 – Eco-homes
TR1 – High density development in areas of good public transport accessibility
TR2 – Parking (including Parking Standards)
TR3 – Transport assessments
TR7 – Walking and Cycling
UD1 – Scale and density

UD5 – High Quality Design
SEN1 – Disturbance from noise pollution
SEN3 – Energy Efficiency
SEN4 – Water Conservation
SEN6 – Sustainable Construction Materials
SEN7 – Sustainable Design
SEN9 – Waste disposal and recycling
SEN10 – Contaminated Land
SEN11 – Flood Protection and Tidal Defences
ONS1 – The Natural Environment
LS1 – 2012 Olympics
LS2 – Employment Floorspace
LS9 – Transport Principles
LS10 – Transport Capacity
LS11 – Connectivity
LS12 – Infrastructure and Services

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 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.

London Plan

- 4.6 The London Plan was published in February 2004 and provides the Spatial Development Strategy (SDS) for London. There is a requirement for Boroughs' Unitary Development Plans (UDPs) and emerging Local Development Frameworks (LDFs) to be in 'general conformity' with the London Plan whilst the London Plan itself has 'Development Plan' status under the 2004 Planning and Compulsory Purchase Act.
- 4.7 To assist in the implementation of the London Plan, the Mayor has published Sub-Regional Development Frameworks (SRDFs) for each of the 5 sub-regions, of which Tower Hamlets is located in the East sub-region. The draft East London SRDF was published for consultation in May 2005 and includes the application site within the defined Lower Lea Valley Strategic Employment Location.

Comments of Chief Legal Officer

- 4.8 The relevant policy framework against which the Committee is required to consider planning applications includes the adopted London Plan 2004, the Council's Community Plan, the adopted Unitary Development Plan (UDP) 1998, the Draft UDP and Interim Planning Guidance Notes 4 (Public Transport), 7 (Environmental Sustainability Initiatives) and 8 (Employment Initiatives and Local Labour).
- 4.9 Decisions must be taken in accordance with sections 54A and 70(2) of the Town and Country Planning Act 1990. Section 70(2) of the Town and Country Planning Act 1990 is particularly relevant, 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.
- 4.10 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.
- 4.11 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 on residential/employment mixed uses, proposals, transport and density levels.

5. CONSULTATION

5.1 The following have been consulted regarding this application:

- (1) **London Borough of Newham.** No representations received.
- (2) **Environment Agency.** Objects on 2 counts: (1) The submitted Flood Risk Assessment does not use the EA's most up to date flood levels, has not taken into account tidal flood risk and requires further consideration of attenuating surface water run-off. (2) The proposal includes development in close proximity to the River Lea that would prejudice the Agency's environmental obligations and preclude an adequate buffer zone. The development proposed would have a negative impact on the ecology and landscape of the river corridor. No buildings greater than 2 storeys or 11m in height (whichever is greater) should be constructed within 10 metres of the bank top of the River Lea and an 8 metres buffer should be provided free of all structures including paths.
- (3) **Olympics Joint Planning Authorities Team.** Objects. Given that the current planning permission for OLY4 will be enacted for the London 2012 Games, coupled with the lack of information regarding the Legacy proposals for this site, it is considered that these application are premature in their timing and would prejudice the current planning permission for the OLY4 site.
- (4) **British Waterways.** No objection to residential redevelopment in principle but is concerned about the height, design, bulk and massing adjacent to the River Lea Navigation where a 9-storey building would be inappropriate due to overshadowing that could potentially affect the river ecology. Does not favour a riverside walk due to effect on ecology and negative impact on mooring opportunities. Would prefer to see a private walkway within the site. Requests a single a lane access from Wick Lane to the canal [sic] for use by British Waterways' contractors.
- (5) **Fish Island Business Club.** No objection. Considers the development would use the site skilfully with a design sympathetic to both the river and Iceland Road but would prefer to see more business floorspace. Requests an appropriate section 106 contribution towards the funding of a Fish Island Business Community Centre.
- (6) **London Thames Gateway Development Corporation.** Objects. The application should be refused as being contrary to development plan policies for the area and particularly given the current work being carried out to confirm the overall area of land and the location of sites which are needed for the relocation of businesses from the Olympics zone
- (7) **London Development Agency.** Objects. Considers that the proposed development is not compatible with the current plans for the OLY4 development. The LDA has indicated to the applicant, on an entirely without prejudice basis, that it is willing to work with them to explore ways in which the two schemes could be made compatible. However a final decision on possible changes to the current OLY4 proposal cannot be made until there is more clarity on the detailed design for OLY4 which itself will need to be agreed with key stakeholders and interested parties.
- (8) **Civil Aviation Authority.** No observations
- (9) **English Heritage Archaeology.** Recommends that any permission be conditioned to secure an archaeological investigation. The investigations should include the Lea Waterfront and possibilities for preserving the stone retaining wall which is defined as of 'moderate importance'.
- (10) **Environmental Health.** Requests that any permission be conditioned to investigate site contamination and secure mitigation. With regard to the daylight / sunlight assessment there are concerns regarding the overshadowing of the amenity space and the river Lea. In addition, the applicant should provide an assessment of the

shadowing of the River Lea in relation to each of the 4 equinox, not simply March, with and without the Iceland Wharf proposals. The applicant should also assess the daylight / sunlight levels within the habitable rooms of the proposed Iceland Warf development itself.

- (11) **Strategic Planning Team.** It is recommended that the application be resisted on the grounds that this site has been designated as a Strategic Employment Location, which should be safeguarded for the purpose of industrial development and employment growth. Further residential development also under minds the industrial development as a cluster remaining viable. It is considered that the loss of employment space and opportunity has not been adequately provided for within the proposed development.

As a residential led, mixed use development the provision of housing mix is inappropriate for Tower Hamlets and does not assist the Council (or the East subregion) in meeting the identified housing need. Also the density exceeds what is considered appropriate, considering the limited transport opportunities for this site. This results in over development of the site and has wider ramification for unsustainable growth in Tower Hamlets.

- (12) **Social Housing Group.** The proposed development does not meet the Council's requirement for 35% affordable housing provision in terms of gross floorspace. Whilst the applicant has undertaken the GLA Affordable Housing 'Toolkit' Assessment, it does not provide sufficient justification as to why the 35% target cannot be met. The dwelling mix, with an overwhelming number of 2 bedroom units and lack of family accommodation, is not satisfactory nor is the proposed rental/intermediate ratio.

- (13) **Head of Highways Development.** Advises the details of pedestrian and vehicular access to the eastern end of Iceland Road are inadequate. In particular, no turning arrangements are shown for service or emergency vehicles. It is also considered that the proposals to increase the PTAL of the site to a level '4' are too optimistic with concerns regarding the deliverability of the proposed public transport improvements. If permission is granted it should be subject to a car free agreement, a contribution to the improvement of bus services on Fish Island and the funding of associated repairs to the public highway.

- (14) **Greater London Authority.** The application is referable to the Mayor as it involves development not in accordance with the development plan and comprises more than 150 dwelling units. If the Council is minded to approve the application, the Mayor has asked to be given 14 days to decide whether or not to direct the Council to refuse permission. At Stage 1 referral in respect of the previous application (PA/04/1621), the Mayor concluded that the scheme was unacceptable as :-

- The application provides inadequate justification for a loss of employment land within a strategic employment location.
- The level of affordable housing is not satisfactory
- The density is unjustifiably high
- There are issues of accessibility and urban design that should be addressed

GLA Officers have confirmed that they will not be making a further Stage 1 referral report and that the Mayor's previous points of objection apply equally to the new application.

- (15) **Corporate Access Officer.** Objects. The applicant has not demonstrated that 100% of the dwellings comply with the 16 Lifetime Homes criteria, nor that 10% of the dwellings comply with the Weheelchair standard.

- (16) **Metropolitan Police Crime Prevention Design Advisor.** States that the scheme should provide extensive CCTV, that all external and private space boundaries should be 2.4 metres in height and that all windows and doors should meet secured by design standards. There are concerns about the potential of the under crofts leading to anti social behaviour if they are not secured and that non-residents will

have access to the amenity space and external stair cases. In addition there is not any security for the ground floor premises, particularly from the riverbank.

- (17) **English Nature.** No representation received.
- (18) **Thames Water Utilities.** No representation received.
- (19) **Tower Hamlets Primary Care Trust.** States that if the development is approved then a contribution of £4,476 should be made towards health provision in accordance with the London Healthy Urban Development Unit (HUDU) Model.

5.2 The application has also been advertised on site and in the press and consultation undertaken with adjoining owner/occupiers. No representations have been received.

6. ANALYSIS

6.1 It is considered that the planning issues in this case are:

- the compatibility of the application with the Olympic Proposals;
- land use in a defined industrial employment area (IEA / SEL), including the acceptability of residential development;
- whether the density, scale and mass is acceptable;
- affordable housing, dwelling mix and housing standards;
- transport and highway considerations.

Compatibly with Olympic Proposals

6.2 There is no instruction from the Government that the Council should not continue to deal with applications for planning permission that fall within the Olympic area. The London Development Agency considers that the proposed development is not compatible with the current plans for the OLY4 development. The LDA has indicated to the applicant, on an entirely without prejudice basis, that it is willing to work with them to explore ways in which the two schemes could be made compatible. However a final decision on possible changes to the current OLY4 proposal cannot be made until there is more clarity on the detailed design for OLY4 which itself will need to be agreed with key stakeholders and interested parties. Detailed design work is due to commence in early 2006 and until this work is completed, the application is considered premature.

Land Use

- 6.3 Policy EMP1 of the statutory 1998 UDP encourages employment growth through the re-use of vacant land and derelict buildings by the re-development and upgrading of sites already in employment uses and through the development for employment uses of those sites shown on the Proposals Map and listed in the Schedules. Iceland Wharf lies within the Lea Valley Industrial Employment Area defined on the Proposals Map but is not individually itemised in the Schedules.
- 6.4 Policy EMP2 of the Plan seeks to retain existing employment uses subject to a suite of nine exceptions and Policy EMP12 promotes Use Classes B2 (General Industry) and B8 (Storage and distribution) within industrial employment areas. Policy EMP13 states that residential development will only be permitted where the loss of industrial land is justified.
- 6.5 The 1st deposit UDP published for consultation in 2004 sought to consolidate areas safeguarded for industrial uses and facilitate the managed transfer of industrial land in appropriate locations. To this end the southern part of the Lea Valley Industrial Employment Area, including the application site, was re-designated as a mixed-use opportunity site. This designation envisaged the potential for residential uses to compliment new employment development.
- 6.6 However, subsequent to the 1st Deposit UDP the Mayor has published the draft East London Sub Regional Development Framework (SRDF) to provide more specific guidance on the implementation of London Plan policies, including Policy 3B.5 relating to Strategic Employment Locations. In particular the draft SRDF builds on the recommendations of the Mayor's Draft Industrial Capacity SPG 2003 and the findings of the Mayor's Industrial and

Warehousing Demand Study 2004 to confirm that Tower Hamlets is within the 'limited' category for the release of industrial land. It also provides indicative working boundaries of the sub-region's Strategic Employment Locations for consultation. This includes the Lower Lea Valley SEL, which is based on the original boundaries of the Lea Valley Industrial Employment Area as identified in the Adopted UDP, rather than the consolidated area identified in the 1st Deposit UDP.

- 6.7 The Council has taken into account the draft SRDF, together with the Mayor's strategic assessment of industrial demand and its own local assessment of employment capacity, in preparing the Preferred Options for the LDF and Leaside Area Action Plan. In this respect the Preferred Options confirm the Lower Lea Valley SEL designation in accordance with the indicative boundaries provided in the SRDF, as opposed to the consolidated area identified in the 1st Deposit UDP. Thus the Preferred Options and the London Plan are in general conformity in that both seek to safeguard this area for industrial employment. This takes into account the need to provide strong protection of existing industrial areas given the planned release elsewhere in the Leaside area, including Fish Island East.
- 6.8 The Preferred Options make provision for the part of the SEL, including the application site, to be safeguarded for the Olympics Proposals. It confirms that this area should be reinstated for employment purposes after the Olympics to provide a range of employment opportunities for local residents and maintain London's strategic reservoir of industrial capacity.
- 6.9 The adopted and emerging strategic and local planning policy context relating to the application site therefore seeks to protect the area for industrial employment activity. The application however proposes the replacement of the existing industrial use with a residential led scheme incorporating a limited amount of office floorspace. This is considered to be contrary to the planning policy context with the proposal resulting in a loss of employment generating development. In addition, residential development is not considered acceptable within the defined Strategic Employment Location. There will be significant amenity impacts associated with adjoining industrial uses - including noise, vibration, dust, odour, fumes, heavy vehicle traffic, safety and security and hours of operation – and the introduction of residential development is likely to increase pressure to curtail industrial activity in the surrounding area, compromising the function of the SEL beyond the application site.
- 6.10 The applicant has submitted an employment study to justify the loss of industrial employment on the site. However, it is considered that this evidence does not fully take into account the strategic review of employment land within the Borough and the East London sub-region as a whole that has informed the Council's LDF Preferred Options. The employment study does not therefore justify an exception to planning policy in this instance.

Density and design

- 6.11 The scheme would result in a residential density of 1,004 hrph (habitable rooms per hectare). This substantially exceed the normal guideline of 247 hrph for new residential development provided by Policy HSG9 of the 1998 UDP. Policy HSG9 sets out four circumstances where higher densities may be acceptable non of which are considered applicable in this instance:
1. The development would be for special needs housing or non-family housing
 2. The development is located within easy access to public transport, open space and other local facilities
 3. The dwellings are part of a substantial mixed use development or are a small in fill
 4. It can be demonstrated that the development meets all other standards for new dwellings in the Plan and does not conflict with the Council's policies for the environment
- 6.12 UDP policy HSG9 has largely been superseded by the density policies of the London Plan 2004 and Policy HSG1 of the LDF Preferred Options. These both involve the implementation of a Density, location and parking matrix that links density to public transport availability that is defined by PTAL scores on a scale of 1 (low) –6 (high).
- 6.13 The site is poorly served by public transport with a PTAL '2'. For 'urban' sites with a PTAL range 2 to 3, the appropriate density for residential developments of flats with low parking

provision (as proposed) should be within the range 300-450 hrph. The proposed density of 1,004 hrph is over twice the upper level of the density range indicating a potentially significant level of over development of the site.

- 6.14 The applicant proposes public transport improvements to increase the PTAL of the site to '4'. However the Council has a number of concerns regarding the deliverability of these improvements, whilst this does not address the lack of the other social and physical infrastructure necessary to support a residential population – such as education, health shopping and open space facilities – within the locality.
- 6.15 There are also a number of concerns regarding the scale and design of the proposed development which further demonstrates that the proposal would represent a significant over development of the site.
- 6.16 The layout proposed seems to have been shaped by the intention of creating as much usable perimeter as possible, leading to a dense development and tightness to site boundaries to the extent that the scheme would prejudice the development potential of the adjoining sites in Autumn Street. At their closest, the buildings would have habitable rooms set just 4 m from the southern boundary that would preclude development on the adjoining sites from complying with the 18 m separation guideline set out at paragraph 4.9 of the 1998 UDP.
- 6.17 It is considered that the proposed scale of building would be excessive and overbearing in this location evidenced by:
- Current or consented developments, as noted above, are generally somewhat lower, closer to six storeys on average, despite the fact that they are often on sites which are wider and less constricted than Iceland Wharf;
 - The scheme would appear as an east-west nine storey 'wall' of building with only short gaps;
 - The uniform height of most of the development would be monotonous and fail to exploit the potential interest offered by variety in building heights. To the contrary, the scheme would appear as a series of high slabs of building;
 - The impact of the full nine storeys would be particularly severe on the frontage to Wick Lane, where it would dominate unacceptably the two storey public house;
 - The applicant's daylight / sunlight assessment shows that much of the limited amount of open space within the development would be overshadowed;
 - The applicant's daylight / sunlight assessment shows significant overshadowing of the River Lea, which is likely to impact on the ecology of the river;
 - A layer of car parking, forming a deck on which the blocks sit would take up the slope in the site towards the river. Its exposed frontage is shown as a blank louvered wall facing the open spaces on both north and south faces of the buildings, compromising the amenity of these spaces. There would be a similar treatment to the River Lea with a blank wall to the car park instead of an active frontage.
- 6.18 The scheme also proposes gated private housing alongside the river. Whilst the provision of a riverside walk, to link with walkways permitted at Nos. 417 and 419 Wick Lane, is welcomed there would be no public access to the walkway from Iceland Road which is considered unacceptable.
- 6.19 In addition to density policies, the proposal would therefore conflict with the environmental Policies DEV1 and DEV2 of the 1998 UDP and LDF Preferred Options Policy UD1 which require the bulk, height and density of development to relate to that of the surrounding building plots and blocks, and the scale of the street. It would also conflict with Policy DEV 57 of the Adopted UDP and LDF Preferred Options Policy ONS1 which seek to protect sites of Nature Conservation Importance.
- 6.20 In conclusion the proposal is considered to be insensitive to the development capabilities of the site, the nature conservation value of the River Lea, the character of the surrounding area and would adversely affect the development potential of sites in Autumn Street.

Affordable housing

- 6.21 Adopted UDP Policy HSG3 seeks an affordable housing provision on sites capable of providing 15 or more units in accordance with the Plan's strategic target of 25%. Policy 3A.8 of the London Plan states that Borough's should seek the maximum reasonable amount of affordable housing taking into account the Mayor's strategic target that 50% of all new housing in London should be affordable and Borough's own affordable housing targets.
- 6.22 The LDF Preferred Options Policy HSG3 seek 50% affordable housing provision on site capable of providing 10 or more dwellings, with a minimum requirement of 35%. For sites capable of providing 15 or more units a minimum of 25% affordable housing must be providing without access to public subsidy. Policy HSG4 confirms that affordable housing will be calculated in terms of habitable rooms with the exception of where this yields a disparity of 5% or more compared to calculation in terms of gross floorspace.
- 6.23 The applicant has offered to provide 50 affordable housing units without subsidy representing 32% provision in terms of habitable rooms (30% in terms of gross floorspace and 24% in terms of the total number of units). This does not meet the Council's minimum target of 35% and whilst the applicant has undertaken the GLA Affordable Housing 'Toolkit' Assessment, this does not provide sufficient justification as to why the 35% target cannot be met.
- 6.24 Of the affordable housing provision 68% would comprise social rented accommodation and 32% intermediate in terms of habitable rooms. This does not comply with the London Plan's objective that 70% of the affordable housing should be social rented and 30% intermediate or Policy HSG5 of the LDF Preferred Options that requires a social rented to intermediate ratio of 80:20 for grant free affordable housing.

Dwelling mix

- 6.25 On appropriate sites, UDP Policy HSG7 requires new housing schemes to provide a mix of unit sizes including a "substantial proportion" of family dwellings of between 3 and 6 bedrooms.
- 6.26 LDF Preferred Option Policy HSG6 requires an appropriate mix of units to reflect local need and provide balanced and sustainable communities. Family accommodation is again identified as a priority reflecting the findings of the Borough's Housing Needs Survey as well as the draft East London SRDF. The Policy provides the required breakdown of provision for development proposing 10 units and above. In terms of family accommodation, the Policy requires 45% of social rented housing without subsidy, 40% of social rented housing with subsidy, 10% of intermediate and 25% of market housing to comprise units with 3 or more bedrooms respectively.
- 6.27 The breakdown of units in the proposed development in terms of the number of bedrooms is provided in the table below.

Unit size	Market		Social Rented		Intermediate		Total	
	No. of Units	%	No. of Units	%	No. of Units	%	No. of Units	%
Studio	42	27.1	0	0.0	0	0	42	20.5
1 bed	47	30.3	0	0.0	0	0	47	22.9
2 bed	66	42.6	25	75.8	17	100	108	52.7
3 bed	0	0.0	8	24.2	0	0	8	3.9
4 bed	0	0.0	0	0.0	0	0	0	0.0
total	155	100.0	33	100.0	17	100	205	100.0

- 6.28 No units are provided larger than 3 bedrooms across the scheme as a whole. 3 bedroom units comprise 24.2% of the social rented provision but only 3.9% of the development as whole. No market or intermediate units are provided above 2 bedrooms in size.
- 6.29 It is therefore considered that the proposed development would not meet the identified housing needs of the Borough and as such is contrary to the adopted and emerging housing mix policies as identified above.

Housing Standards

- 6.30 Room sizes meet the Council's minimum SPG guidelines but the overall floorspace of flats in a number of instances fall below recommended standards. Of particular concern is the entire absence of any private amenity space for the affordable units in Blocks A and B. These buildings would occupy almost the entire ground level and the high footprint means that there is no usable space at ground level as amenity for residents of a 9-storey building. There is also no compensatory public open space in the vicinity.
- 6.31 In addition the applicant has also failed to demonstrate that all of the dwellings meet Lifetime Homes Standards and that 10% are wheelchair accessible contrary to Policy 3A.4 of the adopted London Plan 2004 and Policy HSG.2 of the LDF Preferred Options.

Environmental Sustainability

- 6.32 The LDF Preferred Options contain a number of policies to ensure the environmental sustainability of new development. Policy HSG14 required all new housing to meet a minimum of EcoHomes rating of 'very good'. In addition all new development is required to adopt a resource efficient approach to use of water (Policy SEN4) and construction materials (Policy SEN6) whilst developments of 10 or more dwellings are required to demonstrate the feasibility of providing at least 10% of predicted energy requirements through renewable means (Policy SEN3). All new development is required to make sufficient provision for waste disposal and recycling facilities (Policy SEN9).
- 6.33 The applicant has submitted a sustainability report to demonstrate that the proposal exceeds these requirements and confirms that the proposed design scores an 'Excellent' rating under the BRE EcoHomes Scale.

Transport and Highway considerations

- 6.34 The junction with Wick Lane would be capable of accommodating traffic generated by the new development. However, no turning facilities are proposed for servicing or emergency vehicles on Iceland Road and the scheme is not considered acceptable in that respect.
- 6.35 The car parking provision of 67 spaces is in accordance with the maximum standards defined in the London Plan and LDF Preferred Options. Cycle parking would exceed the adopted UDP standard and that contained in the LDF Preferred Options.
- 6.36 Whilst the applicant has identified a number of improvements to public transport services to increase the PTAL of the site from '2' - poor to '4' – above average, the Council's Transport Officers have expressed a number of concerns regarding the deliverability of these improvements.

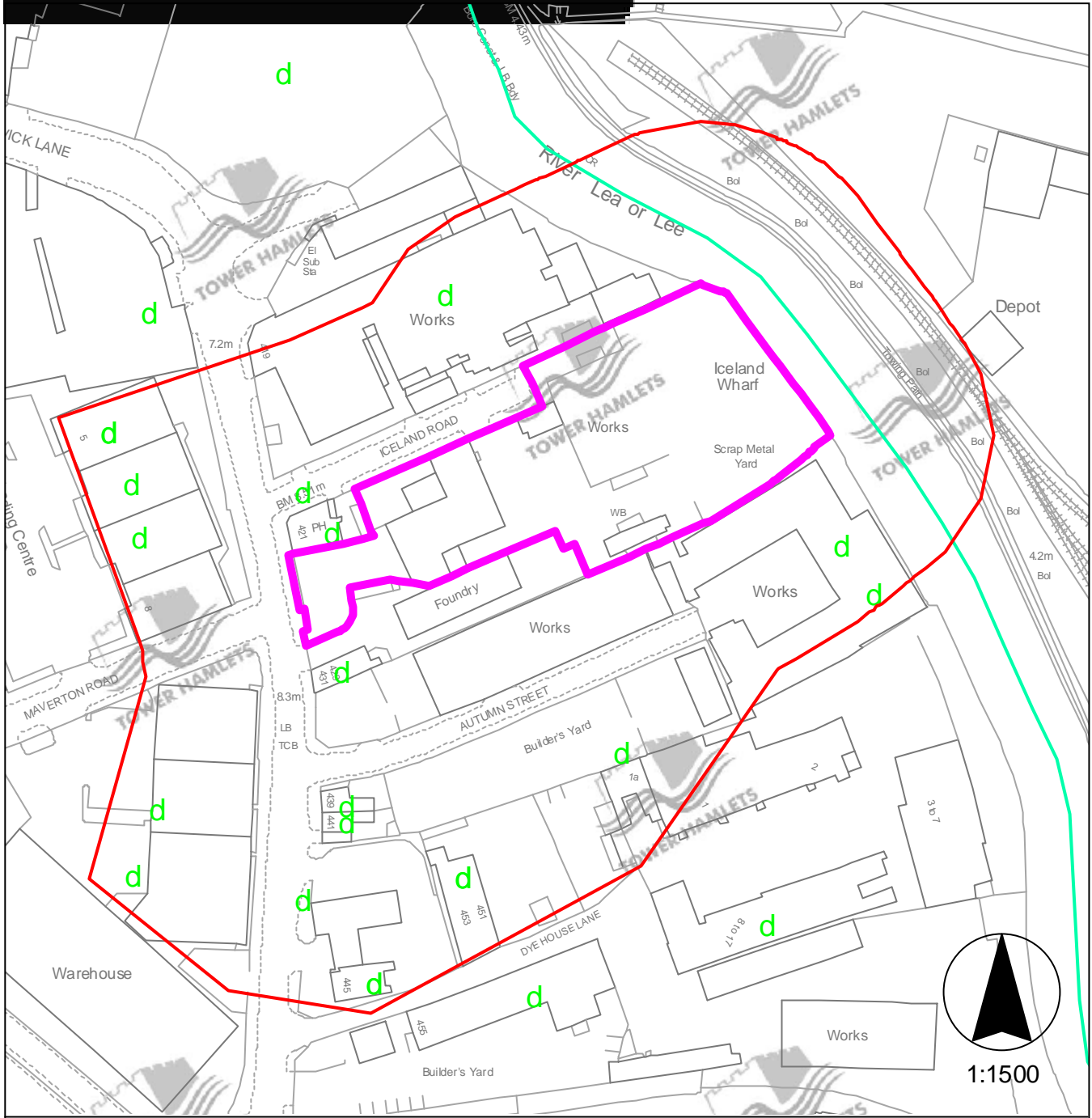
7. SUMMARY

- 7.1 The sites lies within the Lea Valley Industrial Employment Area and the Lower Lea Valley Strategic Employment location and as such is protected in the adopted UDP, London Plan and emerging LDF for industrial use. The proposal to replace the existing industrial use with a residential led scheme incorporating a limited amount of office floorspace is therefore clearly contrary to planning policy.
- 7.2 The site is also located within the OLY4 Olympics site, which has outline consent for an Olympic coach and car parking facility. The LDF Preferred Options make provision for this part of the Strategic Employment Location, including the application site, to be safeguarded for the OLY4 Olympics Proposals and for reinstatement for employment use after the Olympics. The proposal is considered to be incompatible with both the OLY4 consent and the LDF Preferred Options proposed use for the sites post Olympic use.
- 7.3 The proposed residential density would significantly exceed that recommended by both the London Plan and LDF Preferred Options. No justification is seen for such a proposal in an area which has a poor level of public transport accessibility and also lacks the other social and physical infrastructure necessary to support a residential population. The proposal

clearly represents an over-development of the site with a series of buildings that would result in an unsatisfactory layout, not respect the local context and prejudice the redevelopment of land to the south.

- 7.4 The proposal also fails to make sufficient provision of affordable housing and the dwelling mix would not meet identified local needs. An unsatisfactory standard of housing with inadequate amenity space would ensue.
- 7.5 The application is further flawed as there would be no turning facilities for service or emergency vehicles on Iceland Road.
- 7.6 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

ICELAND WHARF, ICELAND ROAD, LONDON, E3 2JP

Agenda Item 6

Committee: Strategic Development Committee	Date: 5 th January 2006	Classification: Unrestricted	Report Number:	Agenda Item Number:
Report of: Director of Development and Renewal Case Officer: Noel Serrano		Title: Town Planning Application Location: SUTTONS WHARF, PALMERS ROAD, LONDON, E2 0SF Ward: Mile End and Globe Town		

1. SUMMARY

1.1 Registration Details

Reference No: PA/04/01666
Date Received: 08/11/2004
Last Amended Date: 09/12/2005

Drawing Numbers for Decision

1.2 Application Details

Existing Use: Proposal:

Demolition of existing warehouse and redevelopment of the site to provide 8no. new buildings (ranging from 5 to 14 storeys high) to provide 401 flats plus 2,567m² of Class A1/B1/D1 floorspace together with associated landscaping works and car parking (151 spaces). An Environmental Statement has also been provided under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

Applicant:

Team Ltd, Toynbee Housing Association, Keyworker Homes Ltd

Ownership:

Applicant

Historic Building:

N/A

Conservation Area:

N/A

2. RECOMMENDATION:

2.1 That the Strategic Development Committee **GRANTS** planning permission subject to a Section 106 legal agreement to secure:-

1. affordable housing accommodation in accordance with the Council's policies.
2. car-free agreement.
3. local labour in construction.
4. a financial contribution towards the provision of the pedestrian bridge over the Grand Union Canal.
5. a financial contribution for improvements to Meath Gardens (e.g. new footpath and lighting).
6. a financial contribution for improvements to the Meath Garden park edge including new brick wall and gates.
7. highway improvements to Palmers Road.

8. ecological improvements/mitigation works to the Grand Union Canal.
9. provision of new public 'boardwalk' footpath along west bank of canal.
10. provision of a new public footpath between Meath Gardens and the canal.
11. TV and radio reception mitigation measures where identified impacts.

2.2 That the Strategic Development Committee **GRANTS** 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 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.
13. An Air Quality Assessment (to minimise the impact on air quality) to be submitted for approval, to include (i) the identification of emission sources; (ii) consideration of the potential impacts of the development on Council's Air Quality Action Plan (AQAP); and (iii) a qualitative and quantitative evaluation of existing air quality.

2.3 That if the Strategic Development Committee resolves to grant planning permission, that the application should first be referred to the Mayor of London pursuant to the Town & Country Planning (Mayor of London) Order 2000 for the Mayor's Direction.

3. **BACKGROUND**

Site and surroundings

- 3.1 The application site is approximately 1.2ha in size, and comprises the now vacant 'TRS' cash and carry (retail) warehouse, a substantial (former timber wharf) property (with open service yard) that lies at the southern-end of Palmers Road. The site adjoins the Grand Union Canal (to the west), and lies between Meath Gardens (to the west) and Mile End Millennium Park (to the east). Adjoining the site to the south is the 'Suttons Wharf South' development site, which has planning permission to be redeveloped for a predominately residential scheme (refer to paragraph 3.4). Adjoining the site to the north is the 'Victoria Wharf' development, a predominately residential scheme (refer to paragraph 3.6).
- 3.2 The area to the north is predominately residential in character, although there are other non-residential uses along Palmers Road and Roman Road. The immediate environment is visually/physically dominated by Meath Gardens, Mile End Millennium Park, and the Grand Union Canal. The 'Palm Tree PH' is the other closest existing building to the application site, a three storey detached building that is located within Mile End Millennium Park, approximately 43m to the east of the site.

Planning history

- 3.3 Planning records indicate a long history of employment generating uses on the site. Permissions have been granted during the 1980's for extensions to existing factory buildings, the temporary location of storage containers, and the erection of a light industrial/storage building. In January 2000 planning permission was granted for the part demolition of an existing warehouse/office, extension to the warehouse and use of part of the existing warehouse for offices.

Other relevant decisions

- 3.4 In **May 2004**, the Development Committee resolved to grant planning permission for the redevelopment of **Suttons Wharf South (Palmers Road)** to provide a 9 storey development comprising 169no. flats, 15no. live/work units, and 417m² of Class B1 floorspace. The accompanying Section 106 legal agreement secures various planning obligations including (i) affordable housing accommodation; (ii) the provision of an area of land (approximately 500m²) to be used as public open space as an extension of Meath Gardens; (iv) a financial contribution of £155,000 towards the cost of a new pedestrian bridge over the Grand Union Canal linking; and (v) financial contributions for highway safety works and environmental improvements to Meath Gardens.
- 3.5 In **September 2003** planning permission was granted for the redevelopment of the **Warley Street Former Goods Yard site** to provide a two to eleven storey development comprising 316no. dwellings. As with the Suttons Wharf South development, the accompanying Section 106 legal agreement secures various planning obligations including (i) affordable housing accommodation; (ii) a financial contribution of £90,000 towards the cost of a new pedestrian bridge over the Grand Union Canal; (iii) the provision of an area of land to be used as public open space as an extension of Meath Gardens; and (iv) financial contributions for traffic management works, and environmental improvement works to Meath Gardens.
- 3.6 In **June 2002** planning permission was granted for the redevelopment of **Victoria Wharf (Palmers Road)** to provide a ten storey building comprising a restaurant and 28 flats and a two, four and seven storey building comprising 8 B1 (business units), 30 live/work units and 14 flats plus 52 car spaces. The permission was amended in June 2005, to provide an additional 15no. flats (providing a total of 57no. flats).
- 3.7 In **March 2001** planning permission was granted for the redevelopment of **Justine House (Palmers Road)** to provide a part 3 part 4 storey building comprising 2 commercial units and 20 live/work units, with ancillary car parking. 'Justine House' adjoins the north-western corner of the site.

Proposed Development

- 3.8 In November 2004, the Council received duplicate planning applications for the redevelopment of this site (Ref: PA/04/1666 and PA/04/1752) to provide a mixed use development consisting of 8no. new buildings (ranging from 7 to 20 storeys high) to provide 482 flats plus 3,231m² of Class A1/B1/D1 floorspace together with associated landscaping works and car parking (145 spaces). An Environmental Statement accompanied the planning application.
- 3.9 Formal amendments were made to the (duplicate) applications, in June 2005, however the applicants were advised that these amendments did not sufficiently resolve officers' concerns relation to the scale and massing of the proposed building, and would not sufficiently reduce the visual and physical impact of the proposed development on the occupiers of adjoining buildings, the canal/canal frontage, and on Mile End Park.
- 3.10 In response, formal amendments were again made to application Ref: PA/04/1666 (in September 2005). The accompanying duplicate application (Ref: PA/04/1752) was at the same time formally withdrawn.
- 3.11 In summary, the key changes made to the scheme, have been (i) reductions in building heights, for example Block A (see below) has been reduced from 9 to 7 storeys, whilst the western elevations of the Block have been remodelled to reduce the building's impact on the units and communal/terrace spaces of the adjoining Victoria Wharf; similarly, the height of Block H has been reduced by three storeys, to five storeys, whilst the rear (western) part of the building has also been remodelled, to minimise the building's impact on the adjoining 'Justine House'; and the height of Block D has been reduced from the original submitted height of 20 storeys, to 14 storeys; (ii) changes to the affordable housing provisions, to increase the number of family-sized units; (iii) the car parking is to be provided at basement/underground level, with only a handful of (disabled) spaces being provided at surface level.
- 3.12 The amended application, which is now the subject of this report, now comprises the redevelopment of the site to provide 8no. new buildings (ranging from 5 to 14 storeys high) to provide 401 flats plus 2,567m² of Class A1/B1/D1 floorspace together with associated landscaping works and car parking (151 spaces).
- 3.13 The revised scheme proposes eight buildings flanking either side of a central spine road that would form an extension of Palmers Road. Four of the buildings (Block A, B, C & D) would be located on the eastern side of the site, fronting Regents Canal, and would comprise:-
- Block A - a part three and part seven storey building located within the north eastern section of the site, adjacent (and south-east) of Victoria Wharf, and fronting the Canal (the building was originally intended to be 9 storeys in height). The building would comprise 306m² Class B1 (office) or Class D1 (community) floorspace at ground floor level and 24no. flats on the upper floors.
 - Block B - a seven storey building (originally 10 storeys) providing a Primary Care Trust clinic (532m²) and retail floorspace (115m²) at ground floor level, with 62no. flats on the upper floors. The eastern section of the building will incorporate a brown roof to provide a habitat for black redstarts and other bird species.
 - Block C – a seven storey building (located to the south of Block B), providing Class B1 (office) floorspace (532m²) and a retail unit (115m²) at ground floor level, and contain 62no. flats on the upper floors (the building was originally 10 storeys in height). The eastern section of the building will also incorporate a brown roof.
 - Block D – a 14 storey building located at the south eastern section of the site, providing a gym/fitness club at ground and first floor levels (658m²), and 69no. flats on the remaining upper floors. This block will have a curved, elliptical form to address the curved footprint of the adjacent Suttons Wharf South development (the building was originally 20 storeys in height).

- 3.14 The remaining four blocks (Block E, F, G & H), would be situated on the western side of the site fronting Meath Gardens, and comprise:-
- Blocks E, F and G – three comparable nine storey buildings, each providing 52no. flats.
 - Block H - a part three, part five storey building, providing a nursery at ground floor level (309m²), and 28no. flats on the upper floors (the building was originally 8 storeys in height).
- 3.15 The revised scheme provides 151no. car parking spaces located in two separate underground car parks, which will be accessed via Palmers Road. In addition, the level of cycle parking has been increased to 457no. bicycle parking spaces, and 27no. motor cycle spaces will be provided.

Application Ref: PA/05/1727

- 3.16 As explained in paragraph 3.10, the duplicate application accompanying application Ref: PA/04/1752 was formally withdrawn, and it has been replaced by a new application, which proposes an alternative scheme. This new application was registered as PA/05/1727, and is the subject of a separate report included on this agenda. The alternative (amended) proposals are for the construction of 7no. buildings, rising from 7 storeys up to 16 storeys to provide 419no. new dwellings, 3,485m² of commercial floorspace, together with 167no. parking spaces and landscaping.

4 PLANNING POLICY FRAMEWORK

- 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 section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 is particularly relevant, as it requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations.
- 4.3 Whilst the adopted UDP 1998 is the statutory development plan for the Borough, it will be replaced by a more up to date set of plan documents that 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 This 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 other material considerations set out in the report.

The London Plan

- 4.6 The Mayor's London Plan was approved in February 2004, and it provides the strategic planning policy framework for London.
- 4.7 One of the key objectives of the Plan is the need to increase the supply of housing within London. An annual target of 30,000 additional homes has been set within the Plan. The target for Tower Hamlets is over 41,280 additional homes between 1997 and 2016, with an annual monitoring target of 2,070 new homes. In late July 2005, the Council received for consultation, the draft London Plan alterations (Housing Provision Targets). The draft revised figure proposes to increase the Tower Hamlets housing target to 3115 new homes per annum, starting from 2007. This would increase the overall housing target to 51,850 and require approximately 16,570 dwellings between now and 2016.
- 4.8 Another key objective is the need to increase the amount of affordable housing, and to that end Policy 3A.7 sets out a strategic target of 50% of housing proposals being affordable, whilst Policy 3A.8 states that Boroughs should seek the maximum reasonable amount of affordable housing when negotiating on individual schemes.
- 4.9 The London Plan also generally encourages tall buildings and large scale (residential) developments which achieve the highest possible intensity of use, in appropriate locations, provided amongst other criteria, they are compatible with the local context, respect London's built heritage, sensitive to their impact on micro-climates and pay particular attention to privacy, amenity and overshadowing (Policies 3A.5, 4B.1, 4B.3).
- 4.10 Policy 4B.6 seeks to ensure that future developments meet the highest standards of sustainable design, including measures to conserve energy, materials, water and other resources, and, reduce the impacts of micro-climatic effects. Policy 4B.7 seeks to ensure that developments preserve or enhance local social, physical, cultural, historical, environmental and economic characteristics. Finally, Policy 4B.9 specifies that all large-scale buildings including tall buildings should be of the highest quality design. The policy identifies factors, such as, ensure developments are sensitive to their impact on micro-climate, and pay particular attention to privacy, amenity and overshadowing.
- 4.11 Section 4C sets out the Plan's policies for the 'Blue Ribbon Network'. For example, Policy 4C.28, states that development adjoining canals, should "*respect the particular character of the canal*", and that *opportunities should be taken to improve the biodiversity value of canals*"; Policy 4C.18 encourages the provision of new support facilities, infrastructure and activities that support use and enjoyment of the Blue Ribbon Network; and Policy 4C.19 - seeks the protection and improvement of existing mooring facilities on the Blue Ribbon Network. The Mayor's design policies in relation to the Blue Ribbon Network, are set out in Policies 4C.20, 4C.21, and 4C.22 of the London Plan. Paragraph 4.125 highlights the particular concern over the potential adverse effects that tall buildings can have when located next to water, and the need for the design of tall buildings to address these effects, which include the impacts of overshadowing, wind turbulence and creating a visual canyon.
- 4.12 The Mayor considered the duplicate application schemes (Ref: PA/04/1666 and PA/04/1752) on 25th May 2005 and his conclusions in relation to the proposals (and the amendments then made) are set out in paragraphs **5.1(xxxx)** and **5.xxxxx**. GLA Officers have advised that the new scheme (PA/05/1727) is to be reported to the Mayor in January 2006.
- 4.13 The following Unitary Development Plan **proposals** are applicable to this application:
- (1) Archaeological importance or potential
 - (2) Green Chains
 - (3) Metropolitan Open Land
 - (4) Sites of Nature Conservation Importance

4.14 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) DEV6 High buildings outside Central Area Zones (CAZs)
- (5) DEV12 Landscaping requirement.
- (6) DEV13 Tree planting.
- (7) DEV18 Public Art.
- (8) DEV41-43 Archaeology
- (9) DEV50 Construction noise.
- (10) DEV51 Contaminated land
- (11) DEV55 & 56: Waste management recycling
- (12) DEV62: Nature Conservation
- (13) EMP1: Employment growth
- (14) EMP2 Protection of employment floorspace.
- (15) EMP6 Major development schemes (over 3,000m²) and training initiatives.
- (16) HSG1 Housing target.
- (17) HSG2 Location of new housing.
- (18) HSG3 Affordable Housing.
- (19) HSG7 & 8 Dwelling mix/type and dwellings to mobility standards.
- (20) HSG9 Housing Density.
- (21) HSG13 Internal space standards.
- (22) HSG15 Developments and residential amenity.
- (23) HSG16 Amenity space.
- (24) T5 Improvements to interchange facilities
- (25) T13 Restraint against commuter parking and non-essential car users.
- (26) T15: Transport system capacity
- (27) T16 New development and traffic impact.
- (28) T17 Plot ratio controls.
- (29) T18 Parking and servicing standards.
- (30) T20: Pedestrian access improvements
- (31) T21 & T22 Improvements to pedestrian environment.
- (32) Planning Standard No. 1 Plot Ratio
- (33) Planning Standard No. 2 Noise
- (34) Planning Standard No. 3 (Parking standards).
- (35) Planning Standard No. 5 Access for People with Disabilities.
- (36) Supplementary Planning Guidance on Residential space.
- (37) Supplementary Planning Guideline Archaeology and Development

4.15 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) SP6 Housing quality
- (5) SP7 High Density
- (6) SP10 Reducing the Need to Travel
- (7) SP11 Sustainable Transport and inclusive development
& SP12
- (8) SP13 Urban Design
- (9) SP15 Safety in the Community
- (10) SP23 Planning Obligations
- (11) EMP10 Redevelopment of employment sites
- (12) HSG1 Strategic Housing Target
- (13) HSG2 New Housing Developments
- (14) HSG4 Affordable housing target
- (15) HSG5 Affordable housing ratio and mix
- (16) HSG7 Retention of affordable housing

- (17) HSG8 Dwelling mix and type
- (18) HSG9 Housing density
- (19) HSG10 Lifetime homes and wheelchair/mobility housing
- (20) HSG12 Amenity space
- (21) TRN1 Transport and Development
- (22) TRN5 The Road Network
- (23) TRN6 Parking and Servicing
- (24) TRN7 Transport assessment
- (25) TRN8 Travel Plans
- (26) TRN9 Linkages
- (27) TRN10 Pedestrian mobility
- (28) TRN11 Bicycle Facilities
- (29) UD1 Scale and Density
- (30) UD2 Architectural Quality
- (31) UD3 Ease of movement and access through inclusive design
- (32) UD4 Design statements and access statements
- (33) UD5 Safety and Security
- (34) UD7 Tall Buildings and large development proposals
- (35) UD9 Public art
- (36) UD11 Landscaping
- (37) UD12 Urban design, the Blue Ribbon Network and Thames Policy Area
- (38) ENV1 Amenity
- (39) ENV5 Disturbance during demolition and construction
- (40) ENV6 Sustainable construction materials
- (41) ENV8 Energy efficiency
- (42) ENV9 Development of contaminated land
- (43) ENV11 Waste Disposal and Recycling Facilities
- (44) ENV15 Protection of bio-diversity
- (45) ENV20 Flood protection
- (46) ENV22 Waterside walkways
- (47) IM1 Planning agreements
- (48) IM2 Action area Frameworks
- (49) IM3 Transport Interchange Growth Areas (TIGA)
- (50) Planning Standard No. 2 – Density Standards
- (51) Planning Standard No. 3 – Lifetime homes and wheelchair/mobility housing
- (52) Planning Standard No. 7 – Parking Standards
- (53) Planning Standard No. 11 – Noise
- (54) Planning Standard No. 12 – Recycling Facilities

4.16 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 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

Original Application Proposals (November 2004)

5.1 The following comments were received in relation to the original duplicate applications, Ref: PA/04/1666 and PA/04/1752 [for the provision of 8no. new buildings, ranging from 7 to 20 storeys high, to provide 482 flats plus 3,231m² of Class A1/B1/D1 floorspace together with associated landscaping works and 145 car parking spaces]:-

- (1) **Head of Highways Development:** The car parking provision and layout is acceptable. Adequate disabled spaces and cycle parking have also been provided. The development will also be subject to a S106 car free agreement.

The traffic analysis data submitted indicates that the future trip generations of both developments will not affect the working of the priority junction of Palmers Road with Roman Road. Highways Development have already looked at this junction from a road safety audit point of view and no particular problems have been identified. However, this is not to say that future problems may occur, and so therefore there should be the provision for a reassessment once the development is occupied. The cost of this and any identified mitigation measure are to be borne by the developer (e.g. additional traffic growth may require the future need for signals at the junction with Roman Road).

The approved development for Suttons Wharf South makes provision for the resurfacing of Palmers Road, so there is no need for a Section 278 agreement for highways works for this application. New footways are being provided for the Victoria Wharf development.

- (2) **Environmental Health:** The site was historically occupied by Candle and Oil Works and Transport and Cargo Handling and surrounding historical land uses included a Cemetery, Sawmill and Timber Yard, Oil Works, Gum Works, Colour Manufactory and Railway Land and consequently the site may contain elevated levels of contaminants within the substrate. The applicant's Environmental Statement confirms that the applicant has agreed to undertake a detailed soil investigation at the site. I recommend that this application be conditioned to ensure the applicant carries out a desk study that should include a 'site investigation report' to investigate and identify potential contamination, and proposals for any necessary remedial works to contain, treat or remove any contamination. Any required remediation measures must be carried out before the site is occupied.
- (3) **Development Design and Conservation:** No objections to a mixed-use largely residential scheme in this location, but raised the following concerns/objections in relation to the overall scale of the proposals and their impact:-

* The proposed wall of 9 storey buildings removes the existing visual continuity between Mile End Park and Meath Gardens (provided by the tree canopy). This wall is completely without visual breaks because the gaps in the two ranges of buildings are out of sync. and hence the wall will actually appear solid and unbroken. The gaps at each end of the wall are too marginal to provide any visual continuity. The basic site strategy needs to be revisited, to improve the opportunity for good visual links.

* There is no logic in the size, height or location of the proposed 20 storey tower (Building D). It is not a valid 'marker' building [as the 12-storey tower on Victoria Wharf can fairly be claimed to be] and its location is arbitrary. The 20 storey tower is completely out of scale with the rest of the proposals and is bound to cause serious overshadowing of Building C and the courtyard in front of it. It would also form a tall, dark visual barrier at the end of the north-south central access spine for most of the day

- * The Canal and the canal-side path will be heavily overshadowed for much of the day and the proposed gaps in the wall of buildings E, F and G will do little to relieve this.
- * The on-site landscaping and small courtyards proposed are fussy and over-complicated.
- * The junction/interface between the development and Meath Gardens is poorly resolved at ground level. Proposals show a storey-height podium faced by louvres with the car park behind. This is not a user-friendly edge with a major public open space.
- * Buildings A and H are an abrupt step up in scale from the southern end of the near-complete Victoria Wharf development. There is no justification for Buildings B and C being two storeys higher than Sutton Wharf South. Sutton Wharf South should be taken as the upper limit.

- (4) **Housing Development:** There is a variation in the proposed tenure breakdown between the two applications, in terms of the affordable housing provisions. In both cases, there is a lack of clarity about the exact unit split, and both schemes represent a significant departure from the Council's policy that 35% of the units should be affordable and provided without grant.

Scheme Ref: PA/04/1666 proposes a fairly complex mix, and achieves a higher proportion of affordable homes (22% of the accommodation is to be affordable rented, 23% to be shared-ownership, and 18% to be key-worker). The mix will be mainly one and two bedrooms, but it does not meet the Council's requirement that the units should be unfunded. Only the key-worker accommodation is to be unfunded. The proposals also indicate that the key-worker units will only be available on a 21-year lease rather than the "in perpetuity".

Scheme Ref: PA/04/1752 proposes a more standard arrangement (27% of the accommodation is to be affordable rented, and 9% to be shared-ownership), but again, it does not meet the Council's requirement that the units should be unfunded. The split between the rented and shared-ownership meets the 80:20 split, but the dwelling mix does not comply with the Council's policies, as it provides smaller units than the Council would seek.

On both options, there should be a greater number of larger family units (3 and 4 bedrooms) and fewer one bedroom units within the affordable element. The application site offers an excellent opportunity to locate family homes within an established neighbourhood and with easy access to open spaces, shops, transport, and other amenities.

- (5) **Head of Building Control:-** (i) refuse storage facilities should not be accessed from common escape routes; (ii) the internal layouts of the flats should not be designed so that bedrooms are accessed via other rooms; (iii) Section 20 of The London Building Amendment Act 1939 will apply to this scheme; (iv) appropriate fire fighting shafts incorporating lifts and dry risers will be required - adequate vehicle access should be provided for fire fighting vehicles at the base of the fire fighting shafts; and (v) early consultation with Building Control and the Fire Authority is advised.

- (6) **Environment Agency:** Objected to the proposals for the following reasons:-

1. the application may present significant flood risk from the generation of surface water run-off, and is not accompanied by a Flood Risk Assessment (FRA), which demonstrates that the development will not create an unacceptable flood risk either to future occupants or other properties.

2. the development does not pay adequate regard to the *“role of the canal in terms of landscape and ecology”*, as the development would be *“too close to the watercourse resulting in an inadequate buffer zone between the proposed development and the watercourse. This will adversely affects the character and value of the watercourse”*. A (widened) green buffer strip/zone should be provided alongside the watercourse, so as to enhance canal corridor.
3. the close proximity of tall buildings to the canal can (i) degrade the canal as a key landscape feature; and (ii) mean that some forms of wildlife will be less likely to utilise a canal corridor constrained by tall buildings. Any increase in artificial lighting will have a negative impact on the ecology of the green corridor by affecting life cycles of wildlife. An increase in shading could lead to a reduction in biological diversity. EA advise that the applicant needs to discuss with them, “ways in which the development could be redesigned in order to minimise the impacts on wildlife and habitats.

If the Council is to approve the application(s) contrary to the above objections, then it will need to re-consult the EA in order to give the EA an opportunity to make further representations.

- (7) **English Heritage Archaeology:** The site lies partially within an Archaeological Priority Area [on the projected line of the London to Colchester Roman Road], and the site may contain important Roman remains. The redevelopment of the site has the potential to damage or remove significant buried remains. An archaeological evaluation is therefore required to determine the degree to which archaeological remains will be affected. This archaeological fieldwork/evaluation does not need to be undertaken prior to the determination of the application(s), and can be secured by the imposition of a planning condition.
- (8) **Commission for Architecture & Built Environment:** CABE have advised that they have *“more schemes that we have resources to deal with and, unfortunately we will not be able to comment on this scheme”*. They reiterate that their *“no comment”* should not be *“interpreted as tacit endorsement of the scheme”*.
- (9) **London City Airport:** No objections to the proposals.
- (10) **Crime Prevention Officer:** (i) some of the proposed footpaths/alleyways to the canal towpath may be too narrow and restrictive, and should be widened or gated; (ii) the size of the proposed trees may reduce lighting; (iii) laminated glass should be used for all ground floor windows/doors, and accessible doors/windows above the ground floor; (iv) internal perforated shutters should be used for all non-residential units; (v) concerned about the security to the access to the proposed Surgery from the proposed car park; (vi) access control should be used on all entrances/exits, with no tradesman’s buttons; (vii) recessed doorways should be avoided; (viii) bicycle and motorbike storage areas should be secure, well lit, and covered by CCTV; (ix) some balconies appear quite low, and to avoid entry being gained to these premises, these balconies should be removed, raised, or as a last resort, laminated glass should be installed to the doors/windows of these premises; (ix) all doorsets and windows to comply with the appropriate (‘secure by design’) standards; and (x) where possible, defensible space should be provided around ground floor premises.
- (11) **London Fire and Emergency Planning Authority:** No objections to the proposals.

(12) **British Waterways:** British Waterways (BW) are a public body whose responsibilities include the management, maintenance, and preservation of the network of canals and navigations. Appropriate development is welcomed, provided it (a) improves the character of the waterscape; (b) increases the general public's appreciation of the waterways; and (iii) enhances the environmental attributes of the waterways. BW supports the proposed development and have discussed the proposals with the applicants and scheme architects, however they have the following concerns:-

- * **Building height/massing** – *“the proposed buildings fronting onto the canal may create an overbearing edge, which will result in shading of the canal, potential harm to the ecology and a detrimental impact upon users of the canal”.*
- * **Treatment of the Canal Edge** – the elevated walkway at the interface with the canal (1.5m above the ground height) *“will be overbearing and fails to successfully integrate visually or functionally with the canal”.* The walkway needs to be lowered for a significant length of the site frontage (minimum 70m) to accommodate, amongst other things, four visitor-mooring points.
- * **Maintenance Access** – The proposals do not provide adequate access to the canal edge. BW will require a temporary mooring point for a boat to transfer waste collection from the canal to a skip vehicle, and also to facilitate freight initiatives, such as, refuse disposal from the development and construction traffic via the canal.

If the Council is minded to grant planning permission, the conditions should be imposed to secure (1) full details of the proposed walkway and mooring points; (2) provision of a temporary mooring point for waste collection; and (3) a contribution towards the management and maintenance of the canal adjacent to the site. An informative should attached advising the applicants that they will need to contact BW to obtain all necessary consents.

5.2 Responses from neighbours were as follows:

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

5.3 A letter was received from the owner/occupiers of **No. 127 Grove Road ('The Palm Tree PH')** stating that whilst they are not opposed to the principle of redevelopment, they are concerned that the height(s) of the 10 storey buildings (fronting the canal) will block their daylight and sunlight, and reduce their privacy (they were sent a set of the proposed plans).

5.4 An e-mail was received from the owner/occupiers of **Flat No. 15, Victoria Wharf** objecting to the proposals on the grounds that the development would result (1) in a *“loss of view of the park and afternoon sun”* from their terrace, and from the decked entrance to their property; (2) possible loss of security to adjoining properties; and (iii) the removal of a number of mature trees adjacent to their property.

5.5 Representations were received on behalf of **Chisenhale Dance Space and Chisenhale Gallery (Nos. 64-84 Chisenhale Road)**. Their existing premises are in disrepair and are out-dated. The application scheme represents a unique opportunity to provide modern dance and gallery facilities, providing a complementary use that will help meet the needs of the Borough's residents. They have therefore requested that any planning obligations negotiated for the scheme should include purpose built and dedicated accommodation for a new dance and gallery space.

Revised Submission (May 2005)

5.6 Reconsultations were carried out following the submission of formal amendments to the duplicate applications, in May 2005. The amended scheme comprised the provision of 8no. new buildings (ranging from 7 to 20 storeys high) to provide 463 flats plus 4,074m² of Class A1/B1/D1 floorspace together with associated landscaping works and car parking (153 spaces). The comments were received in response to these amendments were as follows:-

- (1) **Highways Development:** No comments to add to previous observations, but they note that the applicants are proposing a contribution of £50,000 for possible highways improvements.

- (2) **Environmental Health:** An application for s Section 61 consent from Environmental Health should be submitted before the commencement of any work on site. The applicant should also discuss proposed measures to mitigate external noise.

The whole of the Borough was declared an Air Quality Management Area (AQMA), and in December 2003, an Air Quality Action Plan (AQAP) was published. The AQAP states that land use planning should be one of the measures used to improve Local Air Quality and to meet the Air Quality Objectives as detailed in the Air Quality Regulations (2002). The proposal is likely to lead to a slight negative impact on local Air Quality during the construction and operational phases. A total number of 167 parking spaces to be provided within the development. The PTAL rating for the area is between 5-6b, and therefore no car parking should be provided. A car-free agreement should also be secured.

A planning condition should be imposed requiring the submission of an Air Quality Assessment (to minimise the impact on Air Quality) is submitted to and agreed by the Local Planning Authority for written approval. The statement should include (i) the identification of emission sources (this includes emissions during demolition, construction and operational phases); (ii) consideration of the potential impacts of the development on Council's Air Quality Action Plan (AQAP); and (iii) a qualitative and quantitative evaluation of existing air quality.

The applicants must submit a comprehensive method statement or a Code of Construction Practice detailing potential sources and associated mitigation measures against dust and emissions for the construction site.

- (3) **British Waterways:** BW advised that their previous concerns had been addressed by the applicants as part of the amendments made to the scheme. BW especially welcomes the inclusion of residential moorings as part of the scheme, and is also pleased that the revised details show an improved visual and physical integration with the canal. Although concerned that the scheme will result in additional overshadowing of the canal, BW notes that the applicant has reduced the height of parts of the scheme and proposed canal edge planting to mitigate any ecological harm. BW supports the provision of a footbridge over the canal to Mile End Park (subject to its detailed design).

BW also advises that any structures that spring off or overhang BW's land or airspace will require a commercial agreement. BW also request that informative is attached to any planning permission granted advising the applicants that they will need to contact BW to obtain all necessary consents.

- (4) **Greater London Authority:** *“Having considered the report, the Mayor has concluded that whilst residential use of the site is appropriate, significant changes would be required to the proposal to make it compliant with London Plan policy.*

In particular, the density of the proposal ... is excessive and is not justified by exceptional design, local context and/or public transport capacity. The proposal does not justify such density given the [Mayor’s concerns] relating to the scheme’s design (e.g. poor site lay-out and massing and inappropriate building heights). Additionally, the Public Transport Accessibility Level (PTAL) (3) is low for this part of Tower Hamlets and the local context is defined by open spaces with buildings of varying heights”.

Amendments are required to the design, so that it is appropriately integrated into its context and reducing the height of the buildings. This will achieve a reduction in density and an improved development. It will also result in a development that is more suited to the site’s PTAL and the local context. Additionally, the following matters need to be addressed:-

- Whilst the amount of affordable housing exceeds London Plan targets, the proportion of social rented housing needs to be increased.
- The proportion of larger units needs to be increased.
- Integral children’s play space needs to be provided.
- The number of bicycle parking spaces should be increased.
- Detailed matters relating to access and sustainable design and construction.
- The need for initiatives to create training and employment opportunities for local people and businesses.

The Mayor placed emphasis on the need to resolve the issues referred to above prior to the application being referred to him for direction by Tower Hamlets Council. If the Council decides in due course that it is minded to approve the application, it should allow the Mayor fourteen days to decide whether or not to direct the Council to refuse planning permission (under article 4(1)(b)(i) of the Town & Country Planning (Mayor of London) Order 2000).

- (5) **Environment Agency:** Despite discussions with the scheme architects, the Environment Agency advised that their objections remained unresolved in relation to their ‘proximity objection’ and that they had yet to receive an updated and accepted Flood Risk Assessment.
- (6) **Tower Habitats (The Environment Trust):** The area surrounding Mile End Park, and especially along the canal, is a potential habitat for Black Redstarts. A single site visit/survey is not sufficient to determine the presence or absence of Black Redstarts, and there should be repeat visits, and a planning condition should be imposed to secure the provision of surveys and two brown roofs. The reed bed north of the site and along Regents canal should be protected (rafts and ridges planted with reeds are not likely to be able to provide similar resting opportunities for waterfowl). The trees and tall shrubs along the margins of the site/canal are regularly visited by Kingfishers, and similar vegetation should be provided at a number of places.

The shading of the buildings will have significant impact on the vegetation and wildlife in both the Regent's Canal and the Northern end of Mile End Park. This area of the park is called the Ecology Park and is designed as a habitat for wildlife, which includes a number of lakes. The shading will be particularly strong in March and April and reduce the water temperature and light at the start of the spawning season of the amphibians. The shading of the Canal will have significant impact on the Flora and Fauna of the canal. British Waterways is planning to undertake a detailed survey of this part of the Regent's Canal in the next couple of months. The amount of shading will also affect the vegetation that is planned for the waterside planting of the development (reed beds need a lot of light and are not likely to flourish under the planned conditions). The development will also be very intrusive on the enjoyment of the Regent's Canal (site of Metropolitan Importance) and Mile End Park.

- (7) **Crime Prevention Officer:** No objections, subject to the following provisions - (i) all access into residential and car parks should be secured; (ii) all ground floor, and accessible basement or first floor doors/windows should also be secured (to 'secure by design' standards), and retail/commercial units have laminated glass to 7.5mm plus perforated shutters; (iii) any lighting should be dusk to dawn; (iv) alleyways should be gated where possible, even for part of the day/night; (v) trees/shrubs should have an open canopy between 1m and 3m, and not grow to block out lighting; (vi) any access to the windows of ground floor apartments, or those accessible from first floor level, should have some form of defensible space, and the windows should have restricted opening from outside access.
- (8) **London Fire and Emergency Planning Authority:** Burning is not recommended as a method of disposing of waste materials, however if it is to take place, then several precautions have been recommended. The applicant should also contact the Council's Environmental Health Department who will advise on the applicable legislation/regulations.

5.7 The representations in response to the original application submission, were as follows:

No. Responses: 24 In Favour: 0 Against: 24 Petitions: 3

5.8 A **petition** was received from the owner/occupiers of the adjoining **Victoria Wharf** development (18 signatures), objecting to the removal of the existing trees along the canal bank adjoining Victoria Wharf.

5.9 A second **petition** was received "*signed by 138 residents from all over Tower Hamlets*", objecting to the revised proposals for the following reasons:-

- * the footprint and density of the development fails to take account of the character of this unique location, and as such, the proposals are contrary to Policy DEV1 of the Adopted UDP.
- * the proposals are contrary to Policies 4C.12 and 4C.28 of the London Plan (Blue Ribbon Network), as it fails to respect the character of the adjacent canal.
- * the density and height are contrary to Policy DEV2, as for significant periods of the day and throughout the seasons, the canal and the ecology park will be in shadow, thus adversely affecting the biodiversity. The development will also affect the Palm Tree PH, as it will produce a "dank dark environment" around the pub.

- * the development fails to physically and visually open up Meath Gardens and Mile End Park. It will also increase the problem in crime in the locality.
- * a development of this scale and density will adversely impact on the utilities infrastructure in the immediate area (e.g. water pressure, drainage, and local schools).
- * the development will result in a loss of an existing water freight facility, contrary to the Government's objectives that seek to protect wharves and promote sustainable methods of freight transport.
- * the locality does not need another "feature building" or "marker building" (as it already has one in the form of the Queen Mary's University's halls of residence building, further south along the canal.

5.10 A third **petition** was received "*signed by 168 residents of Tower Hamlets and beyond*", objecting to the revised proposals for the following reasons:-

- * the density and height of the development, in particular the 20 storey tower, are detrimental to the character and appearance of the locality.
- * the density and height of the development would dominate the surrounding area and would seriously compromise the enjoyment of Mile End Park and the waterways.
- * all canalside developments must be consider in the context of a strategic plan that is accessible to the general public.

Written representations

5.11 24no. individual letters and e-mails, of objection, were received from the owner/occupiers of the following properties – **Flat Nos. 15, 21, 42, 55, 58, 59 Victoria Wharf (20 Palmers Road); No. 25 Vivian Road; No. 108 Selsdon Road; No. 30B, 36, 39 & 45 Kenilworth Road; No. 15 Ellesmere Road; Nos. 7, 19 & 39 Tredegar Square; Unit 10, 17 Palmers Road; Unit M11 (Victoria Wharf); No. 23 Zealand Road; 16 Alloway Road, and No. 1 Nightingale Mews** (two e-mails were also received from objectors who did not give their address). The grounds of objection are summarised below:-

- * the height and closeness of the proposed buildings to Victoria Wharf will significantly reduce the amount of available natural light to the entrances, communal access areas, rear rooms, and roof terraces of the apartments.
- * the removal of the existing mature trees adjacent to the site will reduce bio-diversity and reduce the attractiveness of the canal bank, and is therefore is unacceptable, (particularly as Tower Hamlets has one of the lowest tree/person ratios in the Country.
- * the heights of the buildings, in particular the 20 storey tower, will significantly reduce available afternoon sunlight (from 1pm onwards) to Mile End Ecology Park, casting shadows over the Park, the canal, and the outside area of the 'Palm Tree' Pub. The buildings should be the same height as the buildings along the canal, i.e. Victoria Wharf and Queen Mary's University.
- * the proximity of the building to the canal-bank and the provision of a broadwalk (higher than the current bank) will impact the bio-diversity, and make the canal-bank less attractive.
- * the heights of the buildings, in particular the 20 storey tower, will obstruct local

views.

- * a 20 storey building is out character with the locality, and would be unsightly; also the area is already developed to a high density, and the additional dwellings will put additional pressure on local services, the transport infrastructure, etc.
- * the new buildings should maximise their use of renewable energy sources (e.g. solar panels, wind, etc).
- * the proposals will have a severe detrimental effect on the ecology of the area (overshadowing of Mile Park, the canal, etc) affecting wild life and vegetation.
- * Palmers Road is too narrow and too restricted to accommodate the increased levels of traffic that will occur; the increase in traffic movements will increase parking and traffic congestion (hindering access for emergency vehicles), and will lead to an increase in accidents, particularly at the junction with Roman Road, because of the existing poor visibility at this junction. A nursery will also increase traffic/parking congestion as parents will drop off their children in Palmers Road.
- * the proposals are not consistent with the Mayor's London Plan, in particular its Blue Ribbon Network policies.
- * the proposals are not consistent with the Council's current UDP, in particular the policies relating to open space and its SPG notes relating to canals.
- * the supporting application documentation, in particular the Sustainability Assessment and Environmental Assessment, are inadequate and insufficient basis for the grant of planning permission.
- * the amended proposals have omitted the possibility of the dance and gallery space, and the proposals are therefore contrary to the applicable policies of the Adopted and Deposit Draft UDP (e.g. Policies ART1, ART5, and SF1).

Revised Submission (October 2005)

5.12 Following the most recent amendments to the proposed scheme (October 2005), representations received were from:-

- (1) **Head of Highways Development:** No observations to make on the revised (massing) proposals. The disabled and motor cycle parking is acceptable, however, the cycle parking (457no. spaces) is excessive.
- (2) **Environmental Health:** A condition should be imposed to ensure the Applicant carries out a Desk Study and site investigation report to identify the extent of any possible contamination on the site, and to include proposals for remedial works to contain, treat or remove any contamination - any required/approved measures must be carried out before the site is occupied.
- (4) **Development Design and Conservation:** Overall, the scale and massing of the rectilinear blocks are acceptable and an improvement on the previous scheme. The approved Sutton Wharf South development comprises a very substantial element in the Canal frontage, in terms of its height and prominence, with its eastern flank being dominant and a landmark along the Canal frontage. Concerned about the proximity of the proposed tower to the approved development, bearing in mind the

contrasting form and geometry of the proposed building.

Blocks B and C relate comfortably to the scale of Victoria Wharf, of the Canal and of the Park. Their height is appropriate to the open aspect to the east, but the top of Block A does not yet relate successfully to the saw-tooth profile of Victoria Wharf.

In the context of Sutton Wharf South and Meath Gardens, the height of the proposed blocks facing Meath Gardens are appropriate, given the dominance of approved Suttons Wharf South development. Concerned about the closeness of Block E to the approved Suttons Wharf South development, as it leaves no visual gap.

The treatment of Canal-side frontage is now better resolved with more a straightforward pedestrian movement and no complicated changes of level. The central route still combines a pedestrian route with access to the basement car park - workable but limits amenity value of the space. Landscaping treatment is still fragmented and bitty, but again not a significant concern.

- (5) **Housing Development:** The applicant's have responded to the request from the Housing Department that there should be an increase in the proportion of family housing on the site. The scheme still proposes a fairly complex tenure mix. A total of 132no. affordable housing units are to be provided, 94no. of which are to be 'affordable rented', and 38no. to be shared ownership. The remaining 272no. units are to be private sale or rent.

The affordable housing proposed is split 70% affordable rented, 30% intermediate. This tenure split does not meet Tower Hamlets policy of 80:20 between rented and intermediate housing, which reflects this Borough's particular housing needs. However, the scheme does provide an increase in family housing within the affordable housing provision, and partially meets the housing needs based mix target. As such the Housing Department would support the revised scheme. It would be a requirement under the draft UDP 2004 that this level affordable housing should be provided without grant.

- (6) **Corporate Access Officer:** The revisions to the scheme have made no difference to the external access, and it is unacceptable to introduce ramps across what is currently a level site. The Access Statement refers to 1:12 ramps, which is the maximum gradient that Part M (of the Building Regulations) permits and only over a 2m rise. This gradient of ramp is not appropriate on what is essentially a level site i.e. the need for gradients that steep are because failings in design not due to existing landscape. Revolving doors are not appropriate in a new build scheme, as it is not inclusive and requires disabled people to use a separate entrance. The external space is not inclusive due to the level changes. Access to the park is still segregated - level/ramped access is only available at either end of the site, and this is not acceptable. Planning conditions should be imposed to ensure that these matters are resolved.

The Committee will note that additional amendments have been made to respond to the comments of the Corporate Access Officer (e.g. all revolving doors have been removed, there are no longer any ramps within the site of a rise in excess of 1.5m, and all facilities will have level, at grade, access. Any additional comments received from the Corporate Access Officer will be reported to the Committee.

- (7) **Development Schemes (Major Projects):** The provision of pedestrian bridge over the Regents Canal linking Meath Gardens to Mile End Park has been an aspiration project since the early 1990s and was included within the approved planning application for the Warley Street (PA/01/01473). The planning permission for the Warley Street scheme agreed an approximate location of the bridge, however the detailed design was dealt with by a condition. A number of nearby and surrounding developments have also contributed to the cost of the bridge. To this end, the Council are now in a position to take forward the development of the bridge, with the

first stage currently under way. This first stage involves inviting tenders to undertake the detailed design and feasibility of the bridge, that would include reaching agreement on the exact location of the landing positions of the bridge, undertaking appropriate consultation with relevant stakeholders amongst other requirements. The second stage involves the actual construction of the bridge.

Whilst, a detailed cost analysis will be forthcoming as part of the design and feasibility tender, it is clear that there is a shortfall in the existing funding provision to successfully deliver the bridge. Previous cost estimates suggest that a total of £600,000 is required to construct the bridge. The Council have or will have £335,000 total for the bridge, and therefore there is currently an approximate shortfall of £265,000. It would therefore seem appropriate that the Council seeks this shortfall for the Sutton Wharf North scheme through the section 106 negotiations to ensure that the bridge is built. Based on the contribution secured from the Sutton Wharf South scheme (£155,000), it is appropriate to seek within the vicinity of £200,000 (as this scheme is larger).

- (8) **Greater London Authority:** Council officers have met with GLA officers to discuss the revised submission, and various amendments that have been made/suggested by the applicants. GLA officers have also met with the applicant and scheme architects.
- (9) **British Waterways:** British Waterways (BW) supports the principle of the comprehensive redevelopment of the site, and they state that they have *“worked closely with the applicant and the Environment Agency (EA) to secure a compromise on biodiversity and mooring opportunities”, and they “welcome the inclusion of 4 visitor residential moorings as part of the scheme”*. BW are of the opinion that the *“overriding consideration for a hard edged canal ... is to aid navigation and secure boating, freight and leisure opportunities. Wherever possible, BW will seek to achieve ecological enhancements (and avoid the net loss of biodiversity), provided they do not jeopardise the delivery of other overriding objectives”*.

BW recognises that *“the reduced building heights and reconfigured plan forms will minimise overshadowing of the canal”*, and therefore has no objections subject to the imposition of planning conditions to secure the following:-

1. the provision of 4no. serviced visitor moorings (to be provided before the substantial completion of the development).
2. that site levels are agreed before the development commences (to ensure the safe disbankment of boaters).
3. no handrails, or other barriers/boundary treatment along the length of the canalside walkway adjacent to the moorings.
4. vehicular access to be provided for BW staff between Blocks B and C to enable future maintenance of the canal.
5. details of external lighting to be erected along the canal to be submitted for approval.
6. details of hard/soft landscaping for the canalside land and floating baskets to be submitted for approval.

BW also request that informatives are attached to the permission advising the applicants that they will need to contact BW to obtain all necessary consents, including for any structures, balconies that overhang the canal.

- (10) **Commission for Architecture & Built Environment:** Do not wish to comment on the proposals

5.13 Representations received from adjoining and surrounding occupiers in relation to the most recent amendments (October 2005) have been as follows:-

No. Responses: 5 In Favour: 0 Against: 5 Petitions: 0

Written representations

5.14 Individual written representations (by letter or e-mail) objecting to the amended proposals have been received from the owner/occupiers of the following properties – **Nos. 19 Tredegar Square; Flat Nos. 21 & 59 Victoria Wharf; the ‘Palm Tree PH’ (127 Grove Road); I Nightingale Road.** The grounds of objection are summarised below:-

- * the buildings are too high and too bulky, and the density is excessive, and are inappropriate for this specific location. For example, the canal frontage buildings will be higher than the Victoria Wharf and the Queen Mary University canalside buildings, and will therefore block more light from Mile End Park than these two other buildings. The canal-side buildings should be no more than 7 storeys in height.
- * the overshadowing effects of the proposed development are unacceptable, as the heights of the canal-frontage buildings will significantly reduce natural sunlight for most of the day to Mile End Park, and the ‘Palm Tree PH’.
- * Palmers Road is too narrow and too restricted to accommodate the increased levels of traffic and parking that will occur; the development will therefore exacerbate existing parking congestion problems along Palmers Road; the junction with Roman Road is extremely dangerous because of the existing poor visibility, and therefore before the development commences traffic lights should be installed.
- * the height and closeness of the proposed buildings to Victoria Wharf will significantly reduce the amount of available natural light to the flat entrances and rear rooms of the flats.
- * the plans are still indicating the removal of the existing mature trees adjacent to the site, and this is unacceptable.
- * the proposals will have a negative impact on the biodiversity of the area - the raised broadwalk will also make the canal-bank less attractive.
- * concerns have been raised about nuisance and disturbance being caused (from noise, dust and traffic) during the construction period.
- * the proposal are not sustainable and insufficient consideration has been paid to the area at large.
- * the development is contrary to the Blue Ribbon network policies of the London Plan.

5.14 13no. Borough (and other) residents have each signed/sent a copy of a standard letter expressing “*strong objections*” to the proposals (i.e. the owner/occupiers of **Flat Nos. 19 (Block 1), and 10 and 12 (Block 3), Twig Folly Close; Nos. 37, 39, 46 & 47 Vivian Road; 58 Hewison Street; 41 Kenilworth Road; 60 Brokesley Street; and Flat 3 (and on behalf of Flat Nos. 1-8) Jowitt House (Morpeth Street); and also 30 Poole Road and 12 Killowen Road (in Hackney).** In summary, the grounds of objection are as follows:-

- * the height, bulk and density of the development is inappropriate for the site.
- * the overshadowing effects of the proposed development are unacceptable.
- * the proposals will have a negative impact on the biodiversity of the area.
- * the proposal are not sustainable and insufficient consideration has been paid to the area at large.

5.12 Any additional comments received will be orally reported to the Development Committee.

6. ANALYSIS

Land Use

- 6.1 Policy EMP2 of the Adopted UDP seeks to resist developments that would result in a loss of employment generating uses (EMP2). However, one of the exceptions permitted under the policy, is where the loss of employment generating land is made good by replacement with good quality buildings likely to generate a reasonable density of jobs.
- 6.2 The application proposes the redevelopment of a site that was last used for employment generating purposes, for a more intensive mixed use scheme that would involve an overall the net loss of employment generating floorspace. At present the site provides approximately 5,500m² of employment floorspace, whilst the previous cash and carry warehouse use employed 26 people. The proposed development would replace this with 2,567m² of employment generating floorspace, including the proposed Primary Care Trust clinic (532m²), a day nursery (309m²), and 330m² of Class A1 (retail) floorspace. Based on information provided by the applicant, the proposed commercial units could accommodate up to 94 employees.
- 6.3 In this case, therefore, the proposed scheme can potentially deliver a significantly higher number of jobs than the previous business/use, as well as a greater diversity of employment opportunities. This combination, together with the community benefits that will arise from the health clinic and the nursery, are considered to be sufficient compensatory justification for the lost floorspace that would result.
- 6.4 The applicants have also pointed out that Toynbee Housing Association will be locating their head office at the adjoining Sutton's Wharf South development, and it is estimated that their offices will employ approximately 200 staff. Therefore in total the applications at Sutton's Wharf (North and South) will generate 294 jobs, in comparison to the combined total of 33 jobs provided by the previous cash and carry business. Taken separately or together, the development proposals at Sutton's Wharf are therefore likely to result in a substantial increase in employment levels in this locality. The new residential population will also encourage economic activity in the wider area. There are no land use policy objections to the proposed mix of uses, as the scheme is considered to be consistent with the objectives underpinning Policy EMP2.
- 6.5 Therefore, although the proposal provides a reduction in employment floorspace, it is capable of delivering a significantly higher. As set out above, the net loss of employment floorspace is therefore considered acceptable in terms of the Council's land use objectives (EMP2). Finally, the (revised) 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.

Housing

- 6.6 The proposed development would provide 401 residential units, comprising a mix of 4no. studio units (1%), 145no. one bedroom units (36%), 188no. two bedroom units (47%), 55no. three bedroom units (14%) and 9no. four bedroom units (2%).
- 6.7 The scheme still proposes a total of 132no. affordable housing units, 94no. being 'affordable rented' accommodation, and 38no. to be for shared ownership. The rented affordable housing will comprise a mix of:-
- 33no. one bedroom units (35%).
 - 42no. two bedroom units (45%).
 - 13no. three bedroom units (14%).
 - 6no. four bedroom units (6.4%).
- 6.8 The shared ownership housing will comprise a mix of 12no. one bedroom units (31.6%), 15no. two bedroom units (39.5%), 8no. three bedroom units (21%) and 3no. four bedroom units (8%). The affordable housing will therefore represents 33% of the total units, 36% of the total number of habitable rooms, and 36% of the overall residential floor space.
- 6.9 Although the proposed 70:30 split in terms of the 'rented/intermediate' accommodation does not conform to the Council's requirement of 80:20, it does conform with the London Plan's requirements. In addition, the scheme provides an increase in family housing within the affordable housing provision, and partially meets the housing needs based mix target. 45% of the affordable housing would be for larger (three or four bedroom) family-sized units. Overall, it is therefore considered that an appropriate mix of residential units is proposed and the units comply with the Council's minimum floorspace guidelines. There are no objections to the proposed dwelling mix, nor to the affordable housing provisions.
- 6.10 The application site has a PTAL score of 3, which would be improved by the introduction of the new pedestrian bridge over the canal, as it would reduce walking distances to Mile End Underground Station. Despite this, the residential density of the proposed development, at 970hrph, is considerably higher than the maximum set out in the Deposit Draft UDP. However, in this instance, officers do not feel that the high density score is sufficient reason to refuse the application, bearing in mind that the density would be less than the density level accepted for the adjoining Suttons Wharf South development (1030hrph). The site is well served by local shopping and leisure facilities and services. For example, the Roman Road district shopping centre lies just 100m to the north-west of the site.

Scale and design

- 6.11 The proposed development is of a contemporary design, which responds to the site's location between two significant open spaces (Mile End Park and Meath Gardens) and alongside the Grand Union Canal. The blocks will create active frontages to the spine road, the proposed landscaped spaces and the canalside walkway.
- 6.12 The issues relating to the proposed scale and massing of the proposals for the site, has been the chief focus of officer's concerns and discussions with the applicants. Following comments from Council officers and the GLA, the scale of the buildings (fronting the canal, the main area of concern) has been reduced.
- 6.13 The scheme architects have argued that a taller building at the southern end of the site will act as a balancing element to the existing Victoria Wharf Tower, effectively forming two book ends to the intervening mid rise blocks of the two developments. The Council's urban design officer and GLA officers accept that the locality can successfully accommodate a taller element of development, given the context and openness of the surrounding parkland, and moreover, the schemes that the Council has permitted in recent years within the immediate locality, e.g. Victoria Wharf (12 storeys), Sutton's Wharf South (10 storeys) and Warley Street (10 storeys).

Impact on Residential Amenity

- 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*". As required by officers, assessments have been undertaken on the impacts at Justine House, Victoria Wharf and the 'Palm Tree' PH (upper level residential accommodation). Consideration has also been given to the impacts on Sutton's Wharf South which is under construction.
- 6.15 The Committee will be aware that, 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.
- 6.16 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 assessment demonstrates that there is some impact on the amount of light to some of the surrounding occupiers, but all the neighbouring windows assessed meet the BRE target values for average daylight factor.
- 6.17 The daylight study further concludes that 99.5% of the rooms in the proposed development would meet or exceed the BRE target values for interior daylight. This is considered to be an acceptable result in an urban development context.
- 6.18 An assessment has also been undertaken of the sunlight impacts on adjoining properties. The results of the analysis show that all windows likely to be affected by the development would continue to receive more than the BRE's target level for sunlight availability during the year and during winter months.
- 6.19 Concerns have been expressed by consultees in relation to shadowing effects of the development on the canal and on the adjoining open space. These concerns were one of the reasons that officers sought reductions in the scale of development from the originally submitted scheme (e.g. Block D has been reduced from 20 to 14 storeys, and Blocks B and C have reduced from 11 to seven storeys). Increases in the gaps between the proposed buildings have also been negotiated by officers.
- 6.20 The shadow study of the revised proposals before Committee show that the development would have no impacts on the Canal, Meath Gardens and Mile End Park at the spring and autumn equinoxes during the morning. By the afternoon (2.00pm and 4.00pm), shadows would be cast across the canal, into Mile End Park and reaching the Palm Tree PH (in the case of the seven storey blocks) and somewhat beyond in the case of the 14 storey tower.
- 6.21 Members will be aware that shadow effects are transient with continual movement of the area shaded based on the movement of the sun. The gaps between blocks will ensure that sunlit areas will pass across the canal and Mile End Park during the afternoon.
- 6.22 In relation to shading of the canal, the existing TRS warehouse building is overhanging, and currently casts shadows across the canal from the morning (10am) to the afternoon, as does the recently completed Victoria Wharf development.
- 6.23 The shadow effects of development must be considered at the spring/autumn equinox to apply the BRE guideline methodology for shadow assessment which seeks to limit the extent of areas in permanent shadow. The development complies with the BRE recommendations on this regard. The effects in the late afternoon in December are clearly more significant than during the spring/autumn equinoxes due to the sun path being lower in the sky. However the most significant effects during the afternoon are at a time when there is very little daylight remaining and are therefore regarded as being acceptable.

- 6.24 Officers have given careful consideration to the permanent and transient shadow effects of the scheme. Bearing in mind the reductions in scale that have been achieved in the revised scheme, the introduction of gaps along the canal frontage, and the comparable levels of shading caused by the approved Victoria Wharf and Suttons Wharf South developments, it is considered that the proposals are acceptable in this regard.

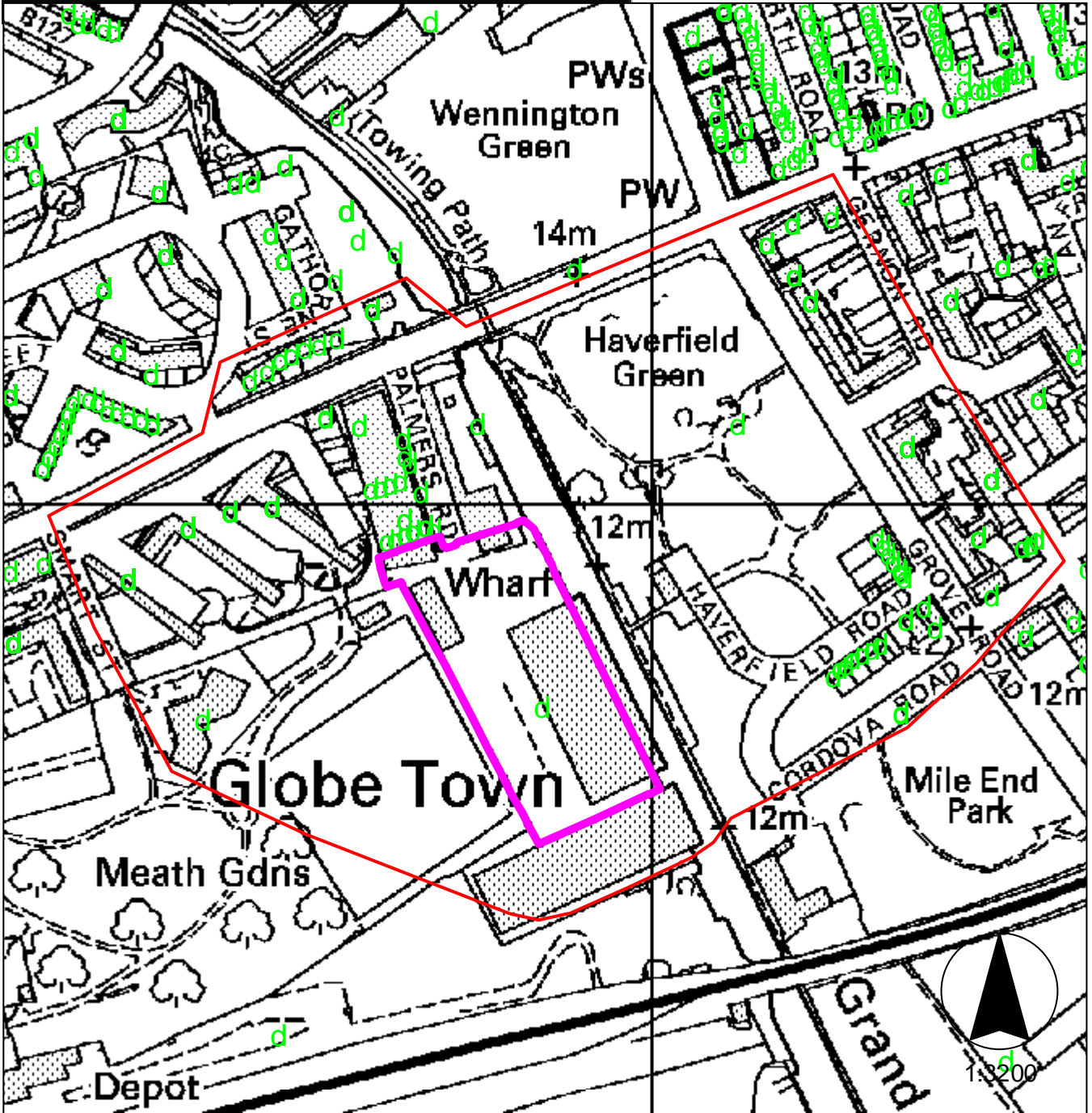
Construction noise/disturbance

- 6.25 The proposed development will employ 'modern methods of construction'. The building's structure will be formed using a precast concrete load bearing system that will enable an efficient and sustainable construction process. The applicants have secured the use of a site at Wyke Road in Bow, in an industrial area directly off the A12, specifically for use as an modern methods of construction, production and distribution centre to service the Sutton's Wharf North development. The process of off-site construction whereby wall and floor panels will be delivered to the project site by barge along the canal, together with removal of excavated material from the site by barge, will help minimise disturbance to local residents, as there will be fewer construction traffic movements to and from the site. Traffic movements should be reduced by 85%.
- 6.26 Construction noise will also be much reduced compared to conventional construction, as noisy operations prevalent in conventional building (e.g. steel handling, concrete vibrators, air tools etc) will either be non-existent or much reduced. The use of (off-site) modern methods of construction also means that the overall construction period is likely to be 40% less than if conventionally constructed. In the case of this project, an approximate 12 months saving in time on site.

Amenity Space

- 6.27 Two landscaped courtyards will be created to the west of Blocks B and C and a landscaped pedestrian link connecting the canal and Meath Gardens will be created within the northern section of the site. In addition, a canal-side walkway of approximately 5m will be provided running the entire length of the scheme and a water feature will be created adjacent to the canal to the south of Block C. The west and east facing ground floor flats within Blocks E, F and G will each have their own private gardens, whilst the majority of units throughout the development will be served by a private balcony. Brown roofs are to be incorporated within the development to encourage nesting birds and broaden bio-diversity in the area.

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

SUTTONS WHARF, PALMERS ROAD, LONDON, E2 0SF

Agenda Item 7

Committee: Strategic Development Committee	Date: 5 th January 2006	Classification: Unrestricted	Report Number:	Agenda Item Number:
Report of: Director of Development and Renewal Case Officer: Noel Serrano		Title: Town Planning Application Location: SUTTONS WHARF, PALMERS ROAD, LONDON, E2 0SF Ward: Mile End and Globe Town		

1. SUMMARY

1.1 Registration Details

Reference No: PA/05/01727
Date Received: 17/10/2005
Last Amended Date: 12/12/2005

Drawing Numbers for Decision

1.2 Application Details

Existing Use: Proposal:

Demolition of existing buildings and construction of seven buildings, rising from 7 storeys up to 16 storeys to provide 419 new dwellings, 3,485m² commercial floorspace, 167 parking spaces and landscaping (new scheme following the withdrawal of previous application - Ref: PA/04/1752). An Environmental Statement has also been provided under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.

Applicant:

Team Ltd, Toynbee Housing Association, Keyworker Homes Ltd

Ownership:

Applicant

Historic Building:

N/A

Conservation Area:

N/A

2. RECOMMENDATION:

2.1 That the Strategic Development Committee **GRANTS** planning permission subject to a Section 106 legal agreement to secure:-

1. affordable housing accommodation in accordance with the Council's policies.
2. car-free agreement.
3. local labour in construction.
4. a financial contribution towards the provision of the pedestrian bridge over the Grand Union Canal.
5. a financial contribution for improvements to Meath Gardens (e.g. new footpath and lighting).
6. a financial contribution for improvements to the Meath Garden park edge including new brick wall and gates.
7. highway improvements to Palmers Road.

8. ecological improvements/mitigation works to the Grand Union Canal.
9. provision of new public 'boardwalk' footpath along west bank of canal.
10. provision of a new public footpath between Meath Gardens and the canal.
11. TV and radio reception mitigation measures where identified impacts.

2.2 That the Strategic Development Committee **GRANTS** 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 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.

2.3 That if the Strategic Development Committee resolves to grant planning permission, that the application should first be referred to the Mayor of London pursuant to the Town & Country Planning (Mayor of London) Order 2000 for the Mayor's Direction.

3. BACKGROUND

Site and surroundings

- 3.1 The application site is approximately 1.2ha in size, and comprises the now vacant 'TRS' cash and carry (retail) warehouse, a substantial (former timber wharf) property (with open service yard) that lies at the southern-end of Palmers Road. The site adjoins the Grand Union Canal (to the west), and lies between Meath Gardens (to the west) and Mile End Millennium Park (to the east). Adjoining the site to the south is the 'Suttons Wharf South' development site, which has planning permission to be redeveloped for a predominately residential scheme (refer to paragraph 3.4). Adjoining the site to the north is the 'Victoria Wharf' development, a predominately residential scheme (refer to paragraph 3.6).
- 3.2 The area to the north is predominately residential in character, although there are other non-residential uses along Palmers Road and Roman Road. The immediate environment is visually/physically dominated by Meath Gardens, Mile End Millennium Park, and the Grand Union Canal. The 'Palm Tree PH' is the other closest existing building to the application site, a three storey detached building that is located within Mile End Millennium Park, approximately 43m to the east of the site.

Planning history

- 3.3 Planning records indicate a long history of employment generating uses on the site. Permissions have been granted during the 1980's for extensions to existing factory buildings, the temporary location of storage containers, and the erection of a light industrial/storage building. In January 2000 planning permission was granted for the part demolition of an existing warehouse/office, extension to the warehouse and use of part of the existing warehouse for offices.

Other relevant decisions

- 3.4 In **May 2004**, the Development Committee resolved to grant planning permission for the redevelopment of **Suttons Wharf South (Palmers Road)** to provide a 9 storey development comprising 169no. flats, 15no. live/work units, and 417m² of Class B1 floorspace. The accompanying Section 106 legal agreement secures various planning obligations including (i) affordable housing accommodation; (ii) the provision of an area of land (approximately 500m²) to be used as public open space as an extension of Meath Gardens; (iv) a financial contribution of £155,000 towards the cost of a new pedestrian bridge over the Grand Union Canal linking; and (v) financial contributions for highway safety works and environmental improvements to Meath Gardens.
- 3.5 In **September 2003** planning permission was granted for the redevelopment of the **Warley Street Former Goods Yard site** to provide a two to eleven storey development comprising 316no. dwellings. As with the Suttons Wharf South development, the accompanying Section 106 legal agreement secures various planning obligations including (i) affordable housing accommodation; (ii) a financial contribution of £90,000 towards the cost of a new pedestrian bridge over the Grand Union Canal; (iii) the provision of an area of land to be used as public open space as an extension of Meath Gardens; and (iv) financial contributions for traffic management works, and environmental improvement works to Meath Gardens.
- 3.6 In **June 2002** planning permission was granted for the redevelopment of **Victoria Wharf (Palmers Road)** to provide a ten storey building comprising a restaurant and 28 flats and a two, four and seven storey building comprising 8 B1 (business units), 30 live/work units and 14 flats plus 52 car spaces. The permission was amended in June 2005, to provide an additional 15no. flats (providing a total of 57no. flats).
- 3.7 In **March 2001** planning permission was granted for the redevelopment of **Justine House (Palmers Road)** to provide a part 3 part 4 storey building comprising 2 commercial units and 20 live/work units, with ancillary car parking. 'Justine House' adjoins the north-western corner of the site.

Proposed Development

- 3.8 In November 2004, the Council received duplicate planning applications for the redevelopment of this site (Ref: PA/04/1666 and PA/04/1752) to provide a mixed use development consisting of 8no. new buildings (ranging from 7 to 20 storeys high) to provide 482 flats plus 3,231m² of Class A1/B1/D1 floorspace together with associated landscaping works and car parking (145 spaces). An Environmental Statement accompanied the planning application.
- 3.9 Formal amendments were made to the (duplicate) applications, in June 2005, however the applicants were advised that these amendments did not sufficiently resolve officers' concerns relation to the scale and massing of the proposed building, and would not sufficiently reduce the visual and physical impact of the proposed development on the occupiers of adjoining buildings, the canal/canal frontage, and on Mile End Park.
- 3.10 In response, formal amendments were made to application Ref: PA/04/1666 (in September 2005), and at the same time application Ref: PA/04/1752 was formally withdrawn, **and was replaced by an application for an alternative scheme. This new application is the subject of this report.** At the time of the resubmission, the application proposals comprised the provision of 7no. buildings, rising from 7 storeys up to 16 storeys to provide 446 new dwellings, 3688m² of Class A1, B1 or D1 floorspace, 167 parking spaces and landscaping. An Environmental Statement has also been provided under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.
- 3.11 Following further discussions with Council Officers, and officers from the Greater London Authority, additional amendments have been made to the application proposals. The application which is now being reported to the Committee, comprises provision of 7no. buildings, rising from 7 storeys up to 16 storeys to provide 419 new dwellings, 3,485m² of Class A1, B1 or D1 floorspace, 167 parking spaces and landscaping.
- 3.12 In summary, the key changes made to the scheme, have been (i) the nearest building to Victoria Wharf has been moved 18m away from the Victoria Wharf development, to address officers' objections about the impact of the development on the adjoining occupiers; (ii) similarly, the height of the building Block adjacent to 'Justine' House' has been reduced to six storeys, and the design has been remodelled; (iii) two open aspects have been created to the north and south of the site to improve the visual links between Meath Gardens and Mile End Park; (iv) vehicular access through the site will now be underground, with only access for servicing being provided at ground level, with a minimal level of parking for visitors; (v) the level of employment generating floorspace has been increased, as Tower Hamlets Primary Care Trust have agreed to take all of the commercial floorspace provided in Block A (1,885m²); and (vi) the level of affordable housing accommodation has been changed to increase the number of family-sized units.
- 3.13 The scheme proposes a similar typology as originally submitted for the arrangements of the buildings on the site, namely of a group of buildings flanking either side of a central spine road that would form an extension of Palmers Road. The revised scheme proposes eight buildings flanking either side of a central spine road that would form an extension of Palmers Road. Four of the buildings (Block A, B, C & D) would be located on the eastern side of the site, fronting Regents Canal, and would comprise:-
- 3.13
- Block A - a part eight and part ten storey building located along the majority part of the eastern (canal-side) frontage of the site, providing either 1,885m² of Class B1 (office) or D1 (community purposes, namely a GP surgery and health centre), a small retail unit (221m²), also at ground floor level, and 154 flats on the upper floors. The eight storey element will flank the site's internal access road, whilst three 10 storey bays will project towards Regents Canal.
 - Block B – a 16 storey building located within the south eastern section of the site, providing Class A1 floorspace on the ground floor (109m²) and Class B1 (office) floorspace on the ground, first and second floors (656m²), and 64no. flats on the remaining upper floors.

- 3.14 The remaining five blocks (Block C, D, E, F & G), would be situated on the the western side of the site fronting Meath Gardens, and comprise:-
- Block C – a 10 storey building located within the south western section of the site, providing Class B1/D1 (office/community) floorspace at ground and first floor levels (450m²), and 35no. residential units flats on the upper floors.
 - Blocks D, E and F – three (linked) 10 storey buildings, each providing 50no. flats.
 - Block G - a six storey building, providing a nursery at ground floor level (367m²) and 16no. flats on the upper floors.
- 3.15 The revised scheme provides 162no. car parking spaces which will be located at basement level, 464no. bicycle parking spaces and 21no. motor cycle spaces.

Application Ref: PA/04/1666

- 3.16 As explained above, the accompanying application Ref: PA/04/1666 has been formally amended, and is the subject of a separate report included on this agenda. The revised proposals are for the construction of 8no. new buildings (ranging from 5 to 14 storeys high) to provide 401 flats plus 2,567m² of Class A1/B1/D1 floorspace together with associated landscaping works and car parking (151 spaces).

4 PLANNING POLICY FRAMEWORK

- 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 section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004. Section 70(2) of the Town and Country Planning Act 1990 is particularly relevant, as it requires the Committee to have regard to the provisions of the Development Plan, so far as material to the application and any other material considerations.
- 4.3 Whilst the adopted UDP 1998 is the statutory development plan for the Borough, it will 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 This 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 other material considerations set out in the report.

The London Plan (February 2004)

- 4.6 The Mayor's London Plan was approved in February 2004, and it provides the strategic planning policy framework for London.
- 4.7 One of the key objectives of the Plan is the need to increase the supply of housing within London. An annual target of 30,000 additional homes has been set within the Plan. The target for Tower Hamlets is over 41,280 additional homes between 1997 and 2016, with an annual monitoring target of 2,070 new homes. In late July 2005, the Council received for consultation, the draft London Plan alterations (Housing Provision Targets). The draft revised figure proposes to increase the Tower Hamlets housing target to 3115 new homes per annum, starting from 2007. This would increase the overall housing target to 51,850 and require approximately 16,570 dwellings between now and 2016.
- 4.8 Another key objective is the need to increase the amount of affordable housing, and to that end Policy 3A.7 sets out a strategic target of 50% of housing proposals being affordable, whilst Policy 3A.8 states that Boroughs should seek the maximum reasonable amount of affordable housing when negotiating on individual schemes.
- 4.9 The London Plan also generally encourages tall buildings and large scale (residential) developments which achieve the highest possible intensity of use, in appropriate locations, provided amongst other criteria, they are compatible with the local context, respect London's built heritage, sensitive to their impact on micro-climates and pay particular attention to privacy, amenity and overshadowing (Policies 3A.5, 4B.1, 4B.3).
- 4.10 Policy 4B.6 seeks to ensure that future developments meet the highest standards of sustainable design, including measures to conserve energy, materials, water and other resources, and, reduce the impacts of micro-climatic effects. Policy 4B.7 seeks to ensure that developments preserve or enhance local social, physical, cultural, historical, environmental and economic characteristics. Finally, Policy 4B.9 specifies that all large-scale buildings including tall buildings should be of the highest quality design. The policy identifies factors, such as, ensure developments are sensitive to their impact on micro-climate, and pay particular attention to privacy, amenity and overshadowing.
- 4.11 Section 4C sets out the Plan's policies for the 'Blue Ribbon Network'. For example, Policy 4C.28, states that development adjoining canals, should "*respect the particular character of the canal*", and that *opportunities should be taken to improve the biodiversity value of canals*"; Policy 4C.18 encourages the provision of new support facilities, infrastructure and activities that support use and enjoyment of the Blue Ribbon Network; and Policy 4C.19 - seeks the protection and improvement of existing mooring facilities on the Blue Ribbon Network. The Mayor's design policies in relation to the Blue Ribbon Network, are set out in Policies 4C.20, 4C.21, and 4C.22 of the London Plan. Paragraph 4.125 highlights the particular concern over the potential adverse effects that tall buildings can have when located next to water, and the need for the design of tall buildings to address these effects, which include the impacts of overshadowing, wind turbulence and creating a visual canyon.
- 4.12 The Mayor considered the duplicate application schemes (Ref: PA/04/1666 and PA/04/1752) on 25th May 2005 and his conclusions in relation to the proposals (and the amendments then made) are set out in paragraphs 5.1(xxxx) and 5.xxxx. GLA Officers have advised that the new scheme (PA/05/1727) is to be reported to the Mayor in January 2006.
- 4.13 The following Unitary Development Plan **proposals** are applicable to this application:
- (1) Archaeological importance or potential
 - (2) Green Chains
 - (3) Metropolitan Open Land
 - (4) Sites of Nature Conservation Importance

4.14 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) DEV6 High buildings outside Central Area Zones (CAZs)
- (5) DEV12 Landscaping requirement.
- (6) DEV13 Tree planting.
- (7) DEV18 Public Art.
- (8) DEV41-43 Archaeology
- (9) DEV50 Construction noise.
- (10) DEV51 Contaminated land
- (11) DEV55 & 56: Waste management recycling
- (12) DEV62: Nature Conservation
- (13) EMP1: Employment growth
- (14) EMP2 Protection of employment floorspace.
- (15) EMP6 Major development schemes (over 3,000m²) and training initiatives.
- (16) HSG1 Housing target.
- (17) HSG2 Location of new housing.
- (18) HSG3 Affordable Housing.
- (19) HSG7 & 8 Dwelling mix/type and dwellings to mobility standards.
- (20) HSG9 Housing Density.
- (21) HSG13 Internal space standards.
- (22) HSG15 Developments and residential amenity.
- (23) HSG16 Amenity space.
- (24) T5 Improvements to interchange facilities
- (25) T13 Restraint against commuter parking and non-essential car users.
- (26) T15: Transport system capacity
- (27) T16 New development and traffic impact.
- (28) T17 Plot ratio controls.
- (29) T18 Parking and servicing standards.
- (30) T20: Pedestrian access improvements
- (31) T21 & T22 Improvements to pedestrian environment.
- (32) Planning Standard No. 1 Plot Ratio
- (33) Planning Standard No. 2 Noise
- (34) Planning Standard No. 3 (Parking standards).
- (35) Planning Standard No. 5 Access for People with Disabilities.
- (36) Supplementary Planning Guidance on Residential space.
- (37) Supplementary Planning Guideline Archaeology and Development

4.15 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) SP6 Housing quality
- (5) SP7 High Density
- (6) SP10 Reducing the Need to Travel
- (7) SP11 Sustainable Transport and inclusive development
& SP12
- (8) SP13 Urban Design
- (9) SP15 Safety in the Community
- (10) SP23 Planning Obligations
- (11) EMP10 Redevelopment of employment sites
- (12) HSG1 Strategic Housing Target
- (13) HSG2 New Housing Developments
- (14) HSG4 Affordable housing target

- (15) HSG5 Affordable housing ratio and mix
- (16) HSG7 Retention of affordable housing
- (17) HSG8 Dwelling mix and type
- (18) HSG9 Housing density
- (19) HSG10 Lifetime homes and wheelchair/mobility housing
- (20) HSG12 Amenity space
- (21) TRN1 Transport and Development
- (22) TRN5 The Road Network
- (23) TRN6 Parking and Servicing
- (24) TRN7 Transport assessment
- (25) TRN8 Travel Plans
- (26) TRN9 Linkages
- (27) TRN10 Pedestrian mobility
- (28) TRN11 Bicycle Facilities
- (29) UD1 Scale and Density
- (30) UD2 Architectural Quality
- (31) UD3 Ease of movement and access through inclusive design
- (32) UD4 Design statements and access statements
- (33) UD5 Safety and Security
- (34) UD7 Tall Buildings and large development proposals
- (35) UD9 Public art
- (36) UD11 Landscaping
- (37) UD12 Urban design, the Blue Ribbon Network and Thames Policy Area
- (38) ENV1 Amenity
- (39) ENV5 Disturbance during demolition and construction
- (40) ENV6 Sustainable construction materials
- (41) ENV8 Energy efficiency
- (42) ENV9 Development of contaminated land
- (43) ENV11 Waste Disposal and Recycling Facilities
- (44) ENV15 Protection of bio-diversity
- (45) ENV20 Flood protection
- (46) ENV22 Waterside walkways
- (47) IM1 Planning agreements
- (48) IM2 Action area Frameworks
- (49) IM3 Transport Interchange Growth Areas (TIGA)
- (50) Planning Standard No. 2 – Density Standards
- (51) Planning Standard No. 3 – Lifetime homes and wheelchair/mobility housing
- (52) Planning Standard No. 7 – Parking Standards
- (53) Planning Standard No. 11 – Noise
- (54) Planning Standard No. 12 – Recycling Facilities

4.16 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 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

Previous (duplicate) application proposals (November 2004)

5.1 The following comments were received in relation to the original (duplicate) applications, Ref: PA/04/1666 and PA/04/1752 [for the provision of 8no. new buildings, ranging from 7 to 20 storeys high, to provide 482 flats plus 3,231m² of Class A1/B1/D1 floorspace together with associated landscaping works and 145 car parking spaces]:-

- (1) **Head of Highways Development:** The car parking provision and layout is acceptable. Adequate disabled spaces and cycle parking have also been provided. The development will also be subject to a S106 car free agreement.

The traffic analysis data submitted indicates that the future trip generations of both developments will not affect the working of the priority junction of Palmers Road with Roman Road. Highways Development have already looked at this junction from a road safety audit point of view and no particular problems have been identified. However, this is not to say that future problems may occur, and so therefore there should be the provision for a reassessment once the development is occupied. The cost of this and any identified mitigation measure are to be borne by the developer (e.g. additional traffic growth may require the future need for signals at the junction with Roman Road).

The approved development for Suttons Wharf South makes provision for the resurfacing of Palmers Road, so there is no need for a Section 278 agreement for highways works for this application. New footways are being provided for the Victoria Wharf development.

- (2) **Environmental Health:** The site was historically occupied by Candle and Oil Works and Transport and Cargo Handling and surrounding historical land uses included a Cemetery, Sawmill and Timber Yard, Oil Works, Gum Works, Colour Manufactory and Railway Land and consequently the site may contain elevated levels of contaminants within the substrate. The applicant's Environmental Statement confirms that the applicant has agreed to undertake a detailed soil investigation at the site. I recommend that this application be conditioned to ensure the applicant carries out a desk study that should include a 'site investigation report' to investigate and identify potential contamination, and proposals for any necessary remedial works to contain, treat or remove any contamination. Any required remediation measures must be carried out before the site is occupied.

Air quality?

- (3) **Development Design and Conservation:** No objections to a mixed-use largely residential scheme in this location, but raised the following concerns/objections in relation to the overall scale of the proposals and their impact:-

- * The proposed wall of 9 storey buildings removes the existing visual continuity between Mile End Park and Meath Gardens (provided by the tree canopy). This wall is completely without visual breaks because the gaps in the two ranges of buildings are out of sync. and hence the wall will actually appear solid and unbroken. The gaps at each end of the wall are too marginal to provide any visual continuity. The basic site strategy needs to be revisited, to improve the opportunity for good visual links.
- * There is no logic in the size, height or location of the proposed 19 storey tower (Building D). It is not a valid 'marker' building [as the 12-storey tower on Victoria Wharf can fairly be claimed to be] and its location is arbitrary. The tower is completely out of scale with the rest of the proposals and is bound to cause serious overshadowing of Building C and the courtyard in front of it. It would also form a tall, dark visual barrier at the end of the north-south central access spine for most of the day

- * The Canal and the canal-side path will be heavily overshadowed for much of the day and the proposed gaps in the wall of buildings E, F and G will do little to relieve this.
- * The on-site landscaping and small courtyards proposed are fussy and over-complicated.
- * The junction/interface between the development and Meath Gardens is poorly resolved at ground level. Proposals show a storey-height podium faced by louvres with the car park behind. This is not a user-friendly edge with a major public open space.
- * Buildings A and H are an abrupt step up in scale from the southern end of the near-complete Victoria Wharf development. There is no justification for Buildings B and C being two storeys higher than Sutton Wharf South. Sutton Wharf South should be taken as the upper limit.

- (4) **Housing Development:** There is a variation in the proposed tenure breakdown between the two applications, in terms of the affordable housing provisions. In both cases, there is a lack of clarity about the exact unit split, and both schemes represent a significant departure from the Council's policy that 35% of the units should be affordable and provided without grant.

Scheme Ref: PA/04/1666 proposes a fairly complex mix, and achieves a higher proportion of affordable homes (22% of the accommodation is to be affordable rented, 23% to be shared-ownership, and 18% to be key-worker). The mix will be mainly one and two bedrooms, and it does not meet the Council's requirement that the units should be unfunded. Only the key-worker accommodation is to be unfunded. The proposals also indicate that the key-worker units will only be available on a 21 year lease rather than the usual requirement to make the provision "in perpetuity".

Scheme Ref: PA/04/1752 proposes a more standard arrangement (27% of the accommodation is to be affordable rented, and 9% to be shared-ownership), but again, it does not meet the Council's requirement that the units should be unfunded. The split between the rented and shared-ownership meets the 80:20 split, but the mix proposed does not comply with the Council's policies, as it provides smaller units than the Council would seek.

On both options, there should be a greater number of larger family units (3 and 4 bedrooms) and fewer one bedroom units within the affordable element. The application site offers an excellent opportunity to locate family homes within an established neighbourhood and with easy access to open spaces, shops, transport, and other amenities.

- (5) **Head of Building Control:-** (i) refuse storage facilities should not be accessed from common escape routes; (ii) the internal layouts of the flats should not be designed so that bedrooms are accessed via other rooms; (iii) Section 20 of The London Building Amendment Act 1939 will apply to this scheme; (iv) appropriate fire fighting shafts incorporating lifts and dry risers will be required - adequate vehicle access should be provided for fire fighting vehicles at the base of the fire fighting shafts; and (v) early consultation with Building Control and the Fire Authority is advised.

- (6) **Environment Agency:** Objected to the proposals for the following reasons:-
1. the application may present significant flood risk from the generation of surface water run-off, and is not accompanied by a Flood Risk Assessment (FRA), which demonstrates that the development will not create an unacceptable flood risk either to future occupants or other properties.
 2. the development does not pay adequate regard to the *“role of the canal in terms of landscape and ecology”*, as the development would be *“too close to the watercourse resulting in an inadequate buffer zone between the proposed development and the watercourse. This will adversely affects the character and value of the watercourse”*. A (widened) green buffer strip/zone should be provided alongside the watercourse, which will enhance the value of the canal corridor.
 3. the close proximity of tall buildings to the canal can (i) degrade the canal as a key landscape feature; and (ii) mean that some forms of wildlife will be less likely to utilise a canal corridor constrained by tall buildings. Any increase in artificial lighting will have a negative impact on the ecology of the green corridor by affecting life cycles of wildlife. An increase in shading could lead to a reduction in biological diversity. EA advise that the applicant needs to discuss with them, *“ways in which the development could be redesigned in order to minimise the impacts on wildlife and habitats.*

If the Council is to approve the application(s) contrary to the above objections, then it will need to re-consult the EA in order to give the EA an opportunity to make further representations.

- (7) **English Heritage Archaeology:** The site lies partially within an Archaeological Priority Area [on the projected line of the London to Colchester Roman Road], and the site may contain important Roman remains. The redevelopment of the site has the potential to damage or remove significant buried remains. An archaeological evaluation is therefore required to determine the degree to which archaeological material will be affected by the redevelopment. This archaeological fieldwork/evaluation does not need to be undertaken prior to the determine of the application(s), and can be secured by the imposition of a planning condition.
- (8) **Commission for Architecture & Built Environment:** CABE have advised that they have *“more schemes that we have resources to deal with and, unfortunately we will not be able to comment on this scheme”*. They reiterate that their *“no comment” should not be “interpreted as tacit endorsement of the scheme”*.
- (9) **London City Airport:** No objections to the proposals.
- (10) **Crime Prevention Officer:** (i) some of the proposed footpaths/alleyways to the canal towpath may be too narrow and restrictive, and should be widened or gated; (ii) the size of the proposed trees may reduce lighting; (iii) laminated glass should be used for all ground floor windows/doors, and accessible doors/windows above the ground floor; (iv) internal perforated shutters should used for all non-residential units; (v) concerned about the security to the access to the proposed Surgery from the proposed car park; (vi) access control should be used on all entrances/exits, with no tradesman’s buttons; (vii) recessed doorways should be avoided; (viii) bicycle and motorbike storage areas should be secure, well lit, and covered by CCTV; (ix) some balconies appear quite low, and to avoid entry being gained to these premises, these balconies should be removed, raised, or as a last resort, laminated glass should be installed to the doors/windows of these premises; (ix) all doorsets and windows to comply with the appropriate (‘secure by design’) standards; and (x) where possible, defensible space should be provided around ground floor premises.

(11) **British Waterways:** British Waterways (BW) are a public body whose responsibilities include the management, maintenance, and preservation of the network of canals and navigations. Appropriate development is welcomed, provided it (a) improves the character of the waterscape; (b) increases the general public's appreciation of the waterways; and (iii) enhances the environmental attributes of the waterways. BW supports the proposed development and have discussed the proposals with the applicants and scheme architects, however they have the following concerns:-

- * **Building height/massing** – *“the proposed buildings fronting onto the canal may create an overbearing edge, which will result in shading of the canal, potential harm to the ecology and a detrimental impact upon users of the canal”.*
- * **Treatment of the Canal Edge** – the elevated walkway at the interface with the canal (1.5m above the ground height) *“will be overbearing and fails to successfully integrate visually or functionally with the canal”.* The walkway needs to be lowered for a significant length of the site frontage (minimum 70m) to accommodate, amongst other things, four visitor mooring points.
- * **Maintenance Access** – The proposals do not provide adequate access to the canal edge. BW will require a temporary mooring point for a boat to transfer waste collection from the canal to a skip vehicle, and also to facilitate freight initiatives, such as, refuse disposal from the development and construction traffic via the canal.

If the Council is minded to grant planning permission, the conditions should be imposed to secure (1) full details of the proposed walkway and mooring points; (2) provision of a temporary mooring point for waste collection; and (3) a contribution towards the management and maintenance of the canal adjacent to the site. An informative should attached advising the applicants that they will need to contact BW to obtain all necessary consents.

(12) **London Fire and Emergency Planning Authority:** No objections to the proposals.

5.2 Responses from neighbours were as follows:

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

5.3 A letter was received from the owner/occupiers of **No. 127 Grove Road ('The Palm Tree PH')** stating that whilst they are not opposed to the principle of redevelopment, they are concerned that the height(s) of the 10 storey buildings (fronting the canal) will block their daylight and sunlight, and reduce their privacy (they were sent a set of the proposed plans).

5.4 An e-mail was received from the owner/occupiers of **Flat No. 15, Victoria Wharf** objecting to the proposals on the grounds that the development would result (1) in a “loss of view of the park and afternoon sun” from their terrace, and from the decked entrance to their property; (2) possible loss of security to adjoining properties; and (iii) the removal of a number of mature trees adjacent to their property.

5.5 Representations were received on behalf of **Chisenhale Dance Space and Chisenhale Gallery (Nos. 64-84 Chisenhale Road)**. Their existing premises are in disrepair and are out-dated. The application scheme therefore represents a unique opportunity to provide modern dance and gallery facilities, providing a complementary use that will help meet the needs of the Borough's residents. They have therefore requested that any planning obligations negotiated for the scheme should include purpose built and dedicated accommodation for a new dance and gallery space.

Previous revised submission (May 2005)

5.6 Reconsultations were carried out following the submission of formal amendments to the duplicate planning applications, in May 2005 - for the provision of 8no. new buildings (ranging from 7 to 20 storeys high) to provide 463 flats plus 4,074m² of Class A1/B1/D1 floorspace together with associated landscaping works and car parking (153 spaces). The comments were received in response to these amendments were as follows:-

- (1) **Highways Development:** No comments to add to previous observations, but they note that the applicants are proposing a contribution of £50,000 for possible highways improvements.
- (2) **Environmental Health:** An application for s Section 61 consent from Environmental Health should be submitted before the commencement of any work on site. The applicant should also discuss proposed measures to mitigate external noise.

The whole of the Borough was declared an Air Quality Management Area (AQMA), and in December 2003, an Air Quality Action Plan (AQAP) was published. The AQAP states that land use planning should be one of the measures used to improve Local Air Quality and to meet the Air Quality Objectives as detailed in the Air Quality Regulations (2002). The proposal is likely to lead to a slight negative impact on local Air Quality during the construction and operational phases. A total number of 167 parking spaces to be provided within the development. The PTAL rating for the area is between 5-6b, and therefore no car parking should be provided. A car-free agreement should also be secured.

A planning condition should be imposed requiring the submission of an Air Quality Assessment (to minimise the impact on Air Quality) is submitted to and agreed by the Local Planning Authority for written approval. The statement should include (i) the identification of emission sources (this includes emissions during demolition, construction and operational phases); (ii) consideration of the potential impacts of the development on Council's Air Quality Action Plan (AQAP); and (iii) a qualitative and quantitative evaluation of existing air quality.

The applicants must submit a comprehensive method statement or a Code of Construction Practice (CoCP) detailing potential sources and associated mitigation measures against dust and emissions for the construction site.

- (3) **British Waterways:** BW advised that their previous concerns had been addressed by the applicants as part of the amendments made to the scheme. BW especially welcomes the inclusion of residential moorings as part of the scheme, and is also pleased that the revised details show an improved visual and physical integration with the canal. Although concerned that the scheme will result in additional overshadowing of the canal, BW recognises that the applicant has reduced the height of parts of the scheme and proposed canal edge planting to mitigate any ecological harm. BW supports the provision of a footbridge over the canal to Miel End Park (subject to its detailed design).

BW also advise that any structures which spring off or overhang BW's land or airspace will require a commercial agreement. BW also request that informative is attached to any planning permission granted advising the applicants that they will need to contact BW to obtain all necessary consents.

- (4) **Greater London Authority:** *“Having considered the report, the Mayor has concluded that whilst residential use of the site is appropriate, significant changes would be required to the proposal to make it compliant with London Plan policy.*

In particular, the density of the proposal ... is excessive and is not justified by exceptional design, local context and/or public transport capacity. The proposal does not justify such density given the [Mayor’s concerns] relating to the scheme’s design (e.g. poor site lay-out and massing and inappropriate building heights). Additionally, the Public Transport Accessibility Level (PTAL) (3) is low for this part of Tower Hamlets and the local context is defined by open spaces with buildings of varying heights”.

Amendments are required to the design, so that it is appropriately integrated into its context and reducing the height of the buildings. This will achieve a reduction in density and an improved development. It will also result in a development that is more suited to the site’s PTAL and the local context. Additionally, the following matters need to be addressed:-

- Whilst the amount of affordable housing exceeds London Plan targets, the proportion of social rented housing needs to be increased.
- The proportion of larger units needs to be increased.
- Integral children’s play space needs to be provided.
- The number of bicycle parking spaces should be increased.
- Detailed matters relating to access and sustainable design and construction.
- The need for initiatives to create training and employment opportunities for local people and businesses.

The Mayor placed emphasis on the need to resolve the issues referred to above prior to the application being referred to him for direction by Tower Hamlets Council. If the Council decides in due course that it is minded to approve the application, it should allow the Mayor fourteen days to decide whether or not to direct the Council to refuse planning permission (under article 4(1)(b)(i) of the Town & Country Planning (Mayor of London) Order 2000).

- (5) **Environment Agency:** Despite discussions with the scheme architects, the Environment Agency advised that their objections remained unresolved in relation to their ‘proximity objection’ and that they had yet to receive an updated and accepted Flood Risk Assessment.

- (6) **Tower Habitats (The Environment Trust):** The area surrounding Mile End Park, and especially along the canal, is a potential habitat for Black Redstarts. Previous experience has shown that disturbance from construction work does not disturb Black Redstarts from nesting, if any site clearance is to take place by April/May, then there should be a monitoring scheme in place. A single site visit/survey is not sufficient to determine the presence or absence of Black Redstarts, and there should be repeat visits, and a planning condition should be imposed to secure the provision of surveys and two brown roofs. The reed bed north of the site and along Regents canal should be protected (rafts and ridges planted with reeds are not likely to be able to provide similar resting opportunities for waterfowl). The trees and tall shrubs along the margins of the site/canal are regularly visited by Kingfishers, and similar vegetation should be provided at a number of places.

The shading of the buildings will have significant impact on the vegetation and wildlife in both the Regent’s Canal and the Northern end of Mile End Park. This area of the park is called the Ecology Park and is designed as a habitat for wildlife, which includes a number of lakes. The shading will be particularly strong in March and April and reduce the water temperature and light at the start of the spawning season of the amphibians. The shading of the Canal will have significant impact on the Flora and Fauna of the canal. British Waterways is planning to undertake a detailed survey of this part of the Regent’s Canal in the next couple of months. The amount

of shading will also affect the vegetation that is planned for the waterside planting of the development (reedbeds need a lot of light and are not likely to flourish under the planned conditions). The development will also be very intrusive on the enjoyment of the Regent's Canal (site of Metropolitan Importance) and Mile End Park.

- (7) **Crime Prevention Officer:** No objections, subject to the following provisions - (i) all access into residential and car parks should be secured; (ii) all ground floor, and accessible basement or first floor doors/windows should also be secured (to 'secure by design' standards), and retail/commercial units have laminated glass to 7.5mm plus perforated shutters; (iii) any lighting should be dusk to dawn; (iv) alleyways should be gated where possible, even for part of the day/night; (v) trees/shrubs should have an open canopy between 1m and 3m, and not grow to block out lighting; (vi) any access to the windows of ground floor apartments, or those accessible from first floor level, should have some form of defensible space, and the windows should have restricted opening from outside access.
- (8) **London Fire and Emergency Planning Authority:** Burning is not recommended as a method of disposing of waste materials, however if it is to take place, then several precautions have been recommended. The applicant should also contact the Council's Environmental Health Department who will advise on the applicable legislation/regulations.

5.7 The representations in response to the original application submission, were as follows:

No. Responses: 24 In Favour: 0 Against: 24 Petitions: 3

5.8 A **petition** was received from owner/occupiers of the adjoining **Victoria Wharf** development (18 signatures), objecting to the proposals for the following reasons:-

- * *"the height and closeness of Buildings A + H to Victoria Wharf will significantly reduce available natural light to the entrances and rear rooms of the apartments".*
- * the removal of the existing mature trees next to Victoria Wharf will reduce bio-diversity reduce the attractiveness of the canal bank.
- * *"the heights of buildings A, B, C will significantly reduce available afternoon sunlight to Mile End Ecology Park and the outside area of the Palm Tree Pub".* The buildings should be the same height as the buildings along the canal, i.e. Victoria Wharf and Queen Mary's University.
- * the proximity of the building to the canal-bank and the provision of a broadwalk (higher than the current bank) will impact the bio-diversity, and make the canal-bank less attractive.

5.9 A second **petition** was received "signed by 138 residents from all over Tower Hamlets", objecting to the revised proposals for the following reasons:-

- * *the footprint and density of the development fails to take account of the character of this unique location, and as such, the proposals are contrary to Policy DEV1 of the Adopted UDP.*
- * the proposals are contrary to Policies 4C.12 and 4C.28 of the London Plan (Blue Ribbon Network), as it fails to respect the character of the adjacent canal.

- * the density and height are contrary to Policy DEV2, as for significant periods of the day and throughout the seasons, the canal and ecology park will be in shadow, thus adversely affecting the biodiversity. The development will also affect the Palm Tree PH, as it will produce a “dank dark environment” around the pub.
- * the development fails to physically and visually open up Meath Gardens and Mile End Park. It will also increase the problem in crime in the locality.
- * a development of this scale and density will adversely impact on the utilities infrastructure in the immediate area (e.g. water pressure, drainage, and local schools).
- * the development will result in a loss of an existing water freight facility, contrary to the Government’s objectives that seek to protect wharves and promote sustainable methods of freight transport.
- * the locality does not need another “feature building” or “marker building” (as it already has one in the form of the Queen Mary’s University’s halls of residence building, further south along the canal.

5.10 A third **petition** was received “*signed by 168 residents of Tower Hamlets and beyond*”, objecting to the revised proposals for the following reasons:-

- * the density and height of the development, in particular the 20 storey tower, are detrimental to the character and appearance of the locality.
- * the density and height of the development would dominate the surrounding area and would seriously compromise the enjoyment of Mile End Park and the waterways.
- * all canalside developments must be consider in the context of a strategic plan which is accessible to the general public.

Written representations

5.11 24no. individual letters and e-mails, of objection, were received from the owner/occupiers of the following properties – **Flat Nos. 15, 21, 42, 55, 58, 59 Victoria Wharf (20 Palmers Road); No. 25 Vivian Road; No. 108 Selsdon Road; No. 30B, 36, 39 & 45 Kenilworth Road; No. 15 Ellesmere Road; Nos. 7, 19 & 39 Tredegar Square; Unit 10, 17 Palmers Road; Unit M11 (Victoria Wharf); No. 23 Zealand Road; 16 Alloway Road, and No. 1 Nightingale Mews** (two e-mails were also received from objectors who did not give their address). The grounds of objection are summarised below:-

- * the height and closeness of the proposed buildings to Victoria Wharf will significantly reduce the amount of available natural light to the entrances, communal access areas, rear rooms, and roof terraces of the apartments.
- * the removal of the existing mature trees adjacent to the site will reduce bio-diversity and reduce the attractiveness of the canal bank, and is therefore is unacceptable, (particularly as Tower Hamlets has one of the lowest tree/person ratios in the Country.
- * the heights of the buildings, in particular the 20 storey tower, will significantly reduce available afternoon sunlight (from 1pm onwards) to Mile End Ecology Park, casting shadows over the Park, the canal, and the outside area of the ‘Palm Tree’ Pub. The buildings should be the same height as the buildings along the canal, i.e. Victoria Wharf and Queen Mary’s University.

- * the proximity of the building to the canal-bank and the provision of a broadwalk (higher than the current bank) will impact the bio-diversity, and make the canal-bank less attractive.
- * the heights of the buildings, in particular the 20 storey tower, will obstruct local views.
- * a 20 storey building is out character with the locality, and would be unsightly; also the area is already developed to a high density, and the additional dwellings will put additional pressure on local services, the transport infrastructure, etc.
- * the new buildings should maximise their use of renewable energy sources (e.g. solar panels, wind, etc).
- * the proposals will have a severe detrimental effect on the ecology of the area (overshadowing of Mile Park, the canal, etc) affecting wild life and vegetation.
- * Palmers Road is too narrow and too restricted to accommodate the increased levels of traffic that will occur; the increase in traffic movements will increase parking and traffic congestion (hindering access for emergency vehicles), and will lead to an increase in accidents, particularly at the junction with Roman Road, because of the existing poor visibility at this junction. A nursery will also increase traffic/parking congestion as parents will drop off their children in Palmers Road.
- * the proposals are not consistent with the Mayor's London Plan, in particular its Blue Ribbon Network policies.
- * the proposals are not consistent with the Council's current UDP, in particular the policies relating to open space and its SPG notes relating to canals.
- * the supporting application documentation, in particular the Sustainability Assessment and Environmental Assessment, are inadequate and insufficient basis for the grant of planning permission.
- * the amended proposals have omitted the possibility of the dance and gallery space, and the proposals are therefore contrary to the applicable policies of the Adopted and Deposit Draft UDP (e.g. Policies ART1, ART5, and SF1).

Consultation Responses on New Application (October 2005)

5.12 The following representations have been received in response to the new application proposals for the site (Ref: PA/05/1727):-

- (1) **Head of Highways Development:** No observations to make on the revised (massing) proposals. The car parking provision (183no. spaces) is acceptable, but the level of disabled spaces should be increased from 11 to 18 spaces. The level of cycle parking spaces (464) is excessive. The provision of motor cycle parking (21) is acceptable.
- (2) **Environmental Health:** The whole of the Borough was declared an Air Quality Management Area (AQMA), and in December 2003, an Air Quality Action Plan (AQAP) was published. The AQAP states that land use planning should be one of the measures used to improve Local Air Quality and to meet the Air Quality Objectives as detailed in the Air Quality Regulations (2002). The proposal is likely to lead to a slight negative impact on local Air Quality during the construction and operational phases. A total number of 167 parking spaces to be provided within the development. A car-free agreement should also be secured.

A planning condition should be imposed requiring the submission of an Air Quality Assessment (to minimise the impact on Air Quality) is submitted to and agreed by the Local Planning Authority for written approval. The statement should include (i) the identification of emission sources (this includes emissions during demolition, construction and operational phases); (ii) consideration of the potential impacts of the development on Council's Air Quality Action Plan (AQAP); and (iii) a qualitative and quantitative evaluation of existing air quality.

The applicants must submit a comprehensive method statement or a Code of Construction Practice (CoCP) detailing potential sources and associated mitigation measures against dust and emissions for the construction site.

Council records indicate that the subject site was historically occupied by Candle and Oil Works and Transport and Cargo Handling and surrounding historical land uses included a Cemetery, Sawmill and Timber Yard, Oil Works, Gum Works, Colour Manufactory and Railway Land and consequently the site may contain elevated levels of contaminants within the substrate. The submitted Environmental Impact Assessment states that the Applicant has undertaken an investigation at the site and that the reduction in the scale of the proposed development does not affect the outcomes in the report. After a recent site inspection of the Suttons Wharf South site/development, a request was made for the submission of a further remediation action plan to address the issue of contamination. Considering the proximity of this site it is almost certain that a contamination issue will arise. A condition should be imposed to ensure the Applicant carries out a Desk Study and site investigation report to identify the extent of any possible contamination, and 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.

The development must comply with the relevant Environmental Health regulations and requirements.

- (3) **Head of Planning Policy:** The site is partially within an area of archaeological importance. There is no other site specific designations/allocations affecting the site.

Mixed-use

The proposal broadly complies with Adopted UDP Policy DEV3 and Policy EMP2 of the Deposit Draft UDP (Mixed Use Developments). For example it shares the increasingly residential character of the location and the commercial (office) and community uses (nursery and health centre) introduce activity at ground level. The proposal is similarly in accordance mixed use policy EMP2 in the Deposit Draft UDP. The commercial use referred to is shown in the proposals as offices with retail limited to a single unit. Retail provision other than that serving the immediate development should be resisted and focused in existing centres e.g. nearby Roman Road shopping frontage (in line with Policy TC1 and TC2 of the Deposit Draft UDP).

Density

The density range set out in the Adopted UDP pre-dates and is not consistent with the London Plan. It is more appropriate to apply the density range set out in the HSG6 and Planning Standard 2 in the Deposit Draft UDP, rather than the Adopted UDP density standards. The site is in an area with a PTAL level of 6a. The Density of the scheme is still considerably higher than the top end of the indicative range stipulated in the Deposit Draft UDP, 700 habitable rooms per hectare. Notwithstanding the accessible location of the site it the proposal is very dense.

Affordable Housing

The proposal includes the required 30% affordable housing and is in conformity with Deposit Draft UDP (and the Preferred Option Core Document and Development Control DPD). However, the social: intermediate housing ratio does not reflect the requirement for an 80:20 Social rented to intermediate split as set out in Policy HSG5 of the Deposit Draft UDP. There is no justification in the planning statement (feasibility study/ economic) indicating why this is the case. Further, no detail is not included on the mix of units within the affordable housing i.e. mix of intermediate units and mix of social rented units. It is accepted that requirements for the mix of affordable units is not set out in the 1st Deposit Draft UDP, but guidance is set out in HSG6 of the Preferred Options Core Document and Development Control DPD. The comments/views of the Housing Department should be sought.

Parking Standards

The parking standards set out in the Adopted UDP pre-date and are not consistent with the London Plan. It is more appropriate to apply the parking standards set out in the Deposit Draft UDP. The reduction of surface parking through the provision of basement parking is welcomed. Generally the parking standards are in conformity with the maximum standards as set out in TRN6 of the Deposit Draft UDP, and the requirement to minimise parking as set out in Policy 3A.22 of the London Plan 3A.22. A proportion of these should be for disabled parking.

The proposal provides 100% secure cycle provision, in conformity with Adopted UDP Policy T17 and Planning Standard 3 policy TRN11 of the Deposit Draft UDP and Planning Standard 7 (1 space per 2 units). The provision of 100% cycle parking is particularly welcomed; it is noted that this includes covered and secure cycle parking provision.

Design and Access Issues

Adopted Policy DEV1 and policies UD1 to UD5 of Deposit Draft UDP concerning design issues are relevant and should be addressed in all proposals for new development. In respect of the residential element of the proposal, Adopted UDP Policy HSG8 is relevant, which states that the council will seek to negotiate the provision of some wheelchair standard units. Policy HSG10 of the Deposit Draft UDP requires 10% of new housing to be specifically designed to wheelchair mobility standards. Policy UD3 of the Deposit Draft UDP is relevant with respect to access issues.

The design statement does not incorporate an access statement. All homes should be built to lifetime standards and the provision of wheelchair accessible units is essential in accordance with policy HSG10 of the Deposit Draft UDP and Adopted UDP DEV 1. The "accessible" units should meet the internal circulation standards set out in Adopted UDP Planning Standard 5 or Planning Standard 3 of the Deposit Draft UDP. Further guidance should sought from the Corporate Access Officer.

Adopted Policy DEV56 concerns the need to consider recycling facilities as part of new development proposals. Similarly, Policy ENV11 of the Deposit Draft UDP states the need to consider recycling facilities as part of the waste disposal strategy for the site. Refuse storage is shown on the plans these need to be of adequate size and should address the Deposit Draft UDP Planning Standard 12.

Environmental Impacts

The proposal abuts Mile End Park which is Metropolitan Open Land and adjacent to Meath Gardens and should therefore have particular regard to the setting and impacts on the natural environment. Mile End Park is also identified as a site of nature conservation value; Adopted UDP Policy DEV 62 and Policy ENV15 of the Deposit Draft UDP are relevant.

The proposal addresses Adopted UDP Policy DEV 63 and Policy ENV 22 of the Deposit Draft UDP relating to the requirement for a river walkway. The impact of the revised proposal in terms of overshadowing on the park and adjacent development should be carefully considered once the revised study is available.

Recommendations

The proposed use for housing with commercial and community uses finds general support in the Adopted UDP, London Plan and Deposit Draft UDP; the potential benefits associated with this use are clear and in line with the relevant strategic policy. The detail of the proposal is broadly consistent with all relevant policies and standards. However, the density is very high even with the revisions to the proposals and the impact of the revised proposal on overshadowing needs to be carefully considered.

The following points should also be addressed:

- The split of social: intermediate housing should be amended to reflect the 80:20 ratio required by the policies.
- Access issues should be clarified and where appropriate show how the residential as well as commercial and community units address the access requirements set out in the relevant planning standards set out in the Adopted Plan, and Deposit Draft UDP.

In the light of the proximity to a site of nature importance and existing residential occupiers an Environmental Management Plan should be submitted to the Council for agreement prior to work commencing in accordance with Policies ENV 5 and ENV 6 of the Deposit Draft UDP.

- (4) **Development Design and Conservation:** The current application has now been subject to revisions to resolve issues identified by the Council as problematic.

A site of this importance and prominence, with its long canalside frontage and its double aspect to the two major public spaces of Mile End Park to the east and Meath Gardens to the west calls for a layout which exploits the grand scale of the development and the sense of space surrounding the site. The context for an appropriate scale for the Meath Gardens frontage block is set by several precedents - the end flank of Sutton Wharf South, the north elevation of the east-west Meath Gardens scheme and the southern end of Victoria Wharf. Together these precedents support a terrace of the scale proposed, which benefits from its west-facing open aspect to Meath Gardens.

Existing precedents for the scale of the canal frontage buildings, are set by the scale of Sutton Wharf South and by Victoria Wharf, but the perceived impact of a particular building height will depend upon whether its canalside frontage is broken or continuous at higher level. While a near-continuous frontage at a height corresponding to Victoria Wharf was proposed in the earlier application, the revised scheme rises markedly higher on the canal frontage to a height comparable to that of the eastern end of Sutton Wharf South. However, it does so as three freestanding pavilions with their shorter frontages facing the canal instead of as a continuous frontage. The visual impact of each solution is comparable, if different, and both are acceptable.

The tower (Block B) is undoubtedly a controversial element. It can be argued that it will serve as a landmark for the development as a whole and anchor the project, in which case the form proposed would achieve this objective, whereas a lower building in this location would not. The lower floors of the tower and the north face of Sutton Wharf South are right at the limit of acceptable proximity.

The central space is planned as a simply detailed 'corridor' space lined by two ranges of buildings. The range fronting the canal is continuous at street level, with an active frontage currently proposed for use by a PCT facility and including the three residential entrances. Gaps between the three pavilions of Block A will allow some sunlight to reach the central space from the east and provide visual relief, while the raised garden courts between the pavilions provide continuity with the Mile End Park. This central space is less varied in character than that of the revised application and less of a public amenity. However it could be successful depending on detailing and upon the management of vehicles.

Although the principle of modern methods of construction and the logistic advantages are acknowledged, final choice of materials should be made the subject of a planning condition.

The revised scheme is undoubtedly a development which pushes the limits of acceptability in terms of built form. Buildings on this scale can be supported here because of the particular openness of their setting - the canal and parkside locations - which allows them sufficient breathing space.

- (5) **Housing Development:** The applicant's have responded to the request from the Housing Department that there should be an increase in the proportion of family housing on the site. A total of 132no. affordable housing units are to be provided - 94no. of the affordable units are to be 'affordable rented', with 38no. to be shared ownership. The remaining 287no. units are to be private sale.

The affordable housing proposed is split 70% affordable rented, 30% intermediate. This tenure split does not meet Tower Hamlets policy of 80:20 between rented and intermediate housing, which reflects this Borough's particular housing needs. However, the scheme does provide an increase in family housing within the affordable housing provision, and partially meets the housing needs based mix target. As such the Housing Department would support the revised scheme. It would be a requirement under the draft UDP 2004 that this level affordable housing should be provided without grant.

- (6) **Director of Mile End Park:** The proposed development will have a significant impact on the park both visually and environmentally. Whilst, pleased to see the height of the building has been reduced and some of the angles changed to improve the negative impact, these amendments are still insufficient. Vistas across the park will be obstructed/interrupted by a building that is far too high. The building will still cast shade on some of the ponds in the ecology park and the argument put forward by the developers that this will not matter as it is in the dark months is specious as the water bodies will be slower to warm up in spring delaying plant and invertebrate activity. The development seems to ignore the visual relationship with the park maintaining that it is an improvement on what is already there. Proposed reed beds need to be submerged to create fox proof areas for nesting water fowl.

- (7) **Development Schemes (Major Projects):** The provision of pedestrian bridge over the Regents Canal linking Meath Gardens to Mile End Park has been an aspiration project since the early 1990s and was included within the approved planning application for the Warley Street (PA/01/01473). The planning permission for the Warley Street scheme agreed an approximate location of the bridge, however the detailed design was dealt with by a condition. A number of nearby and surrounding developments have also contributed to the cost of the bridge. To this end, the Council are now in a position to take forward the development of the bridge, with the first stage currently under way. This first stage involves inviting tenders to undertake the detailed design and feasibility of the bridge, that would include reaching agreement on the exact location of the landing positions of the bridge, undertaking appropriate consultation with relevant stakeholders amongst other requirements. The second stage involves the actual construction of the bridge.

Whilst, a detailed cost analysis will be forthcoming as part of the design and feasibility tender, it is clear that there is a shortfall in the existing funding provision to successfully deliver the bridge. Previous cost estimates suggest that a total of £600,000 is required to construct the bridge. The Council have or will have £335,000 total for the bridge, and therefore there is currently an approximate shortfall of £265,000. It would therefore seem appropriate that the Council seeks this shortfall for the Sutton Wharf North scheme through the section 106 negotiations to ensure that the bridge is built. Based on the contribution secured from the Sutton Wharf South scheme (£155,000), it is appropriate to seek within the vicinity of £200,000 (as this scheme is larger).

- (8) **Environment Agency:** Initially advised that they objected to the revised proposals on the grounds that (i) the surface water flood risk assessment does not adequately identify how surface water will be dealt with; and (ii) the proposal may result in environmental harm to the Grand Union Canal - (a) the width of the proposed north-end canal edge had been greatly reduced from the previous proposals); (b) further details were required of the "ecology pool" and how it would be connected to the wild-life corridor; (c) the scheme shows that Block B would overhang the canal buffer zone; and (d) the location of the pedestrian canal bridge over the ecology pool, would cause shading that would detrimentally impact on this facility. The Committee will note that the submitted only included the possibility of the canal pedestrian bridge being provided within the application site. The proposed location of the bridge will remain to the south of the application site. The applicants have agreed to a financial contribution to complete the funding for the provision of the bridge.

The Environment Agency have since written to confirm that following discussions with the applicant, and the submission of additional details, that they are removing their objections to the proposals, subject to the imposition of the following planning conditions are imposed:-

- (i) Surface source water control measures shall be carried out in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority before development commences. The developer should demonstrate that the most sustainable techniques are being, that are reasonably practical in line with Appendix E of PPG25 (Development and Flood Risk).
- (ii) The canal side design of the development shall be built as shown on the approved drawings.
- (iii) All planting shall be of locally native species of local provenance.
- (iv) Before development commences, a scheme of planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme of planting shall be carried out as approved.
- (v) Before development commences, a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.
- (vi) External artificial lighting within 8m of the canal corridor shall be directed away from the watercourse and shall be focussed with cowlings. Alternative lighting solutions such as light bollards should be considered.

- (9) **English Heritage Archaeology:** The site lies partially within an Archaeological Priority Area [on the projected line of the London to Colchester Roman Road], and the site may contain important Roman remains. The redevelopment of the site has the potential to damage or remove significant buried remains. An archaeological evaluation is therefore required to determine the degree to which archaeological material will be affected by the redevelopment. This archaeological fieldwork/evaluation does not need to be undertaken prior to the determine of the application(s), and can be secured by the imposition of a planning condition.
- (10) **Countryside Agency:** The application does not affect any priority interests of the Agency within Greater London, and therefore they do wish to make any formal representations. However, they do *“commend the proposal for its mixed-use concept promoting social inclusion by providing residential, business, health care and nursery opportunities on the site. Also welcome is the proposed new link to Mile End Park ... the proposal to use the Grand Union Canal to ship components to the site during the construction phase is also to be commended and welcomed”*.
- (12) **British Waterways:** British Waterways (BW) supports the principle of the comprehensive redevelopment of the site, and they state that they have *“worked closely with the applicant and the Environment Agency (EA) to secure a compromise on biodiversity and mooring opportunities”,* and they *“welcome the inclusion of 4 visitor residential moorings as part of the scheme”*. BW are of the opinion that the *“overriding consideration for a hard edged canal ... is to aid navigation and secure boating, freight and leisure opportunities. Wherever possible, BW will seek to achieve ecological enhancements (and avoid the net loss of biodiversity), provided they do not jeopardise the delivery of other overriding objectives”*.

BW recognises that *“the reduced building heights and reconfigured plan forms will minimise overshadowing of the canal”,* and therefore has no objections subject to the imposition of planning conditions to secure the following:-

1. the provision of 4no. serviced visitor moorings (to be provided before the substantial completion of the development).
2. that site levels are agreed before the development commences (to ensure the safe disembankment of boaters).
3. no handrails, or other barriers/boundary treatment along the length of the canalside walkway adjacent to the moorings.
4. vehicular access to be provided for BW staff between Blocks B and C to enable future maintenance of the canal.
5. details of external lighting to be erected along the canal to be submitted for approval.
6. details of hard/soft landscaping for the canalside land and floating baskets to be submitted for approval.

BW also request that informatives are attached to the permission advising the applicants that they will need to contact BW to obtain all necessary consents, including for any structures, balconies that overhang the canal.

- (13) **The Inland Waterways Association:** Object to the demolition of one of only two surviving canalside warehouses with the roof overhanging the water. These *“remnants from the heyday of the canal system in London allowed perishable cargoes ... to be loaded and unloaded in all weathers”*. The last of these remaining warehouse structures should be retained to give *“context to the purpose of the extensive London canal system, and to serve as an example of the long lost canal borne trade”*.

The use of an alternative site for off-site construction “*makes good economic and environmental sense*”, and they welcome the use of barges to deliver construction materials, which will be “*beneficial to the ambience and character of the Canal*”. Moreover, such an approach that is supported by Government and London Plan policies. The use of barges take away demolition materials and excavations should be examined, as should the use of barges to remove waste/refuse.

- (14) **London City Airport:** No safeguarding objections to the proposals.
- (15) **Commission for Architecture & Built Environment:** Do not wish to comment on the proposals
- (16) **Tower Hamlets NHS Primary Care Trust:** The applicants submitted as part of their supporting documentation, a letter from the Primary Care Trust, that they are in advanced negotiations with the applicant to take all of the commercial floorspace being proposed for Block A, to provide a multi-purpose primary care premises that would include various services, including GP, community nursing and therapy services, and a pharmacy. They have stated that they envisage that the new health facility would employ in the region of 55-60 employees.

5.13 Representations received from adjoining and surrounding occupiers in relation to the most recent amendments (October 2005) have been as follows:-

No. Responses: 9 In Favour: 0 Against: 9 Petitions: 0

Written representations

5.14 Individual written representations (by letter or e-mail) objecting to the proposals have been received from the owner/occupiers of the following properties – **Nos. 19 Tredegar Square; Flat Nos. 21, 26 & 59 Victoria Wharf; Flat No. 4 Caesar Court (Palmers Road); the ‘Palm Tree PH’ (127 Grove Road); No. 1 Nightingale Mews; 32 Chisenhale Road; and 53 Kenilworth Road.** The grounds of objection are summarised below:-

- * the buildings are too high and too bulky, and the density is excessive, and are inappropriate for this specific location. For example, the canal frontage buildings will be higher than the Victoria Wharf and the Queen Mary University canalside buildings, and will therefore block more light from Mile End Park than these two other buildings. The canal-side buildings should be no more than 7 storeys in height.
- * the overshadowing effects of the proposed development are unacceptable, as the heights of the canal-frontage buildings will significantly reduce natural sunlight for most of the day to Mile End Park, and the ‘Palm Tree PH’.
- * Palmers Road is too narrow and too restricted to accommodate the increased levels of traffic and parking that will occur; the development will therefore exacerbate existing parking congestion problems along Palmers Road; the junction with Roman Road is extremely dangerous because of the existing poor visibility, and therefore before the development commences traffic lights should be installed.
- * the height and closeness of the proposed buildings to Victoria Wharf will significantly reduce the amount of available natural light to the flat entrances and rear rooms of the flats.

- * the plans are still indicating the removal of the existing mature trees adjacent to the site, and this is unacceptable.
- * the proposals will have a negative impact on the biodiversity of the area - the raised broadwalk will also make the canal-bank less attractive.
- * concerns have been raised about nuisance and disturbance being caused (from noise, dust and traffic) during the construction period.
- * the proposal are not sustainable and insufficient consideration has been paid to the area at large.
- * the development is contrary to the Blue Ribbon network policies of the London Plan.

5.15 13no. Borough (and other) residents have each signed/sent a copy of a standard letter expressing “*strong objections*” to the proposals (i.e. the owner/occupiers of **Flat Nos. 19 (Block 1), and 10 and 12 (Block 3), Twig Folly Close; Nos. 37, 39, 46 & 47 Vivian Road; 58 Hewison Street; 41 Kenilworth Road; 60 Brokesley Street; and Flat 3 (and on behalf of Flat Nos. 1-8) Jowitt House (Morpeth Street); and also 30 Poole Road and 12 Killowen Road (in Hackney).** In summary, the grounds of objection are as follows:-

- * the height, bulk and density of the development is inappropriate for the site.
- * the overshadowing effects of the proposed development are unacceptable.
- * the proposals will have a negative impact on the biodiversity of the area.
- * the proposal are not sustainable and insufficient consideration has been paid to the area at large.

5.16 Any additional comments received will be orally reported to the Development Committee.

6. **ANALYSIS**

Land Use

- 6.1 Policy EMP2 of the Adopted UDP seeks to resist developments that would result in a loss of employment generating uses (EMP2). However, one of the exceptions permitted under the policy, is where the loss of employment generating land is made good by replacement with good quality buildings likely to generate a reasonable density of jobs.
- 6.2 The application proposes the redevelopment of a site that was last used for employment generating purposes, for a more intensive mixed use scheme that would involve an overall the net loss of employment generating floorspace. At present the site provides approximately 5,500m² of employment floorspace, whilst the previous cash and carry warehouse use employed 26 people.
- 6.3 The revised scheme proposes 3,465m² of employment generating floorspace (656m² of Class B1 floorspace, an additional 225m² of either Class B1 and/or D1 floorspace, 330m² of Class A1 (retail) floorspace, a health clinic (1,885m²), and a day nursery comprising 367m² floorspace. Based on information provided by the applicant, the proposed commercial units could accommodate up to 111 employees.

- 6.4 In this case, therefore, the proposed scheme can potentially deliver a significantly higher number of jobs than the previous business/use, as well as a greater diversity of employment opportunities. This combination, together with the community benefits that will arise from the health clinic and the nursery, are considered to be sufficient compensatory justification for the lost floorspace that would result.
- 6.5 The applicants have also pointed out that Toynbee Housing Association will be locating their head office at the adjoining Sutton's Wharf South development, and it is estimated that their offices will employ approximately 200 staff. Therefore in total the applications at Sutton's Wharf (North and South) will generate 311 jobs, in comparison to the combined total of 33 jobs provided by the previous cash and carry business. Taken separately or together, the development proposals at Sutton's Wharf are therefore likely to result in a substantial increase in employment levels in this locality. The new residential population will also encourage economic activity in the wider area. There are no land use policy objections to the proposed mix of uses, as the scheme is considered to be consistent with the objectives underpinning Policy EMP2.
- 6.6 Therefore, although the proposal provides a reduction in employment floorspace, it is capable of delivering a significantly higher. As set out above, the net loss of employment floorspace is therefore considered acceptable in terms of the Council's land use objectives (EMP2). Finally, the (revised) 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.

Housing

- 6.7 The development provides 419 residential units, comprising 30no. studio units (7%), 95no. one bedroom units (22.7%), 183no. two bedroom units (43.7%), 75no. three bedroom units (18%) and 36no. four bedroom units (8.6%).
- 6.8 The scheme still proposes a total of 132no. affordable housing units, 94no. being 'affordable rented' accommodation, and 38no. to be for shared ownership. The rented affordable housing will comprise a mix of:-
- 22no. one bedroom units (23%).
 - 38no. two bedroom units (40%).
 - 10no. three bedroom units (11%).
 - 24no. four bedroom units (26%).
- 6.8 The affordable housing floorspace would be split 70:30 between rented (94no. units; 22%) and shared accommodation (38no. units; 9%). The affordable housing provision represents 31.5% of the total units being provided, 3x.x% the total number of habitable rooms, and 36.4% of the overall floorarea.
- 6.10 Although the proposed 70:30 split in terms of the 'rented/intermediate' accommodation does not conform to the Council's requirement of 80:20, it does conform with the London Plan's requirements. In addition, the scheme provides an increase in family housing within the affordable housing provision, and partially meets the housing needs based mix target. 45% of the affordable housing would be for larger (three or four bedroom) family-sized units. Overall, it is therefore considered that an appropriate mix of residential units is proposed and the units comply with the Council's minimum floorspace guidelines. There are no objections to the proposed dwelling mix, nor to the affordable housing provisions.

- 6.11 The application site has a PTAL score of 3, which would be improved by the introduction of the new pedestrian bridge over the canal, as it would reduce walking distances to Mile End Underground Station. Despite this, the residential density of the proposed development, at 1037hrph, is considerably higher than the maximum set out in the Deposit Draft UDP. However, in this instance, officers do not feel that the high density score is sufficient reason to refuse the application, bearing in mind that the density would be more or less the same as that accepted for the adjoining Suttons Wharf South development (1030hrph). The site is well served by local shopping and leisure facilities and services. For example, the Roman Road district shopping centre lies just 100m to the north-west of the site.

Scale and design

- 6.12 The proposed development is of a contemporary design, which responds to the site's location between two significant open spaces (Mile End Park and Meath Gardens) and alongside the Grand Union Canal. The blocks will create active frontages to the spine road, the proposed landscaped spaces and the canalside walkway.
- 6.13 The issues relating to the proposed scale and massing of the proposals for the site, has been the chief focus of officer's concerns and discussions with the applicants. Following comments from Council officers and the GLA, additional gaps have been provided in Block A, the main canal frontage building.
- 6.14 This application contains a residential tower of 16 storeys (two storeys higher than the parallel proposals forming part of application PA/04/01666). The sixteen storey element presents a slim tower form when viewed directly from the canal and park, rising six storeys above the height of Sutton's Wharf South and the Warley Street development beyond.
- 6.15 The scheme architects have argued that a taller building at the southern end of the site will act as a balancing element to the existing Victoria Wharf Tower, effectively forming two book ends to the intervening mid rise blocks of the two developments. The Council's urban designer and GLA officers accept that the locality can successfully accommodate a taller element of development, given the context and openness of the surrounding parkland. At sixteen storeys, officers do not consider this element of the development to be excessively tall, within the context of the adjoining and surrounding schemes that the Council has permitted in recent years within the immediate locality, e.g. Victoria Wharf (12 storeys), Sutton's Wharf South (10 storeys) and Warley Street (10 storeys).

Impact on Residential Amenity

- 6.16 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 terms of adjoining residents, assessments have been undertaken on the impacts at Justine Court, and the Palm Tree public house (upper level residential accommodation). Victoria Wharf is at a sufficient distance from the proposed development not to require analysis. Consideration has also been given to the impacts on Sutton's Wharf South which is under construction.
- 6.17 The Committee will be aware that, 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.

- 6.18 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 assessment demonstrates that there is some impact on the amount of light to some of the surrounding occupiers. With regard to daylight impacts, all but 2 of the 23 windows assessed meet the BRE target values for average daylight factor. In relation to Sutton's Wharf South 53% of the rooms on the northern elevation of the building will meet the BRE target criteria. This is partly due to the extent of balconies proposed at Sutton's Wharf South. These balconies are seen as a trade off for daylight penetration to the rooms beyond.
- 6.19 An assessment has also be undertaken of the sunlight impacts on adjoining properties. The results of the analysis show that of the four relevant windows at Justine Court, two will meet the BRE target values while the remaining two will achieve 88% and 56% of the recommended annual sunlight hours. These results are considered acceptable given the urban context of the development. 10 windows were assessed at the Palm Tree public house, three failing to meet the target. Again, having regard to the context of the development, the results of the assessment are considered acceptable.
- 6.20 In relation to shading of the canal, the existing TRS warehouse building is overhanging, and currently casts shadows across the canal from the morning (10am) to the afternoon, as does the recently completed Victoria Wharf development.
- 6.21 In addition to the spring/autumn equinox, the applicants have also provided studies for the summer (June 21st) and winter (December) solstices throughout the day from sunrise to sunset. Officers have given careful consideration to the shadow effects of the scheme. The key period for assessment is the spring/autumn equinox, and having regard to the BRE recommendations on this regard, officers do not feel that the shadows likely to be caused by the revised development, would be so severe as to warrant a refusal of the application.
- 6.22 The effects in the late afternoon in December are clearly more significant than during the spring/autumn equinoxes due to the sun path being lower in the sky. However the most significant affects during the afternoon will be at a time when there is very little daylight remaining, and again, officers are of the view that the impact would not be so severe as to warrant a refusal of the application. Members will be aware that shadow effects are transient with continual movement of the area shaded based on the movement of the sun. The gaps between blocks will ensure that sunlit areas will pass across the canal and Mile End Park during the afternoon.
- 6.23 Officers have given careful consideration to the permanent and transient shadow effects of the scheme. Bearing in mind the introduction of gaps along the canal frontage, and the comparable levels of shading caused by the approved Victoria Wharf and Suttons Wharf South developments, it is considered that the proposals are acceptable in this regard.

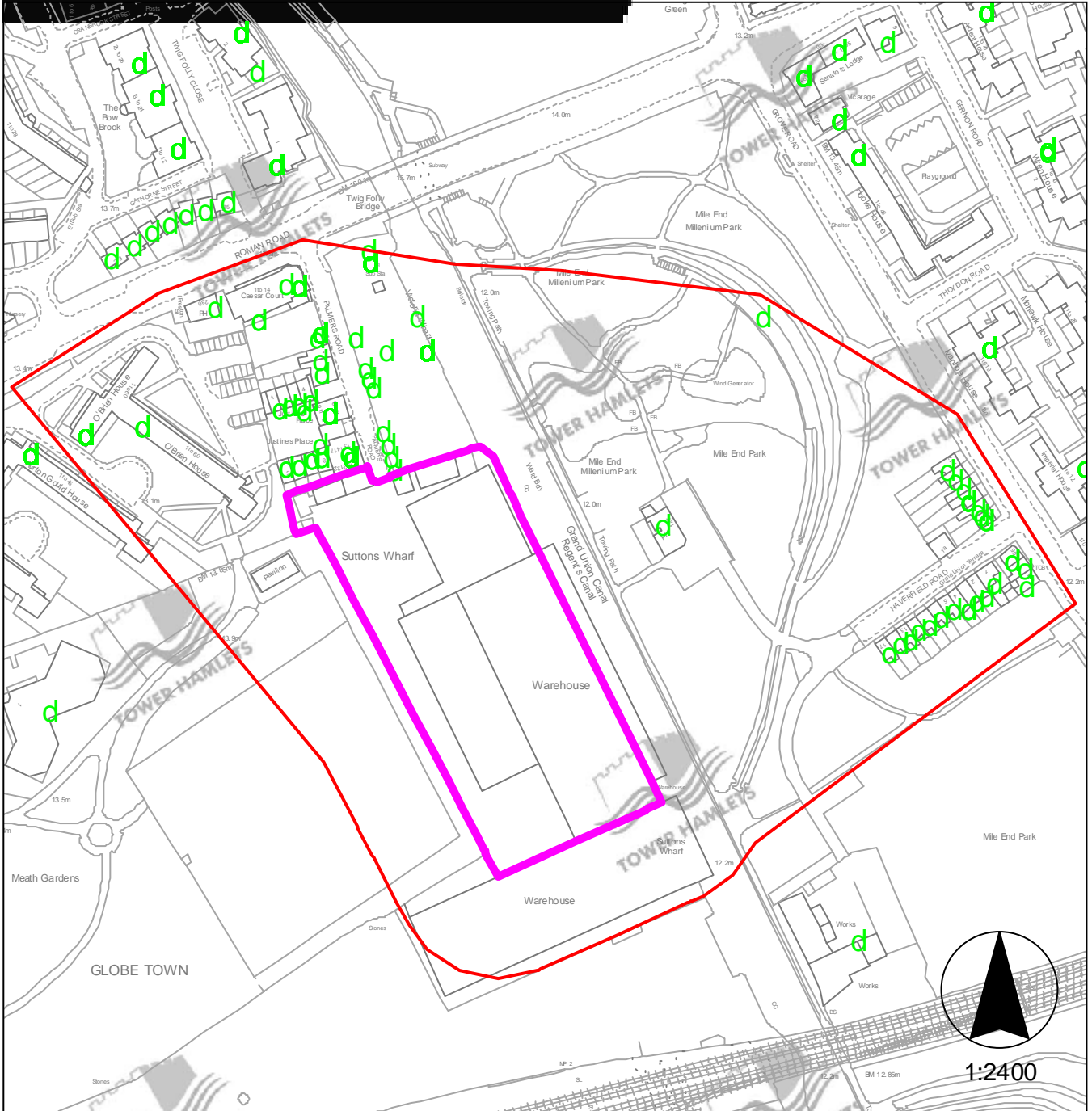
Construction noise/disturbance

- 6.24 The proposed development will employ 'modern methods of construction'. The building's structure will be formed using a precast concrete load bearing system that will enable an efficient and sustainable construction process. The applicants have secured the use of a site at Wyke Road in Bow, in an industrial area directly off the A12, specifically for use as an modern methods of construction, production and distribution centre to service the Sutton's Wharf North development. The process of off-site construction whereby wall and floor panels will be delivered to the project site by barge along the canal, together with removal of excavated material from the site by barge, will help minimise disturbance to local residents, as there will be fewer construction traffic movements to and from the site. Traffic movements should be reduced by 85%.
- 6.25 Construction noise will also be much reduced compared to conventional construction, as noisy operations prevalent in conventional building (e.g. steel handling, concrete vibrators, air tools etc) will either be non-existent or much reduced. The use of (off-site) modern methods of construction also means that the overall construction period is likely to be 40% less than if conventionally constructed. In the case of this project, an approximate 12 months saving in time on site.

Amenity Space

- 6.26 The proposal will include a comprehensive landscaping scheme, that is intended to respond to the site's location between Mile End Park and Meath Gardens. It will include a tree-lined central avenue, a landscaped pedestrian link that creates a connection between the canal and Meath Gardens. In addition, a canal-side walkway will be provided running the entire length of the canal frontage. The west and east facing ground floor flats within Blocks D, E and F will each have their own private gardens, whilst the majority of units throughout the development will be served by a private balcony. Landscaped terraces will be provided at first floor level of Block A. Brown roofs are to be incorporated within the development to encourage nesting birds and broaden bio-diversity in 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

Suttons Wharf, Palmers Road, London

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