

<b>Committee:</b> Strategic Development Committee	<b>Date:</b> 10 <sup>th</sup> April 2006	<b>Classification:</b> Unrestricted	<b>Report Number:</b>	<b>Agenda Item Number:</b> 5.1
<b>Report of:</b> Director of Development and Renewal		<b>Title:</b> Town Planning Application		
<b>Case Officer:</b> Noel Serrano/Richard Humphreys		<b>Location:</b> SUTTONS WHARF NORTH, PALMERS ROAD, LONDON, E2 0SF		
		<b>Ward:</b> Mile End and Globe Town		

## 1. SUMMARY

### 1.1 Registration Details

**Reference No:** PA/05/01727  
**Date Received:** 17/10/2005  
**Last Amended Date:** 29/03/2006

### 1.2 Application Details

**Existing Use:**

**Proposal:**

Vacant cash and carry (retail) warehouse with service yard. Demolition of existing buildings and construction of seven buildings, rising from 7 storeys up to 16 storeys to provide 419 new dwellings, 656m<sup>2</sup> of Class B1 floorspace, 225m<sup>2</sup> of either Class B1 and/or D1 floorspace, 330m<sup>2</sup> of Class A1 (retail) floorspace, a health clinic (1,902m<sup>2</sup>), and a day nursery (367m<sup>2</sup>), 183 parking spaces and landscaping.

**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 **GRANT** planning permission subject to:-

1. A Section 106 legal agreement to secure the following planning obligations:-
  1. A minimum of 35% on-site affordable housing accommodation (by habitable rooms).
  2. Car-free agreement.
  3. Local labour in construction.
  4. A financial contribution of £200,000 towards the provision of the pedestrian bridge over the Grand Union Canal.
  5. A financial contribution of £50,000 for improvements to Meath Gardens (e.g. new footpath and lighting).

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

**Brief Description of background paper:**    **Tick if copy supplied for register**  
Application case file, plans and  
& UDP

**Name and telephone no. of holder**  
Development Control 020 7364 5338

6. Improvement works to the Meath Garden park edge including new brick wall and gates, and ecological improvements/mitigation works to the Grand Union Canal (as shown on submitted drawings).
7. A financial contribution of £50,000 for any highway improvements deemed necessary for Palmers Road.
8. To provide and maintain a new public footpath along west bank of canal, and new public footpath between Meath Gardens and the canal (providing unrestricted public access to provide unrestricted public access 365 days a year).
9. Financial contribution of £730,000 to mitigate the demand of the additional population on education facilities.
10. TV and radio reception mitigation measures where identified impacts.
11. The provision and retention of a Primary Care Trust health clinic.
12. The provision and retention of a day nursery.
13. Implementation of Public Art works (to sum of at least £35,000).
14. Implementation of sustainable design/construction measures.

2. The following planning conditions:-

1. Three year time limit
2. Details of the following to be agreed prior to the commencement of the development:-
  - (i) details (samples) of external materials;
  - (ii) treatment of open ground including hard and soft landscaping, including details of boundary treatment including gates, walls, fences and railings, canalside footpath and floating baskets, external lighting, and a tree retention and planting scheme;
  - (iii) means of access to car park, including location and details of control point(s);
  - (iv) provision for disabled access, including parking provision;
  - (v) balcony details;
  - (vi) shopfronts for ground floor units (to scale at least 1:20), including proposals for signage;
  - (vii) public art;
  - (viii) details of a monitoring programme (before and during construction phase) for Black Redstart and subsequent provision of any necessary foraging habitat, including brown roofs;
  - (ix) details of all roof level plant equipment; and
  - (x) details of refuse/waste recycling, and refuse storage arrangements.
3. Programme of the separate phases of the development to be submitted and approved, and the development only be carried out in accordance with the details approved to ensure the comprehensive development of the site.
4. Demolition and construction works to be carried out in accordance with a site management scheme/code, which shall cover demolition/construction works, including details of pollution control measures, details of access and vehicle circulation arrangements during construction phase, the arrangements for the removal of any hazardous materials, and emergency procedures and controls.
5. Construction works restricted to between 8.00am to 18.00pm 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.

6. Archaeological investigation to be undertaken.
  7. A detailed soil survey to be carried out to investigate the extent of any soil contamination, and any remedial works to be agreed in writing by the Council.
  8. The car, bicycle and motor-cycle parking spaces shown on the approved drawings, shall be provided before the occupation of any of the dwellings, and shall only be used for parking by the vehicles of the occupiers of the dwellings, including visitors.
  9. The approved landscaping shall be implemented prior to the occupation of any part of the approved development; any damaged, defective or dying plants/trees to be replaced with the same type/species, unless agreed otherwise in writing by the local planning authority.
  10. All plant and machinery noise emissions (including that providing mechanical ventilation, heating and cooling) shall be controlled and operated at noise levels that do not cause noise nuisance to adjoining residential properties (the rating level of noise emitted by fixed plant shall not exceed the existing background noise level at any time by more than 10dBA).
  11. The Class A1 use hereby permitted shall be open only between hours of 8am to 10pm.
  12. The Class D1 uses hereby permitted shall be open only between hours of 8am to 8pm.
  13. No deliveries to take place outside hours of 7am to 7pm Mondays to Fridays and 8am to 1pm on Saturdays, with no deliveries on Sundays or Public Holidays.
  14. No doors to open over or across the public highway.
  15. The windows on the flank elevations of Blocks D, E and F shall be fitted with opaque glazing before the occupation of any of the flats, and thereafter be permanently retained, and shall be permanently fixed shut.
  16. Details of sound insulation/noise attenuation measures for windows to be submitted.
  17. Details of surface water control measures to be submitted.
  18. No solid matter shall be stored within 10m of the banks of the canal during construction works.
  19. 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 the Council's Air Quality Action Plan (AQAP); and (iii) a qualitative and quantitative evaluation of existing air quality.
  20. Four serviced visitor moorings to be provided before the completion of the development, and thereafter retained.
  21. No handrails, or other barriers/boundary treatment shall be installed along the length of the canalside walkway adjacent to the moorings.
  22. Barges to be used for transportation of construction materials.
3. Any direction by the Mayor of London pursuant to the Town & Country Planning (Mayor of London) Order 2000.

- 2.2 That if the Committee resolves to grant planning permission, the Committee **confirms** that its decision has taken into account the environmental assessment information, required by Regulation 3 (2) of the Town & Country Planning (Environmental Impact Assessment) Regulations 1999.
- 2.3 That if the Committee resolves to grant planning permission, the Committee **agrees**, as required by Regulation 21(1)(c) of the Town & Country Planning (Environmental Impact Assessment) Regulations 1999, that following the issue of the decision, a statement be placed on the statutory register confirming that the main reasons and considerations on which its decision was based were those set out in the Planning Officer's report to the Committee.

### **3. INTRODUCTION**

- 3.1 In November 2004, duplicate planning applications were submitted for the redevelopment of this site, to provide a mixed use development consisting of 8 new buildings (ranging from 7 to 20 storeys high) to provide 482 flats plus 3,231m<sup>2</sup> of Class A1, B1 and D1 floorspace together with associated landscaping and car parking (Ref: PA/04/1666 and PA/04/1752).
- 3.2 Formal amendments were made to the applications in June 2005, however the applicants were advised that the amendments did not sufficiently resolve officers' concerns in 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.
- 3.3 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 withdrawn, and replaced by the current application Ref: Ref: PA/05/1727.
- 3.4 The applicants have requested that application Ref: PA/04/1666 be held in abeyance pending the Committee's consideration of the application Ref: PA/05/1727. The alternative application is for the provision of 8 buildings (ranging from 5 to 14 storeys high) to provide 401 flats plus 2,567m<sup>2</sup> of Class A1, B1, D1 and D2 floorspace together with associated landscaping works and 151 car parking spaces.

### **4. BACKGROUND**

#### **Site and surroundings**

- 4.1 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 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 4.4). Adjoining the site to the north is the 'Victoria Wharf' development, a predominately residential scheme (refer to paragraph 4.7).
- 4.2 The area to the north is predominately residential in character, although there are other non-residential uses along Palmers Road and Roman Road (e.g. live/work and retail uses). The immediate environment is visually and 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 site, a three storey detached building that is located on the eastern side of the canal within Mile End Millennium Park, approximately 43m from the site.

#### **Relevant Planning Decisions**

- 4.3 On **12 October 2005**, the Development Committee resolved to grant planning permission for the redevelopment of **Suttons Wharf South (Palmers Road)** to provide a 9½ storey building containing 169 flats, 2,620m<sup>2</sup> of Class B1 offices, and a café/bar/shop, together with

a semi-underground car-park, access road and landscaped areas including public open space and canalside walk.

- 4.4 The accompanying Section 106 legal agreement secures the following planning obligations (i) the provision of a minimum of 35% affordable housing; (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; (v) £27,500 for highway improvements in Palmers Road; and (vi) £17,500 for works to existing Meath Gardens such as refurbishment of children's playground; 24hour public pedestrian access through the site and the Suttons Wharf North site; and local labour during construction.
- 4.5 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 316 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.
- 4.6 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 15 flats (providing a total of 57 flats).
- 4.7 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.

### **Current Proposals**

- 4.8 At the time of its submission in October 2005, the application comprised the provision of 7 buildings, rising from 7 storeys up to 16 storeys to provide 446 new dwellings, 3688m<sup>2</sup> of Class A1, B1 or D1 floorspace, 167 parking spaces and landscaping. An Environmental Statement was also submitted under the provisions of the Town and Country Planning (Environmental Impact Assessment) Regulations 1999.
- 4.9 Following discussions with Council Officers and the Greater London Authority, amendments have been made to the scheme, which now comprises 7 buildings, rising from 7 storeys up to 16 storeys to provide 419 new dwellings, 3,502m<sup>2</sup> of Class A1, B1 or D1 floorspace, 183 parking spaces and landscaping.
- 4.10 The scheme proposes a group of seven buildings flanking either side of a central spine road that would form an extension of Palmers Road. Two of the buildings (Blocks A and B) would be located on the eastern side of the site, fronting Regents Canal, and would comprise:-
- 4.11
- Block A - a part eight/part ten storey building located along the majority of the eastern (canal-side) frontage of the site, providing on the ground floor, either 1,902m<sup>2</sup> of Class B1 (office) or D1 (community purposes, i.e. a GP surgery and health centre), a small retail unit (221m<sup>2</sup>), with 154 flats on the upper floors. The 8 storey element would flank the proposed internal access road, whilst three 10 storey bays would project towards the 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 (109m<sup>2</sup>) and Class B1 (office) floorspace on the ground, first and second floors (656m<sup>2</sup>), and 64 flats on the remaining upper floors.
- 4.12 The remaining five blocks (Block C, D, E, F & G), would be situated on 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 (450m<sup>2</sup>), and 35 flats on the upper floors.
- Blocks D, E and F – three (linked) 10 storey buildings, each providing 50 flats.
- Block G - a six storey building, providing a nursery at ground floor level (367m<sup>2</sup>) and 16 flats on the upper floors.

4.13 The scheme provides 183 car parking spaces (178 located at basement level), 464 bicycle parking spaces and 21 motor cycle spaces.

## 5 **PLANNING POLICY FRAMEWORK**

- 5.1 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 1998 Adopted Unitary Development Plan (UDP), Interim Planning Guidance Notes, and the Local Development Framework (LDF) Preferred Options: Core Strategy and Development Control Development Plan Document (2005) and Preferred Options: and the Area Action Plans (2005).
- 5.2 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.
- 5.3 Whilst the 1998 Adopted UDP 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). As the LDF progresses towards adoption, it will gain increasing status as a material consideration in the determination of planning applications. The first phase of statutory consultation for the LDF Preferred Options Development Plan Documents has now been completed.
- 5.4 This report takes account of the policies in statutory UDP 1998, and the emerging LDF, which reflect more closely current Council and London-wide policy and guidance.
- 5.5 Members are invited to agree the recommendations set out in paragraphs 2.1, 2.2 and 2.3, 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)**

- 5.6 The Mayor's London Plan was approved in February 2004, and it provides the strategic planning policy framework for London.
- 5.7 One of the key objectives of the London Plan is the need to increase the supply of housing within London, and to this end the Plan sets out individual targets for London Boroughs. The target for Tower Hamlets is 41,280 additional homes between 1997 and 2016, with an annual monitoring target of 2,070 new homes.
- 5.8 In July 2005, the draft London Plan alterations (Housing Provision Targets) were published, and proposes an increase in Tower Hamlets' target to 3,115 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.
- 5.9 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.

- 5.10 The London Plan **Supplementary Planning Guidance (SPG) on Housing** was published in November 2005, and provides guidance on policies established by the London Plan. It also sets out the housing mix requirements that will be needed in the next 15 years to meet both current unmet demand and projected household growth, which will be as follows:-

	1 bedroom	2/3 bedroom	4 bedroom+
<b>Overall Housing Mix</b>	32%	38%	30%
<b>Market Housing Mix</b>	25%	75%	0
<b>Social Housing Mix</b>	19%	39%	42%
<b>Intermediate Mix</b>	66%	0	34%

- 5.11 The London Plan generally encourages tall buildings and large scale (residential) developments which achieve the highest possible intensity of use, in appropriate locations, provided they are compatible with the local context, respect London's built heritage, are sensitive to the impact on micro-climate and pay particular attention to privacy, amenity and overshadowing (Policies 3A.5, 4B.1, 4B.3).

- 5.12 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.

- 5.13 Section 4C sets out the London 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*". The Mayor's design policies in relation to the Blue Ribbon Network, are set out in Policies 4C.20, 4C.21, and 4C.22. 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.

- 5.14 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

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

DEV1 & 2	General design and environmental requirements
DEV3	Mixed use development
DEV4	Planning obligations
DEV6	High buildings outside Central Area Zones (CAZs)
DEV12	Landscaping requirement
DEV13	Tree planting
DEV18	Public Art
DEV41-43	Archaeology
DEV50	Construction noise
DEV51	Contaminated land
DEV55 & 56	Waste management recycling
DEV62	Nature Conservation
EMP1	Employment growth
EMP2	Protection of employment floorspace
EMP6	Major development schemes (over 3,000m <sup>2</sup> ) and training initiatives.
HSG1	Housing target

HSG2 Location of new housing  
 HSG3 Affordable Housing  
 HSG7 & 8 Dwelling mix/type and dwellings to mobility standards  
 HSG9 Housing Density  
 HSG13 Internal space standards  
 HSG15 Developments and residential amenity.  
 HSG16 Amenity space  
 T5 Improvements to interchange facilities  
 T13 Restraint against commuter parking and non-essential car users  
 T15: Transport system capacity  
 T16 New development and traffic impact  
 T17 Plot ratio controls  
 T18 Parking and servicing standards  
 T20: Pedestrian access improvements  
 T21 & T22 Improvements to pedestrian environment  
 Planning Standard: Plot Ratio  
 Planning Standard: Noise  
 Planning Standard: Parking standards  
 Planning Standard: Access for People with Disabilities  
 Supplementary Planning Guidance on Residential space  
 Supplementary Planning Guidance on Canalside Development  
 Supplementary Planning Guideline Archaeology and Development

5.16 The following emerging Draft LDF Core Strategy and Development Control Development Plan Document **proposals** are applicable to this application:-

- (1) Area of Archaeological importance or potential
- (2) Green Chains
- (3) Sites of Nature Conservation Importance

5.17 The following emerging Draft LDF Core Strategy and Development Control Development Plan Document **policies** are applicable to this application:-

CS2 – Job Creation  
 CS6 – New Housing Provision  
 CS7 – Creating Sustainable and Balanced Communities  
 CS8 – Affordable Housing  
 CS9 – Social and Community Facilities  
 CS10 – Healthy Living  
 CS11 – Education and Skills  
 CS12 – Reducing the Need to Travel  
 CS14 – Community Safety  
 CS15 – Good Design  
 CS16 – Density  
 CS19 – Quality of the Environment  
 CS20 – Biodiversity  
 CS21 – Water Environment and Waterside Walkways  
 CS23 – Waste  
 CS25 – Securing Benefits  
 CS29 – Monitoring  
 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  
 HSG8 – Retention of Affordable Housing  
 HSG13 – Housing Amenity Space  
 HSG14 – Eco-homes  
 SCF1 – Social and Community Facilities  
 TR1 – High density development in areas of good public transport accessibility



TR2 – Parking (including Parking Standards)  
 TR3 – Transport assessments  
 TR2 – Parking (including Parking Standards)  
 TR5 – Freight, Water Transport and Distribution  
 TR7 – Walking and Cycling  
 UD1 – Scale and density  
 UD2 – Tall Buildings  
 UD3 – Public Art  
 UD4 – Accessibility and Linkages  
 UD5 – High Quality Design  
 SEN1 – Disturbance from Noise Pollution  
 SEN3 – Energy Efficiency  
 SEN5 – Disturbance from Demolition and Construction  
 SEN6 – Sustainable Construction Materials  
 SEN7 – Sustainable Design  
 SEN9 – Waste disposal and recycling  
 SEN10 – Contaminated Land  
 OSN1 – The Natural Environment  
 OSN2 – Open Space  
 OSN3 – Landscaping and Trees  
 OSN4 – The Blue Ribbon Network  
 IM1 – Securing Benefits  
 IM2 – Social Impact Assessments

5.18 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.

## 6. **CONSULTATION**

### **Previous proposals (November 2004)**

6.1 27 letters of objection were received in relation to the previous (duplicate) proposals for the site (Ref: PA/04/1752), together with three petitions of objection, (i) from the owner/occupiers of the adjoining **Victoria Wharf** development (18 signatures); (ii) “*signed by 138 residents from all over Tower Hamlets*”, and (iii) “*signed by 168 residents of Tower Hamlets and beyond*”. The grounds for objection can be summarised as follows:-

- \* the height and proximity 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 development, 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 density and height of buildings would be out character with the locality, unsightly, and obstruct local views; 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.
- \* 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 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 unacceptable, (particularly as Tower Hamlets has one of the lowest tree/person ratios in the Country).
- \* the proposals fail to respect the character of the adjacent canal, and are therefore contrary to Policies 4C.12 and 4C.28 of the London Plan (Blue Ribbon Network).
- \* 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/density will adversely impact on the utilities infrastructure in the 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 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, biodiversity, vegetation.
- \* 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 omission of the possibility of the dance and gallery space would be contrary to the applicable policies of the Adopted and Deposit Draft UDP (e.g. Policies ART1, ART5, and SF1).

6.2 The previous applications were considered by the **Mayor of London**, on 25<sup>th</sup> May 2005, who 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 scheme was considered to be excessive, and *"not justified by exceptional design, local context and/or public transport capacity ... given the [Mayor's concerns] relating to the scheme's design (e.g. poor site lay-out and massing and inappropriate building heights)*.

6.3 The Mayor concluded that amendments were required to the design of the scheme. In particular, the heights of the buildings had to be reduced and the following matters needed 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.
- Matters relating to access and sustainable design and construction.
- The need for initiatives to create training and employment opportunities for local people and businesses.

## **Consultation Responses on New Application**

6.5 The following representations have been received in response to the new application:-

- (1) **Head of Highways Development:** The car parking provision/layout are acceptable. The level of cycle parking spaces (464) is excessive. The provision of motor cycle parking (21) is acceptable. The development should be subject to a S106 car free agreement.

The submitted traffic analysis indicates that the future vehicular trips generated by the development 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, future problems may occur, and as such 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. the future need for signals at the junction with Roman Road). The Committee will note that the package of planning obligations includes provision for a financial contribution (£50,000) for any highway improvements deemed necessary for Palmers Road.

- (2) **Environmental Health:** There are no air quality objections to the proposals. 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. A restriction should be placed on the opening hours of the commercial premises. Noise from mechanical services plant must be 10dB below the existing lowest measured background noise levels.
- (3) **Director of Mile End Park:** Whilst pleased that amendments have been made to reduce the impact of the scheme, these are still insufficient. The proposed development will have a significant impact on the park both visually and environmentally. Vistas across the park will be interrupted by a building that is far too high. The building will cast shade on some of the ponds in the ecology park. Proposed reed beds need to be submerged to create fox proof areas for nesting waterfowl.
- (4) **Housing Development:** On 24 March 2006, the Housing Corporation announced its funding allocations for affordable housing for 2006-2008, and confirmed that funding is to be provided to enable the proportion of affordable housing provided as part of this scheme to be increased to 51%. The funding will enable this scheme to meet the key affordable housing objectives in both the emerging LDF and the London Plan, such as the need to increase the amount of affordable housing to 50%. The Housing Department therefore gives its full support to the amendments to the scheme and the mix of units arising from the securing of the grant, particularly as (i) the units comply with the Council's minimum floorspace guidelines; (ii) large family accommodation (3 bedroom and 4 bedroom) makes up 41% of the habitable rooms being provided; (iii) the proposed accommodation complies with the Council's minimum SPG guidelines in terms of the size of the units and habitable rooms; and (iv) the proposed dwellings meet Lifetime Homes Standards and 10% of the accommodation are to be wheelchair accessible.
- (5) **The Mayor of London:** The application was considered by the Mayor on the 23 February 2006, who concluded that the proposal is broadly acceptable in strategic planning terms, and specifically in relation to urban design, transport and biodiversity. The Mayor stressed the importance of securing the bridge across the canal, to improve the site's accessibility and states that the Section 106 agreement should secure sustainable design and construction measures and transport infrastructure improvements.
- (6) **English Heritage:** Advise that a request to 'list' the existing building has been made but is not requesting that a decision on the current application be deferred. A planning condition requiring an archaeological evaluation has also been requested.

- (7) **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 “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”.
- (8) **Environment Agency:** No objections, but recommends conditions regarding:-
- (i) Surface water control measures.
  - (ii) Provision of a landscaping scheme.
  - (iii) External artificial lighting within 8m of the canal corridor shall be directed away from the watercourse.
- (9) **The Inland Waterways Association:** Objects to the demolition of the covered canalside warehouse, one of only three left surviving in London. The building represents the industrial heritage of the East End of London, and places the canal in its appropriate historical context. If planning permission is granted, they urge the use of barges for transporting building materials.
- (10) **The Environment Trust:** Considers the scale intrusive and inappropriate, and will provide significant shading of Mile End Park, Regent's Canal, the 'Palm Tree PH', and the lakes in the north end of Mile End Park, adversely affecting the lifecycles of amphibians and other wildlife. The design of the reed trays will provide limited opportunities for wildlife.
- A monitoring scheme must be set up to determine the presence or absence of Black Redstarts. A planning condition should be imposed to secure the monitoring scheme and the provision of 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). Kingfishers regularly visit the trees and tall shrubs along the margins of the site/canal, and similar vegetation should be provided at a number of places.
- (11) **British Waterways:** British Waterways (BW) supports the principle of the comprehensive redevelopment of the site. BW recognises that “*the reduced building heights and reconfigured plan forms will minimise overshadowing of the canal*”, and has no objections but wishes to secure the following:-
1. 4 serviced visitor moorings;
  2. site levels to be agreed;
  3. vehicular access to be provided for BW staff between Blocks B and C to enable future maintenance of the canal; and
  4. details of hard/soft landscaping for the canalside land and floating baskets to be submitted for approval, including external lighting.
- (12) **Crime Prevention Officer:** Detailed changes have been made to the proposals in accordance with Secured By Design Standards.
- (13) **London City Airport:** No safeguarding objections.
- (14) **Commission for Architecture & Built Environment:** Do not wish to comment on the proposals.
- (15) **London Fire and Emergency Planning Authority:** No objections in principle.

- (16) **Tower Hamlets NHS Primary Care Trust:** The applicants submitted as part of their supporting documentation, a letter from the NHS Primary Care Trust, stating that the Trust is in advanced negotiations with the applicant to take all of the commercial floorspace being proposed for Block A. They propose 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 the new health facility would employ in the region of 55-60 employees.
- (17) **The Twentieth Century Society:** The existing structure is handsome and its loss would be regrettable. The buildings have been put forward for spot listing by a local resident, and a decision to grant planning permission would be premature if its importance has not been thoroughly assessed.

6.6 The proposals have been advertised on site and in the press, and notification letters have been sent to adjoining and surrounding occupiers.

No. Responses: 29    In Favour: 1                      Against: 28                      Petitions: 0

6.7 The grounds of objection are summarised below:-

- \* the density is excessive, the buildings are too high and too bulky, and inappropriate for this location. 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 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.
- \* noise, dust and traffic during the construction period.
- \* the proposals are not sustainable and insufficient consideration has been paid to the area at large.
- \* the scheme is contrary to the London Plan's Blue Ribbon Network policies.

6.8 A letter has been received from **Rolandon Water and Sea Freight Advisory Services:** who support the application as the developer proposes to use barges to transport construction materials to the site.

## 7. **ANALYSIS**

7.1 It is considered that the planning issues arising from this application are demolition of the existing building, land use including housing policy, density, scale and massing, amenity space provision, impact on residential amenity and planning obligations.

### **Demolition of the existing building**

- 7.2 English Heritage have advised of its intention to carry out an assessment as to whether the existing building should be added to the statutory list of buildings of architectural or historic interest, but is not requesting that a decision on the application be deferred pending any decision.
- 7.3 The Council's records suggest that the structure was built sometime in the mid-to-late 1960s. The building does not lie within a conservation area and has no other statutory protection, the demolition is permitted under Part 31 of the Town and Country Planning (General Permitted Development) Order 1995 and the Council is unable to resist its demolition or sustain a refusal on these grounds.

### **Land Use**

- 7.4 Policy EMP2 of the Adopted UDP seeks to resist developments that would result in a loss of employment generating uses. 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.
- 7.5 The application proposes the redevelopment of a site that was last used for employment generating purposes, by a more intensive mixed use scheme. This would involve an overall loss of employment generating floorspace. At present the site provides approximately 5,500m<sup>2</sup> of employment floorspace, and the cash and carry use employed 26 people.
- 7.6 The scheme proposes 3,465m<sup>2</sup> of employment generating floorspace (656m<sup>2</sup> of Class B1 floorspace, an additional 225m<sup>2</sup> of either Class B1 and/or D1 floorspace, 330m<sup>2</sup> of Class A1 (retail) floorspace, a health clinic (1,885m<sup>2</sup>), and a day nursery comprising 367m<sup>2</sup> floorspace). Based on information provided by the applicant, the proposed commercial units would accommodate up to 111 employees.
- 7.7 Furthermore, the applicants state that Toynbee Housing Association will be locating their head office at the adjoining Sutton's Wharf South development. It is estimated that their offices will employ approximately 200 staff. Therefore, in total, the schemes 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.
- 7.8 Taken separately or together, the development proposals at Sutton's Wharf are likely to result in a substantial increase in employment levels in this locality. Therefore, although the proposal results in a reduction in employment floorspace, it is capable of delivering significantly higher, and more diverse, employment opportunities. This combination, together with the likelihood that the new residential population will encourage economic activity in the wider area, and the community benefits that will arise from the health clinic and the nursery, are considered to be sufficient compensatory justification for the reduction of employment floorspace.
- 7.9 The proposal complies with Adopted UDP Policy DEV3 (Mixed Use Developments), as it provides a balance of uses that reflects the increasingly residential character of the location, but at the same time provides a range of office, retail, leisure and community uses.

### **Housing**

- 7.10 The scheme provides a total of 419 residential units. The table below summarises the overall mix of units by type:

	<b>Units</b>	<b>% of total</b>
Studio	30	7%
1 Bed	95	22.7%
2 Bed	183	43.7%
3 Bed	75	18.6%
4 Bed	36	8.6%

<b>TOTAL</b>	<b>419</b>	<b>100%</b>

7.11 This would comply with UDP Policy HSG7 that requires new large housing schemes to provide a mix of unit sizes including a “substantial proportion” of family dwellings of between 3 and 6 bedrooms. LDF Preferred Option Policy HSG6 requires an appropriate mix of units to reflect local need and provide balanced and sustainable communities.

Affordable Housing Provision

7.12 Policy HSG3 of the UDP states that the Council will seek a reasonable provision of affordable housing, with a strategic target of 25%.

7.13 Policy HSG3 of the Draft LDF Core Strategy document states that the Council will seek a target of 50% or affordable housing. A minimum of 35% of all housing will be required, 25% of which must be provided as affordable housing without access to public subsidy. Policy HSG4 of the Draft LDF Core Strategy document states that the amount of affordable housing will be calculated using habitable rooms as the primary measure.

7.14 The London Plan set out a strategic target that 50% of the new housing provision should be affordable.

7.15 The inclusion of Housing Corporation grant for the scheme has resulted in an increase in the affordable housing provision, from 132 to 200 units, comprising the following mix:-

- 48 one bedroom units
- 95 two bedroom units
- 21 three bedroom units
- 36 four bedroom units

7.16 The affordable housing accommodation represents:-

- 47.7% of the proposed units.
- 51.6% of the total habitable rooms being provided.
- 50.3% of the total residential floorspace.

7.17 The resultant level of affordable housing accommodation now significantly exceeds the 35% minimum requirement set out in LDF Preferred Options Policy HSG3 (Policy HSG4 confirms that affordable housing will be calculated in terms of habitable rooms).

*Social Rented/ Intermediate Ratio*

7.18 The split between the ‘social rented’ and the intermediate accommodation, would be as follows:-

	Social Rent	Shared Ownership/Intermediate
One bedroom	30 (22%)	18 (28%)
Two bedroom	54 (40%)	41 (64%)
Three bedroom	16 (12%)	5 (8%)
Four bedroom	36 (26%)	
	<b>136</b>	<b>64</b>

7.19 This results in a 68:32 split between the social rented and the shared-ownership/intermediate accommodation, which is only marginally short of the London Plan’s 70:30 requirement. This is considered acceptable in view of the fact that the affordable housing represents 48% of the total number of units, and 51% of the overall floorspace.

*Housing Mix*

7.20 The table below summarises the proposed mix of affordable housing accommodation.

	% of units	% of hab rooms	% of floorspace
1 bedroom units (48)	24%	7.4%	16.7%
2 bedroom units (95)	47.58%	44%	45.7%
3 bedroom units (21)	10%	13%	12.5%
4 bedroom units (36)	18%	28%	25%

7.21 The large (three or four bedroom) family units comprise 41% of the affordable housing accommodation, marginally below the normal 45% requirement. However, the scheme still ensures that a substantial proportion of the accommodation would be for larger (three or four bedroom) family-sized units (41% of the total number of habitable rooms). The proposed mix and range of affordable housing is therefore considered to be acceptable, as it provides an appropriate and balanced mix of units.

7.22 The proposed accommodation complies with the Council's SPG guidelines in terms of the size of the units and habitable rooms. In addition, the proposed dwellings meet Lifetime Homes Standards and 10% of the accommodation are wheelchair accessible, in line with Policy HSG.2 of the LDF Preferred Options, and Policy 3A.4 of the London Plan.

**Density**

7.23 The application site has a PTAL score of 6, and as such the London Plan and the Council's LDF recommend a density range of 450-700hrph. The proposed residential density at 1,037hrph is considerably higher than this range. In this instance, officers feel that the resultant density is satisfactory and does not result in any demonstrable harm in terms of poor quality of amenity space, loss of privacy and overlooking issues, poor dwelling mix, and small room/unit sizes. The site is also well served by local shopping and leisure facilities. For example, the Roman Road district shopping centre lies just 100m to the north-west of the site. The Committee will also note that the new pedestrian canal bridge would improve accessibility by reducing walking distances to Mile End Underground Station.

**Scale and massing**

7.24 The scale and mass of the proposed development and its potential impact has been the focus of officers' discussions with the applicants, particularly given the setting of the site. The site adjoins Meath Gardens, Mile End Park (which is Metropolitan Open Land and is also designated as a site of Borough nature conservation importance), and the Regents Canal (which is designated as a site of Metropolitan nature conservation importance). Nevertheless, officers consider that the setting, and sense of space surrounding the site, does allow the possibility and opportunity of accommodating a development of a 'grand scale'.

7.25 An additional factor is that the context for the site has also been altered in recent years, given the schemes that have been permitted within the immediate locality. In terms of the Meath Gardens frontage blocks, the scale of the approved Suttons Wharf South and Warley Street schemes, and the southern building of Victoria Wharf scheme, all provide support for the proposed scale of the buildings.

7.26 The context for the canal frontage buildings is set by the scale of the scheme approved for Suttons Wharf South, and the existing Victoria Wharf development. The current scheme would be higher on the canal frontage than these adjoining developments, but instead of providing a continuous 'slab-like' frontage like the Victoria Wharf development, the three



free-standing pavilions present shorter frontages facing the canal [similar to the approved Suttons Wharf South scheme], resulting a less imposing impact on the canal and Mile End Park. Further, amendments have been made to introduce additional gaps within the main canal frontage building (Block A), thus further reducing the visual impact of this part of the development.

- 7.27 The applicants have argued that a 16 storey 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. At sixteen storeys, officers do not consider this element of the development to be excessively tall, given the context and openness of the surrounding parkland, and the adjoining heights of the Victoria Wharf (12 storeys), Sutton's Wharf South (10 storeys) and Warley Street (10 storeys) developments.

### **Amenity Space**

- 7.28 The scheme proposes a comprehensive landscaping scheme that includes a tree-lined central avenue, and 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 the 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.
- 7.29 The provision of pedestrian bridge over the Regents Canal linking Meath Gardens to Mile End Park has been sought since the early 1990s and as such was included within the approved planning application for the Warley Street (PA/01/01473). The approved surrounding developments have also contributed to the cost of the bridge. The applicants have similarly agreed to a financial contribution to complete the funding for the provision of the bridge. The Committee will note that the Council are now in a position to take forward the development of the bridge, with the first stage currently under way (inviting tenders to undertake the detailed design and feasibility of the bridge). The second stage involves the actual construction of the bridge.

### **Impact on Residential Amenity**

- 7.30 In support of the application, the applicant has undertaken a daylight/sunlight assessment. 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.
- 7.31 The BRE report sets out guidelines on how to assess the impact of proposals in terms of daylight and sunlight, by comparing existing daylight and sunlighting conditions and the degree of change that would occur as a result of a proposal. The guidelines state 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 any change in daylighting or sunlighting conditions, and as such, a reason for refusal is unlikely to be sustainable on these grounds. The guidelines provide different methods for daylight assessments. The method that officers have generally accepted as the most detailed and most meaningful tool, is the Average Daylight Factor (ADF) method, as this takes into account internal room layouts and sizes, window positions and sizes, and also makes an allowance for reflectance of internal room surfaces.
- 7.32 The applicant's daylight/sunlight impact study accords with the methodology and guidance set out in the BRE report. The daylight assessment demonstrates that all but 2 of the 23 windows assessed for surrounding properties meet the BRE (ADF) target values. In the case of the potential impact on Justine Court, all of the 12 rooms that directly overlook the application site retain ADF values in accordance with the BRE guidelines. In relation to the Palm Tree PH, the assessment demonstrates that only 2 of the 11 rooms (18%) assessed

would fail to retain an ADF level above the relevant BRE target values. Where the ADF level is below that specified in the guidelines, the actual quantum reduction in value is very small, from 0.88 to 0.69, and 0.93 to 0.77 respectively. Officers are therefore of the view that the deterioration of the daylight enjoyed by adjoining occupiers would not be satisfactory.

- 7.33 The assessment also considered the impact of the proposed development on an approved two storey extension for the Palm Tree PH (planning permission was granted in 1994, and it is understood that foundations for the extension have been laid). The approved extension if built, would form the closest part of the Palm Tree PH to the proposed development. Only the impact on the first floor of the extension was assessed, as the ground floor of the extension would not be used for residential purposes. The assessment concludes that two rooms on the first floor of the extension, the living room and kitchen, will experience reductions in daylight below the BRE guidelines. In the case of the living room, the resultant ADF value at 1.42% would only be 0.08% below the BRE target value of 1.5%. Whilst in the case of the kitchen the percentage reduction is greater, officers have taken into account that the quantum reduction in value, from 1.46% to 1.10% is again very small, and similarly, officers are of the view that the reduction is not so severe as to sustain a refusal.
- 7.34 In relation to the impact on the adjoining approved Sutton's Wharf South development, all of the rooms on the northern elevation of the proposed building will meet the relevant BRE (daylight) target criteria [following amendments to the design of the Suttons Wharf scheme].
- 7.35 An assessment has also been 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. In relation to the Palm Tree PH, only three of the 10 windows assessed would fail to meet the BRE target. Again, having regard to the urban context of the development, the results of the assessment are considered acceptable.
- 7.36 Officers have given careful consideration to the shadow effects of the scheme, and on balance, do not feel that the levels of shading/shadows likely to be caused by the revised scheme would be so severe as to warrant a refusal of the application, bearing in mind the following - (i) the impact of the existing TRS warehouse building which overhangs the canal, and currently casts shadows from the morning (10am) to the (late) afternoon, (ii) the comparable levels of shading caused by the approved Victoria Wharf and Suttons Wharf South developments; (iii) although the impact of the development will be most marked in the late afternoon in December due to the sun path being lower in the sky, the most significant affects will be at a time when there is naturally very little daylight remaining; and (iv) the introduction of the gaps within Block A (which adjoins the canal frontage) will ensure that sunlit areas will pass across the canal and Mile End Park during the afternoon. The Committee will also note that the Environment Agency do not raise any objections with regard to the overshadowing impact of the development on the ecology of the canal.

### **Construction noise/disturbance**

- 7.37 The applicants have secured the use of a site at Wyke Road in Bow, for use a 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 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%. Construction noise will also be much reduced compared to conventional construction. 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, it would result in an approximate 12 months saving of time on site.

### **Environmental Impact Assessment**

- 7.38 The submitted Environmental Impact Assessment (EIA) has been subject to consultation with the relevant statutory authorities, and has been advertised in compliance with statutory requirements. The matters covered by the EIA were as follows:-

- urban landscape and visual impact
- transport
- ecology
- soil and ground conditions
- water resources
- wind impacts
- daylight/sunlight and overshadowing
- telecommunications
- archaeology
- air quality
- noise
- socio-economic and community impacts
- construction and demolition
- cumulative impacts

7.39 Consultants were appointed to review and critique the documentation provided as part of the EIA, and further supplemental information has been submitted in response to the consultant's review. The EIA is considered to be satisfactory.

### **Planning Obligations**

7.40 Policy DEV4 of the Adopted UDP and Policy EM1 of the emerging LDF make clear that the Council will seek to enter into planning obligations with developers where appropriate and where necessary for a development to proceed.

7.41 Government policy and advice on the use of planning obligations is set out in Circular 05/2005, which states that planning obligations can take the form of private agreements or unilateral undertakings given by a developer and are *'intended to make acceptable development which would otherwise be unacceptable in planning terms'*. Generally, they should be used in the following three ways: -

- (i) They may be used to **prescribe** the nature of the development to ensure it is suitable on planning grounds. For example by requiring that a certain proportion of housing is affordable;
- (ii) Secondly they may require a contribution to **compensate** against loss or damage that will result from a development. For example loss of open space;
- (iii) Thirdly obligations may be used to **mitigate** against the impact of a development. For example through increased public transport provision.

7.42 The Circular also makes clear that planning obligations should only be sought where they meet certain key tests, i.e. they should be:-

- (i) relevant to planning;
- (ii) necessary to make the proposed development acceptable in planning terms;
- (iii) directly related to the proposed development;
- (iv) fairly and reasonably related in scale and kind to the proposed development; and
- (v) reasonable in all other respects.

7.43 The application proposals were discussed at the meeting of the Planning Contributions Overview Panel on 2 February 2006, which concluded that the planning obligations set out in paragraphs 2.1(1) are reasonable and necessary, having regard to the tests set out in Policy DEV4 of the Adopted UDP.

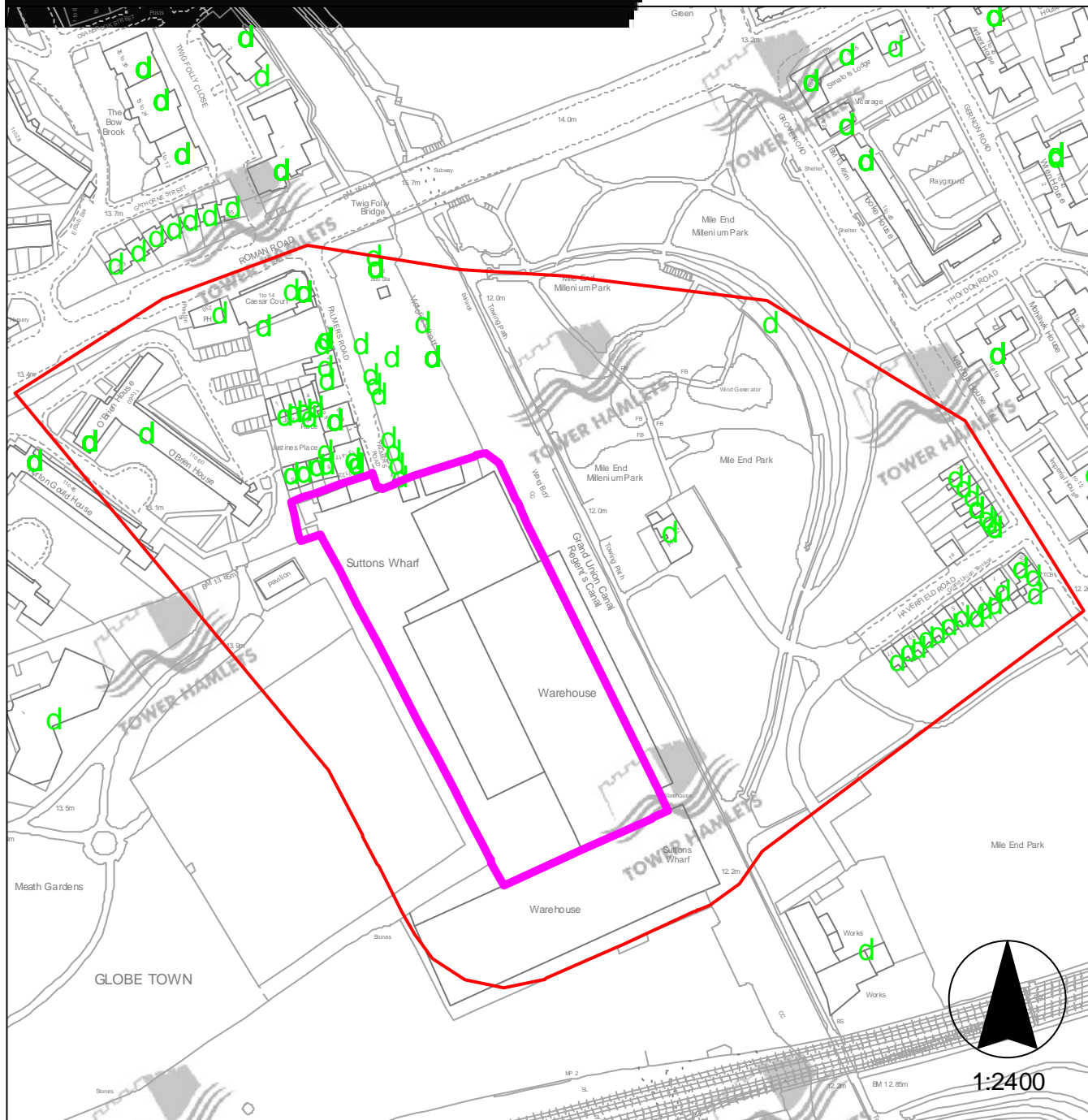
### **Summary**

7.44 The scheme has been assessed comprehensively across a range of applicable planning

policies and relevant material considerations. The proposal is considered to be acceptable as it would result in the productive and beneficial use of a previously developed 'brown-field' site, delivering increased employment opportunities and community facilities. It would provide an appropriate mix of residential units, including a high proportion of affordable family sized units that will make a valuable and positive contribution to addressing local and strategic housing needs.

- 7.45 The proposed development is considered to be of an appropriate design, scale, and density, and would contribute to the regeneration and vitality of the area, without causing severe harm to the amenities and living conditions of adjoining and surrounding occupiers. The application is considered to be acceptable and as such, there are no planning objections.

# 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