

<b>Committee:</b> Strategic Development Committee	<b>Date:</b> 5 <sup>th</sup> January 2006	<b>Classification:</b> Unrestricted	<b>Report Number:</b>	<b>Agenda Item Number:</b>
<b>Report of:</b> Director of Development and Renewal  <b>Case Officer:</b> Noel Serrano		<b>Title:</b> Town Planning Application  <b>Location:</b> SUTTONS WHARF, PALMERS ROAD, LONDON, E2 0SF  <b>Ward:</b> 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 2,567m<sup>2</sup> 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 417m<sup>2</sup> 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 500m<sup>2</sup>) 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 3,231m<sup>2</sup> 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 2,567m<sup>2</sup> 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 306m<sup>2</sup> 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 (532m<sup>2</sup>) and retail floorspace (115m<sup>2</sup>) 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 (532m<sup>2</sup>) and a retail unit (115m<sup>2</sup>) 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 (658m<sup>2</sup>), 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 (309m<sup>2</sup>), 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, 3,485m<sup>2</sup> 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 25<sup>th</sup> 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 3,000m<sup>2</sup>) 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 3,231m<sup>2</sup> 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 4,074m<sup>2</sup> 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 considered 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 biodiversity and reduce the attractiveness of the canal bank, and is therefore 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 5,500m<sup>2</sup> of employment floorspace, whilst the previous cash and carry warehouse use employed 26 people. The proposed development would replace this with 2,567m<sup>2</sup> of employment generating floorspace, including the proposed Primary Care Trust clinic (532m<sup>2</sup>), a day nursery (309m<sup>2</sup>), and 330m<sup>2</sup> 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**

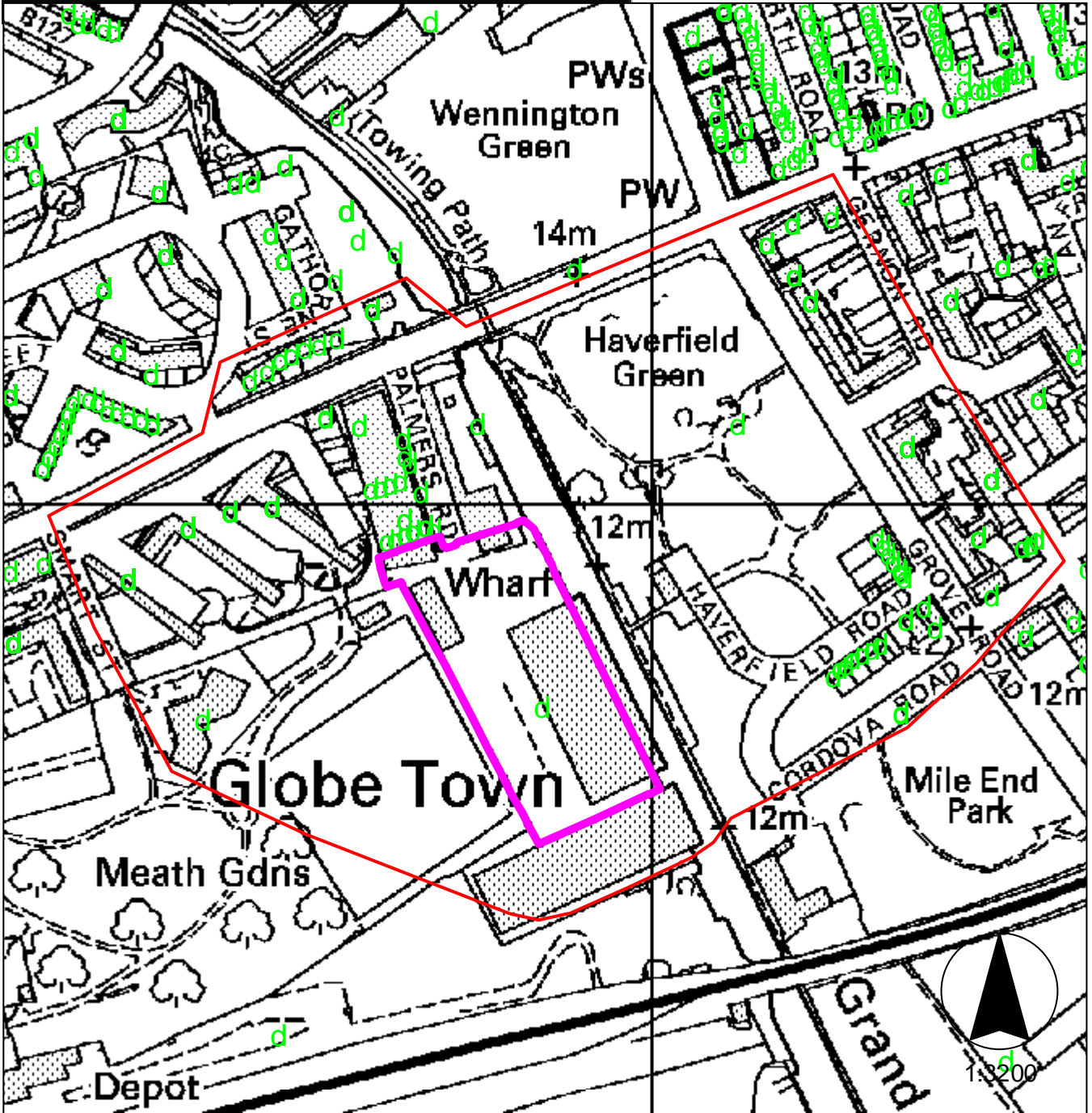
- 6.25 The proposed development will employ 'modern methods of construction'. The building's structure will be formed using a precast concrete load bearing system that will enable an efficient and sustainable construction process. The applicants have secured the use of a site at Wyke Road in Bow, in 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

